



City of Palo Alto

(ID # 6146)

Planning & Transportation Commission Staff Report

Report Type:

Meeting Date: 9/30/2015

Summary Title: First Annual Planning Codes Update

Title: First Annual Planning Codes Update: Discussion and Possible Recommendation of an Ordinance to Amend Land Use-related Portions of the Palo Alto Municipal Code. The Purposes of the Code Amendments are to: (1) Improve the Use and Readability of the Code, (2) Clarify Certain Code Provisions, and (3) Align Regulations to Reflect Current Practice and Council Policy Direction.

From: Amy French, Chief Planning Official

Lead Department: Planning and Community Environment

Recommendation

Staff recommends that the Planning and Transportation Commission (PTC) review the attached matrix (Attachment A), conduct a public hearing, provide direction to staff and continue this matter to October 28, 2015 for review of a draft ordinance.

Executive Summary

This report summarizes the proposed changes to planning codes contained within the Palo Alto Municipal Code (PAMC) Titles 16 and 18.

The intent of these changes is to improve the use and readability of the code, clarify certain code provisions, and align regulations to reflect current practice and Council policy direction. These changes are not intended to be controversial or create significant new policy initiatives, though some new policies are proposed.

Items that generate significant discussion or are perceived as not minor and reflect significant new policy would be moved to a second list (Tier 2) and considered at a future date. The Tier 2 items will be presented to the PTC prior to the October 28 meeting. It is anticipated that this effort will be a recurring annual project and items not addressed this year can be addressed in the following review cycle or sooner if directed by Council.

Background

Over time, city policies have evolved and application of the code to projects sometimes does not yield the intended results. In the zoning context it is difficult to anticipate the full range of proposed projects and over the years staff has encountered a series of code ambiguities where it would be helpful to have clarifying language. Over the years there have been inconsistent interpretations resulting in community concerns about how projects are being reviewed.

To address these and other concerns, this annual code update was initiated to recalibrate precise code language to its original intent and to reflect updated city policies.

This initial effort is intended to fine tune certain provisions that have created challenges for staff administering the code and to reflect Council policy direction. There are other separate planning projects underway that tackle larger policy initiatives that are not addressed in this effort, including:

- Parking exemptions downtown
- Pre-Screening Requirements
- Hazardous Materials Facilities
- Retail Preservation Initiatives
- Annual Office Cap
- Housing Impact Fees

Some of the items on the attached Matrix may get pulled out to become separate initiatives because of the greater need for outreach, resources or analysis.

To maintain an annual code update schedule, the listed amendments must be somewhat discrete, the issues to be solved easily understood, and the resolution to the problem simple and representing an improvement over the existing condition.

Many of the amendments on the attached Matrix are administrative in nature to address typographical errors, incorrect code references, or outmoded code sections that did not get addressed in prior amendments; this represents half of the changes. The balance of the changes fall into two categories: Interpretation and New Policy. Items in the Interpretation section are intended to refine existing code provisions and make adjustments that reflect past practice or respond to Council policy. Items in the New Policy section reflect new code language that does not exist in the code today, or an existing section that is rewritten and may represent a departure from the existing code provision. While the Commission is encouraged to review all the proposed changes, the latter two categories are more substantive in nature.

The matrix attached to this report is intended to include two tiers of amendments, though only Tier 1 is being presented at this time. Tier 1 changes are amendments that are intended to move forward this year to the City Council and will be reflected on the upcoming draft ordinance. Tier 2 is still being developed and will be presented to the PTC in October for review

and confirmation that those amendments require further analysis. Tier 2 items the PTC considers eligible for Tier 1 can be discussed and moved to Tier 1 as appropriate. However, in general, staff believes the Tier 2 items require more analysis or community outreach than is offered through this initiative. Staff may also recommend some of those items be addressed as separate initiatives when discussing the department's work plan next year with the City Council.

Discussion

It is anticipated that the attached matrix will be the starting place for a discussion of the proposed changes. The matrix describes the problem, the proposed change, and what the changes are intended to accomplish.

This meeting builds on the last meeting where the topic of this project was briefly introduced. The purpose of this report is to take that discussion one step further and provide a little more specificity of the types of changes being contemplated. It is anticipated that the PTC or members of the public will require additional specific information about some or all of the amendments. Staff will be prepared to articulate the general concepts at the subject meeting. For the October staff report, staff will elaborate further on the proposed amendments, including providing illustrations as may be needed. That meeting will include specific code language in a strike out / underline format. If an additional meeting is necessary, staff will return in early November to complete the PTCs review, but any controversial items, or amendments that require significant discussion will need to be pushed to next year.

Policy Implications

The proposed changes seek to improve the administration of the zoning code. It is anticipated that this and future efforts can be used to ensure implementation of the planning codes better reflect city policy, provide greater transparency and clearer expectations when applying these codes to projects.

The Council Policy and Services Committee is scheduled to review the proposed changes on October 20, 2015. Staff will provide a list of Tier 2 items within a revised matrix for the Policy and Services Committee and will provide this to the PTC several weeks in advance of the October 28, 2015 PTC hearing, along with the ordinance of Tier 1 items. The Tier 2 items were believed to need additional research and outreach, or otherwise too complex or controversial to be handled in the 2015 planning codes update.

Resource Impact

Only staff time was expended in this effort. No consultants were used to prepare the draft ordinance or matrix.

Timeline

Staff intends to return to the PTC on October 28, 2015, after the October 20, 2015 meeting of the Council Policy and Services Commission. A draft ordinance and a list of Tier 2 amendments will be presented at that time.

Environmental Review

Once an ordinance is drafted staff will evaluate the changes to the California Environmental Quality Act, however, it is anticipated the proposed amendments will be exempted from further environmental review.

Attachments:

- Attachment A: Matrix of Tier 1 Code Changes (PDF)
- Attachment B: P&TC September 9, 2015 Draft Excerpted Minutes (PDF)

