



PLANNING & TRANSPORTATION COMMISSION MINUTES

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**Wednesday, October 28, 2015 Meeting
6:00 PM, Council Chambers**

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Call to Order: 6:00 PM

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8

9 Chair Tanaka: So I'd like to call the Planning and Transportation Commission (PTC) to in order. It's

10 Wednesday, October 28th 6:00 p.m. Can the Clerk please call roll?

11

12 Robin Ellner, Administrative Associate III: Commissioner Alcheck, Commissioner Downing, Vice-Chair
13 Fine, Commissioner Gardias, Commissioner Michael, Commissioner Rosenblum, Chair Tanaka. Six
14 present.

15

16 Chair Tanaka: Thank you.

17

18 **Roll Call**: Commissioner Michael Alcheck, Commissioner Kate Downing, Vice-chair Adrian Fine,
19 Commissioner Przemek Gardias, Commissioner Mark Michael, Commissioner Eric Rosenblum and Chair
20 Greg Tanaka. **Commissioner Downing Absent**

21

22 **Staff**: Jonathan Lait, Assistant Director; Cara Silver, Senior Assistant City Attorney; Robin Ellner,
23 Administrative Associate III; Jodie Gerhardt, Planning Manager; Amy French, Chief Planning Official

24

25 **Oral Communications**: Members of the public may speak to any item not on the agenda; **3 minutes**
26 **per speaker**. The Planning and Transportation Commission reserves the right to limit oral
27 communications period to 30 minutes. **None**

28

29 Chair Tanaka: If any members of the public wish to speak to the item that's not on the agenda just grab
30 a card back there and hand it to someone up front and we'll call your name. I assume we have no
31 cards? No cards, ok.

32

33 **Speaker Time:**

34

35 **Public Comment on Agenda Items**: Members of the public may speak for 5 minutes on each
36 agenda item. If there is a sizable crowd, the Chair may reduce speakers' time to 3 minutes.

37

38 **Quasi-Judicial Items**: Applicants and appellants may speak for 15 minutes. All other members
39 of the public may speak for 5 minutes. If there is a sizable crowd, the Chair may reduce speakers' time
40 to 3 minutes. Applicants and appellants are allowed an additional 3 minute summary at the conclusion of
41 all of the public testimony."

42

43 **Agenda Changes, Additions and Deletions**: The agenda may have additional items added to it up
44 until 72 hours prior to meeting time.

45

46 **Directors Report**: Members of the public may not speak to the item(s). **Assistant Director Lait**
47 **provided a brief comment regarding the CAC – Comp Plan Update**

48

49 Chair Tanaka: So does the Director have any, do you have a Director's Report?

1
2 Jonathan Lait, Assistant Director: Just a couple of items to report. There is a, there was a Citizen's
3 Advisory Committee (CAC) for the Comprehensive Plan that perhaps Vice-Chair can comment on later on
4 the agenda. There was also a study session on Monday to the City Council from our department
5 regarding a transportation and bicycle projects update. That's available or will be available online by
6 video, but we were also thinking that perhaps we'd have that same presentation made to the Planning
7 and Transportation Commission (PTC) if there was interest in that we can make that presentation. Last
8 Monday the City Council did the second, approved the second reading for the California Avenue Retail
9 Preservation and Formula Retail Ordinance as well as the Annual Office Cap Ordinance. And next
10 Monday the City Council will take up a discussion of the vision and goals and Policy L8 as it relates to the
11 Land Use section of the Comprehensive Plan. So that will be next Monday and that concludes the report.
12

13 Chair Tanaka: Ok, thank you. So there are a few changes to the agenda. So first one is I don't think we
14 have enough of a quorum on Item 3, 1050 Page Mill Road, and the reason why is because both the Chair
15 and Vice-Chair, myself and Adrian, we're not technically I guess what's the right word? Excluded or?
16 Recused. But, but we're going to do that just for a safety measure. So there's not enough
17 Commissioners tonight for that item so we're going to table that one, but we'll be doing the rest of them.
18 I think that's all the changes we have, right?
19

20 Mr. Lait: Right, and we're going to continue that 1050 Page Mill to the next meeting, which is November
21 18th.
22

23 Chair Tanaka: Ok. And then one item I just want to speak about quickly is we have an outgoing
24 Commissioner. So Commissioner Michael I've had the privilege of serving on two commissions with him.
25 So I want to thank Commissioner Michael for all his dedication and service to the City and for helping to
26 make this Commission great. So thank you so much. And also staff has actually got a cake so at the end
27 of this we'll have a little celebration. So thank you so much for your service.
28

- 29 1. **Commissions Report to Council**: Annual report to City Council of the Planning & Transportation
30 Commissions accomplishments for 2015.
31

32 Chair Tanaka: Ok, so let's move on to the first item, Commissions Report to Council. So first of all I
33 wanted to thank everyone for your work on this. I realize that you guys are all busy and it was kind of
34 an effort to do this. I think did everyone get, did everyone see, I think Commissioner Michael had the
35 last draft if I'm not mistaken? Right? I think Commissioner Michael used the draft that, that you sent
36 out. And then did the rest of you guys also get that, that draft? Oh, is that in front of us? Oh, no.
37 Actually he made some redlines. I thought it would be good to actually start with his draft because his
38 was the last, the latest and greatest. Ok, ok, so maybe we could go section by section and the point of
39 this is I think this is due this meeting? Kind of. Do you have it? Ok, ok. Great.
40

41 So maybe we could go section by section and the point of this is that we could hopefully finalize this
42 today and then I think on the in November, I forgot what day in November, but late November we'll be
43 actually presenting this document and also talking about other issues with Council. So the first section
44 maybe we'll give yeah Jonathan shows first. For those of you with iPads you could pull it up or a device
45 you could pull it up first.
46

47 Vice-Chair Fine: So just a question probably for you Cara. We're going to go over this tonight. We can
48 draft it in public up here on the board and then are Greg and I still allowed to make any edits and copies
49 today/tomorrow and we have to get that to Robin by when?
50

51 Cara Silver, Senior Assistant City Attorney: Yes, so you and Greg can certainly work on final stylistic edits
52 and that type of thing if the Commission directs you to do that and historically that's what the
53 Commission has done. And in terms of getting it to Robin I believe that you have a meeting scheduled
54 with... ok, so a couple of weeks... no?
55

1 Jonathan Lait, Assistant Director: So our packet goes to I would say prior to the 18th of November is
2 when I think we have the meeting with the Mayor and so we need it by then.

3
4 Vice-Chair Fine: Ok, but we each can't work on it as Council, as a Commission after tonight because we
5 have no more opportunities so before our November 18th meeting?

6
7 Mr. Lait: Yes. So this is the last time that Council, this body is meeting and before the 18th. I think you
8 have a meeting on the 18th so if it... actually conceivably you can have a conversation on the 18th about it
9 if you needed to because the packet day is the 19th, the very next day.

10
11 Vice-Chair Fine: Ok.

12
13 Mr. Lait: So it just, it just puts us in a little bit of a pinch, but you also have your meeting with the Mayor
14 that's setting the agenda for the 30th so we're going to be in a pinch anyways.

15
16 Chair Tanaka: Ok, so can I ask the Vice-Chair just to maybe you could be the master editor for tonight at
17 least for this document as you go through it? Well we're just taking note. Ok, so let's start with the
18 background. Do any Commissioners have comments on this? Commissioner Gardias.

19
20 Commissioner Gardias: Thank you, Mr. Chairman. Yes, so just wanted to propose something in terms of
21 this letter, right, which I assume you're going to edit by yourself maybe with Vice-Chair, right? So it's
22 going to look like a one trail of thought, but I thought that what we should do we should just focus on
23 the most important items that need to be in this letter because it's going to set the tone or preparation,
24 foundation for your meeting with the Mayor and also as well this letter will be important because it will
25 set the tone for our meeting with the Council. So for this reason I think that I can give up the edits of
26 some minor items in exchange for a discussion about the emphasis, true emphasis of this document.
27 Thank you.

28
29 Chair Tanaka: Ok, that sounds good. Does anyone have... ok, first of all I think the changes that
30 Commissioner Michael recommended on the edits that he sent out actually I like all of them. I don't
31 know if other people had objections, but I think we should start with that, start with his edits as... ok. Do
32 you have [unintelligible]? Actually I don't know did, Robin's not here, but I don't know did everyone get
33 the edits from Commissioner Michael? No? Oh.

34
35 Ms. Silver: There's a hard copy of the clean version of the complete document at places I believe.

36
37 Chair Tanaka: But it's not the one that Commissioner Michael edited. She just sent it to us. I didn't
38 know that. So you have it and I have it, but no one else does.

39
40 Mr. Lait: So it's just about three minutes probably and then three to five minutes and we'll have it
41 available for you on the screen.

42
43 Chair Tanaka: Ok. Ok, so maybe any other general comments about this document? Ok, so let's we
44 could wait for three minutes or we could try to make some headway here. I think we should try to make
45 some headway. Ok, so background, any other thoughts about the background part of the document?

46
47 Commissioner Gardias: I mean it's not about the background, right? It's maybe the first question that
48 you Chairman, Mr. Chairman ask, right? It's about just the most important items in this document and I
49 think that it's just as we all know, right, there was not very positive press coverage and number of the
50 comments about our Commission. And I think that this will be besides of other maybe important topics
51 this is the most important topic that needs to be addressed here, but also I think that we should consider
52 certain things that we heard from that we read from the press, that we heard from the public, but also I
53 think that it's like with any other things that may not go well we should just recognize opportunity that
54 goes with it. And then I think if there should be two things stated in this document, acknowledgement of
55 certain facts that happened and then maybe proposal of how to, how to go forward and building on top

1 of this because maybe we learned a lesson and maybe we can just propose something from this, out of
2 this lesson. Thank you.

3
4 Chair Tanaka: Vice-Chair.

5
6 Vice-Chair Fine: So I'm inclined to agree. I'm hoping, let's actually, but if we could be more specific so
7 like acknowledgement of certain issues maybe you're referring to things like Planned Community (PC)
8 zoning where our recommendations met disagreement with the Council, I'm just wondering if we could
9 be a little more specific so we can actually add those to some of these sections right, right now.

10
11 Commissioner Gardias: Yes, I mean the final wording I'm going to leave to Mr. Chairman. But I think
12 that what we could do we could just offer some suggestions. I think that there were important topics
13 that I read in the press and which were pretty much that was lack of the alignment and then there was
14 lack of the alignment with the official direction of the Council and that's something that we need to
15 address. And I know that we were on a couple of occasions asked to consider specific items and we
16 deviated from that direction which by the way from my perspective it's not very, very productive way of
17 just of the relationship because Council is our boss, in a certain way, right? But you know it's not only
18 practicality, but I think this is an important thing because we are, we are advisory arm of the Council.
19 Thank you very much.

20
21 But then there is another thing that also is related to this, it's the matter of listening that pretty much
22 when we are here we not only listen to the Council, but Vice-Chair is a part of the Citizens Advisory
23 Committee (CAC), I sit on another committee, Chairman goes to some other meetings, so I think that we
24 all listen to the Council, we listen to the community at various meetings, and also we listen to the public
25 that comes here. And I think that this is also in addition to alignment with the Council this listening
26 element is important because that we can just convert this listening into a concrete advice to the Council,
27 right? It may not be statistically the best proof, but you have active citizens here in front of you bringing
28 you with their real comments and I think it's important for us just to convert them into some
29 recommendation. So I think this is an opportunity. So this is one of those topics that I would think that
30 we should just include in this letter. Thank you.

31
32 Chair Tanaka: Ok, that's a good point. So are there any other additions or subtractions that we want to
33 make to this report? Commissioner Michael.

34
35 Commissioner Michael: In the past it made sense to begin the report with a section that was the caption
36 background. Just to suggest to the Chair and Vice-Chair if you choose there's an alternative that might
37 give you the opportunity to set the tone of the document and instead start it out with an executive
38 summary. So you'd have to write this, but you might craft a short executive summary if you think that
39 would be preferable that would kind of set the tone for the conversation with Council to be constructive
40 and forward looking.

41
42 Chair Tanaka: Commissioner Rosenblum.

43
44 Commissioner Rosenblum: I agree with that. I think that the background section is useful. I think that
45 an executive summary is required. In response to Commissioner Gardias I'm not sure that this memo is
46 the right place to express rejoinder or learnings from our relationship with Council. We could try. I'm
47 not sure we'd all agree with each other and I think that the format of the current memo is made around
48 facts of what do we do? What did we review? What major planning related issues arose during the
49 year? What things were accomplished? And so the nature of that memo is a more of a historical record
50 versus a piece around the more philosophical issue of what is our role as an independent advisor, to what
51 extent are we beholden to support and refine Council's views versus offer an independent opinion, et
52 cetera. And I think people here may have different views and I'm not sure it will be productive to go
53 down the road although I'm welcome, I'm willing to entertain it, but I'm not sure that's the purpose of
54 this memo and I also don't think it's a fruitful my guess is that we could spend a lot of time, but it won't
55 put us in a different place.

1 Chair Tanaka: Ok, are there any other suggestions in terms of additions or deletions, changes?
2 Otherwise we could dive into I think we actually I think because Commissioner Michael took some time to
3 edit this I think in general those are pretty good edits so I think we should start with his document if you
4 guys all have it. Ok.
5

6 So a lot of these are just kind of like refinement of language in my opinion. It's just making it a smoother
7 document, but is there anything in the background section that you guys feel is missing? Something that
8 we should delete? Something that we should change? So, Vice-Chair.
9

10 Vice-Chair Fine: So just to Commissioner Rosenblum's point if we do add this as an executive summary I
11 think some of this would be taken out into that executive summary and maybe the background section
12 might just be split up among a couple of others. But I'm pretty happy with this. Thank you
13 Commissioner Michael.
14

15 Chair Tanaka: Yeah, actually I like the idea of the executive summary. I don't know if other
16 Commissioners object or have any other thoughts about it, but it seems like in general folks are in favor
17 of it. So I think that's definitely a good direction. So we'll do that.
18

19 Ok, so let's move on to Planning and Transportation Commission (PTC) processes. Are there any,
20 actually I should address one other question which is the topic that Commissioner Gardias brought up.
21 So I think Commissioner Rosenblum had a thought, a different idea about some of the press coverage.
22 I'd like to hear from other Commissioners in terms of thoughts about what should we do there.
23 Commissioner Rosenblum. Commissioner Alcheck.
24

25 Commissioner Alcheck: I attempted to address it actually in my section and essentially I mean let's see
26 here, I acknowledge that there's been some discussion of late regarding alignment issues among the two
27 bodies, but I added the Commission believes that its work represents a healthy discussion of alternatives
28 and perspectives and inform the Council in a meaningful way. And I think that I don't I agree with
29 Commissioner Rosenblum. I'm not entirely sure that the presses reaction which to be honest I'm not
30 familiar with enough to know to what extent they reacted to it or that the comments that may have been
31 made on the last Council meeting, I don't know if that really is representative of necessarily the entire
32 Council's view of this body and I don't know enough about the press or I'm assuming public comments
33 made on the forums. I just, I don't think it's relevant to this letter. I think I agree with I guess to some
34 extent with Commissioner Rosenblum that this letter is our opportunity, this letter is our opportunity to
35 summarize this past year and I think also an opportunity for us to suggest things that we would like to
36 see as part of the future of our Commission. And I think while there may be varying opinions of what the
37 last year was this is not supposed to represent anybody other than I guess this Commission and how do
38 we feel about this year. And I feel very good about it.
39

40 It wasn't the right section, right? The next steps is not really the right section to suggest that our
41 leadership did an excellent job, but that's I started my section, I started our section that way and it's
42 honestly I feel I think we did I think the two of you guys did a superb job, best in my experience on the
43 Commission, and I think at least from some of our discussions that we've had offline and also at places
44 there's these hopes, these visions for a different way to interact with the public. I think this is sort of a
45 good opportunity to discuss that. We're going to hopefully discuss some elements of this letter with City
46 Council. I think continuing the discussion of how can we be more effective and how can we incorporate
47 greater you guys have a vision, you guys have... you and Commissioner Fine have had ideas and I think
48 this is a great place for those to take stage. So that's sort of my, that's that was my response and my
49 other idea of what could be more incorporated here.
50

51 Chair Tanaka: Ok, Vice-Chair.
52

53 Vice-Chair Fine: I tend to agree with some of the Commissioners here that I think this document is more
54 about the mechanics and accomplishments of what we done, of what we've done in the past year, but to
55 answer your question Chair Tanaka I think there are some issues of alignment. I don't think we can
56 really ignore the press or some of the community discussion around our body and alignment with Council.

