



# Planning & Transportation Commission Action Agenda: January 10, 2018

Council Chambers  
250 Hamilton Avenue  
6:00 PM

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## 7 **Call to Order / Roll Call**

8 6:03PM

9 Chair Lauing: Ok, I'd like to call to order the Planning and Transportation Commission regular of  
10 January 10<sup>th</sup>, 2018. Would you please call the roll? Thank you, we have a quorum.

## 11 **Oral Communications**

12 The public may speak to any item not on the agenda. Three (3) minutes per speaker.<sup>1,2</sup>

13  
14 [Chair moved to agenda changes first]

15 Chair Lauing: How about oral communications? The public can speak on any item not currently  
16 on the agenda and we're going to give three minutes. I only have one card so far on items not  
17 on the agenda so I'll call up, first of all, Christian... Is it Reese?

18 Mr. Christian Pease: Pease.

19 Chair Lauing: Pease, sorry.

20 Mr. Pease: Christian Pease. Hello there, good evening. My name is Christian Pease, I live in  
21 Evergreen Park. I'm representing other colleagues from the Evergreen/May Field Park RPP  
22 Committee and I'm just here to talk about the process in the development of our RPP. In  
23 December 14<sup>th</sup> of last year, we came before the Planning Commission to review our RPP

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1 proposal, as developed by Staff, that followed the better part of the year of a process with  
2 Staff. We were told by Staff at the time that there was to be no tweaking of that plan, that  
3 would happen later after a one-year trial period of our RPP so we went through that complete  
4 process. The next step after the formulation of the plan was review by this Commission, which I  
5 attended and it was dually reviewed and pasted onto the City Council; which voted for the RPP  
6 on January 23<sup>rd</sup>. We got our first permits sometime in March but it was really almost May, close  
7 to June before the physical signs, the enforcement, and everything was in place that the plan  
8 really took hold. In November of this year, we were told by City Staff that they were planning  
9 modifications to our RPP. They called one stakeholder meeting at mid-afternoon on a Thursday,  
10 hardly anybody showed up, they had no proposal. However, it did go to consent in the City  
11 Council, as a result of that, they had a second stakeholder meeting with a proposal in early  
12 December just before Christmas. Not a very big turnout, we're going to have another one later  
13 tonight. Our question is, what happened to the process? I was in the meeting when the  
14 Commission voted to support the Staff plan. It was made clear by this Commission that we  
15 were going to have a one-year trial implementation of that and then it would be revisited for  
16 modification and we would have input at that time. However, Staff is pushing forward with  
17 modifying that program as we speak and as far as we know, this (unintelligible – background  
18 coughing) is not coming before this Commission. It's going straight to City Council although we  
19 do not have a set for that yet and I guess we are really wondering what happened to the  
20 process? This process has not been... How would I describe it? Smooth and entirely friendly that

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1 entire period of time but those directions to us, we could not have inputs to tweak that plan.  
2 That would have to wait until the year trial period was over and that is was going to go through  
3 the same process; including a Staff plan going before this Commission which would review it  
4 and make recommendations to the City Council before they voted on. All that has disappeared  
5 so we're just wondering what happened to it? We've tried to work with the Staff on a fact-  
6 based basis, it's been very difficult, we've got bad data, contradictory answers, in many cases,  
7 unresponsive to our request for public documents. So, I'm just asking the Commission tonight  
8 to consider why it is not being involved in this modification process. Thank you very much.

9 Chair Lauing: Thank you and thank you for bringing that to our attention. That's all the  
10 comments from oral communications.

### 11 **Agenda Changes, Additions, and Deletions**

12 The Chair or Commission majority may modify the agenda order to improve meeting management.  
13

14 Chair Lauing: Are there any agenda changes, additions or deletions? Look at that first. Seeing  
15 none.

16 **[Chair moved back up to oral communications]**

### 17 **City Official Reports**

18 1. Assistant Directors Report, Meeting Schedule and Assignments

19 Chair Lauing: Is there an Assistant Directors Report?

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1 Mr. Jonathan Lait, Assistant Director of Planning: Just to comment on a couple of items that  
2 are... Well first, happy new year (interrupted)