First Annual Planning Codes Matrix

Draft September 30, 2015

Attachment A

Tier 1 Changes Ordinance 2015 - Administrative

#	Tier	Draft Ord. Page	Affected PAMC Section and Items	Section Title/Topic	Problem Statement	Change Description	How Change Addresses Issue	Change Category
1	1		16.20.010, .050, .070, .100,.180, .210, .240, .270;16.24.010 and .080	Decision Authority: Sign Code and Fence Code	Chief Building Official is given decision authority over planning related issues when it should be the Director of PCE	Change decision authority from CBO to PCE Director or his or her designee. This reflects practice that the PCE Director is handling signs and fences via planning processes (Architectural Review, Variance, Sign Exceptions) and fact that Code Enforcement Division handling sign and fence violations is also within the PCE department	Reflects current organizational structure and practice (separation of Development Services from PCE)	Administrative
2	1		16.57.010	Applicability, In-Lieu Parking Fee for New Non-residential CD Development	Inaccurate Code Reference	Fix a chapter section reference; 16.57.010 Applicability: Change Section reference from 18.49.100 to 18.18.090	Resolves the reference error	Administrative
3	1		Title 18 Index	Hospital District (HD) Chapter	The HD Zone chapter is not listed on Zoning Title 18 Table of contents	Add HD Chapter 18.36 to the index of chapters in Title 18	Fixes the incomplete index of chapters to show HD chapter	Administrative
4	1		18.01.025	Director Interpretations	Formalize process for issuing zoning code interpretations and for aggrieved parties to protest interpretations made.	New section 'PCE Director zoning interpretations', 18.01.025. Formalizes Director's authority to make interpretations and provides a process for aggrieved individuals to request reconsideration before the PTC and CC. Also requires interpretations to be made available to the public.	Establishes a clear process w/opportunity for public review and increased transparency	Administrative
5	1		18.10.040	Noise equipment in RE, R2, RMD zones	Customers question City's logic on too-restrictive code; does not allow replacement of existing, previously permitted noise equipment with 'quieter equipment', and allowing noise equipment as close as 8' from rear property line (current code allows placement at 6' from interior side property line). City's regulations may discourage trade professionals from obtaining required permits.	Amend .040(h) in Development Standards to allow noise equipment 8' from rear property line and replacement of equipment in prior permitted location with quieter equipment	Addresses modern technology solution	Administrative
6	1		18.04.030 (53b)	Definition Noncomplying Facility	Awkward sentence causes confusion	Amends awkward sentence in noncomplying facility definition for clarity, and also references a new definition for "substantial remodel"	Fixes an awkward sentence and introduces a new term for staff use	Administrative
7	1		18.04.030 (65) C and D	Definition GFA (65) Low Density GFA (C) Inclusions and (D) Exclusions	Typographical error Need for cross reference	Amend code to reference Chapter 18.12 Section 18.12. 040(b) Table 3 Summary of Gross Floor Area that contains specificity about entry features and porches; delete one of the "of all" phrases that are next to each other.	References the section needed to understand definition for R-1 zone. Fixes typographical error.	Administrative
8	1		18.08.080	Interpretation of Land Use Classifications	There is no process for addressing land uses which are not expressly listed in the zoning code.	Add new section to permit Director to determine whether proposed use is similar to designated uses.	Clarifies Director discretion/ authority on use determinations and allows appeals thereto	Administrative
9	1		18.10.060(f)	Design of Parking Areas (item f)	Incorrect chapter reference	Fix a chapter section Reference: .060 (f) references 18.83 (should be 18.54)	Corrects typographical error	Administrative
10	1		18.12.040	Site Development Standards	Incorrect reference	Correct the typographical error to refer to 18.12.090 not 18.12.070.	Fixes reference error	Administrative

#	Tier	Draft Ord. Page	Affected PAMC Section and Items	Section Title/Topic	Problem Statement	Change Description	How Change Addresses Issue	Change Category
11	1		18.12.040 (l)	Noise equipment in R-1 zones	As in 18.10, this is a too-restrictive code provision – equipment should be allowed in rear yard when at least 8 feet from rear property line, and allowed to be replaced with quiet equipment in place.	Amend code similar to 18.10.040 (h) change	Allows noise equipment to be replaced with quieter equipment (in same place) and allows equipment to be placed up to 8 feet from rear property line.	Administrative
12	1		18.12.040 (b) Table 3	Summary of Gross Floor Area in Low Density Residential Districts	Incorrect references	Correct the incorrect chapter and section references: (1) incorrect chapter reference (low-density districts is Chapter 18.10; this is R-1 chapter/topic); (2) incorrect section reference (basements is not 18.12.070, should be 18.12.090)	Fixes reference errors	Administrative
13	1		18.12.040 (c)(iv)	Substandard and Flag Lots	Duplicative statement	Delete item iv as it is duplicative to item (c)(2) (iii)	Fixes a typographical error	Administrative
14	1		18.12.040 (e)	Block language for contextual front setbacks (e)	Awkward sentence causes confusion	Clarify language. Wording is confusing regarding 600 foot limit (overlooked unless “and” is added to clarify), and blocks of three or fewer homes – needs word “eligible” to clarify.	Clarifies block length	Administrative
15	1		18.12.050 A 1 D	Permitted Encroachments, Special Setbacks	Typographical error	Amend (A)(1)(D) to fix: ‘exiting’ should be ‘existing’ (section is Permitted Encroachments, Projections and Exceptions)	Fixes a typographical error	Administrative
16	1		18.12.060	Parking	Incorrect reference	Delete typographical error phrase (RE R2 RMD); Fix reference 18.12.060 and 18.12.140(c) (NOT 18.10.060 and 18.10.130(c))	Fixes a reference	Administrative
17	1		18.12.070 d4	Second dwelling unit garage area	Incorrect reference Missing word	Amend d4 to reflect code intent that 200 sf for a second dwelling unit garage is not counted toward maximum size second dwelling unit (450 sf attached unit /900 sf detached unit)	Provides greater clarity	Administrative
18	1		18.13.050	Table 3 Village Residential	Incorrect reference and missing word	Amend landscape requirements (refer to 18.40.130 NOT 18.14.130); Add “entire” (to clarify that RM 15 development standards apply to <u>entire</u> site)	Fixes typographical error and clarifies	Administrative
19	1		18.16.060 (b) table 4 footnote 9	CS CN CC Development Standards for Mixed Uses residential density	Incorrect reference	Amend 18.16.060 b table 4 Footnote 9 to reference new housing element. The Table 4 entry for CN density of 15-20 units density allowable references footnote 9, which cites the 2007-2014 Housing Element (allowing 20 units per acre only on housing inventory sites)	Remove older Housing Element section/policy references	Administrative
20	1		18.18.060	Non-Residential Development Standards – Maximum Size of New or Expansion Projects	Typographical error	Amend “25,00 and 15,00 sf above existing floor area, whichever is greater, provided the floor area limits set forth elsewhere in this chapter are not exceeded.” The correct numbers are 25,000 and 15,000 sf per Chapter 18.49, predecessor to Chapter 18.18.	Fixes a number typographical error	Administrative
21	1		18.18.080 (h)	Transfer Procedure	Incorrect reference	Amend item (h) reference to 16.48 and 16.48.120: change to 18.76 & 18.76.020 (old ARB chapter was 16.48)	Fixes typographical error	Administrative

#	Tier	Draft Ord. Page	Affected PAMC Section and Items	Section Title/Topic	Problem Statement	Change Description	How Change Addresses Issue	Change Category
22	1		18.20.040 Table 2	Standards for GM, MOR, ROLM, RP Zones	Need for cross reference	Add references to Table 2 Parking (18.52, 18.54) and architectural review (18.76) codes	Clarifies for reader	Administrative
23	1		18.34.040	PTOD density bonus	PTOD code item (e)(1) cites outmoded H-36 of 2002 Housing Element, and (e)(3) is not needed with 18.15 changes	Delete item (e)(1) regarding H-36 and instead reference new Housing Element policies, and delete (e)(3) addressing density bonus requirements given changes in 18.15 implementing HE	Implements or makes consistent with new HE	Administrative
24	1		18.40.030	Metric units	Metric measurements are no longer planned for the US but this section still uses them.	Delete metric: keep first two sentences about measurement but delete sentence three and after where metric-measurements are used.	Eliminates irrelevant reference	Administrative
25	1		18.40.060 (c) and 18.40.070(e)	General Standards and Exceptions: Swimming pools and spas setback from property lines	Codes conflict with each other regarding setbacks	Amend Item (c) regarding no below grade recreational structures (i.e. swimming pools) within 3' feet of property line to require 6 foot setback as per rear setback for these features, so as not to conflict with 18.40.070 (e) that requires a 6 foot rear setback for pools/spas/hot tubs. (Compare to 18.10.050(3)(F) six feet standard)	Eliminates conflict	Administrative
26	1		18.40.070	Projections Into Yards	Incorrect reference	Delete the TUP verbiage in accessory structure section and replace with different preamble	Fixes error	Administrative
27	1		18.52.060 (b)	In lieu fees	Typographical error	Delete typographical error in 18.52.060 (b): "except as provided in (c) below" because there is no c below	Fixes typographical error	Administrative
28	1		18.52.070	Assessment District Parking Regulations (c) In lieu parking provisions	Clarification	Insert the word "Assessment" to make it clear this item refers to assessment district, rather than CD zone (which is larger than the assessment district boundary). Code refers to CD commercial downtown district; CD zone is not the same as assessment district.	Fixes typographical error	Administrative
29	1		18.70.080 and 18.70.100	Noncomplying Facility enlargement and Noncomplying Facility replacement	Typographical error (18.70.080) and does not address break rooms or on-site laundry facilities. Incorrect reference (18.70.100)	Amend 18.70.080 (Enlargement) to fix typographical error in (a) that references a non-existent item (c) and add to (b)1 "excluding break rooms" after Cafeterias, and "on-site laundry facilities" Amend 18.70.100 to cite ROLM and RP zones where code refers in error to LM zones (outdated zones that were replaced by ROLM and RP zones in last code update)	Fixes typos and introduces exclusion of break rooms as a form of cafeteria and allowance of laundry facility additions (consistent with item #40)	Administrative