1 I think when we have our meeting with Council on the 30th next month we should just have a couple key
2 points we want to focus on with regard to that, what Commissioner Rosenblum mentioned as our
3 philosophical role and what our role is as an advisory body. So we should have specific two or three
4 ideas or questions that we want to address rather than just saying oh, there's misalignment and we're
5 not sure what you're thinking. We should just be specific about that.

6
7 Chair Tanaka: Ok, great feedback. Actually I just realized that I forgot to ask any members of the public
8 if they wanted to speak on this item. If you do, hand in the card. Seeing no cards I assume that we
9 could close the public hearing on this item.

10
11 Ok, great. Let's move on then. I think as a Commission we are not a consensus, but a majority think
12 that we should probably not address the press coverage issue, but this is probably something we should
13 address at the next Commission/Council meeting. So that seemed like a reasonable, reasonable thing to
14 do.

15
16 Ok, so back to Section 2. Are there any thoughts about the PTC processes that we want to discuss? Any
17 additions/changes? Commissioner Rosenblum.

18
19 Commissioner Rosenblum: Yes, I'm not sure how to put this in. One thing that we tried to do that is new
20 there are several things that the two of you have implemented that are new processes. I call them
21 experiments. So for example we had a large grid of priorities. To some extent those have been
22 addressed, to some extent they haven't been addressed, but to the extent that we are trying to create
23 priorities that has begun. The second is you've been a proponent of a different methodology for driving
24 to consensus on items in a way that I had not previously seen. So what we have been doing is
25 essentially taking very small straw polls every step of the way to see which items are controversial then
26 expanding on those items. That is a new process to me.

27
28 So the way I would express it is the PTC has experimented with several new processes this year including
29 the creation of a PTC wide prioritization matrix and in terms of the methodology of frequent straw polling
30 on individual line items that's also a new technique that's being trialed. So I would in addition to listing
31 the frequency with which we have meetings and who runs the meetings, etcetera, there are a couple of
32 things the PTC is trying. I would note that we had sort of abortive attempt to start to use Google Docs
33 and that we would still like to experiment with other forms of collaborative tools.

34
35 Chair Tanaka: Those are good points. I've... now that you mention it those are actually really good
36 additions that we should have in there. So thank you. Any other thoughts? Commissioner Gardias.

37
38 Commissioner Gardias: Yes, I sort of disagree with this assessment, right? I mean it's good to try, but
39 when you look backward, right, we may ask ourselves the question, right, what we created with it, right?
40 And then I can just point the finger at myself, I was trying just to write a colleague memo with Mike and
41 it didn't work pretty much because we were busy. But then it's not but when I was looking at other
42 items that were on this grid, it's just pretty much I don't believe that we really accomplished anything
43 with it. So it's a good first step, but I don't believe that this is really mature and I don't believe that it
44 really converted into any useful action. Maybe because there were so many topics, maybe it would be
45 good just to condense it. Maybe just to provide some focus on a couple of them. We don't have to
46 address all of them, but let's just tackle couple of them. Let's just maybe create two colleagues memo or
47 some other documents that we can just do which will allow us just to put some things into motion.
48 Otherwise we were stuck with the grid which was of course interesting document, but it didn't get us
49 anywhere. So I'd rather see less, but something that would just take us to some other actions. So I
50 agree it's a useful idea, but let's just maybe just tweak it somehow so we can, it can bring us some fruit.
51 Thank you.

52
53 Chair Tanaka: Ok, thanks. Vice-Chair.

54
55 Vice-Chair Fine: Thanks for those comments. Just so you guys know I'm taking notes about what each
56 of you comment on the different sections. I will send that around to everybody via Robin and then we'll

1 try to write something that kind of comes to consensus on that. I do appreciate Commissioner
2 Rosenblum's comments on what we've tried even if it hasn't worked and I would like to suggest that we
3 include that grid of priorities to Council. I think that's actually instructive and helpful for them in terms of
4 what we all think is important for the City to consider in terms of planning and transportation. I'd also
5 like to highlight what Commissioner Gardias' said that we actually haven't done any colleagues memos
6 this year and that is a pretty tried tool in this City to highlight an issue. Maybe that's something where
7 our process is failing a bit and we could use it to push certain items forward.

8
9 Chair Tanaka: Ok, let's go on to Section 3, Productivity. I don't think there's too much controversy here
10 or thoughts, but if there are just hit your lights and we can talk about this section. Ok, so let's move on
11 to the next section, Section 4, Year in Review. So (interrupted)

12
13 Commissioner Rosenblum: Sorry, Chair Tanaka I had, I do have some comments on productivity, but I
14 have to find my notes (interrupted)

15
16 Chair Tanaka: Please go ahead.

17
18 Commissioner Rosenblum: So give me one moment. The comment I would have so first let me I do have
19 notes on this so give me a second... I think that we're not addressing the big items as substantially
20 different from smaller items. So let me just check, I had down a list of major, major highlights were the
21 Interim Ordinance for Establishment of Office/Research and Development (R&D), let's see is that... oh
22 yeah, so it's down Number 13. So basically one thing I would like to do is kind of separate out is I'm not
23 sure, yeah we've taken out the date by date. I think that that's not necessarily that instructive to say
24 what date things took place.

25
26 The couple of big things I think that you want to really highlight them. So for example, the Conditional
27 Use Permit (CUP) for the Verizon Wireless telecommunication facility I view as like a fundamentally
28 different thing then like an Office Cap. Office Cap's a huge thing that really impacts the planning and
29 development for all of Palo Alto. And so things I saw in that realm of bigness are the Office Cap, retail
30 ordinances, it's the Formula Retail Ordinance, Ground Floor Retail protection, the recommendation on PC,
31 Residential Preferential Parking (RPP), and Charleston corridor. So I viewed those as five fairly big deal
32 things. And so my preference would be to highlight the things that were actually quite big. I also saw
33 there were some major study sessions so including the Planning and Transportation Citizen's Survey, the
34 Page Mill Corridor Bicycle Boulevard Plan, Park Boulevard Bicycle Plan, Transportation Management
35 Association (TMA) Formation Plan, the Our Palo Alto Existing Conditions Report, and then finally this isn't
36 directly with us, but I thought it was interesting that we had the East Palo Alto/Menlo Park General Plan
37 Updates. So the only comment I would make here is more distinction between big things and other
38 things.

39
40 Chair Tanaka: Ok, great. Commissioner Michael.

41
42 Commissioner Michael: So picking up on Commissioner Rosenblum's suggestion a different way to
43 organize beyond just having a simple list because there's different ways in which the PTC operates. You
44 might go back and look to see which of these were study sessions, which were Quasi-Judicial items,
45 which were legislative items and I think then you will get a pretty natural breakdown in terms of the
46 productivity and also it goes to the substantive nature of Commissioner Rosenblum's emphasis will
47 probably pop out.

48
49 Chair Tanaka: Ok, great. Thank you. Ok, let's move on to Number 4, Year in Review. Any comments,
50 thoughts, recommendations on that section? Commissioner Rosenblum.

51
52 Commissioner Rosenblum: So just a comment because I drafted this section. And I think that the thing
53 we want to determine is whether or not the Year in Review is about specifically what the PC, what the
54 PTC did or is the Year in Review about Palo Alto planning? And so I took it to be the latter, but I think
55 Commissioner Michael's edits are in the former. And I think I could see arguments for either. So I'll lay
56 out what I had thought and then let the fellow Commissioners decide which way to go.

1 I thought the Year in Review would be around big things that happened in our City that affect planning.
2 So that included the Our Palo Alto Summit, the formation of the CAC, a major fight over the Buena Vista
3 housing mobile home park and those were things that we did not kick off, we did not drive, but they
4 impact how we plan. Then there were a number of things that were things that we directly had a role in.
5 So anyway so I want to give context for what I was thinking. So I was thinking about it more as the
6 what happened in our City and maybe if that is the interpretation then we would need to add a
7 paragraph saying many of these items were not on the PTC's plate. These were items that affected the
8 PTC's work as far as planning goes and as a lens through which we saw, but if this should be the items
9 that we actually worked on then I think Commissioner Michael's redline is accurate.

10
11 Oh, and the final thing, the reason I didn't, I interpreted it that way was the previous section are the list
12 of things we actually worked on. So I saw the two things as being different.

13
14 Chair Tanaka: Ok, good point. So I look to my fellow Commissioners. What do you guys think is a better
15 way, doing it the way that was originally laid out or some of the redlines? Commissioner Gardias.

16
17 Commissioner Gardias: I think pretty much the question is about the value of this letter. I mean I
18 understand that this is year in retrospection, but it just from the perspective of the reader is the question
19 like tell me something what's, tell me what I don't want. What I don't know. And taking credit for the
20 items that we were not assigned to, it's I'm not sure this would reflect the reality. So that's number one.
21 Number two, I would really focus on our accomplishments because that's the value that we provide here.
22 Thank you.

23
24 Chair Tanaka: Commissioner Alcheck.

25
26 Commissioner Alcheck: I think that distinction that could be clarified. If it looks like we were taking credit
27 for who's responsible for this section. I mean I think a slight edit there could make that, make your
28 objective more clear and I actually think Commissioner Rosenblum's objective was a wise one. I think
29 that this section could address globally, not globally, but in a global way all the issues that affect our City
30 this year that relate to planning and to what extent were we involved in them and to what extent were
31 we not I think that's relevant. At least there's sort of an accounting at... there may be some what do you
32 call it? There may be some comfort that we weren't involved in the mobile, the Buena Vista Mobile Park.
33 That we weren't involved in that directly was probably a blessing in disguise, but it's all relevant I think to
34 that broader issue of the Comp Plan and it's a problem that, it's not a problem. It's unfortunate that
35 we're not involved in the Comp Plan and it's unfortunate for us and for our work that we don't have like a
36 Comp Plan that is currently considered aligned with the City's interests. So it's very hard for us for
37 example to evaluate projects without a Comp Plan that seems to contain the goals of our current City
38 Council.

39
40 And so to some extent highlighting which issues were huge that we weren't involved in and which issues
41 were huge that we that occurred in the City and I mean this is probably a good place to talk about the in
42 greater depth the RPP program. And I like this idea. I like this idea of sort of highlighting everything
43 that's happening, highlighting all the big items that are occurring in the City and if there's an issue that it
44 looks like we've taken credit or we've suggested that we were involved, fine. We can edit that in a way
45 that it doesn't suggest that. I think the suggestion is hey, we're the PTC. Here are issues, some of them
46 we're involved in, some we weren't. In an ideal world the community would have had an opportunity to
47 be a part of any of these processes at one of our meetings and hopefully in the next year, the next
48 section could say hopefully in the next year we will be able to host those discussions, blah, blah, blah.

49
50 Chair Tanaka: Vice-Chair.

51
52 Vice-Chair Fine: I liked the section when I first read over it, but some of the comments to my left are
53 making me think that it is a little duplicative of the section before and one way we might resolve that is
54 by merging Productivity and the Year in Review. And then the parts that Commissioner Rosenblum is
55 trying to highlight in terms of the global or the City's landscape in planning and transportation maybe
56 that's in the stuff we actually put in the executive summary, right? We can say things like the City

1 initiated the CAC, there was Our Palo Alto, there was some major issues with Buena Vista, things like
2 that. That might be better up front. We're not taking credit for it, but we're kind of setting the context.
3 And then merge the other portions into area three, Productivity, broken down by kind of the substantive
4 breakdown as proposed by Commissioner Michael.

5
6 Chair Tanaka: Commissioner Rosenblum.

7
8 Commissioner Rosenblum: Yeah, I think that's right. So to respond to Commissioner Gardias, I agree.
9 The intent is not this memo is not a credit taking memo in general. It should be a fact sheet split into
10 different sections. This section I had interpreted as what changed in the Palo Alto planning related
11 landscape that is the backdrop to our jobs. So, I'm happy to combine sections. I do think that
12 separating it into I feel that is a necessary thing to say this things happened in our City that affect how
13 we view our job. So for example the fact that we are writing a Comprehensive Plan it's not the PTC
14 writing it, but citizens are now getting together to start drafting sections. That's significant. It's
15 significant that three huge data sets just came online that are now better for making decisions
16 particularly around the Downtown area. So the TMA Survey, the Business Registry Database, we should
17 remind ourselves that last year we were flying blind on how many workers there were or density of
18 utilization for offices. That's actually a big step forward. We didn't make those surveys and we were not
19 out collecting the information.

20
21 So a few of these things I think are significant if you want to have a good talk with Council about what's
22 going on in the City that affects planning related work. I'm indifferent where it goes, but I do think there
23 probably needs to be language. If several Commissioners read this as PTC taking credit I take that as a
24 good sample of like clearly it wasn't written clearly enough. We can add language to say these are items
25 that take place in the landscape some of which the PTC worked on, some of which impact the PTC's
26 work.

27
28 Chair Tanaka: Ok, great. I actually liked the comment that we actually do have some three new data
29 sets. That's actually a very good observation so I think that's a good mention.

30
31 Ok, so let's go to Section 5, Next Steps. Ok, so for this one I would actually like to start off by so I think
32 Commissioner Alcheck you worked on it, also Commissioner Gardias, right? Two of you guys together
33 worked on this? Actually I think this is actually one of the most important sections in my mind. And I'd
34 like you guys to just kind of summarize your thoughts and that way you could kick off a discussion with
35 the rest of the Commission. So maybe either Commissioner Gardias or Commissioner Alcheck one of you
36 guys could take the lead just kind of framing what your thoughts were in this section.

37
38 Commissioner Gardias: So if you could scroll to that section on the screen, right to the bullet points. Ok,
39 yeah. Right. So there's two, there are two distinct groups of the bullet points here and the way that we
40 wrote it down we looked at the last year memo and then there was number of the topics which we
41 thought that they were reoccurring and the known subjects and the first set pretty much represents
42 those. Then the second group represents something that we called emerging and worth review and
43 consideration. Those are the topics that were new or they were changing based on the discussions that
44 Council had or maybe some other initiatives that were coming to us from others and also based on our
45 discussions. So that's how this should be read. And then if you want to go through the groups of topic,
46 through each bullet I can do this if you if that's really of interest to you, but (interrupted)

47
48 Chair Tanaka: I think that's ok. I just wanted to help, have you kind of frame it up for the Commission.