3 Chair Lauing: Yes, and to you.

4 Mr. Lait: And welcome to 2018 and... as if I am the official ombudsmen to the year. And I just  
5 wanted to note that there is a PTC retreat that we have scheduled and I think maybe you might  
6 want to... you're going to comment on that or perhaps not but it's scheduled (interrupted)

7 Chair Lauing: Yeah, we'll comment on that at the end (unintelligible) (interrupted)

8 Mr. Lait: Very good. For members of the public that's going to be next week on January 17<sup>th</sup>,  
9 held across the street at the Downtown library. The City Council has a couple of items coming  
10 up, one is on January 22<sup>nd</sup>, that's to have a discussion regarding the City's response to the  
11 Stanford GUP. And relevant to the comments that you just heard a moment ago, on January  
12 29<sup>th</sup> the City Council is going to be considering the an extension to the Evergreen Park/ May  
13 Field RPP and a resolution proposing modifications to the South Gate RPP. And as... And so, I'll...  
14 Oh, and the other thing, which I'll comment about when we take on our study session item, the  
15 City Council is also going to consider an ordinance regarding the accessory dwelling units also  
16 on that date on January 29<sup>th</sup>; which I'll comment about in just a moment. That concludes the  
17 report.

18 Chair Lauing: Ok, thank you.

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1 **Study Session**

2 Public Comment is Permitted. Five (5) minutes per speaker.<sup>1,3</sup>

3 2. Study Session to Review the Accessory Dwelling Unit Ordinance Implementation and  
4 Discuss Potential Future Amendments

5 Chair Lauing: So, the next item on the agenda is a study session, underscore study session, no  
6 action item tonight on the accessory dwelling units. Yes, Commissioner Gardias?

7 Commissioner Gardias: May I ask a question?

8 Chair Lauing: Of?

9 Commissioner Gardias: I think it's... It isn't a good tone just to respond immediately to the  
10 members of the public attending our meeting. And I think the person that was just speaking  
11 about the parking plan is about to leave so maybe we can just provide some response from the  
12 Staff about the process.

13 Mr. Jonathan Lait, Assistant Director of Planning: And what I'd like to do, I think we have a  
14 speaker card on the matter and I'm happy to talk to the individual who spoke and get some  
15 contact information. This is something that is being managed out of our Transportation  
16 Division, [Note -Philip Kammy] is our point of contact for that. I think there has been some  
17 recent communication to the department, specifically with respect to the South Gate RPP about  
18 some of the... There's been reported constraints on employee parking in that neighborhood  
19 and there's been some interest in possibly making some modifications to that program.  
20 Unfortunately, I don't have the details as to what... I don't recall what the detail of the

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1 program... outreach program was intended to be so I don't have that. I can't respond to that  
2 specifically but I do know that we have [Note - Mr. Cammy] who can participate in that and if  
3 that's not satisfactory, there are other folks that we can engage if necessary. So, if that  
4 individual would like to come see me, I can... or leave contact information, I can have that  
5 follow up with that.

6 Commissioner Gardias: Very good, thank you. And if you don't mind, just real quickly, will this  
7 be coming to the Planning Commission before it goes to Council because this was part of the  
8 comment we just heard?

9 Mr. Lait: Yeah, I (interrupted)

10 Commissioner Gardias: And I don't recall our observation from that time, right, it's been a  
11 while.

12 Mr. Lait: I also don't recall the course of action that was intended to follow but I'm looking at  
13 our schedule for reports and I do not see it coming to the PTC. I see the next meeting taking  
14 place before the City Council on January 29<sup>th</sup>.

15 Commissioner Gardias: Would it be possible to ask Staff just to take this as action item just to  
16 clarify from our past meeting minutes if this was requested by this Commission to come to our  
17 body for review before it goes to Council?

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1 Mr. Lait: Well so you've heard a public comment concerned about the process and if you're  
2 asking me under the provision of your agenda which is at the end for Commission comments  
3 and announcements. I can certainly report back to the Planning Commission about what that  
4 process was intended to be and I can [unintelligible] do that before the City Council meeting.

5 Commissioner Gardias: Very good, thank you.

6 Mr. Lait: Thank you.

7 Chair Lauing: Yeah, based on the comment I thought I would just sync up with Jonathan after  
8 the meeting but that's fine. We made some progress on that. Ok so we're on Item Number Two  
9 which is a study session to review the Accessory Dwelling Unit Ordinance implementation and  
10 potential future amendments; study session. I have a number of speaker cards here and maybe  
11 more to come.