Tier 1 Changes Ordinance 2015 - Interpretation

#	Tier	Draft Ord. Page	Affected PAMC Section and Items	Section Title/Topic	Problem Statement	Change Description	How Change Addresses Issue	Change Category
30	1		16.20.010	Wall sign definition	Common sign typology requires sign exception	Change wall sign definition to include signs attached to extend above canopies	Reduces sign exception requests	Interpretation
31	1		16.20.140	Projecting sign standards	Common sign typology requires sign exception	Allow blade signs - projecting signs - when there is no canopy/overhang on the building	Reduces sign exception requests	Interpretation
32	1		18.04.030	Definition Amenity (on-site for employees) (new 10)	There is no definition for on-site employee amenity, which is considered exempt floor area and not required to be parked, when outside the CD zone district.	Amenity area defined to fix issues (GFA/parking re break room, child care as primary use). Applicants request break rooms as amenities for non-retail commercial buildings outside the CD zone district. Amenity use serving as a primary on-site use (e.g. stand-alone childcare facility) is not exempt GFA, needs to be parked. Reorder numbers in section to insert as #10.	Fixes the problem of exemptions given for break rooms, ensures parking required for primary use childcare facilities.	Interpretation
33	1		18.04.030	Definition Footprint (57.5)	Basements are permitted under the footprint of a building in the single family zone. The definition of footprint is unclear and overtime has been extended to include the footprint of ground level porches. Increasingly, new single family homes are being constructed with larger basements that appear inconsistent with the intent of the code and require more administrative time reviewing projects on a case by case basis. There is a need to establish a clear policy regarding the permitted placement of basements.	Clarify the definition of footprint to exclude all porches and reinforce existing code language that suggests the building footprint extends to the exterior wall of interior spaces.	Establishes a clear policy on where basements are permitted on a single family lot.	Interpretation
34	1		18.04.030 (65)(A)(vi)	Definition Gross Floor Area (GFA) Inclusions	Code lacks clarity on how to measure stairs and elevators as it relates to calculating gross floor area	Amend code to be consistent with longstanding practices to count stairs and elevators at each floor. This item is in the non-residential/multi-family residential (MFR) Gross Floor Area (GFA) Inclusions.	Ensures floors and elevators are counted toward GFA on all floors	Interpretation
35	1		18.04.030	Definition Usable Open Space (142)	The definition of usable open space is important to multi-family residential and mixed use projects; the current definition does not clarify what is meant by the term "outdoor" which creates confusion as to whether such projects meet minimum usable open space requirement.	Amend usable open space to clarify it can be either covered and unenclosed (no more than 50% of area with walls) or uncovered (= non-roofed, permanently or temporarily) and partially (no more than 50% walled) or substantially (more than 50% opened) open on the perimeter (outdoor)	Provides clarification about usable open space	Interpretation

#	Tier	Draft Ord. Page	Affected PAMC Section and Items	Section Title/Topic	Problem Statement	Change Description	How Change Addresses Issue	Change Category
36	1		18.12.040 (f)	Contextual Garage Placement (f) treatment of carports	Code language is not working and needs amendment to (1) reflect intent of equal treatment of garages and carports in both determining context and meeting standard for placement and (2) fix 600 foot length of block wording to determine pattern	Make carports equal to garages - add 'carport' 5x in paragraph and clarify number of homes on blocks longer than 600 feet are "no more than" 10 properties "and" for a distance not greater than 600 feet.	Makes garages and carports equal in terms of contextual setback and clarifies how to determine context on blocks longer than 600 feet	Interpretation
37	1		18.12.090	Basements under footprint	The code permits basements under the footprint of a house. Footprint is defined as the two-dimensional configuration of a building's perimeter boundaries as measured on a horizontal plane at ground level. Over time this provision has been expanded to allow basements under porches and covered entries. More recently, some houses are being design to maximize basement area with adverse aesthetic impacts to home design.	Clarify the definition of footprint to mean the exterior walls of interior spaces.	Eliminates confusion that occurs regarding allowance of basement under porches	Interpretation
38	1		18.12.120	Home Improvement Exception- eligibility of 75% walls retained	The code does not clarify how to measure the walls to be retained. Longstanding interpretation is: walls retained in place as exterior walls (not subsumed into addition, and not altered to the point of being 'see-through').	Amend to ensure retention of 75%+ of existing exterior walls "as exterior walls in place" and "not see-through"	Clarifies measurement per longstanding interpretation of HIE eligibility	Interpretation
39	1		18.13.101	MFR- no minimum density in table	The code does not clarify density's recommended range versus permitted range- need to clarify no minimum density	Amend to ensure the density note in the table is clear (NOT a minimum)	Clarifies intent or policy vs. requirement	Interpretation
40	1		18.18.070(a)(2) and (b)(5)	Seismic bonus	Issue is that when a seismic category building is torn down, seismic bonus area has still been added to the replacement building or in some cases, transferred to a receiver site. Seismic rehabilitation is intended to result in the retention of the existing structure. Council recently reiterated the intent of this provision to exclude complete demolition qualifying as rehabilitation and not eligible for transfer of development rights.	Amend 18.18.070(a)(2) and (b)(5) to clarify seismic bonus floor area can only be granted if the seismic category building remains in place on site following rehabilitation (and is not a replacement building). Refer to nonconforming provisions in 18.18.120 and 18.70.100.	Clarifies intent of bonus for rehabilitation of seismic category buildings (not replacement)	Interpretation

#	Tier	Draft Ord. Page	Affected PAMC Section and Items	Section Title/Topic	Problem Statement	Change Description	How Change Addresses Issue	Change Category
41	1		18.18.120	Building envelope of Grandfathered Facility (memorialize no basement upward and 'carve out' for above grade shift)	Code item (b)(2)(B) disallows shifting the building footprint, interpreted as no shifting from below grade to above grade. Code has not been amended to make this clear and it is not clear as to relocation of mass within above-grade building to implement improvements (articulation, pedestrian friendly/context responsive changes) to meet Comp Plan	Amend (2)(b) to clarify shifting of building floor area from below grade to above grade is not allowable but relocation of above grade floor area that changes building footprint that does not result in an increase in the degree of noncompliance is allowed.	Aligns with older filed interpretations allowing relocation of floor area within the above grade volume	Interpretation