49
50 Commissioner Gardias: Ok.

51
52 Chair Tanaka: And sure, go ahead.

53
54 Commissioner Alcheck: I think one of the other items that I was after our pre-Commission meeting a
55 couple of weeks ago that I sort of wanted to hint at was that there is this sense among the Commission
56 about incorporating technology as a way to include a greater number of residents. So it looks like there

1 was a comment about how would things be different and do we really think that more people would
2 participate. I do. I think a lot more people participate because everybody always tells, all of my peers
3 tell me they can't participate because it's too much of a sacrifice of their time between work and their
4 children.
5

6 And my sincere hope, look my term ends 2017. My sincere hope is that the Palo Alto local civic process
7 would in theory lead the nation in incorporation of digital, the digitization of involvement. I mean it's not,
8 doesn't seem like a profitable place to start creating methods, but hopefully some inspired group of
9 individuals will help come up with a solution that doesn't violate the Brown Act and/or comes up with a
10 solution that would encourage maybe an amendment of Brown Act in some fortune. We're really missing
11 out on a tremendous amount of input and for the first time since I joined the Commission I feel like the
12 majority of individuals on the Commission feel the same way. And so maybe now is the time to begin the
13 drumbeat for saying look, maybe it's a Request for Proposals (RFP). Maybe the City puts out on a City
14 Council level a RFP how, who would like to win this grant to develop a system that would encourage local
15 residents who simply cannot afford to attend three meetings a week that begin at 7:00 p.m. and end at
16 10:00, but feel that those meetings are touching and impacting their lives dramatically and want to
17 provide... how can you know what I mean? Like something I'm trying to make it, I'm trying to sell it to
18 you, but you get the idea. And so that was a part of this section for me.
19

20 Another part of this section I wanted to sort of highlight what elements of our process I hope continue. I
21 don't like the term straw polling because we've been straw polling for two years and I think we refined
22 the process this year and there's a comment here about is there any basis to believe the use of straw
23 polling as reported in our minutes is useful to Council? I don't think the straw polling is useful to Council.
24 I think the straw polling is useful to us. So in an effort to figure out where do we need to focus our
25 energy or which topics are more maybe that's not written as well as it could have been, but that for
26 example was something that I hope we continue. You had a tactic this year which was essentially you
27 didn't let someone off the hook. If they didn't say anything pro or con about an issue what is it that you
28 want to say? That and the straw polling I think effectively drove our discussion farther than it otherwise
29 would have and made our meetings shorter. And so part of the next steps section that we wrote
30 together I thought ok, which things do I hope we continue to include and maybe advance and come up
31 with better ways.
32

33 And then finally there was a part of the next steps where I think the two of us were like wow, I really
34 hope we address these issues. They are a little aspirational like yes, it's true for the moment the PTC is
35 not working on the Comp Plan, but I don't see how we could effectively navigate future issues without
36 some I mean it's nice to get an update from Planning staff about that there was a meeting, but it sort of
37 feels like we don't, we're not we don't know what their preferences are. And I know it's going to take
38 time to develop that draft, but it would be I think more connection with that process for us would help.
39 And so I think that was part of it that it was a little aspirational. We hope we can get involved in
40 transportation issues to a greater extent and at least from my perspective I know that I didn't want to
41 throw out policy ideas, right? But the notion of encouraging you know we've got a 50 foot height limit
42 and maybe in our the notion of encouraging affordable housing and taking that on and to me the idea of
43 waiting until this CAC process is done to understand how we look at affordable housing or look at
44 housing in general or housing supply or housing/job imbalance these are such important issues and I
45 think part of us, part of this was like how do we get involved in that? And I don't think we maybe said
46 that. We didn't come up with a way to do it, but I think we're suggesting we're interested in that and I
47 mean maybe speaking for just the two of us, but that was part of the idea.
48

49 Commissioner Gardias: Right. I mean some are the facts, right? Participation in different meetings that
50 would've the aspect that we go to the Council meetings to brief the Council that's a fact. But then the
51 way that we wrote it, it's like Mike said, it would, it should be more. It should be just the beginning,
52 right? But then pretty much we can do much more. It could be more active.
53

54 Chair Tanaka: Commissioner Rosenblum.
55

1 Commissioner Rosenblum: So for this section we're on the Next Step section, yes? Ok. I like what you
2 guys have done. The thing I would suggest and we this is the one time when our, the matrix we've had
3 for so long actually is missing. I think we should go back to what we originally said as a council, as a
4 group that we wanted to focus on and then list those things. So that would take care of your comment
5 Commissioner Alcheck about whether these might just be the things that the two of you care about.
6 Most of these are things that we had on our priority list. There's no surprises here, but it would be good
7 to go back and see what we all rated as the highest items and just use that as the guide. And in fact I
8 would have even like formatted that more nicely and just had that be an attachment. Say in fact here's
9 the full list of items that as a group we think are important for the planning of this City. We would hope
10 that Council because we only get to work on things Council prioritizes. So as they go into their
11 prioritization session that is one area that that matrix could be helpful. Say this is what the group of
12 Planning Commissioners thought were useful and important and use those to form the bullet points here
13 and like I said I would have even reformatted and used it as an attachment. Say here were the priorities
14 that we had voted upon at the beginning of the session.
15

16 Commissioner Gardias: If I may address this, I think we explicitly named the matrix in one of these
17 paragraphs. I don't remember which one, but we do. I'm sure that we do because I was writing this
18 down. So it's explicitly stated unless you changed it. I remember writing this, but nevertheless, so it's
19 there. But then in terms of just a I think it's not that mature (interrupted)
20

21 Commissioner Alcheck: Yeah we did (interrupted)
22

23 Commissioner Gardias: To... exactly, exactly. So it's not that mature, right, just to build on top of this
24 farther.
25

26 Commissioner Rosenblum: Yes, just to respond I'm not saying to use the words that we have a matrix to
27 say that you already have a poll of all of us to see we all voted on what we find important. And so the
28 extent that Commissioner Alcheck and you were concerned this is just the view of the two of you I'm
29 saying all of these things look totally logical to me, but you have a source of record for where we all said
30 which things were important to us so you could just use those things to form the bullets. I'll bet that it
31 would still come out to about this list, but just saying you could use that to confirm.
32

33 Commissioner Alcheck: Can I ask just a question I mean is that...
34

35 Chair Tanaka: Sure.
36

37 Commissioner Alcheck: So can I, maybe this would be a good opportunity for staff to kind of weigh in,
38 but are colleagues memos discouraged?
39

40 Mr. Lait: So a colleagues memo amongst the Commission itself you can you Commissioners can send a,
41 at this level you can have colleagues memos. You can send a colleagues memo to the Council, but you
42 can have a colleagues memo amongst yourself.
43

44 Commissioner Alcheck: Right. I... ok, so let me rephrase the question. My understanding of a colleagues
45 memo is a memo to the Commission that would proceed potentially a discussion that could take place on
46 the Commission level about the issues addressed in the memo. So for example if Commissioner Gardias
47 (interrupted)
48

49 Mr. Lait: Understood.
50

51 Commissioner Alcheck: And I wrote a memo about affordable housing, we presented it to the
52 Commission, and then we spent an evening talking about that and evaluating it.
53

54 Mr. Lait: Yeah.
55

56 Commissioner Alcheck: Are those discouraged?

1
2 Mr. Lait: I don't think they're discouraged. I think you would look at that in the context of your agenda
3 and the projects or things that you need to move forward. I would also say though that any result of
4 that conversation, say there was a set of action steps that you wanted to pursue that would go
5 presumably you would if you were in agreement that there was something that needed to take place you
6 would send that request via letter to the Council and say hey, here's a few items that we think are
7 important that we'd like staff to work on so that Council could then have that conversation and decide if
8 they want to direct staff resources in that regard. Is that?
9

10 Commissioner Alcheck: Ok. I'm only asking that because I wanted to get a little clarity on one of the
11 comments and (interrupted)
12

13 Ms. Silver: You know if I could just chime in on that issue as well historically there has been a process for
14 colleagues memos at the City Council level. And there's a specific protocol, City Council protocol for
15 colleagues memos. There is not a similar protocol for colleagues memos that are generated by boards
16 and commissions. And so boards and commissions are structured a little differently and so I don't think
17 that it's been the common practice for boards and commissions to have colleagues memos. They do
18 require some supplemental staff resources and so in dialogue with staff there have been a couple of
19 important colleagues memos that have come out of this body, but it certainly has not been an established
20 practice.
21

22 Commissioner Alcheck: I mean is every, would in your mind does every colleagues memo require staff
23 involvement? Like I guess what I'm trying to say is it seems like a really great tool if we're willing to
24 sacrifice some more personal time to work on in a team and evaluate something as simple as like one
25 issue, let's say traffic or affordable... I mean in all the time that we're not spending on working on the
26 Comprehensive Plan I mean it just seems like a good opportunity for us to potentially address the issues
27 that we have in that matrix. And I'm wondering if we have the flexibility to do without Planning staff's
28 direct involvement like or maybe not cutting you out of the process, but like and not to burden you that's
29 what I'm sort of suggesting. Is there a way for us to for example write a colleagues memo, send it to
30 you guys so that you obviously can help us prepare for that meeting? Maybe there's some issues that
31 you identify, but not overwhelm you in terms of (interrupted)
32

33 Mr. Lait: So if I, I'll say this, let's take the nomenclature off the table for second.
34

35 Commissioner Alcheck: Fine.
36

37 Mr. Lait: Let's not call it a colleagues memo or something like that. The Commission (interrupted)
38

39 Commissioner Alcheck: Research memo, call it a research memo.
40

41 Mr. Lait: The Commissioner could agendize a discussion about a topic. I mean that is something you
42 could do and I'd have to look to our procedures to see what the process is. Can any person do it? Does
43 there need to be a majority? But say there was a majority of you that wanted to have a conversation
44 about a topic. That topic can be agendized, you would have that conversation. If it requires significant
45 staff resources we would probably push back a little bit and say hey, we're kind of impinging on some
46 other work plan priorities, let's get Council's agreement to continue this effort and there are staff time
47 and resources of course in attending the meeting and supporting the meeting. And there's a staff report
48 that comes with that and it's just a transmittal memo or something like that I think we can handle that.
49 If it's something where you're asking us for some research (interrupted)
50

51 Commissioner Alcheck: It's not Our Palo Alto.
52

53 Mr. Lait: What's that?
54

55 Commissioner Alcheck: It wouldn't be Our Palo Alto.
56

1 Mr. Lait: Ok.

2
3 Commissioner Alcheck: Do you know what I mean? Like I think that your I think this idea may be
4 something that we want to look into and so I'd be curious to know what you guys thought about the
5 transmittal version of what you just described whereas staff doesn't have to get too involved in preparing
6 literature or whatnot and then we can host discussion. Is that a tool that we want to look forward to and
7 if so we'll include it in the Next Steps process or?
8

9 Chair Tanaka: Ok, well I think we can hear other Commissioner's thoughts on this. Vice-Chair.

10
11 Vice-Chair Fine: That was pretty informative to me. I didn't know we don't really have an official process
12 in colleagues memos and that we couldn't issue them to Council, but it seems like there is an opening
13 here as Commissioner Alcheck is proposing if a few Commissioners do want to have a colleagues memo
14 and we as a Commission reach an agreement say for example, we all decide that Caltrain needs to be
15 buried that's end of story, that is something we can submit in a letter to Council and this might be
16 something worth floating with Council at our meeting in terms of would this, would they have an appetite
17 for that? Would they be interested in hearing areas where we have consensus on planning and
18 transportation issues for them in terms of a letter.
19

20 Chair Tanaka: Commissioner Michael.

21
22 Commissioner Michael: Based on the experience of just the last few years to the extent that some sort of
23 a memo process is viewed as a good tool for the Commission to develop its views and expertise on areas
24 that are important to the City it might be worth establishing a protocol similar to the Council protocol, but
25 a protocol for the PTC use of whatever you want to call them, the memo, maybe a different terminology
26 than the Council terminology. The other thing that was part of our experience with then Chair Martinez
27 and Commissioner Alcheck working on a colleagues memo three years ago is you do have a Brown Act
28 compliance challenge which basically says that if you had a draft of a colleagues memo sort of circulated
29 among a quorum of the Commission you'd be in violation of the Brown Act. So you can't have, it has to
30 be kept confidential to the extent that no more than less than a quorum of the Commission see the draft.
31 And I would say that whoever is the Chair of the Commission whenever this activity is going on might be
32 a useful person to have involved in the group because then the Chair of the Commission at that time can
33 give feedback to the people who are working on this important topic so that their topic could be
34 developed to the best possible way. But if you have three Commissioners working on a colleagues memo
35 then they can't tell the Chair and that becomes a logistical problem that the Chair can't give feedback to
36 support the result and I would say in part of the protocol you want to address the Brown Act issue.
37

38 Chair Tanaka: Commissioner Gardias.

39
40 Commissioner Gardias: Yeah, I totally agree. And I think that if we create some simple process how to
41 proceed with this you can utilize the energy, but it has to be not only addressed from the process
42 perspective it has to be also well timed with the other issues. Because the question, ultimate question is
43 why would we do this? There needs to be some, some objective and I think that there is a simple
44 objective that with creating this memo we create another option for consideration or early option for
45 consideration we pretty much add value and I think this should be the ultimate prize. So for this reason
46 it has to be tied maybe to the matrix that was suggested at early times of Commissioner Rosenblum, but
47 also it has to be timed to, tied to some topics that are on the agenda of the City upcoming topics so we
48 don't miss any occasion. If there is something that's important for us we think this is within our purview
49 we may create this option, but it needs to be prepared early so it has its meaning and value. Thank you.
50

51 Chair Tanaka: Ok guys. Thank you for your comments on this section. Let's move on to Section 6,
52 Reporting to Council. Although this is a short one it's also important because it's supposedly the last
53 thing everyone will read here. I'd actually like the Vice-Chair to help frame this up for us and kind of
54 elicit any feedback we have on this section.
55

1 Vice-Chair Fine: Sure. Looking at this now some of these issues maybe could be pulled up earlier in
2 terms of what we accomplished such as our meeting with the Mayor and Vice-Mayor. Now that you're
3 making me do this in public and I think this is terrible... so I think the last paragraph probably gets into it
4 and it's kind of hinting in an oblique way at some of the issues that we and Council believe surround
5 alignment in terms of serving at the pleasure of Council, but we play an important role by digging into
6 complex issues, providing analysis of planning and transportation topics, and as the discussion has kind
7 of gone on tonight I'm thinking one other section we could add here is that we could be a little more
8 proactive in a formal and routine way to help Council and the City move forward on certain planning and
9 transportation issues. That's about the best framing I can do for the moment.

10
11 Chair Tanaka: Ok guys, given that this is the last part of this report what takeaways do you want the
12 Council to have? You know you kind of see what's been drafted so far, but what's your guys'
13 recommendation on this? Commissioner Alcheck.