12 Vice Chair Monk: [unintelligible – no mic]

13 Chair Lauing: No. We need to keep it to three because there's like fifteen speakers. Yeah, we've  
14 got about fifteen speakers.

15 Commissioner Summa: Somebody put some over there.

16 Chair Lauing: Yeah, I think there's some more over there too. We'll grab them.

17 Mr. Lait: Would you like a Staff presentation first?

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1 Vice Chair Monk: Yes, please.

2 Chair Lauing: Sure, that would be great. We'll do a Staff presentation first.

3 Mr. Lait: Great and just a short one really. This is an item that was presented to the Planning  
4 Commission at its last meeting in December and I just wanted to take a moment to sort of  
5 frame what we're interested in by presenting this study session item to the Planning  
6 Commission this evening. As this Commission knows, City Council has adopted a set of  
7 regulations regarding accessory dwelling units that incorporates the state law changes that  
8 were made last year. And in some instances, went a little bit further with respect to the City's  
9 regulations as it relates to parking and perhaps some other regulatory standards.

10 The Council in directing... In approving that ordinance, had directed Staff to do a couple of  
11 things. One was to prepare quarterly reports to the City Council which we've already produced  
12 one and I think we referenced it in our last Staff report to the Commission. The second was to  
13 engage the Planning and Transportation Commission after we've had a time to implement the  
14 ordinance to talk about possible refinements and changes to the ordinance to help implement  
15 its goals and policies. And thirdly, they had asked us to explore opportunities, and I may not get  
16 this precisely right but we can discuss this in our deliberation, about finding ways to make it  
17 more economically feasible or available to more income levels; deed restricting them and  
18 having them more accessible to income levels. And lastly, to explore and consider how we  
19 might legalize existing ADUs that are... where constructed illegally or don't meet certain

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1 standards that we would have today. Those last two points are included in your Staff report as  
2 discussion items and we have not made a lot of progress on that at a Staff level yet. And we are  
3 really here to hear from the Commission about some avenues that we should explore to  
4 address those two policy questions that the Council had asked us to explore.

5 The reporting back on the implementation... So, we're here not to revamp the ADU ordinance  
6 because we feel like we've got pretty clear direction from the Council about what the ordinance  
7 is but we are here to highlight somethings that we couldn't have anticipated when we drafted  
8 the ordinance; some grey areas or interruption issues that have come up. And we're sharing  
9 some of those with the Planning Commission in the report and how we've approached those.

10 And what we're trying to gage from the Commission is have we been too conservative in our  
11 interruption of certain issues or have we been too liberal in other areas? And what we're  
12 looking for is to sort of get some kind of parameter to know when we come back with an  
13 ordinance to codify some of these changes, what's the direction that we need to be heading in?  
14 And so, we don't need a formal action or a motion from the Commission this evening but we  
15 would like to get a sense of the Commission as to how we might resolve some of the  
16 interruptive issues that we've come across. And there are some other ones to that are not in  
17 the Staff report that we might want to talk about. You got at least one email regarding fees and  
18 I've heard this from the community as well that we charge these Development Impact Fees for  
19 new accessory dwelling units to the cost of about \$10,000. And so that's a conversation we

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1 should have because I've heard that that's been somewhat of a deterrent for some who are  
2 exploring ADUs.

3 So, I'm just about done. I wanted to mention one other thing and I referenced it in my... in the  
4 report earlier and that is... No, I'm sorry, that's the next item, Item Three. I'll save that so I'll  
5 conclude here and then we'll hear from the public is guess and then go to questions.

6 Chair Lauing: Thank you, that would be great. So, the first speaker is Judith Wasserman, we're  
7 going to do three minutes for each speaker.