Tier 1 Changes Ordinance 2015 – New Policy

#	Tier	Draft Ord. Page	Affected PAMC Section and Items	Section Title/Topic	Problem Statement	Change Description	How Change Addresses Issue	Change Category
42	1		18.04.030	See matrix #28 Definition Amenity (on-site for employees) (new 10)	Need to clarify Area dedicated to on-site cafeterias are excluded from gross floor area. This provision is appropriate where office workers are not conveniently located to commercial services and would add vehicle trips to city streets to reach those services. However, encouraging amenity space in areas supported by local services undermines local businesses an unnecessarily contributes the bulk and mass of buildings.	Amenity area is defined to specify areas of town where cafeterias are considered amenities - include RP zones (Stanford Research Park), and ROLM and GM zones. Only in these districts will cafeterias be exempted from floor area. Code also clarifies that lunch or break rooms are not considered amenity space in any district.	Fixes the problem of exemptions given for cafeterias near restaurants; Establishes zones where cafeterias are considered amenities.	New Policy per Council direction
43	1		18.04.030	Definition Gross Floor Area (GFA) Inclusions (65)(A)	Commercial/MFR GFA inclusions code does not address how to calculate floor area for rooftop dining area.	Amend A(vi) to note that rooftop dining area for a commercial use is to be considered gross floor area (whether roofed or unroofed) for determination of required parking spaces/assessment. This item is in the non-residential/multi-family residential (MFR) Gross Floor Area (GFA) Inclusions.	Ensures rooftop dining area, including uncovered area, counts as floor area and is parked (or paid in-lieu parking fees if within Downtown parking assessment district).	New Policy
44	1		18.04.030	Definitions GFA Exclusions (65)(B)	GFA exclusions definition has no maximum restriction on the amount of accessible area, nor does it prevent this excluded area from being recaptured in new construction on a property; break rooms are not listed as exclusions but cafeterias left room for interpretation (small offices outside parking districts providing break room as an employee amenity)	Amend code to clarify it is only the incremental area that is excluded, if needed to adjust an existing hallway or restroom to meet ADA code. Also imposes a one-time cap of 500 sf and restricts re-use of this exempt area in rebuilds on the site. Replaces term 'dry cleaners' with 'on-site laundry facilities' and specifically excludes 'break rooms'. As being exempt from floor area. Currently the ADA and seismic upgrade area within Definitions only applies to zones other than the CD zone.	Defines excluded area more specifically, limits amount of excluded floor area, and prevents re-use of such area in rebuilds	New Policy

#	Tier	Draft Ord. Page	Affected PAMC Section and Items	Section Title/Topic	Problem Statement	Change Description	How Change Addresses Issue	Change Category
45	1		18.04.030	Definition Substantial Remodel	There is no definition relating to alterations of noncomplying facilities – to address what constitutes substantial alteration of such facilities	New definition to coordinate with regulations to be vetted in tier 2 code modifications related to noncomplying facilities code (new 134 and adjustments to accommodate insertion)	Provides new definition	New policy
46	1		18.12.050	Projections	The code is not flexible enough to allow first floor bay windows within a street side yard (though bay windows are allowed to project 3 feet into required front yard)	Amend code to allow a 2' street side bay window projection.	Allows design flexibility for limited encroachment into street side yard for bay windows	Interpretation
47	1		18.12.100	Remove SSO fee	The code requires a fee for rezoning to SSO, contrary to Council direction to waive SSO fees.	Delete fee requirement, consistent with Council direction, since cost is barrier to SSO applicants	Codifies Council direction and practice to not charge SSO fee	New Policy
48	1		18.12.110 (b)	Single family review threshold area (second floor deck area)	The code does not state whether second floor deck area is subject to the 150 square foot threshold triggering discretionary for additions to the second story of a home. In the past, it has not been included, which has resulted in privacy impacts to neighbors.	Require any new construction on the second floor, including exterior decks to be counted toward the 150 square foot threshold.	Ensures process (IR) to address privacy issues created by large second floor decks over 150 sf	New Policy
49	1		18.15.020	Definitions within Residential Density Bonus Chapter	The code does not contain a definition for “replace”, which is needed.	Insert definition of “replace” into 18.15.030(h) to conform with state law	Implements Housing Element	New policy
50	1		18.15.040	Development Standards for Affordable Units	Old state law required 30 year deed restricts to qualify for density bonus, but new state law requires 55 years.	Increase the term of affordability from 30 to 55 years (item (b))	Implements Housing Element	New policy
51	1		18.15.100	Regulatory Agreement	Old state law required 30 year deed restricts to qualify for density bonus, but new state law requires 55 years.	Increase the term of affordability from 30 to 55 years (item (d)(4))	Implements Housing Element	New policy
52	1		18.16.050	Office Use Restrictions	The wording of Office Use Restrictions, created in 2001, is confusing and inconsistent with intent of ordinance	Amend 18.16.050 wording to better address issue of ground floor conversions to office.	Clarifies intent of original 2001 ordinance	New policy per Council Direction
53	1		18.16.060 (b)	Site and Design Review unit threshold	The 4-unit threshold for Site and Design Review of mixed units results in applicants choosing 3 or fewer housing units to avoid this additional discretionary review. This provision seems to discourage more housing units due to a regulatory process that adds little qualitative benefit and results in larger units. Discretionary ARB review would still be required. Moreover, the Housing Element includes a policy recommending this threshold change to nine units.	Amend the S&D Review threshold to nine units as suggested in the Housing Element. This is not a footnote to Table; It is item 1 (next page)	Raises the Site & Design review threshold to encourage the production or more housing units.	New policy

#	Tier	Draft Ord. Page	Affected PAMC Section and Items	Section Title/Topic	Problem Statement	Change Description	How Change Addresses Issue	Change Category
54	1		18.18.060	Minimum number of housing units in new mixed use projects downtown	There has been a pattern of new large penthouse units (with potential risk of use as office space) in mixed use areas, especially downtown.	Amend Table 3 to add Minimum number of housing units (3) for NEW mixed use projects	Realigns code and practice; results in a minimum of three units for new mixed use construction and permits fewer units for existing buildings that are less able to provide code required parking.	New policy
55	1		18.18.060 (e)	Exempt Floor Area CD zones	The code exempts floor area for ADA and historic rehabilitation upgrades to existing buildings. However, there is no limit to the floor area exemption and it is unclear about its application to new construction.	Amend code to add "existing" and clarify it is only the incremental area that is excluded, if needed to adjust an existing hallway or restroom to meet ADA code. Also imposes a one-time cap of 500 sf and restricts re-use of this exempt area in rebuilds on the site.	Defines excluded area more specifically, limits amount of excluded floor area, and prevents re-use of such area in rebuilds	New policy
56	1		New Chapter 18.31 CEQA Review	CEQA Provisions	Title 18 does not give sufficient guidance on Council's role in reviewing EIRs and does not provide CEQA appeal process. Need to refresh City's old CEQA Guidelines.	Add new chapter with 3 sections: .010 Delegation of CEQA Authority; .020 Incorporation of State CEQA Guidelines;.030 CEQA Appeals. Only EIRs with OCs go to Council on non-Council-review applications. Director may refer ND/MND to Council. New Chapter to go with State rules.	Modifies CEQA processing in Palo Alto	New policy
58	1		18.76.020	New Architectural Review findings for approval	Code item (d) has too many (16) AR approval findings.	Adjusts findings to improve qualitative analysis, focus project reviews on key criteria, provide clarity on project evaluations, reduce reading and writing fatigue, strengthen legal standing in court if challenged, and reduce paper generated for packet.	Improves process and outcomes	New policy
59	1		18.77.060	CUPs, Variances, NPE timeline to hearing and limit consent options	Code required "within 30 days" to get to Council is infeasible given deadlines for report preparation and review. Code is confusing with respect to what happens when an item is pulled off consent (too many options)	Amend code from 30 days to "within 45 days" similar to the 45 days code standard for CUPs getting to a PTC hearing following hearing request. 18.77.060 (f) Decision by Council to modify consent removal for Variances, CUPs, NPEs and deletes A and B options (thereby requiring a public hearing if pulled off consent)	Gives 45 days between appeal and placement on Council agenda following hearing requests and hearings Eliminates confusion: if pulled, then hearing scheduled.	New Policy per Council P&S
60	1		18.77.070	Architectural Review appeal fee, Consent options, Days to consent placement	Code does not address fee reduction for well supported appeals. Code has too many options after pulled from consent. Code requirement of 30 days to consent calendar is unworkable given report preparation and review time. Precedent: 45 days is the timeline for getting hearing requests to the PTC.	Amend item (e) to allow fee reduction for well-supported appeals per P&S recent direction to reduce appeal fee by 50% when 25 signatures support an appeal, and limit Council options when pulled off consent (doesn't change number to pull off) to one: setting a public hearing. Amend item (f) Decision by City Council (per P&S) to: Increase number of days to consent calendar placement (from 30 to 45) and Delete A and B options (requiring a public Council hearing if pulled off consent)	Allows clarity for AR appeals so appellants know if the item is pulled off consent, a hearing WILL be scheduled (instead of might be scheduled), reduces fees for well supported AR appeals, and allows 45 days between appeal and placement on Council agenda.	New policy per Council P&S
61	1		18.77.070	Days to AR Decision after ARB recommends	Code requirement of three days (three working days) is too few days after a Thursday ARB hearing to ensure thorough review and issuance of decision letters.	Amend item (d)(1) to increase three (working) days to five (working) days – allowing deadline for decision to typically be the Thursday or Friday (depending on 980 Friday schedule/holidays) following ARB recommendations during a Thursday hearing (instead of Tuesdays)	Allows reasonable timeframe for preparing and reviewing decision letters following ARB recommendation during a public hearing on a project.	New policy