14
15 Commissioner Alcheck: I think that with all due respect I don't know if a seven person memo is the best
16 process. I know we're under a little bit of a time constraint here now, but we've got notes and I think it
17 would be the most efficient and probably most productive would be if a single individual summarized
18 them and wrote this memo. And I would sort of suggest that that would be you at this point. And I said
19 this last time we spoke too, which is that I think it's ok that your voice come through. I don't necessarily
20 think that you have to be overly concerned about potentially not representing the view of the entire
21 Commission and I say that because you have already received the pieces from all of us so you know to
22 some extent what things we would suggest, but I also think that you're in a unique position as Chair.
23 You're also in a unique position as being essentially our longest running member to have a perspective
24 here. And this is an opportunity. You have been involved in planning and transportation issues for
25 longer than several members of the City Council. They have a more powerful position on these issues,
26 but you have a perspective that I think is extremely valuable to them.

27
28 And so to the extent that maybe there's areas here that you want to expand upon or not expand upon I
29 think you got a lot of good comments particularly from Commissioner Rosenblum tonight about things
30 that could be added that sort of highlight what's going on in the City, but it's sort of your chance to say
31 look and I say this no joke, your Commission accomplished X. And your Commission has this to say. And
32 your Commission feels like these are the issues that are important and I think you can speak from this
33 was the Tanaka Commission, right? 2015 was your year and I feel really, really good about that year.
34 And I think the best sort of way to make this come together is for you to kind of put your stamp on it and
35 say because your name's at the bottom of it. And I think that I think you can probably go back every
36 year and look at the different letters from different Chairs and maybe it would be it's probably an
37 interesting exercise because the issues probably rarely change, but there's a personality I think among
38 each Chair and a different sort of perspective and I think that this Council, this City could benefit from
39 hearing that. So that's how I would say it.

40
41 Chair Tanaka: Ok, thank you. Commissioner Rosenblum.

42
43 Commissioner Rosenblum: Yeah, so just to sum up this I do think that the style of writing just a factual
44 memo is right. Now that we've gone through the whole thing we have the suggestion by Commissioner
45 Gardias about using this to address potential concerns now having gone through it I think the right thing
46 to do is more or less what has been written. What I would do though and I agree with Commissioner
47 Alcheck that if you have the time I do hope that you could just take a run through given the comments
48 and I don't think it will be that much work to finish this.

49
50 But to address Commissioner Gardias' concerns which are I think very legitimate the right forum is
51 probably for Chair Tanaka to represent us and have a conversation with the Mayor and Vice-Mayor about
52 concerns and where we can work together better as a prelude to our conversation or to our joint
53 Commission session with the Council. I think that would be most productive. And so this sticking to kind
54 of the facts, what happened in the City, what happened on the Commission, is the right thing, but that to
55 address concerns which are legitimate concerns and should be issues of alignment, productivity,
56 efficiency, effectiveness should be addressed. I think that's the most appropriate forum is for you to

1 represent us and to the extent that we have views we could represent them to I'm happy to have a
2 session where we as a group discuss to give you our feedback, but I also trust you to represent us.

3
4 Chair Tanaka: Ok guys, thank you. We're done with this memo. I think we've got a lot of great feedback
5 so thank you. We're going to call... oh, actually Vice-Chair do you have?

6
7 Vice-Chair Fine: Just one comment. I've been taking notes by everybody. I will send them to Robin for
8 the whole group, but I guess I would want to agree that we leave it to Chair Tanaka to kind of bring it all
9 together. I definitely also want to echo this has been, 2015 has been the Tanaka Commission.

10
11 Chair Tanaka: Thank you. Ok, so let's go on to we're closing Item 1. Let's go to Item 2 which is the
12 colleagues memo on Accessory Dwelling Units (ADUs).

13
14 **Commission Action:** Commissioners reviewed the draft Commissions Report to Council, provided
15 comments and changes/edits to report to be finalized at the Special meeting of November 18th.

16
17
18 **Informational**

19 2. **Colleagues Memo on ADUs:** Colleagues Memo regarding studying Policy to increase Accessory
20 Dwelling Units (ADUs)

21
22 Chair Tanaka: Let's see, let me ask if staff would want to help frame this up?

23
24 Jonathan Lait, Assistant Director: Yes, it's actually not a discussion topic. It's just a communication and
25 what we will do is actually schedule a discussion on the topic I believe in January is when we have time
26 on the agenda to discuss that. So all we're doing here is communicating the colleagues memo from the
27 City Council.

28
29 Chair Tanaka: Ok, so there's no discussion?

30
31 Mr. Lait: No discussion.

32
33 Chair Tanaka: Ok, that's a quick one. Let's go to Item 4 then.

34
35 **Commission Action:** No action taken, informational item only.

36
37
38 **Public Hearing**

39 3. **1050 Page Mill Road (14PLN-00074):** Request for Planning and Transportation Commission
40 (PTC) Review of a Final Environmental Impact Report (FEIR) Regarding a Request by 1050 Page Mill
41 Road Property LLC for Architectural Review to Allow Demolition of Two Existing Structures Totaling
42 265,895 sf and for Construction of Four Two-story Office Buildings Totaling 265,895 Square Feet of
43 Floor Area with Below and At-grade Parking and Other Site Improvements. A Separate Hearing on
44 Project Design was Held by the Architectural Review Board on July 30, 2015. Zoning District:
45 Research Park (RP). Environmental Assessment: The Initial Study and Draft Environmental Impact
46 Report (DEIR) was published on July 24, 2015 for a 45 day public comment period that ended on
47 September 8, 2015.

48
49 **Commission Action:** No action taken, this item has been moved to date certain of the Special
50 meeting on November 18th.

51
52 4. **Zoning Code Update:** Review and Recommendation of an Ordinance to Amend Land Use Related
53 portions of Titles 16 and 18 of the Palo Alto Municipal Code. The purposes of the code amendments
54 and additions are to: (1) improve the use and readability of the code, (2) clarify certain code
55 provisions, and (3) align regulations to reflect current practice and Council policy direction. The
56 affected chapters of Title 16 include but are not limited to Chapters 16.20 (Signs), 16.24 (Fences),

1 and 16.57 (Fees). The affected chapters of Title 18 include but are not limited to 18.01 (Adoption
2 etc.), 18.04 (Definitions), 18.08 (Designation etc.), 18.10 (Low Density Residential RE, R2, RMD
3 zones), 18.12 (Single Family Residential R-1 zones), 18.13 (Multiple Family Residential, RM15, RM30,
4 RM40 zones), 18.14 (Below Market Rate Housing Program), 18.15 (Density Bonus), 18.16
5 (Neighborhood, Community, and Service Commercial CN, CS, CC zones), 18.18 (Downtown
6 Commercial CD zones), 18.20 (Office, Research and Manufacturing, MOR, ROLM, RP and GM zones),
7 18.30C (Ground Floor, GF), 18.31 (CEQA – new chapter), 18.34 (Pedestrian Transit Oriented District,
8 PTOD), 18.40 (General Standards and Exceptions), 18.52 (Parking Required), 18.54 (Parking Design),
9 18.70 (Nonconforming uses and Noncomplying facilities), 18.76 (Permits), 18.77 (Process), and 18.78
10 (Appeals). Environmental Review: Amendments are considered exempt from further environmental
11 review per California Environmental Quality Act Section 15305 (Minor Alterations in Land Use
12 Limitations).

13
14 Chair Tanaka: Zoning Code Update. Does staff want to this is like I think part three, right? Hopefully
15 three of three; can staff help to kind of summarize where we're at right now and where we need to go?
16

17 Amy French, Chief Planning Official: Yes, I'd be happy to. Amy French, Chief Planning Official. So
18 tonight we have before you the draft ordinance which contains all of the Tier 1 matrix items that we've
19 been covering over the last two meetings on September 30th and October 14th. It also contains several
20 items that we had identified as Tier 1 items, but the Planning and Transportation Commission (PTC)
21 identified as more suitable for Tier 2. We retained that ordinance language for reasons we'll discuss
22 tonight. I have to say at places you do have a one sheet 11 by 17 format with red words on the left side.
23 This is the summary of the 10 items pulled by the PTC and recommended for Tier 2. What this lets you
24 know is that nine of the items are still shown in the ordinance, one of them was not put into the
25 ordinance and remains in the Tier 2 group. You also... and it also notes which page of the ordinance so
26 you can follow along and look for those. Yes, so when we get to the ordinance itself which we'll want to
27 go through there are notes in each of those items that PTC recommended as Tier 2 suitable we do have
28 notes in the draft ordinance about that, that this is a Planning Commission recommended Tier 2 item.
29

30 So as far as the Tier 2 matrix you do have that as well. I wanted to note that we have one item on the
31 Tier 2 matrix which is, three, two, two pages long actually, double sided one page. We have a yellow
32 highlighted item that is new and we think that that might be something suitable for the Tier 1 ordinance.
33 We did not include that in the ordinance, but I do have some wording in my PowerPoint if we can get to
34 that at some point.
35

36 The focus though of course tonight is to delve into the ordinance and we would like to use that as a
37 guide to get through it. And we want to get to items such as the new way that we're doing the
38 substantial remodel language. Formerly we had thought of it as a definition and now we think of it as
39 we've specifically placed it into the noncomplying facilities section and it's specific to single family
40 residential construction. So we wanted to flag that. So I wonder if Jon you wanted to add to that?
41

42 Jonathan Lait, Assistant Director: No, no, I think that's great. I guess after the public opening and closing
43 the public hearing we would like to probably just walk through the ordinance at that point.
44

45 Chair Tanaka: Yes, let's open the public hearing. Does Vice-Chair have any cards?
46

47 Vice-Chair Fine: We have one speaker, Mr. Herb Borock.
48

49 Herb Borock: Good evening, Chair Tanaka and Commissioners. My comments are related to packet
50 pages and section numbers. The first is packet Page 24. It's Section 18.15.030. I haven't kept up with
51 the state law so a lot of this other section as I recall is essentially just repeating State Density Bonus Law,
52 but if this is new Palo Alto language I have a couple of comments. First in the past Comprehensive Plans
53 replacing rental units demolished would be requiring replacing them with rental units in a certain
54 percentage, three out of four or two out of three topics. Secondly, the first item under H that is H1
55 essentially says that you're eligible for a density bonus if you're eligible for a density bonus. That is if you
56 create the percentages that make you eligible so it's sort of sounds like a tautology to me.

1
2 My second comment is at page, packet Page 31 which is 18.310, new chapter 18.31 on California
3 Environmental Quality Act (CEQA) authority. Approval of projects requires also approval of the
4 environmental assessment or whatever level it's at so that whoever has that approving authority already
5 is subsumed to have the approval authority under CEQA. And I believe it's been the practice also that
6 the Director or it may even be the language in 18.77 could be delegated; however, it's more than just
7 Environmental Impact Reports (EIR) that go to the Council. The Council is the decision maker on zoning
8 changes and Comprehensive Plan changes and I'm not sure of the necessity of language here. And in
9 terms of the appeal period it should track the same as 18.77 for the project itself.

10
11 Packet Page 32 relates to the removal of language from Pedestrian and Transit Oriented Development
12 (PTOD) district which was created before our current State Density Bonus language in the City code and
13 it said this is the policy decision that these concessions and density bonuses and PTOD satisfy the State
14 Density Bonus Law. If you take that out you have to move it into 18.15 to say that this covers that
15 otherwise someone will say you have to add the two together, that you get PTOD plus the State Density
16 Bonus Code. On packet Page 37, may I continue or not?

17
18 Chair Tanaka: How much more do you have?

19
20 Mr. Borock: Well I've got to find the page first. Well that's the Architectural Review Board (ARB) changes
21 which I haven't had time to review. I know the ARB looked at them. This first brought to them. And
22 finally on packet Page 40 dealing with appeals it... there's currently an appeal fee which was originally
23 just an appeal fee for planning and then there was added an appeal fee for the attorney's office, which is
24 more than planning fee. And then there was added having votes of the Council to bring it off the
25 Consent Calendar so that an appeal could be heard where originally you paid an appeal fee and you
26 automatically got an appeal. So it seems to me in here you should delete the appeal fee if the Council
27 doesn't take it off the Consent Calendar and just approves it. If you'll, the only reason you should have
28 paying an appeal fee is if you get an appeal hearing. Thank you.

29
30 Chair Tanaka: Ok, thank you. So let's bring it back to staff and close the public hearing. So maybe what
31 we should do is that staff walks through each section we should pause and just give the Commission a
32 chance to comment on them and clarify if there's any... this is our third review so we've been through
33 most of the items and so hopefully this will go quickly. But I think for each section we should pause, give
34 the chance, give the Commission a chance to kind of weigh in on it and then move on. Ok, so staff do
35 you want to start the first section?

36
37 Ms. French: Yes, so beginning with our first section we have the items for Chapter 16.20, which is the
38 signs chapter of the Palo Alto Municipal Code (PAMC). So here we are introducing the Director of
39 Planning and Community Environment as the authority for most sign decisions because we do have the
40 architectural review process and we do have code enforcement within our department. When this was
41 written there was a combined Planning and Building in one department. That has changed and so we're
42 trying to address that. We have some further thoughts on that that we can describe for Council when we
43 get to them.

44
45 One item here the start, the first item here is for wall signs. We don't have to get into detail because you
46 didn't pull this one and that's the assumption that we'll make for the ordinance in general as we go
47 through this. So we're on Page 2 now. Does anyone have any questions on Page 1 or 2?

48
49 Chair Tanaka: Actually Commissioner Alcheck had a question about process. Go ahead.

50
51 Commissioner Alcheck: Are you going through page by page of the ordinance?

52
53 Mr. Lait: So I guess we would look to the Commission to help guide us with this. Maybe another way to
54 approach it is if you have items we can speak to those items.

1 Commissioner Alcheck: Yeah, so this ordinance before us and presumably this is the ordinance that you
2 intend to bring to Council include the changes that relate to Tier 2 items as well?
3

4 Mr. Lait: It includes some of the items that the Commission moved to Tier 2, recommended be moved to
5 Tier 2 with the notation that it was the PTC's recommendation that it be moved to Tier 2. That is a
6 notation in the ordinance.
7

8 Commissioner Alcheck: So how many of the Tier 2 items do you think are in this?
9

10 Mr. Lait: I think there was (interrupted)
11

12 Ms. French: There are nine of the ones that you pulled off that are in the ordinance and that's why we
13 have the cheat sheet for you tonight, a one pager with the red on the left.
14

15 Mr. Lait: And so let me explain (interrupted)
16

17 Commissioner Alcheck: So is that (interrupted)
18

19 Mr. Lait: Let me explain why we've done that.
20

21 Commissioner Alcheck: Yes.
22

23 Mr. Lait: The reason we've included we have compiled a list of these amendments and this is the time
24 that we're actually seeing the code language how it's going to be reflected and we wanted to make sure
25 that the Council had the same opportunity to consider and reject items that we on the matrix as the PTC
26 does. So what we've done is we're making some notations. We want to give the Council the language
27 for them to also say yeah, we agree that this is a Tier 2 item and let's jettison it. But we want since
28 we're going through the exercise of coming up with the language we wanted to incorporate it with the
29 notation so that the Council could also make an informed decision just as the PTC has.
30

31 Commissioner Alcheck: Ok, so I think this is a little problematic only because here's how it looks. It looks
32 like there's a possible policy discussion related to Example A and there's a possible policy discussion
33 related to Example B. What's not and has not taken place is that policy discussion. And what won't in
34 my opinion probably be reflected to Council is the various controversial interpretations and ideas related
35 to some of those changes that essentially you've made. And frankly I don't know, I don't really
36 appreciate the process this way because what I think's going to happen is they're going to get it and this
37 is very convoluted and staff's recommendation will continue to be that these issues should be changed
38 now. And I just and I think that's fine. I know staff has their own opinion on this, but I don't sort of love
39 this process because essentially what the takeaway will be: well, you know your PTC which you know
40 how you feel about them, felt that some of these things involved policy discussions. But staff feels like
41 these really all need to get changed and here's how we would change it. And I would be really surprised
42 if they flagged even a small percentage of the issues that we suggested we could have spent over an
43 hour talking about. And unfortunately it's true they represent possible policy discussions, but we didn't
44 have those possible policy discussions. We just identified like wow, there's a lot involved there. And so
45 not only did we not have that policy discussion and demonstrate some of the controversial issues related
46 to maybe these changes, but to suggest that maybe in that evening the plethora of perspectives that we
47 may have come up with during a policy discussion it's I just don't, it doesn't, this isn't really a good
48 process from my perspective.
49

50 This is we brought it to the Planning Commission they thought 30 items here shouldn't be changed
51 without significant discussion. Here are our changes anyways, we're going to make a little note that
52 these are the ones they think should possibly represent discussion material. We're not going to
53 demonstrate what that discussion is, we're not even going to have a placeholder to suggest what
54 components of that were controversial and the truth is, how could we? We didn't actually spend too
55 much time on those so I can't give you the five bullet point reasons why X is not necessarily the change
56 we want to make. And so I don't even, I don't...

1 If at the end of this meeting I made a Motion that said I approve that we recommend that staff or that
2 Council approve this ordinance without any of the Tier 2 changes would the ordinance they see be the
3 one that includes no Tier 2 changes or would they still see those? And then it just, it's... look, I know
4 that Tier 2 represents like kind of a large assortment of issues, but all of those things represented things
5 that required extra discussion and this, that discussion didn't happen and I feel like maybe some of them
6 are minor from the perspective of staff, but I think staff should sort of make that case and we should
7 have that discussion before we go through this process. Otherwise it's just like what difference does it
8 make what I tell you? What difference does it make if I say I don't it's going to go to Council, staff will
9 make their recommendation, and we haven't had a chance to say why we think these issues are
10 controversial and tonight's not the forum to do it.

11
12 Mr. Lait: Chair can I interject? I think actually tonight is a forum for that conversation and I think another
13 reason why we felt it important to include the language for some of the Tier 2 items is because we felt
14 that when you saw the policy language written in context you might agree that yeah, that is a minor
15 change. You may not, your position may not change on that and you can articulate yeah this whatever...
16 The first Tier 2 recommendation that we come to I think would be very helpful for the Commission to say
17 no, I want to reiterate that this is a Tier 2 item and for these reasons here and we can reflect that in the
18 staff report.

19
20 And I'm still and we're open to what that ordinance looks like going on to Council, but what I think is
21 important because you're right staff does have an opinion that some of the items that were moved to
22 Tier 2 are Tier 1 items because we're dealing with these on a daily basis. And we have this putting
23 whatever the policy decision is aside we need to have clarity in how we're implementing the ordinance on
24 a daily basis on the counter where projects are being constructed. Like basements is an important one
25 for us because there's a need for clarity on that. We're adding two words to the existing language. So
26 we've included that. That was a Tier 2 recommendation from the Commission. We present it to you so
27 you can see that and you can either say yep, we reaffirm that this is a Tier 2 or no, I understand staff
28 now what where we're going with that and that changes is minor.

29
30 Chair Tanaka: I think Commissioner Alcheck brought up a good point and a good question. So I would
31 actually I think before we proceed actually I think as a Commission we should get a feel as to where
32 people stand on this. Otherwise you know we've been talking a lot of stuff for nothing. So I see a
33 couple of lights. I don't know if it's about this topic, but I think we should all speak up in terms of what
34 our thoughts are about this. Commissioner Rosenblum.

35
36 Commissioner Rosenblum: Yes, so some comments on the memo, staff memo in front of us. I'd
37 recommend making it much clearer what the process was and even reading the memo now I'm having
38 difficulty understanding the process. For example, you don't define Tier 1 or Tier 2 and how designations
39 were made between Tier 1 and Tier 2. So the standard that I was using between the two is if it was
40 truly a matter of simple clarification, typographical errors, omissions, etcetera, then we would correct. If
41 it was an actual matter of policy meaning if people could be potentially harmed, inconvenienced, the
42 value of their house would go down, etcetera, then we felt that required further discussion. So the whole
43 point of this exercise was not to make judgments about whether these were wise policies or not wise
44 policies, but whether or not they were policies versus clarifications. So I think that if you read through
45 the memo it's actually I don't think my wife who is a clever lawyer could determine based on this which
46 one is Tier 1 and which one's Tier 2 and what the definitions are and how they were decided and that
47 should be up front and center because most people will not have had any context going in. So that's
48 first.

49
50 And so both the definitions and then the way if people disagree with me on how those determinations
51 were made please feel free to speak up. I think it's important to say that the Commission reviewed items
52 that were put into two categories: those that were simple clarifications, corrections of typographical
53 errors, historical inaccuracies, etcetera versus items that were actually policy. And that I think should
54 help address Commissioner Alcheck's concerns. At least it addresses my read of your concerns which is
55 that I'm then quite happy for the entire matrix to go in front of Council. If they have disagreements and
56 they say this actually doesn't look like policy somehow the Commission thinks its policy I have no

1 objection to having a second read, but as long as they're cognizant of the filter that was applied which is:
2 is policy or is not policy. Or not, not I'm sorry, it's not policy issue. Is clarification or typo, etcetera
3 versus new policy being created regardless of how minor that policy is.
4

5 Cara Silver, Senior Assistant City Attorney: Well just to clarify in that point I mean there certainly are
6 several Tier 1 issues that were new policies. Items 42 through the end of the chart, the end of the
7 matrix, 62 were flagged as new policies. So perhaps when we rolled this out we should have been clear,
8 clearer that there were three different buckets that we were putting things into. One was certainly the
9 typographical errors and clean up changes, but we were also focusing in on the interpretation issues
10 which can be policy related and we were also focusing in on a third bucket of new policies.
11

12 Commissioner Rosenblum: So my read and again I don't, I do try to pay attention to these things. That,
13 that sounds different. So this whole thing had been presented as an omnibus measure to do a one-time
14 cleanup of obvious no brainer things and so the filter that I had tried to take to it are for things that
15 violated that. So I someone probably needs to have a discussion because we're creating new things? No
16 matter how much of a no brainer we might think they are we're not a policy making body. And also this
17 whole exercise I don't think was about new policies. It was a fix it exercise around things that are clearly
18 just broken that everyone would agree on. So I don't know, this seems late in this game for me to not
19 understand that. Is this something, is this an understanding that is shared by everyone?
20

21 Chair Tanaka: Well, actually I want to get people's the Commission's opinion on this. So there's staff's
22 position which is ok, we're going to present pretty much the ordinance as is whether you guys think it's
23 Tier 1 or Tier 2 not necessarily declares distinction between the two. I think Commissioner Alcheck said
24 wait a second, that's kind of a weird process thing. I think I heard from Commissioner Rosenblum that
25 yeah, actually it is not very clear and we should at least clarify it at the least so that it's clear to Council
26 and so they could see kind of what work we actually did, because there's a lot of work we didn't do. And
27 I see a couple of lights from other Commissioners. So I think what I'd like to do is for the Commissioners
28 that disagree with Commissioner Alcheck to actually hit their lights and say something about it.
29 Otherwise I'll assume that Commissioners here agree with Commissioner Alcheck. So I so far I hear it
30 seems like Commissioner Rosenblum in general agrees with Commissioner Alcheck and has a suggestion
31 of how to help fix it. I see a light here from Vice-Chair, so I'll let Vice-Chair go first and then
32 Commissioner Alcheck to follow up.
33

34 Vice-Chair Fine: I have some comments, but I'm mainly in agreement. So I'd rather go through this
35 process first what you're talking about, get any disagreements and then...
36

37 Mr. Lait: Chair, if it might help the conversation we can forward the PTC's ordinance on to the Council
38 without the notations about PTC Tier 2 if that makes, if that's what the Commission is interested. We
39 wanted to present the language so that we can have a conversation about what the changes were in
40 some part to see if you still agree that they're Tier 2's, but if the end product that you're interested in
41 and to be true to the process is you want the ordinance that goes to the Council to reflect what you
42 believe to be the Tier 1 changes we will transmit that ordinance, the PTC recommended ordinance with
43 just what the PTC believes to be the Tier 1 items without the other notations embedded in the ordinance.
44 But what I also would like to do is include for the Council just the same way that you had the same
45 opportunity to decide Tier 1/Tier 2 in the staff report is just say here's some Tier 2 items that if the
46 Council thinks are worthy of Tier 1 here's some language for you. If you think they're Tier 2 because
47 ultimately they're the policy makers on that, but they should have that opportunity to make that decision
48 too. So if the end product is, if that sounds more like an end product that you're interested in that we
49 can achieve because what's more important to us is to move the ball forward and I don't want, I don't
50 want there to be an issue or tension about what the product looked like. I just because I want it to
51 reflect what the, we can have it reflect what the PTC is desirous of having. So if that helps when we go
52 through this and you see Tier 2 we can pull that out. We'll just that's direction you can give us and we'll
53 pull that out as it goes on to the PTC, excuse me, the City Council.
54

55 Chair Tanaka: So I guess I kind of want to finish this thread that Commissioner Alcheck started and I
56 hear what staff is saying and I think staff has the right and will, right, whether we recommend or don't

1 want to recommend to Council their recommendation. I totally get that, but I think the point of tonight's
2 topic, at least what the agenda topic says is for us to make a recommendation. And I think if we make a
3 recommendation that recommendation should be clear, right? It shouldn't be muddled with what is Tier
4 1/Tier 2? If a lawyer couldn't figure out what that is how is the general public going to figure it out,
5 right? How is the Council going to figure it out? So that's the point I'm trying to assess from the
6 Commission. Maybe, maybe so far Vice-Chair, Commissioner Alcheck, Commissioner Rosenblum are off
7 base, but I'd like to hear from other Commissioners to see whether we have, whether Commissioner
8 Alcheck's point is a valid point or not. And so I don't see any other lights other than Commissioner
9 Alcheck's. I'll let Commissioner Alcheck speak.

10
11 Commissioner Alcheck: Let me just to clarify. This happened a couple of months ago we were reviewing
12 an ordinance; we had a very different ordinance. In that case I guess it didn't upset me that much
13 because I, my impression was you had direct guidance from Council what they wanted to see and so you
14 and I don't want to make it, don't interpret this the wrong way. I absolutely love staff. I have a
15 tremendous amount of respect for you guys, but you didn't really include our revision to the ordinance.
16 You gave them the ordinance they wanted to see and you wrote a paragraph about what we thought
17 should be different and I'm pretty sure they didn't spend too much time on it.

18
19 This is different. I don't think you have guidance from City Council on some of these issues. Frankly I
20 don't really see the Planning staff determining whether fences should be white or grey, whether
21 basements should be enormous or small, whether they should extend past certain... you brought up a
22 great example. That's the best example. Monday night City Council meeting you had someone from the
23 public stand up and shout out addresses of projects currently in play, the size of the project, the size of
24 the basement and in some way there was like this demonization of a home that was 3,500 square feet
25 (sf) large. And I thought to myself ok, dewatering might be a particularly controversial topic right now,
26 but I'm still unclear whether or not in that basement example whether we don't like a porch that wraps
27 around or we don't like a basement that might be a little larger than the building's wall footprint. And the
28 problem is, is that like Commissioner Rosenblum mentioned what we did was distinguish between what
29 was a typo or a clerical confusing situation and what was wow, what do we prefer? Which scenario do
30 we prefer? Contextual garage placement is a great example. What do we prefer? And because we
31 didn't actually go into the discussion because we didn't say ok, well let's talk about preferences because
32 we didn't host a discussion with the public what essentially is happening is a preference is being
33 embedded into the language. And I agree to some extent maybe that is maybe one could say ok, well
34 this is probably how they meant it to be, but what I'm trying to say is it's going to come off to the City
35 Council as in my opinion based on this, the current presentation that these are simple corrections. And I
36 just think that in this particular instance unlike the ordinance we reviewed a month and a half ago that
37 didn't necessarily represent our work I don't like it.

38
39 I don't like that we basically went through a process and identified red flags. We identified third rails and
40 I don't even know if we completely understood them as a group of seven like what were the ramifications
41 of these things. Some of them were very quite specific. And yeah, one option is to present the
42 ordinance without the changes and present the ordinance with the changes and whatever, but I guess
43 the point I'm trying to make is couldn't this also have been just like the most simple safe version of this?
44 Ok, here are the things that the Commission felt like didn't represent controversial changes and we really
45 like to get this done and in two months' time we're going to try to come back and flesh out some more of
46 these things and whatnot. I mean I think you guys probably don't want to spend any more time on this
47 than you already have, but what's the realistic timeframe for the next update of our residential zoning
48 code?

49
50 Ms. Silver: Well we do hope to make this an annual process. But just so we're all on the same page, we
51 may not be, let me just clarify. For most of the Tier 2 issues have been completely deferred, ok? So that
52 is the handout that you have at places the new matrix of Tier 2 changes 1 through 30. Those do not
53 appear in the ordinance at all. We will be bringing forward the Tier 2 matrix to the Council, but we will
54 not be bringing forward any ordinance changes on those Tier 2 changes.