#	Tier	Draft Ord. Page	Affected PAMC Section and Items	Section Title/Topic	Problem Statement	Change Description	How Change Addresses Issue	Change Category
62	1		18.77.075	IR/HIE appeal fee, Days to consent placement, Number of votes	Code does not address fee reduction for well supported appeals. Number of votes to pull off (4) is inconsistent with other application types. Code requirement of 30 days to consent calendar is unworkable given report preparation and review time. Precedent: 45 days is the timeline for getting hearing requests to the PTC.	Amend item (g) to allow fee reduction for well-supported appeals per P&S recent direction to reduce appeal fee by 50% when 25 signatures support an appeal, and reduce number of Councilmember votes to pull off consent to three votes (reduction from four votes). and Increase number of days to consent calendar placement (from 30 to 45)	Reduces fees for well supported IR or HIE appeals, requires only 3 Councilmember votes to pull off consent instead of 4, and allows staff more time to prepare and publish appeal CMRs.	New policy per Council P&S

1 **Planning and Transportation Commission**
2 **Draft Verbatim Minutes**
3 **September 9, 2015**

4
5 **EXCERPT**

6
7 **Study Session**

8 **Zoning Code "Omnibus"**: Study session to discuss First Annual "Omnibus" ordinance of changes to the
9 Zoning Code and related Municipal Code chapters. For more information, contact Amy French at
10 Amy.french@cityofpaloalto.org

11
12 Acting Chair Fine: Let's do it? Ok. Item Number 5, anybody need a break?

13
14 Amy French, Chief Planning Official: At least I don't have to plug anything in this time.

15
16 Acting Chair Fine: Ok, let's just do it. So our next item is Item Number 5, Zoning Code Omnibus, which is
17 a study session, essentially staff is bringing us an omnibus of ordinance changes to the Zoning Code or
18 the Municipal Code chapters if I understood it some of these are about issues of interpretation such as
19 what was an average, cleaning up a few new policies, and then also fixing some references and typos.
20 Amy are you presenting this one?

21
22 Ms. French: Yes, I am. As you may note on the first slide here the word omnibus has fallen off. We are
23 now calling it (interrupted)

24
25 Acting Chair Fine: Oh.

26
27 Ms. French: That's all right; we did put an ad in the paper calling it that. There's a story there. So this is
28 now we're referring to this as the first annual Planning Code Update. I say Planning Code because it's
29 chapter Title 18 which is actually Zoning and we also are bringing forward Title 16 Building Codes where
30 they intersect with Planning. Oops, what happened? That's the last slide. You'll see I still have the
31 image of a bus.

32
33 So wanted to give a little bit of a background we've been collecting some suggestions from Council
34 Members and staff. We're operating under a tier one, tier two format. We're phasing. With the tier one
35 items coming forward again to you this year, two tier we'll discuss later on. We are targeting a Policy
36 and Services meeting on October 13th so leading up to that we're hoping to come back to you, targeting
37 coming back to you on September 30th with an actual ordinance annotated and a matrix that we've been
38 working on to kind of describe why we're doing some of these changes, what we're hoping to fix. And
39 then we have an option to come back again in October after we've done a little bit more massaging and
40 then hoping to get to the Council by the end of the year.

41
42 So we have some goals. We would like to improve the entitlement zoning compliance processes, the flex
43 city codes, city policies and practices. We would like to make noncontroversial changes this year so
44 many of these are typos, references to chapters that are no longer in that location and now a different
45 chapter. We want to improve clarity and other administrative changes. And maybe anticipate that we
46 may need to remove some controversial items if we do get some pushback from the public. So we want
47 to recalibrate code sections, look at our long time interpretations to support customer service, review
48 code sections that we publish online. We do want to address the input we've received from Council
49 Members, have those conversations, and then we would like to explain some of our way that we're doing
50 this so we would like to call these different categories again administrative, clarification, interpretation,
51 and new policy. I will give you some examples of those tonight.

52
53 Some administrative change as I mentioned typos, correcting chapter section references, and eliminating
54 duplications. We have some clean ups. It's silly the zoning index table of contents doesn't include the

1 hospital district, which is a fairly new chapter. Other items are on the screen here, clean up items really,
2 discrepancies in the code that compete with each other.
3

4 Some clarifications where we have in mind is again to those building codes that intersect with Planning,
5 signs being one of them. The first Chief Building Official, well the Planning Director and designee are
6 engaged in the process of reviewing signs, taking them to the Architectural Review Board (ARB). We
7 also have some, some clarifications to how we look at wall signs, projecting signs, and so we think just
8 strategically or surgically going in touching those two areas of the sign code will be helpful to us. We do
9 process quite a few sign exceptions to get around the awkwardness of the code.
10

11 The fences also the first Chief Building Official and new building permits are issued for standard single
12 family residential fences. When we do have non-residential or multi-family projects those generally are
13 looked at by the ARB and generally those are also six feet. Most of those don't require building permits.
14

15 Here's just a list of interpretation items that we've identified. There're a number of definitions.
16 Contextual garage and carport placement, basements under footprints, the home improvement exception
17 is what that stands for, eligibility which is set in the code at 75 percent of the walls retained as exterior
18 walls not being subsumed into an addition in order to be eligible for those additional 100 square feet (sf)
19 or what have you, preserving a nonconforming feature perhaps. In the multi-family zones we want to
20 clarify that there is no minimum density set forth in the code. There's generally a range there. There's
21 the seismic bonus concern and that's basically Downtown where we have the ability to rehab a building
22 and then there's a bonus to be had that can either be used onsite or transferred off the site, purchased
23 by an interested buyer. We've had concerns that buildings have been demolished and then bonuses used
24 onsite rather than the intent perhaps of rehabbing the seismic building in place and adding to it or
25 transferring off. There's the grandfathered facility and this came up during the 261 Hamilton project
26 across the street, University Arts, where the concern about a grandfathered facility not being able to
27 change its footprint. In the case of that project it was going from the basement to above grade. We
28 think there's a good case to be made for allowing some modifications above grade to above grade to
29 increase pedestrian friendliness, articulation, these kinds of things, massing, to approve a building and its
30 interaction with the pedestrians.
31