1 The second matrix before you, which is called "10 Items PTC Removed from Tier 1 and Reclassified as
2 Tier 2" those are the 10 that we've been talking about. We have proposed some specific language for
3 those. We have clearly marked them in the ordinance as tier, made a notation that the PTC
4 recommended that these be deferred to Tier 2. If you don't like that format we're at a stage where we
5 can easily reformat that. We can take those out of the ordinance and put those in the staff report.
6

7 I will say that some of the items that appear on the second matrix that I referred to do include some
8 direction from the Council to update portions of the ordinance. We do believe that some of these matters
9 should be moved forward to the Council. We feel as a staff that we have direction from the Council to do
10 that. There are other items which you are correct there is some policy level discussion that would be
11 helpful to have; however, we still are in a position of having to interpret these ordinances on a day to day
12 basis and so perhaps another way to go about this is to have a sort of a definition that is true to the
13 current code and then agendize that for a later further policy discussion, but we have to have some
14 clarity on a day to day basis.
15

16 So that's really staff's perspective. We really don't want this to be a controversial issue. We appreciate
17 all of the work you have done on this and we don't want to get tripped up on these procedural issues.
18 So anyway that we can reformat this that would make you feel comfortable is fine with us.
19

20 Commissioner Alcheck: In my mind I thought this would just go on like the Consent Calendar. They
21 would be like thanks for working on this and cleaning it up. You clearly worked with staff and I didn't, it
22 didn't occur to me that they would now have a full discussion at the dais about basements and in my
23 mind or definitions of amenities. And in my mind maybe the community could provide some input on
24 that and this is not really the format because the community is going to get stuck talking about mundane
25 little corrections and so that's all I'm going to say. I'm not going to belabor the point. If the Commission
26 would like to proceed then I think we should, but I think I've made my point.
27

28 Chair Tanaka: Ok, so I would like there's a few more lights and also make a few statements, but let me
29 first go to Vice-Chair.
30

31 Vice-Chair Fine: I also appreciate how if this has been tough for us that it's been tougher for staff to put
32 this all together, but I do kind of concur with my colleagues here this is changed a little bit. At first we
33 had a list of all the different changes then they were kind of bucketed into these new three buckets like
34 typos and clean up, interpretation, new policies. I was under the same impression as Commissioner
35 Rosenblum that we were supposed to kind of flag the ones that might be third rails, not necessarily policy
36 issues, but things which might be controversial to the community or to Council. And I think that's a
37 service we've done here and that's these 10 items. I think overall this Commission probably agrees with
38 the 90 percent of the Tier 1 changes and I think the small suggestions we made on them it seems like
39 staff concurs with for the most part and I hope those are incorporated in the ordinance.
40

41 I think where we can be most helpful tonight there's maybe three things we can do. One, we can kind of
42 help staff and staff can help us understand what's going to be presented to Council. Is it going to be
43 that very first list with all the items that you guys want to update and then show what's your Tier 1,
44 what's Tier 2 in which we flagged. That's the first part. The second part is this last column here, remove
45 more policy discussion needed. Well why did we, why did we say that? If we could give staff some
46 guidance on well, we flagged definition amenities as a Tier 2 item because hey that could really affect
47 Floor Area Ratio (FAR) calculations for buildings across town. That's really important for Council to
48 understand. The third part so I know I've had some quick discussion with Assistant Director Lait about
49 the basement issue for example and I'd really appreciate if staff could push back on a few of these and
50 say hey, this is really Tier 1 for this reason. The more we can winnow this list down I think the more
51 attention will be paid to it by Council.
52

53 So just to recap I think it would be important for us to understand what's going to Council. Two, it would
54 be really helpful for us to fill in the blanks on this right column, more policy discussion needed. Why do
55 we think that? And then three, it would be helpful if we could discuss is this list of 10 really the 10 that
56 we think are in Tier 2.

1 Chair Tanaka: Commissioner Rosenblum.

2
3 Commissioner Rosenblum: Yeah, I just had a question for staff about tonight's, what you're hoping for
4 tonight which is was this one last check to say now we've made some changes to these are you still,
5 these were items that we felt could be pushed back over the line and go one by one and try to get them
6 back over the line. Is that, is?
7

8 Mr. Lait: You have not seen code language yet. Tonight we are presenting with the ordinance, the draft
9 ordinance actual code language. You may even have some Tier 1 items that now after you see the
10 language you might say well wait a minute, I'm not even sure that's Tier 1. This is a public hearing to
11 review a draft ordinance.
12

13 Commissioner Rosenblum: Ok.
14

15 Mr. Lait: And so there's still some movement that could take place. This was not an effort to convince
16 you that all the ones that you put as Tier 2 ought to be on Tier 1. That's not the intent.
17

18 Commissioner Rosenblum: I see. My recommendation to fellow Commissioners then would be to finish
19 this job as staff had envisioned with the one area that I do feel strongly if this memo that you sent to us
20 also goes to Council that the definitions of Tier 1 and Tier 2, the process by which things were put into
21 each bucket be made more clear.
22

23 Chair Tanaka: Ok, so thanks for my fellow Commissioners comments. Let me give you some thoughts,
24 my thoughts on this. So largely I agree with all my fellow Commissioners. Now the question is how to
25 resolve it because we're a recommending body, we don't set policy and neither does staff, and we
26 flagged some items that were more policy decisions than typo fixes and for us to be effective we need to
27 make sure that's clear. And I think Commissioner Alcheck had a very good point which is not only did we
28 flag them, but we didn't bother to have a discussion, right? And the way it's kind of represented in the
29 report it is as if we actually had a discussion, which we didn't, right? We didn't even come close to
30 having discussion. We just said look, potential this is beyond the scope of a typo change and so, so
31 there's a couple of routes we could take.
32

33 One route is we can try to tonight try to, try to kind of follow the current process which is basically I think
34 staff's recommendation which is we go through kind of like a second pass of this, trying to see well is this
35 really Tier 1, is this really Tier 2? Can staff convince us that things that we thought were Tier 2 are really
36 Tier 1? We could go through the exercise and then hope that what comes back to us, what goes to
37 Council is what we expect or we can say because now we do have the language and that's a very good
38 point. Or another approach is we can have still a healthy discussion, but actually ask staff to come back
39 and so we could actually see the, see what would be reflected to Council. So those are kind of like the
40 two things that I'm thinking about and I think we're thinking props aside this toward the end.
41 Commissioner Alcheck.
42

43 Commissioner Alcheck: Yeah, so look this is like could not be more, you could not better time this, right?
44 So we have a community member who's got a very, who's got a perspective on basements. Is tonight
45 the night that we want to spend time discussing the pros and cons of making this change to basements?
46 And my argument is no because the community doesn't know that we're having a discussion on policy
47 changes to basements. This individual clearly has been paying attention, but if they had listened to our
48 last couple of meetings they probably would have thought that those changes aren't really going to be
49 dealt with at this time. Those changes are going to be discussed at a later date.
50

51 I couldn't agree more with this handout, but I don't see the value of going through... Maybe if staff would
52 like to suggest which one of these nine items they think we got totally wrong then we could talk about it,
53 but assuming that they don't want to do that for each item then let's... They have one individual who
54 wants to talk about just basements. There's probably an individual in this community that wants to talk
55 about each one of these issues, not to mention the fact that maybe some of us have opinions about
56 basements and didn't really come prepared to think logically about the policy implications involved in

1 making these interpretations. And so my preference would be to adopt the recommendation that
2 Jonathan sort of suggested which is unless staff wants to make a case about one of these, which I'm
3 happy to hear obviously let's continue to treat them as Tier 2 and let's continue to recommend that
4 Council not make these changes and let's I don't even know that I need to review the ordinance in a lot
5 greater depth than I already have in anticipation of this meeting with respect to all the Tier 1 changes
6 because none of those presented controversy and I would love for those changes to have, to happen.
7

8 So I want to know what you guys think, but I don't really want to have a debate right now about
9 basements because I would like to have spent a little bit more time thinking about the change and how
10 many properties are going to be affected, how many properties currently in the pipeline are going to be
11 affected? Right now it sounds like one individual has six properties in the pipeline that may be affected.
12 So you get my point. I don't think it's a good use of time and I also don't think it's fair to us because
13 we're not prepared and the community is not prepared.
14

15 Chair Tanaka: Vice-Chair.

16
17 Vice-Chair Fine: So I'm somewhat inclined to agree, but I'm wondering if there's a middle ground we
18 could reach? I think for all the Tier 1 things this Commission is in agreement they are probably ready to
19 go before Council whether it's on Consent or one of their Action Items, whatever. And I was always
20 under the impression actually this would be like two separate ordinances going before Council. So now it
21 seems like it's merged and I think that's making it very, very murky. So I'm not going to make a Motion
22 or anything, but maybe we can think about something along those lines where the Tier 1 issues can
23 move forward that assuages some of staff's concerns and hopefully makes your day to day life better.
24 The Tier 2 ones I completely agree. I think there's a lot more diving into that's needed. We have to look
25 at these things pretty with a keen eye, but again I do want to encourage staff if there are any you
26 believe need to be pulled from this list and you have a good argument around that I'm happy to listen to
27 that and maybe we consider the Tier 2 ones at a later date.
28

29 Chair Tanaka: Ok, guys so we're at a crossroads here. We could do several different things. We can
30 give our recommendation which I think I'm not to me it's still not clear what staff will be submitting to
31 Council. That's one thing. Two, we can, we can try to have a healthy discussion about did we get it right
32 the last two meetings or not in terms of what's Tier 1/Tier 2? And then, and then make a
33 recommendation that this is what gets sent to Council or three, we can of course follow the
34 recommendation exactly, right? As staff laid out.
35

36 Now my feeling here is that I think that I for one would like to actually see what goes to Council because
37 I don't know at this point. Because I was with Vice-Chair and with most of the other Commissioners that
38 just spoke that I'm actually really surprised to see this. I thought that we would have kind of like a this is
39 the sanitized list, the ones that are typo changes, no major bugaboos in here, no major policy changes,
40 right? Because we weren't trying to set policy, we were trying to figure out what are procedural fixes
41 and what we got here is kind of very murky, right? And somewhat, some parts of it could be very, very
42 controversial and we've already been chastised in the press for like going beyond some scope. And to
43 me to go forward with what's presented is dangerous because we have not had a full vetting on these
44 items and so I'm myself I'm leaning towards like actually seeing what will go to Council because if we're
45 recommending this to go forward and our recommendation is kind of lost in the mix, not clear it's kind of
46 like, it's kind of dangerous. So although I have had, we've had three meetings on this. I hate to have a
47 fourth meeting. I that's kind of where I'm leaning, but I could be persuaded and if there's a maybe more
48 clever way of figuring how to fix this I'm all ears. Vice-Chair.
49

50 Vice-Chair Fine: So I don't, I just want to reiterate maybe we can pass something in terms of
51 recommending just the Tier 1 items in here. And I don't know if that means staff has to rewrite all this
52 or pull all the Tier 2 stuff out. And then if any of these can be, if we can be convinced these are Tier 1
53 I'm happy to throw those back in as something we pass to Council, but the Tier 2 stuff I think is for a
54 later date.
55

1 Chair Tanaka: So I agree with you, agree with you on that, but I thought that was a quick vision for our
2 last meeting. And so I because we I mean I think, I think that was kind of a consensus from last
3 meeting that that was what's going to happen, but it didn't. and so at this point I don't even know what
4 will go to Council, right? It's really unclear and so that's one of the reasons why I'm thinking that it's
5 probably better for us to see this what would really go and then make a recommendation versus make a
6 recommendation and not really know what's going to be said because... actually Commissioner
7 Rosenblum had a light on first.

8
9 Commissioner Rosenblum: Yeah, I had a proposal for staff. I don't know if this works for you or not, but
10 obviously the items that we put into Tier 1 has no controversy right now and so that should be passed
11 through hopefully Commission or the City Council will recognize that these have all been vetted and just
12 pass through. Tier 2 items many of them are not that big of a deal, but I just I do believe that there are
13 people in the community that care about it. They should have an opportunity to comment on them. And
14 so I would suggest that we have again an omnibus session PTC and we can jam though it, but I think
15 that all those things we have agreed deserve a public hearing and aren't the sort of items that we just
16 pass through in bulk.

17
18 And so my recommendation would be to split this into two parts. Part one just goes through and if
19 Council obviously they have the right to remove things from Consent, but I don't think they will. I think
20 those things are fairly they are of the... no? Ok. But anyway I think that it will go through with minimal
21 controversy from Council. These other items though I also agree they're small items. They really
22 shouldn't be, none of them really rise to the level of Council debate and so I think that many of them can
23 be put into a single PTC session, have public hearing, and just get them through. I think this process
24 where we're kind of like halfway between those two things is poor. And that's what I think gives us a lot
25 of the heartache is that the reason why we put these items off is to say they need some public input.
26 Like people care about these things even if they don't rise to the level of other zoning issues. And so but
27 because you're including them in the packet then Council will have to discuss and so it will bring that
28 process back to a policy discussion I think.

29
30 So anyway this is the first time we've run this process. First time you've run the process. My input is at
31 this stage I think it is possible to still kind of course correct and that would be my recommendation. I
32 think that that would be a satisfactory outcome for us and for Council.

33
34 Chair Tanaka: Vice-Chair.

35
36 Vice-Chair Fine: So just a quick question to clarify for myself. This ordinance as it is has all of the Tier 1
37 and Tier 2 changes including some small changes that we had suggested to the Tier 1 items?

38
39 Ms. French: No. Can I answer that? This ordinance in here has all of the Tier 1 changes and the Tier 1
40 changes we first identified as Tier 1 that the PTC identified as should go into Tier 2, those except for one
41 or actually more like two are in the ordinance as well flagged to show that the Planning Commission
42 thinks they're Tier 2.

43
44 Vice-Chair Fine: Ok.

45
46 Ms. French: What I want to say is that Tier, this Tier 2 matrix are other changes we haven't even gotten
47 to or discussed with you. We wanted to provide it to you to show what the initial list of Tier 2 items are
48 that don't include this list of what the PTC said should go onto the Tier 2 list.

49
50 Vice-Chair Fine: Ok, so in that case that's helpful it's not everything. It's just the Tier 1 items and the
51 Tier 1 items we flagged as Tier 2.

52
53 Ms. French: Correct.

54
55 Vice-Chair Fine: I think the better course of action here for us as a Commission is to ask that these be
56 removed for the time being so that we can give Council a good reason why we think they're Tier 2. I'm

1 not that comfortable passing them to Council as Tier 1, but PTC thinks they're Tier 2. We haven't really
2 given any reason to that and that's not very helpful.

3
4 Chair Tanaka: Ok, so the only issue I have is that it's really unclear what's going to be passed to Council.
5 I don't know. I don't even know what are I mean so is what gets passed to Council going to be the
6 packet plus a small paragraph saying PTC said this or? So that's what I'm, that's what I'm unclear about
7 so I which is why for me I'm hesitating to even move forward at this point because it's not clear that
8 that's what going to happen. And so anyways Commissioner Alcheck, why don't you go ahead?

9
10 Commissioner Alcheck: Look, we have a resident who wants to talk about basements. If I knew tonight
11 that I could potentially provide a greater amount of information to Council by preparing a dissertation on
12 contextual garage placement or on porch location or on basements or on defining amenities, the 10 items
13 or 9 items that were originally Tier 1 that we determined as a Commission that should not be considered
14 small unimportant changes I would have done that. And I would have asked individuals who are in the
15 community who I know would be affected by these changes to come and talk. With all the respect in the
16 world I think you're changing policy here. It may be what you believe was the original intent, but the
17 way it's currently written allows certain projects to precede in a way different than how they would be
18 able to proceed after these changes and that is going to affect people who are building homes. And
19 unless Council said to you we want you to correct this garage placement problem or this porch problem I
20 don't see why our Planning staff is making a decision on how a project that could have happened before
21 should not be able to happen anymore. It just doesn't make sense to me. Why would you put yourself
22 in that position to make any to fix any loopholes or to fix it or to change a certain way that something
23 could happen? It just doesn't make sense why you'd want because somebody in the community is going
24 to show up and say, homeowners are going to come back and say why would they have made that
25 change? And the problem is, is that we don't want to make that change yet without having a discussion
26 with more residents.

27
28 And so I think Tanaka or excuse me, Chair Tanaka is concerned because last time we went through this
29 process that is what happened. The ordinance went forward as written. And I don't want it to seem like
30 this is some sort of punitive or I want us to work together here. So the question is can we in fact make a
31 change to this ordinance now so that it is presented in a different way or should we wait until the next
32 meeting for an ordinance that removes the nine items that we considered not Tier 1, not relatively minor
33 changes, review that ordinance and pass a Motion relatively quickly. I'm pretty sure we could do that in
34 under 20 minutes, but...

35
36 Chair Tanaka: Ok. So I've heard a lot from most of the Commission except for two. So I want to call on
37 them. So Commissioner Gardias what's your opinion?