32 Here's just an example of an interpretation where we could note that a breakroom is basically not a
33 cafeteria. So this is outside the Downtown. People have said this breakroom is helping reduce trips and
34 so we're not going to count it as floor area, we're not going to park it. So that's an idea that has some
35 legs and it does refer to dry cleaners, maybe onsite laundry facilities is more apt in today's laundry world.
36

37 Some new policy items have a list here so one of those is interpretations and use classifications. This
38 would basically allow in the code the Director to make qualitative decisions regarding what type of uses
39 since it's not listed, but it's like these and therefore as far as use classifications as far as interpretations
40 gee, what is a contextual setback in this case and would be an example. Those could be set forth the
41 arithmetic mean or whatever in a formal written interpretation that could be basically appealed up
42 through Planning Commission and Council. Gives people a due process over a determination.
43

44 New definitions so again, just a couple of examples; back to this concept of amenities for employees on
45 site. What are we after here? And then substantial remodel, we get into this what percentage are we
46 retaining this kind of thing and how can we approve that in the code? Revising the gross foot area
47 inclusions and exclusions both for commercial and residential, there are some areas that could be
48 improved there. Came up tonight, delete the fee for single-story overlays. That's in there. Noise
49 equipment is another area where we feel that that could be improved. There was an ordinance passed
50 to be quite restrictive these days and quiet equipment is to be had and so we want to look at that, could
51 we add some flexibility? Large second floor decks that are not having to go through the IR process that
52 might cause privacy concerns we have that on the list. Residential density bonus I'm just going to go
53 through these little quicker. Some of this relates to the Housing Element, extending the term from 30 to
54 55 years, office use restrictions, there's site and design review, there's quite a few here that we're going
55 to be taking a look at. On the ARB findings we just met with the ARB on September 3rd and had a good

1 conversation there about findings. On California Environmental Quality Act (CEQA) provisions we do look
2 forward to having a code chapter on CEQA provisions, we could do a curved path.

3
4 And then I'll just focus on the appeals and hearing requests. I visited with the Policy and Services
5 Commission, Committee of the Council a week or so ago and there was a discussion about reducing the
6 votes from four votes to three votes for individual reviews and home improvement exception appeals to
7 be consistent with the other vote of three threshold for other types of appeals such as ARB. And then
8 also looking at reducing the options there are three options now. It gets a little confusing so if they pull
9 it, schedule a hearing, and then looking at reducing the appeal fee when there's support, verifiable
10 support. Here's another example of process items; we're looking to increase from 30 days to 45 days to
11 get reports prepared and reviewed, and 30 days is a little fast these days for us given the volume of work
12 and also the 5 day turnaround on decisions is too few days.

13
14 So here's the process. Again we did visit with ARB. Tonight we're talking a bit about this. We'd love to
15 hear some feedback on your initial thoughts and we're visiting with you again on September 30th. And
16 Jonathan did you want to expand on that?

17
18 Jonathan Lait, Assistant Director: Yes, so just a, so there's really not a whole lot here for the Commission
19 to react to. We're not presenting any ordinance for you this is really just a head's up that something's
20 coming. And the list that we presented there's some of these items that were presented to you there's
21 greater certainty in our mind moving forward than others and so this is I would qualify this as a tentative
22 list that we're working on that we're going to be presenting to you. We're still we're working on the
23 details. And again if something the intent here is not to create any substantial new policy, but introduce
24 to policy where the code is doesn't provide enough guidance or to address a recurring problem we're
25 seeing, not to do a whole sea change of policy and if we do present some code amendments where it is
26 generating a lot of conversation or concern we're just going to simply put that one aside, it goes off the
27 list, we'll come back to it next year, and the idea is to move the ones forward that are pretty
28 straightforward and not controversial.

29
30 Acting Chair Fine: Thank you so much. I don't see any speakers from the public so let's turn it over to
31 the Commission questions and comments. I think we can do this quickly, Commissioner Gardias I think
32 you're the first up.

33
34 Commissioner Gardias: Thank you very much. It's a simple question, from the sequence perspective I
35 mean I understand cleanup is a simple thing to do, but knowing that we will be just going through the
36 planning process there may be more changes. They will result of course with changes in the code
37 ultimately I presume and then we're going to get to the cleanup mode again. So I'm just asking why we
38 are doing this when we will be doing this again.

39
40 Mr. Lait: I don't think anything that we're doing here would have a, it doesn't rise to that same level of
41 Comp Plan policy conflict or concern. What we're really doing here is trying to improve clarity to get rid
42 of outmoded or inaccurate references in the code. Where we are introducing ideas of new policy it's I'll
43 just one that Amy had highlighted was the idea of substantial remodels. So we have a number of single
44 family homes that our codes do not provide sufficient guidance's to how much remodeling can take place
45 before it's considered new construction. And all we want and we have a practice that we've been using
46 and what we want to do is codify that practice. So when we talk about new policy that's what we're
47 really talking about is codifying our practice as opposed to now you can do something more than couldn't
48 have done before.

49
50 Commissioner Gardias: Right. I totally understand this. But anyway I was just giving you the priorities.
51 I mean knowing that if we're going to work on the Comp Plan there will be a number of other
52 modifications to the code and I'm assume that there's just we'll just resolve many other changes so just
53 from the perspective of just loading us with this, with this item although I know that this will be maybe
54 clean from your perspective to pass, because those are clean up items. But if we're going to do this
55 again in a year and a half, and this has to lead to something else. That's the (interrupted)

1 Mr. Lait: Well and I (interrupted)
2
3 Commissioner Gardias: That's the question.
4
5 Mr. Lait: And I would say that the value is in the daily interactions that staff has with the homeowners,
6 architects, business community so that we can provide more certainty and clarity as to how the existing
7 codes are today or how they ought to be and how that might apply to their particular issue or project. I
8 mean the Comprehensive Plan is going to continue for a bit longer and then once that does get adopted
9 there's the implementation phase which does result in code changes. So we're looking at that, that
10 horizon is a little more longer term than where we are today and we're dealing with this on a daily basis
11 the issues that we're talking about. So I think it just creates a better sense of predictability and
12 accountability that people will feel more comfortable with.
13
14 Ms. French: And I would just add to that that it's the first annual omnibus so we're anticipating not a year
15 and a half, but (interrupted)
16
17 Commissioner Gardias: It's going to be ambitious.
18
19 Ms. French: It may be less than a year (interrupted)
20
21 Mr. Lait: It's ambitious, but I think it's worthwhile because the Zoning Code hasn't been updated in a
22 while and we're not looking to do a full scale update. I think those efforts are challenging so we're going
23 to see what we can do to make some progress while we're able to do so.
24
25 Acting Chair Fine: Commissioner, Acting Vice-Chair Rosenblum.
26
27 Acting Vice-Chair Rosenblum: I think this is a good idea. I think it's a good idea to do it regularly so it
28 makes sense. It'll reduce your burden and make things clearer.
29
30 Two quick things; in the area of typos and obvious the position of Chief Builder has been eliminated since
31 1880 and now it's called something else does that have to go in front of us or Council or anyone? Can't
32 that just be changed so I would love for us to spend time on probably the balancing test on whether or
33 not the other things being changed are rise to the level of probably that needs to be part of the Comp
34 Plan it's a bigger thing versus this is obvious we've been doing it, this just gets codified. That to me is a
35 good discussion. A less good discussion is typo by typo do we change this word? This word somehow
36 got omitted and I would think that this is a question for the lawyers I guess that staff has the ability to fix
37 obvious typos.
38
39 Cara Silver, Senior Assistant City Attorney: I am going to have to look into that. Cara Silver, Senior
40 Assistant City Attorney. So there is some flexibility on the part of staff to work with our Municipal Code
41 Codifier to fix clear typographical types of issues. However, changing titles from Planning Director to
42 Chief Building Official that is really a giving something else an additional statutory duty so that type of
43 change would not be entertained by the Codifier. So we'll certainly use our judgement. The typos that
44 we're suggesting are going to be in the areas where we think we don't have the flexibility to do that at a
45 staff level and we will group them I don't think there needs to be a large discussion about those things
46 and it would be great if you all could just focus your attention on the non-typographical issues.
47
48 Acting Vice-Chair Rosenblum: And so then my second thing is a request. So when this in the schedule of
49 ruling this out comes back there's some line that you cross over that line and it's a big deal and below
50 that line it's not such a big deal and we should just do it as part of the omnibus or part of the annual
51 review process. So above, over the line I would say are things like parking minimums. That's a
52 controversial item. I have a viewpoint on it and it probably will be addressed in the Comp Plan. And
53 there are other items that seem less controversial. I think it would be really is the list of all items
54 considered and where you drew the line. So this is approximately where people are fairly accepting and
55 these are things we expect will be part of the Comp Plan because one of the things I could see us is say
56 well, why don't we consider this or shouldn't this be in? I think that would be a really helpful thing

1 instead of I know that you're just giving examples of a couple of things that would be in or out or in in
2 this case, but I think it would be really helpful for all of us to have a superset and then some idea of the
3 things you're asking us to consider and then some things that will likely be part of the Comp Plan
4 discussion. So that's my request in terms of moving this forward.
5

6 Mr. Lait: Thank you for that comment. And that's actually what we had intended to do although in your
7 analogy our above the line are, is the easy stuff and the below the line's is more complex items, so we
8 call that tier one and tier two and so what Amy presented tonight was sort of the tier one and some of
9 those maybe fall down into tier two, but it is our intent to present that complete list. And you'll see
10 something for instance like we heard a lot about single or about second units tonight. We think there's a
11 policy discussion that needs to take place with respect to second units, but that's going to be more
12 controversial then so that's when you'll see that kind of tiered principle.
13

14 Acting Vice-Chair Rosenblum: So as personal input if you're looking for feedback about whether or not
15 you've calibrated tier one and tier two correctly there's nothing on the list that gave me any alarms. It
16 looks like about the right level of stuff. It's a, it seems clarifying, fairly noncontroversial, but frequent
17 enough to come up that it's worth our while to actually fix.
18

19 Acting Chair Fine: Commissioner Alcheck.

20
21 Commissioner Alcheck: I had a quick question. What are DU's? You refer to DU's, minimum DU's.
22

23 Ms. French: Dwelling Units (DU).
24

25 Commissioner Alcheck: Does the so this list tonight was long. The items that are under new policy items
26 would you consider those tier two?
27

28 Ms. French: No. Everything in the PowerPoint tonight is in our tier one list at the moment, but we
29 welcome your (interrupted)
30

31 Commissioner Alcheck: Alright, I mean I don't want to get too specific tonight. I don't think that's what
32 you're looking for and I say that to mean that I don't really want to debate the items or why they are
33 complex, but I would suggest that some of the new policy items I would like to have an opportunity to
34 discuss in greater length. Minimum DU's in new mixed-use units for example stuck out.
35

36 I'm not exactly familiar with the office use restrictions loophole is. Loopholes in general I think
37 sometimes using the term loophole suggests that the way staff is interpreting something is different or I
38 should say it like this: loophole suggests that the way something is possible now wasn't intentional and I
39 don't love that because if it wasn't intentional it depends if it was a misspelling that's one thing, but I
40 think sometimes we don't always I think other I think different people can look at some of the same thing
41 and think you know what, there are reasons why this should be interpreted in this way because it lends
42 itself to these opportunities. There are reasons why it should be interpreted this way. It lends itself to
43 those opportunities and you close a loophole someone might feel like you've made a decision that
44 opportunity wasn't intentional and so I'm just I don't know what the office use restrictions loophole is. It
45 might be really like innocuous, but some of these new policy items I think would I don't know I would
46 suggest maybe they are tier two. Maybe they deserve a little bit more interpretation.
47

48 Look in general I love the idea of us making this easier so this notion of noise equipment the only one
49 that stuck out to me is I mean there are some, delete the fee, but the noise equipment low density R-1
50 zones that's great because that suggests that the concerns that we had are being improved by
51 technology maybe we should be a little less strict, more lenient on the placement of noise producing
52 equipment. I like that because our community's zoning is really specific like I have a little bit of
53 experience with building codes and we have a book that is I've never met a contractor or builder that
54 didn't say wow, Palo Alto's really got the book on books. So in all seriousness it's like this thick. It's
55 really specific and I just like I like the idea of us evaluating to make sure that well all the things that

1 we're requiring are still relevant. So in that regard I'm happy to see that in the new policy items and
2 maybe that one isn't necessarily controversial.
3

4 In doing a touch upon the interpretation section I feel like it's there's this like notion that people who
5 rehabilitate homes and they keep some existing walls are somehow like it's like perverse that they got
6 away with something because they kept a couple of walls and I my assumption here is that we're trying
7 to make it harder to get away with something. I think that will affect a lot of people and I wonder if that
8 would rise to the level of "controversial."
9

10 And then again I don't want to get too specific, but the contextual garage carport placement today we
11 talked about contextual setbacks. I don't want to get too specific, but this particular provision in the
12 code I think incentivizes a very dated design element and I'd be curious to know what the rewrite looked
13 like obviously. And I also think that we are going to experience a tremendous, like tremendous change in
14 the way people experience car ownership in the next 15 years and the houses that are going to get built
15 in the next 15 years will be built for 60 years and this garage placement provision has actually really
16 significant impacts on the way people layout their homes and it causes them to make decisions about
17 how to... anyways it's complicated. I just want to suggest that that might be a tier two item because I
18 actually do think that there's a real question as to what are we incentivizing with that, with that specific
19 policy and I think we owe it to ourselves to have that discussion.
20

21 So finally I want to just respond to that last statement which is I actually think this is great that we're
22 doing this all the time. I think that this should definitely be annual because when we provide clarity we
23 make it easier on all the parties involved. And so I actually welcome the idea of this happening as often
24 as possible. I don't think it has to be a very convoluted process.
25

26 Acting Chair Fine: Commissioner Gardias.

27
28 Commissioner Gardias: Thank you. So the reason I spoke about this because I think it just takes our
29 attention off the grand prize and doesn't use our and your time or schedule properly. And of course I'm
30 proponent of any cleanup, but there is a knowing how costly the Palo Alto Municipal Code is to design or
31 plan a building. If you see it from the planners and if you see it from the perspective of the customers
32 they pretty much spend thousands or ten thousands of dollars for any modifications, changes. Then
33 pretty much you would appreciate that change in the code should be going to make their life easier in
34 interpretation and making this clear and making this readable and pretty much just making their life
35 easier so pretty much they can focus truly on just designing great public spaces, great streets, and great
36 houses for themselves as opposed to just spending their time just interpretation of the, of this what we
37 write.
38

39 So I'm sorry for making this comment, but I think that of course we will help staff with any intention, but
40 I think that just listening to what my colleague just said any of this of this items will open can of worms
41 and pretty much will engage the Commission on just discussing items. And I can just add I would just I
42 had to make myself a list of a few items that I could add to this and I could just make others and
43 probably would be very long list and each one of my colleagues probably would add to this list and we
44 would end up with just pretty much just opening restructuring of the code totally while we are in the
45 beginning of just looking into the Comprehensive Plan. So my suggestion would be rather with full
46 respect to this plan to rather just focus us on the planning items, just put this in the proper perspective.
47 Thank you.
48

49 Mr. Lait: So if I could just make a couple of comments to so thank you for all the remarks. We're in
50 accord with you on your where you're coming from and where this gets placed in the scheme of things.
51 And I don't think we're taking our attention off the grand prize principally because Amy and myself are
52 not engaged in the Comprehensive Plan the way that Hillary and Jeremy and other people in the
53 Department are focused in on that effort. So we do have dedicated staff that's focusing in with our
54 consultants and the Citizen Advisory Committee (CAC) and there's a whole effort underway and the other
55 resources that we have at the Department is focusing in on processing those applications that you
56 mentioned.