38
39 Commissioner Gardias: Well my preference would be to move forward with the items that are on the
40 agenda even if there is a, if there will be our concern that some of them, those items in this packet are
41 requiring community or higher level discussion we can remove them very quickly. My preference would
42 be just to go through them in the sequence, if we just stop on something that requires more discussion
43 let's remove it, move forward. Thank you.

44
45 Chair Tanaka: Commissioner Michael. Ok, no opinion. Ok. So anyone want to make a Motion?

46
47 Commissioner Alcheck: Well I want to know, I had a question to staff so I want to know the answer. Can
48 we, can at this meeting we remove that language so that the ordinance that goes in front of them is just
49 an ordinance that includes the items that we deemed to be Tier 1?

50
51 Mr. Lait: Yes, and I'd like to respond to other comments when the time is appropriate.

52
53 Chair Tanaka: It's appropriate now. Why don't you go ahead?

54
55 Mr. Lait: Again I apologize if there was confusion in the way that we played this out. Our intention as
56 I've stated was to, you haven't seen the language. I mean this is a public hearing. This is the time to

1 have the conversation about the very issues that are being presented. We didn't feel like we were going
2 too far afield from what could be expected in a public hearing considering an ordinance. We provide the
3 language so that you can see it in context to the rest of the zoning chapters and sections and that
4 perhaps if you saw those that there might be some different perspectives. Again we don't think that the
5 changes are hugely significant, but I will acknowledge that there are some new policies that are being
6 contemplated and I don't believe we've hidden the ball on that. I think our staff reports have been clear
7 that we are making changes to clarity and things of this nature, but we also did note that we are making
8 new policy changes and that was also reflected in the draft matrix.
9

10 As far as public outreach the reason there's an individual in the audience here is because we have done
11 outreach. We've met with architects; we've sent email blast to the local architects group. I personally
12 have had meetings with the Silicon Valley Association of Realtors and had conversations about these
13 different elements. So we have done outreach. We have gone out to talk to people and I think the fact
14 that with the exception of the one individual who does have concerns about basements there's a reason
15 why people aren't here because we haven't struck a chord of things as being too controversial.
16

17 With respect to I mean I believe the solution is relatively straightforward. We simply need to pull out the
18 Tier 2 items that you're not interested in. That's easy. You don't need to come back for that. We can
19 pull that out, that's a direction that you can give us. And I and so you asked for items that we thought
20 would be worth having a conversation about on Tier 2 there's at least four items on the Tier 2 list that I
21 think are noteworthy and if you want to have a conversation about that we can have a conversation
22 about that. If you don't we don't have to. That's fine. We can just move along the Tier 1 items. So
23 happy to proceed however you want.
24

25 Commissioner Alcheck: Can I follow up really quickly? I'm just going to use one example. I don't
26 understand how the contextual garage placement change could be interpreted by anybody as being
27 minor. It's huge. It's a dramatic difference in the way that we possibly have been interpreting the last
28 14 years, but it changes the way anybody can build their parking. It's huge. And I and unless you're
29 embedded in the process and appreciate what this means the fact that you can theoretically now move
30 your parking to the front of your I mean it's enormous. It's an enormous change in the way we develop
31 our homes. Now I don't, I have never throughout this process suggested that one is better than the
32 other, but before we go and change it let's figure out what is our preference? Why, why would we
33 continue to suggest the implementation of that placement as a restricting also carports which alleviates a
34 tremendous it's a tremendous change and I don't, I don't think, I think it's disingenuous to suggest that
35 the reason why no one's here tonight to talk about it is because we didn't strike a chord. Nobody comes
36 to these meetings. Period. So it's that's a failure on a different scale and it's unfortunate and it's not
37 something I'm particularly proud of, but it's not because this doesn't affect the way people build homes.
38 It does. I can tell you that this dramatically affects the way someone builds a home and I don't have
39 enough information about the other eight items to know how dramatic those are, which is sort of the
40 point last time.
41

42 I don't want you to think that I don't want this process to move forward, but I also don't like this
43 suggestion that they're not so significant because that is the kind of suggestion the City Council will hear
44 and they'll go ok, good. Because we also love Amy French and we also love our Assistant Director and
45 we also love our Planning staff and they also make recommendations and if they say it's not significant
46 then it probably isn't. I think if you're not really embedded in this process it's hard to appreciate how
47 significant some of these changes are and the individual that came tonight I don't even know how he
48 heard about it. I'd love to know how he heard about it. [Filipe] called him and so he showed up. So
49 obviously he didn't agree, but I'm telling you that I could probably bring you 25 people who don't really
50 appreciate this contextual garage placement issue and they would all suggest to you that maybe this is
51 not a good change because they'd like to use the tool as it is.
52

53 Mr. Lait: I think we have a small handful of examples of the carport issue and a large body of projects
54 that are in conformance with the way that we've interpreted, but we don't have to have the discussion.
55 It's not one of the items that we are, that I have on my list of the four that I would (interrupted)
56

1 Commissioner Alcheck: I'm only suggesting that it's that's part of it is that we don't know.

2
3 Mr. Lait: I think there's a solution to go forward. It's up to the Commission how you want to proceed.

4
5 Chair Tanaka: Vice-Chair.

6
7 Vice-Chair Fine: So to my fellow Commissioners I think we have two ways forward here. One, we can
8 ask staff to subtract these 10 issues and push everything else forward to Council. Or two, we can discuss
9 these 10 issues and see which; well actually there's three ways. Two, we can discuss these issues, see
10 which ones we want to put on per staff's recommendation for some reason or other and push those
11 forward. Sorry, I'm losing my train of thought. Or three, we can essentially say these ones and the
12 other Tier 2 we talk about at a later date. I'm somewhat inclined to agree with Commissioner Gardias
13 that I would like to put some of it forward, but I don't think actually we are in the right frame of mind at
14 the moment to talk about these 10 issues and which may or may not go on to the on to the omnibus
15 going forward. So personally I'm inclined to subtract these 10 for the time being and pass everything
16 else to Council. If you all want we can have a discussion tonight about these 10 issues and the 4 that
17 staff believe might be Tier 1, I'm just not sure we're in the correct state of mind to do that at the
18 moment.

19
20 Chair Tanaka: Commissioner Rosenblum.

21
22 MOTION

23
24 Commissioner Rosenblum: I'd prefer to hear from staff on the four items and their suggestion for path
25 forward. I would though like to keep this like I said I we've already spent several sessions on this one in
26 great detail through many of these items. I do think the process was a bit broken this time and again it's
27 the first time so I'm hoping that you take the feedback and that spirit of trying to make this a well-oiled
28 process because I do think this, these quick fix its if they are quick is good. And so at any rate I would
29 have suggested going forward to sort of split this process into the "no brainers" that go forward and then
30 have like a one-time things that need to get discussed get discussed. I hadn't realized that this was it is
31 a public hearing. I didn't realize you had been promoting it and trying to turn this into the discussion
32 period. That was not what I thought today's discussion was about, but anyway I would vote if as
33 Commissioners if we're try vote do we discuss the four things or not, I would like to hear the four things
34 that staff has prepared and just make a ruling on those.

35
36 Then I'll make a Motion that we that we hear from staff on the items that they prepared instead of
37 ending debate now on this item.

38
39 [Unintelligible – people talking off mikes. I don't know if the Motion was seconded or not]

40
41 Robin Ellner, Administrative Associate III: Excuse me, Commissioners; please make sure you hit your
42 mics. Thank you.

43
44 Vice-Chair Fine: So I think there are four items on the 10 item list that staff clearly believes are Tier 1
45 and is in disagreement with us pulling them. So I think for the time being the other six we'll punt for
46 later. I'm also willing to hear staff on these four as Commissioner Rosenblum has said, but...

47
48 Chair Tanaka: I just saw the manager [unintelligible] I don't know who is manager. No? Ok. Ok, so are
49 there strong objections from people who don't want to hear the four items? Otherwise we could hear it.
50 Ok, so staff why don't you go ahead and talk about the four items?

51
52 Mr. Lait: Ok, we're looking at the 10 items matrix. I'm going to start from the bottom, go toward the top.
53 The bottom item is the reduced appeal fee as it relates to those various items. This is a direction that
54 the City Council gave to the Policy and Services Committee to discuss and forward a recommendation on
55 to the City Council. This item reflects the Policy and Services recommendation and we're using this
56 vehicle of the ordinance to transmit that Policy and Services recommendation to the City Council so they

1 can talk about whether the appeal fee that was recommended by that committee is appropriate. That's
2 why we believe it should move forward as a Tier 1 discussion.

3
4 Chair Tanaka: Ok, so staff put forth Item 10 saying that it's Policy and Services initiative and thus it
5 should be our recommendation as well. So for Commissioners that disagree with that, hit your lights.
6 Commissioner Rosenblum.

7
8 Commissioner Rosenblum: Yeah, so again I think it's not the purpose of this whole exercise and I think
9 it's a separate thing. If you guys want to bring this back at a separate time then I would recommend
10 that. I want to just be consistent about this purpose. You have a bulk process to take items that are
11 quote/unquote yeah that I keep calling no brainers and maybe this process was designed as something
12 else, but as long as we're going through like 60 items at once then I think we should remain true to that
13 spirit. This you're saying the logic is that you were given instruction by a Council committee to make
14 such changes, now you're coming back to it through us and I'm just saying that's a fundamentally
15 different thing. It's just not part of that exercise.

16
17 Chair Tanaka: Commissioner Alcheck.

18
19 Commissioner Alcheck: I completely agree. Actually I don't even know why we have to review it. If
20 they, if the Policy and Services Committee wants to make a change to the way fees are collected or the
21 way they vote on items why can't that go from the Policy and Services Committee straight to the City
22 Council and not be a part of what we're calling the Annual Edits to the Code Update (interrupted)

23
24 Mr. Lait: Because it's in the zoning code and the PTC makes recommendations on zoning code changes.
25 That's why it's before (interrupted)

26
27 Commissioner Alcheck: But you get what I'm saying.

28
29 Mr. Lait: Well it has to come through the Commission to get a recommendation to Council (interrupted)

30
31 Chair Tanaka: Actually (interrupted)

32
33 Commissioner Alcheck: But not in the context of changing the title of Chief Planning Official to Chief, I
34 mean it's two (interrupted)

35
36 Chair Tanaka: Hold on, hold on. Commissioner Alcheck hold on a second.

37
38 Mr. Lait: Sure.

39
40 Chair Tanaka: Ok, Commissioner Alcheck hold on a second. Let me just ask a basic question of staff
41 which is why do you think they have this rule that a subcommittee of Council makes a direction and then
42 it goes, it has to go through Planning Commission, why, who, like what was the rationale for that, that
43 process?

44
45 Mr. Lait: Are you asking where is it set forth that the Commission makes recommendation (interrupted)

46
47 Chair Tanaka: No. I guess why. Why?

48
49 Mr. Lait: Why?

50
51 Chair Tanaka: Why is there that, why is that, why is there that process?

52 Mr. Lait: I'm not understanding the question.

53
54 Chair Tanaka: So you're saying that the Policy and Services Committee gave direction to have an intent,
55 right?

1 Mr. Lait: What I'm saying is that the City Council gave a direction to the Policy and Services Committee to
2 evaluate changes to the appeal fees which they did. They made a recommendation. It's a change to the
3 zoning code.

4
5 Chair Tanaka: Ok.

6
7 Mr. Lait: It has to go through this Commission.

8
9 Chair Tanaka: Ok, I'm asking why does it have to go through this Commission? That's (interrupted)

10
11 Mr. Lait: It's in the Zoning Code.

12
13 Ms. French: Title 18.

14
15 Chair Tanaka: Huh?

16
17 Mr. Lait: Local and state law requires (interrupted)

18
19 Chair Tanaka: Why does the state law require that? Why, why do they do that?

20
21 Ms. Silver: That's the fundamental purpose of the PTC is that you are charged with reviewing zoning code
22 ordinances and making recommendations to the City Council. And I think with larger cities this process is
23 set up that City Councils have so many things on their agendas that they can't dive deep into certain
24 zoning code issues and so this is a typically been a forum to discuss those issues and to have a public
25 hearing on zoning code changes.

26
27 Chair Tanaka: Ok, so (interrupted)

28
29 Ms. Silver: Every city does this.

30
31 Chair Tanaka: Ok, that makes sense and it's, that's rational, right? Because City Council is doing a million
32 things and we're going to be a more focused Commission on just this item so we should actually have a
33 so the expectation isn't necessarily rubber stamp, but to actually be a considered recommendation based
34 on data, right? Ok, ok. Great. Vice-Chair.

35
36 Vice-Chair Fine: So while I'm intended to agree with Commissioner Rosenblum it's a little odd this one is
37 on because it was directed by Policy and Services I appreciate your explanation there. it seems like
38 Council had some idea and it seems that you guys are trying to essentially merge a Title 18 change into
39 this I'm not going to call it the omnibus, the Planning Update. I'm not totally comfortable with that, but
40 in this case whatever. It's not the biggest deal. Does anyone on the Commission want to put forth why
41 this was pulled? I wasn't at the September 30th meeting.