1
2 And part of our job, my job and working with Amy is to find opportunities to streamline and make it
3 easier for customers and staff to get through the process because it is an old code. It hasn't been
4 updated in a while and I think some of the controversies that we have seen have generated because of
5 lack of clarity and interpretation over years of how the code has been used. And so when we're seeing
6 that kind of discourse taking place in the community and we look at the code and we see that this isn't
7 helping us I think that there is this need to address some of the problems. So in many respects I think
8 it's focusing our attention where it needs to be placed on the critical issues that are affecting residents
9 and neighborhoods where there's these conflicts of code interpretation and how that's taken place.

10
11 We welcome additional items to be added to the list. We want to hear what else needs to be added and
12 part of the reason why we're making this an annual event is if we don't capture it this year we'll tackle it
13 next year. And piece by piece slowly but surely we'll be able to have this be more of a living document.
14 There's not enough here for the Commission to respond to right now. So you will see the language, you
15 will see the actual strikeout underlined text being added there. You're absolutely right that there is there
16 are some items that will drop off into tier two and that's we're ok with that. We're not saying that this all
17 has to be tier one. If contextual garage placement is an issue ok, let's table it and we'll have another
18 conversation about it when the time comes.

19
20 There was just one other... thank you for the comment about loophole. We'll take a look at that and
21 make sure that the terminology that we're using is not suggestive or something like that. It's a fair
22 comment. The comment about the minimum DU's that's more of a reflection of existing policy, but I can
23 understand how that might evolve into a conversation.

24
25 Two more, two more comments. The we spend a lot of time at on at the staff level having planners
26 talking to each other first one on one then groups and there's this conversation taking place about how
27 to interpret it if you go to code section to a particular project. And that consumes a lot of our staff
28 resources, it delays the applicant, it would be much better if we can have clarity in our regulations. And
29 this doesn't solve all the problems, but it starts the ball rolling so that we're not having those, we're not
30 extending the planner view process by dialogue. And also in the case of substantial remodels and there
31 is no effort underway to make that more difficult and we're not looking at this as people are getting away
32 from something. What we're trying to do is establish a very clear line as to what is a substantial remodel
33 and what is not so that we're not having to place a stop work order on somebody's new home that
34 they're trying to remodel and then have that protracted conversation about did you cross the line or not
35 when there isn't sufficient guidance in the code to do that. So all we're trying to do is make sure that
36 everybody understands what the playing field is and that way everybody operates or plays accordingly.

37
38 Ms. French: Can I note something about the substantial remodel? That that is particular to noncomplying
39 facilities.

40
41 Mr. Lait: Yeah.

42
43 Ms. French: So I mean I think the goal is again not to say the word loophole, but there's this somebody
44 already has something vested basically in the building that crosses over a property line that has more
45 Floor Area Ratio (FAR) than you could get if you built it today. So it's kind of trying to dial that in to
46 something that can be explained very well.

47
48 Commissioner Alcheck: I'm not familiar with (interrupted)

49
50 Mr. Lait: Right. And just a last comment. I wanted to appreciate the comment about the noise
51 equipment because we're not we're looking at typos and clarifications, but we're trying to figure out how
52 are people getting... are we asking for something that's not reasonable or doesn't make sense? And so
53 you've got a lot of equipment in side yards that is existing that predates our code because now you can't
54 put any air conditioning (AC) unit in a side yard and it's the old systems and they're 15 years old or 20
55 years old and they're humming pretty loudly and all somebody wants to do is replace that with a new
56 quieter system that complies with our noise ordinance. And so the idea here is well if we told somebody

1 they couldn't do that they're probably not going to come to the City and pull a permit and get it done
2 right and not have the inspections that go along with it. So we're discouraging people from doing the
3 right thing by having this prohibition. So we're trying to recognize that and say yeah, that's fine, if you
4 want to put in, if you want to replace your equipment, great. Pull your permit and let's get it inspected
5 and let's make sure it's compliant with the noise ordinance and what should be the harm in that? So
6 those are the kinds of things we're doing.

7
8 Acting Chair Fine: Commissioner Michael.

9
10 Commissioner Michael: I don't really have any comments on the particular items that you've got
11 enumerated in your presentation made tonight, but I do think that there's just a couple of comments that
12 might be made about process improvement relative to how the staff and the Planning Commission could
13 work together on something as important as this. In the materials that were distributed online, we're not
14 getting hardcopy anymore and we didn't, we didn't get this material. It was three page so, so that
15 inherently forces us to react on the fly here with some lack of background or further analysis. So it sort
16 of it renders our feedback to you very superficial. So that is a process defect that I would really
17 encourage you to consider leading with the background information which may be more work for
18 Commissioners, but at least we would have a deeper, better understanding of what you're points you're
19 making when you make them and when you get to the next point in the analysis.

20
21 So it also impairs the validity of when you come back for our final approval because you don't get the
22 backing material until the end of the process when we should have gotten the background material in the
23 beginning of the process. So that is a to me a significant defect and the quality of the deliberations of
24 the Commission and you might want to think about what the proper sequencing of that of giving
25 information to the Commission might look like.

26
27 And I know that of late there's been a huge disincentive for the Planning Commission to constitute any
28 subcommittees. That was not the case when I joined the Commission four years ago. A lot of work was
29 done in subcommittee format. I think this might be an area where if you wanted meaningful interaction
30 with the Planning Commission a subcommittee, a standing subcommittee would be particularly
31 instrumental because this looks like it's a very important process to make Palo Alto more resident friendly
32 and easier to do business with and reduce any costs that don't add value to the process or time delays.
33 So I think there's sort of a disconnect between just the huge amount of time that staff spends on these
34 very important questions and in fact that you're not really getting a meaningful interaction with the
35 Planning Commission to provide you any assistance. So.

36
37 Mr. Lait: And just a quick comment on that. We weren't looking for a substantive comment at all and I
38 appreciate your comments and as I noted to Chair Fine, Acting Chair Fine we're kind of working through
39 some of these issues now. And so we thought it would just be helpful to introduce the concepts so that
40 when September 30th when we come back you had an understanding and that's when your deliberation
41 clock starts. It doesn't start today because you had nothing to look at. It'll start on the 30th and then
42 you have this as just the background to that.

43
44 Acting Chair Fine: Thank you. I think we're going to wrap this up. Just my quick comments; I would
45 encourage all of the Commissioners to email comments and questions before we come to our next
46 meeting. So it would be really helpful if we can get the ordinance if not the staff report early just so we
47 can all look it over and go through those things, even if it's just the ordinance. And then I'd also
48 encourage staff to push items that will save the City time, money, and staff time. With that I think we
49 can close this item. All good?

50
51 **Commission Action:** Commission took no action, provided comment and suggestions.