42
43 MOTION

44
45 Commissioner Alcheck: Look, writing's on the wall. I think they want this and so I don't want to stop
46 them from getting something that they believe in, right? I really don't. And I don't want to make your
47 job any harder. They've asked you to do something, you brought it to us, it's so simple, it's so
48 straightforward, we're supposed to review all these changes, why didn't we? My point is, is that I don't
49 think anybody on this in this room thinks oh, we really need to have discussion about whether or not the
50 title of a position that doesn't even exist anymore should be changed. That's obvious and we have to go
51 through that exercise, right? And for example, where we changed the equipment that you could replace
52 equipment with quieter equipment even though it was technically in the setback, that change that we
53 discussed a couple of weeks ago, it's just that in theory we made a line in the sand when we got into this
54 process. And the line was we're trying to make the errors that are staff identified as oh, we keep
55 encountering these issues and they're really simple and we have to explain ourselves 150 times and it's
56 useless and it's time consuming and those are the things we want to review with you. And then

1 somehow there was a creep and like issues well, wouldn't it be convenient if we dealt with this other
2 thing? So I don't want to stand in the way of this issue. If Council wants this even though it
3 fundamentally conflicts with my notion of what we were supposed to be doing here, I'm not I don't want
4 to stop it.
5

6 So I'm comfortable changing this from Tier 2 to Tier 1 without having a discussion in depth with the
7 community about whether or not 25 signatures in support of appeal should have a reduced fee because
8 it's what City Council wants. Even though that conflicts with the notion that we sort of set out with in
9 terms of separating these easy changes, like no brainers from things that are actual fundamental
10 changes to policy, but again this is not I just I don't want to stand in the way of a process and seem like
11 we're a difficult body that can't get through simple tasks. I don't want that to be the impression. I also
12 don't like the idea that this item which, so Director is so obvious, so clear. They wanted it, you put it in.
13 It's not, whatever. It's so different than some of these other changes. And it to me is dangerous to any
14 suggestion that these are all similar with each other is dangerous because they're not. One will affect a
15 builder dramatically. This one probably won't. So I'm fine. We want to go one by one I'm willing to
16 accept this as a Tier 1 change and add it to the list even though it doesn't reflect what is considered a no
17 brainer change because it's Policy and Services directed and it'll probably be perceived as a roadblock if
18 we don't do it.
19

20 And I'm happy to move, I'm happy to move to that if that's what I need to do right now. So I will make
21 a Motion that this be included in what we previously reviewed as Tier 1 change for the reasons stated.
22

23 Chair Tanaka: I have a Motion on the floor, anyone want to second it?
24

25 SECOND
26

27 Vice-Chair Fine: Second.
28

29 Chair Tanaka: Second by Vice-Chair. Ok. So (interrupted)
30

31 Commissioner Alcheck: I don't need to speak to my Motion.
32

33 Chair Tanaka: Ok. Vice-Chair? Ok. So, ok so it's kind of a it's a Motion, it's kind of weird though
34 because it's a Motion are you making a Motion to approve the whole recommendation as staff
35 recommended or just saying we'll put this in?
36

37 Commissioner Alcheck: I'm saying that the amended language, they've included the (interrupted)
38

39 Ms. French: The change number is 31-35.
40

41 Commissioner Alcheck: I'm saying Council asked for this. It's my impression that Council asked for this to
42 be included in this omnibus change and because I don't believe that there's (interrupted)
43

44 Chair Tanaka: So here's an idea, right? Maybe because we have to actually not just approve one thing at
45 a time, we actually have to make a Motion to approve like this whole thing (interrupted)
46

47 Commissioner Alcheck: Well, I'm just saying this item be moved from list two to one.
48

49 Chair Tanaka: Ok, well.
50

51 Commissioner Alcheck: I got a second.
52

53 Chair Tanaka: You got a second, yes.
54

55 Commissioner Alcheck: So we should vote on it.
56

1 Chair Tanaka: But I think it's not clear as to what the Motion is in the entirety. That's the point I'm
2 (interrupted)
3
4 Commissioner Gardias: It's not clear to me why do we need to have Motion on this? I mean with the
5 whole respect (interrupted)
6
7 Commissioner Alcheck: Well you've got four items that you want to go over tonight.
8
9 Mr. Lait: You know I think you just need to look for consensus. If there's consensus, great, we move on
10 to the next one.
11
12 Commissioner Alcheck: Fine.
13
14 Mr. Lait: Or not even consensus, you just need majority.
15
16 Commissioner Alcheck: You have my support. You have my support, I think you need to hear from the
17 rest of the Commissioners, but you have my support to include that in Tier 1.
18
19 Chair Tanaka: Ok, so ok so (interrupted)
20
21 Mr. Lait: I'm sorry, I just I heard some I just want to clarify because I don't want it to be... so Council did
22 not direct that this be incorporated in the omnibus. We are using this opportunity to we're creating we
23 want to move things though, we want to get work done. This is a vehicle that's already going to the
24 Council so it's a rider to this other effort. So we're and the Council has not seen the language and the
25 Council may reject the Policy and Services Commission recommendation. That's a possibility. So the
26 language that's in this ordinance may get massaged when it goes to Council. That's a possibility. So I
27 just want it to be clear.
28
29 Commissioner Alcheck: Just to refresh the memory we did have a discussion about this last time and
30 there were certain people on the Commission that suggested why would we reduce this fee if more
31 people are involved? So I just I kind of you have to appreciate that I kind of feel like why did we have a
32 meeting and discuss this if none of that language or an option that represented the language that we
33 already sort of discussed be represented here tonight? You could have had two versions of this, but the
34 truth is that there's a Policy and Services Committee recommendation for exactly this language, right?
35 That's why we're seeing this language and not the language that maybe some of us would have
36 preferred. And so why would we want to stand in the way of the Policy and Services Committee's
37 preference that they already wanted? So that's why I'm saying let's not, let's not make a mountain out
38 some of these things (interrupted)
39
40 Chair Tanaka: Ok, Commissioner Alcheck here's what I think we need to do. I think let's hear all four
41 first and then let's make a Motion. So I'm going to ask if Vice-Chair and Commissioner Alcheck you can
42 withdraw (interrupted)
43
44 Commissioner Alcheck: Withdraw my (interrupted)
45
46 Chair Tanaka: We kind of know where people stand and then let's finish the four and then we can make
47 a Motion based off of that. I see lights from Vice-Chair and from Commissioner Rosenblum. Ok. So
48 let's, let's move on to the what's the second item?
49
50 Mr. Lait: The next item is the one just above it, Number 9. And this is in the course of a conversation
51 about a private development project before the City Council there appears to be a majority support for a
52 possible amendment to the ability to receive a seismic floor area bonus I believe up to 2,500 sf or 25
53 percent, whichever was lower when a building that is on the City's Seismic Inventory is rehabilitated to
54 conform to the appropriate seismic standards one is able to achieve that bonus. What has happened is
55 there's been some cases where projects have been, those buildings have been demolished not
56 rehabilitated in the understanding of perhaps the intent of the code, but actually just demolished and

1 then receiving the bonus. So again this is a comment that we believe reflects the Council policy. I
2 acknowledge we could be wrong about that, but I believe it is consistent with the Council's at least the
3 comments that we heard on an item and we're using this opportunity to float that policy to the Council.
4

5 Chair Tanaka: Ok, so this is almost like déjà vu from a piece. We actually talked about this last time, but
6 ok so that's staff's...
7

8 Commissioner Alcheck: But now we have the language.
9

10 Chair Tanaka: Yeah, now we have the language. So that is different. Does anyone want to comment on
11 this? Ok, let's put it this way. Anyone that because last time we agreed to take this out. We said that
12 this is Tier 2. So anyone that now agrees that it's Tier 1 why don't you hit your lights and speak. Vice-
13 Chair.
14

15 Vice-Chair Fine: So I wasn't here last time this was pulled out, but it seems that the intent of the seismic
16 bonus is for rebuilding. It seems that's Council's intent. You shouldn't get that bonus if you're knocking
17 your entire structure down. So I'm in favor of putting this back on Tier 1.
18

19 Chair Tanaka: Ok, I see no other lights. Let's go on to the next item.
20

21 Mr. Lait: The next item is item Number 7, four from the bottom. This has to do with single family
22 individual review threshold for second story additions. This is one that Commissioner Michael identified
23 as one that probably didn't even need to be amended and I tend to agree with him that the existing
24 language probably stands on its own and would capture an expansion of a second floor balcony that's
25 greater than 150 sf to be subject to the Individual Review (IR) process. However, to provide clarity of
26 that existing language we've added the words that are found on Page 15 of the ordinance to specify that
27 a new second story or the expansion of an existing second story including balconies or similar outdoor
28 areas above the first floor by more than 150 feet would be subject to the IR process. So we, this we
29 believe is a clarification.
30

31 Chair Tanaka: Ok, same procedure. So last time we agreed that this was Tier 2. Little bit like déjà vu,
32 but staff is insisting that it's really Tier 1. Anyone that wants to change their mind and agree with staff
33 hit your lights and say something. Ok, no one hits their lights. Let's go on to the next item. What's the
34 fourth item?
35

36 Mr. Lait: Ok, so again I think that sort of reflects why we did the approach that we did is so that you can
37 see the language in context. Not knowing where it's going to go, but that reiterates why we're
38 attempting to do this this way and I apologize again for the format that we've taken.
39

40 Now this next item has to do with basements and the intent here is not to establish or make policy about
41 basements. If the City if we're interested in expanding basements, fine, that's a policy statement; if we
42 want to constrain basements that's a policy statement. We're not looking though this effort to make a
43 policy perspective on that. What we do need to do is clarify what is the definition of footprint mean
44 because we're seeing a number of applications coming forward that are expanding this definition and we
45 want to make sure that we're being consistent so that we're providing a clearer set of expectations to
46 homeowners, architects, and developers and we're not having a conversation taking up four or five hours
47 of staff time to argue with architects about what the definition of footprint means.
48

49 The there's a section of the code that says basements are allowed under the footprint of the building. I
50 believe it's the first floor of the building. And then we have a definition of our code that is describes what
51 a footprint is and on Page 5 of your ordinance toward the bottom is the definition of footprint. What we
52 wanted to do was add what we believe is clarifying terms that get to the intent of the definition. The two
53 words that we're adding are exterior walls. So the footprint definition would read "Means the two
54 dimensional configuration of a building's perimeter boundaries, exterior walls as measured on a horizontal
55 plane at ground level."
56

1 Chair Tanaka: Ok, so same thing. Last time we talked about this actually in quite depth. Nothing's really
2 changed, but if you changed your mind and wanted to express it hit your lights and say something why
3 you want, why you think it's Tier 2. I'm sorry, Tier 1 instead of Tier 2. Ok, no one's changed their mind.
4

5 So ok, so here's the tally. So the last two no one's changed their mind. For number 9 Vice-Chair first
6 time for him to express it, he thinks it's actually Tier 1. No one else did. And then Item 10 I think Vice-
7 Chair thought it is, could be Tier 1. It seemed like nobody else did. I think Commissioner Alcheck
8 doesn't think so either, but he could be persuaded. So.
9

10 Commissioner Alcheck: I'm willing to include it in Tier 1.
11

12 Chair Tanaka: Ok, willing (interrupted)
13

14 Commissioner Alcheck: I'm willing to include items that the Public and Services Committee suggested
15 they wanted simply so that we are not a roadblock to things they want as opposed to things that have
16 been generated by the Planning staff and maybe we should be reviewing that from a policy perspective
17 because there wasn't a Policy and Services Committee meeting where this was discussed. That's, that's
18 how I'm actually making the designation. Are there other items that Policy and Services Committee
19 brought forward that we did not include? Those should probably be highlighted right now because I
20 would probably support inclusion of those other than this single one, but you get my point? Because
21 there was a meeting where someone discussed this at length as opposed to no one really has discussed
22 the other issues. That's how I'm making that distinction.
23

24 Chair Tanaka: Vice-Chair.
25

26 MOTION
27

28 Vice-Chair Fine: So I'm going to make a Motion. I move that we recommend that Council adopt the
29 attached ordinance excepting items numbers 1 through 9. Alright, so excepting items 1, not items so
30 remove items 1 through 9 from the ordinance, Which means, ok.
31

32 Commissioner Alcheck: Can you clarify whether you mean that would be a recommendation included
33 [unintelligible].
34

35 Vice-Chair Fine: So I (interrupted)
36

37 Commissioner Alcheck: [Unintelligible].
38

39 Chair Tanaka: So I think try to be very clear as to what specifically you want staff to do.
40

41 Vice-Chair Fine: So the Motion is for staff to pass this ordinance on to Council, but please subtract items
42 number 1 through 9.
43

44 SECOND
45

46 Commissioner Alcheck: Second.
47

48 Chair Tanaka: We have a Motion on the floor from Vice-Chair seconded by Commissioner Alcheck. Do
49 you want to speak to your Motion? Ok. Does anyone want to deliberate this? Commissioner Rosenblum.
50

51 Commissioner Rosenblum: Yeah, I'm also not comfortable with Item 10. So I don't agree so
52 Commissioner Alcheck I get your logic that this just seems obstinate, but I don't think that is the process.
53 I don't think the process is that things that Council wants should go forward with no deliberation on our
54 side. And the reason this was pulled if I remember correctly is Commissioner Downing had said well, this
55 is making a decision to make it easier to appeal and that's, that is significant. That may not be in the
56 public interest and the levels may not be correct. We may want to see what the cost is. If we're actually

1 deliberating this we'd want to see how often things do get appealed, by whom, how many petitions do
2 they normally get? So I think it's actually an important item. So I don't think the process is well if they
3 want it then we should pass it so we don't appear obstinate. And that's it. So I don't know what the
4 process is here. I would suggest an a (interrupted)
5

6 Chair Tanaka: You can make a Friendly Amendment.
7

8 FRIENDLY AMENDMENT #1
9

10 Commissioner Rosenblum: Friendly Amendment that we include the 10th as well in the original
11 amendment.
12

13 Chair Tanaka: Does the maker of the Motion accept?
14

15 Vice-Chair Fine: I would accept that. So then we're just passing Council the ordinance, but removing all
16 of the Tier 2, the Tier, the items that the PTC has flagged.
17

18 Chair Tanaka: What does the seconder of the Motion say?
19

20 FRIENDLY AMENDMENT #1 ACCEPTED
21

22 Commissioner Alcheck: I absolutely agree with your logic. You see that I'm grappling with this idea that I
23 don't want anybody to walk away from this meeting thinking that we're trying to be obstinate. But I
24 think your logic is correct that we should have a discussion about that item, we should know more
25 statistical information about that item, and so I will accept that Friendly Amendment.
26

27 VOTE
28

29 Chair Tanaka: Ok, so does anyone else want to deliberate this item on the floor with the Friendly
30 Amendment? Ok, so I think we're ready to vote. All in favor raise your hand. Ok, it's unanimous. So
31 this item is closed.
32

33 MOTION PASSED (6-0-1, Commissioner Downing absent)
34

35 **Commission Action:** Motion by Vice-chair Fine, second by Commissioner Alcheck to approve
36 Ordinance removing items 1 – 9 from ordinance. Friendly Motion by Commissioner Rosenblum to
37 exclude item 10 in Ordinance as well. Both original Motioners approved the Friendly Motion. Passed
38 unanimously with Commissioner Downing absent. (6-0-1)
39
40

41 **Minutes Approval:** September 30, 2015
42

43 Chair Tanaka: And so let's go to the last item, which is this is the last item. So minutes approval. Does
44 anyone want to make a Motion to approve the minutes?
45

46 Commissioner Alcheck: [Unintelligible].
47

48 Chair Tanaka: Ok.
49

50 MOTION
51

52 Commissioner Alcheck: I move to approve the minutes.
53

54 Chair Tanaka: Anyone want to second it?
55

56 SECOND

1
2 Commissioner Rosenblum: I second.
3
4 VOTE
5
6 Chair Tanaka: Ok. Motion to approve. Let's vote on it. Raise your hand. Ok, unanimous. Oh.
7
8 Vice-Chair Fine: I'm abstaining because I wasn't at the 30th (interrupted)
9
10 Chair Tanaka: Ok, one person abstaining. Ok, great.
11
12 MOTION PASSED (5-0-1-1, Commissioner Downing absent, Vice-Chair Fine abstained)
13
14 **Commission Action:** Minutes of September 30th approved unanimously, Commissioner Downing absent
15 and Vice-chair Fine abstained. (6-1-1)
16
17 **Commission/Staff Announcements & Future Agenda Items:** Members of the public may not
18 speak to the item(s).
19
20 Chair Tanaka: And let's see so November 11th meeting canceled. Is there any other topics that we need
21 to discuss before we adjourn this meeting? Vice-Chair.
22
23 Vice-Chair Fine: I'll just be really quick. Last week at the Citizen's Advisory Committee (CAC) we had our
24 second meeting on transportation issues. At this point staff is going to take all of the comments from the
25 CAC, kind of package them up, and in a couple weeks I'm not quite sure when they will bring them back
26 to us at least for the voting members to vote and prioritize on those issues. At that point those priorities
27 and issues that the public have identified will go back to Council for discussion. My understanding is after
28 that it will come back to us for a final review and then that part of the Comp Plan is kind of done and
29 done. I think our next discussion correct me if I'm wrong, it's either Community Services or Land Use
30 which is a big one.
31
32 Chair Tanaka: Ok, great. I wanted to thank everyone for their time and participation. This meeting is
33 adjourned.
34
35 **Adjournment: 8:40 PM**