8 Ms. Judith Wasserman: I'll do my best to hold it down. My name is Judith Wasserman, I've  
9 lived in Palo Alto since 1968 and I've been an architect in town for about a little over 30-years.  
10 And I have bought my first ADU through the process last year, it was pretty interesting. It was a  
11 garage conversion and my first question were what does that mean because I had a very old  
12 building, it had no structural sheathing in on the outside, if I was to put structural sheathing on  
13 it, it would make the building an inch wider. Was that going to matter or not? There was no  
14 way of knowing. In my case, the Planning Staff made what I considered a reasonable, logical  
15 and direct interpretation that it didn't matter if the building was an inch wider. There were  
16 several complications like that. I was under the impression in the beginning that the building  
17 could not be demolished. I was informed later that the building could be demolished but much  
18 to my surprise, after we agreed to demolish the building and building it new, it changed the  
19 Green Building rules. So, when you talk about this ordinance could you please remember that

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1 besides the Building Department and the Planning Department, the Green Building people have  
2 an influence here. Also, I was required to bring this building to Tier Two, it's a 400-square foot  
3 building and the big sheet that you have to fill out for Green Building says at the bottom, this  
4 form is applicable to buildings over a 1,000-square foot. However, I was told well, it's an ADU  
5 [and] that's what you have to do but it doesn't say that anywhere. So, I would just like... I'm  
6 delighted that you're coordinating this now and I echo the statement about the Development  
7 Impact Fees which were a bit of a shock to my client. Thank you very much.

8 Chair Lauing: Thank you. This is good feedback, we're looking at these new things that have  
9 come up that weren't anticipated so it's good to hear this from the public. The second one is  
10 Aaron Van Roo.

11 Mr. Aaron Van Roo: Hi and thanks for taking my comments tonight. It looks like there seems to  
12 be kind of a trend that's in line with the comments that I have for review. And planning seems  
13 to have touched on them in their report and there's a nice letter from a Mr. John Kelly  
14 addressed to the Planning Commission. So, all of it kind of touches on the same topic which is  
15 that there's a discrepancy between new construction or a house is being rebuilt and a house  
16 where an ADU is being added.

17 So, what we'd ask is that you take what looks like... looks to be the Planning Departments  
18 suggestion which is that you consider new construction not be excluded from an allowance of  
19 additional 175-square feet so the state law is pretty clear that they're trying to encourage

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1 ADUs. We're a stakeholder, developer and a builder and we get a question about an ADU on  
2 almost every project now so we have three projects currently in Palo Alto. Two of them are a  
3 renovation, one of them has started out as a renovation and turned into a new construction  
4 [and] to learn that we weren't going to be able to apply that 175-square feet were a bit of a  
5 shock. It's causing some juggling and the whoever generated this report has picked up on the  
6 fact that you can kind of work your way around this by closing the first permit, applying for a  
7 second permit, getting that 175-square foot seem like a way to draw out construction process,  
8 increase costs, make the project harder for residents. All to try to have the allowance that gives  
9 you the ability to put in the extra kitchen, the side entry and everything else. So, I think that if  
10 you read through the review here and look at the letter, it states the case for granting that 175-  
11 square foot to new construction as you would for any existing structure and allow for it to be  
12 designed in well on new buildings with clients that are investing a lot of money in Palo Alto.  
13 Thanks.

14 Chair Lauing: And you're saying to do that concurrently? That you're putting up both structures  
15 at once, that's your comment?

16 Mr. Van Roo: Right so what happens now is that you're not allowed the extra 175-square feet  
17 that you get if you're doing it as an addition to an existing structure.

18 Chair Lauing: Ok, thank you.

19 Mr. Van Roo: Thanks.

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1 Chair Lauing: Next one is Adam Mayberry.

2 Mr. Adam Mayberry: Good evening. Adam Mayberry, a local designer working on a lot of  
3 accessory dwelling units currently up and down the peninsula; South Bay, San Jose. I was asked  
4 by the City of San Jose to help them renovate their own ordinance in 2017 as a relative  
5 stakeholder in that area. Again, I had to touch on those points that have already been made in  
6 the letter from Mr. Kelly that it seems like the discrepancy between existing homes converting  
7 or adding accessory dwelling unit is somehow allowed extra floor area ratio and extra  
8 allowance to a home to be built; which doesn't seem fair to someone putting in the expense to  
9 build a completely brand-new home. So, I'll just reiterate everyone else's comments on that  
10 discrepancy doesn't make a lot of sense to me.

11 The second point that I'd like to make is that Palo Alto current ordinance was the response to  
12 the state-mandated legislation. Another one was passed in October 2017, I'm not sure if the  
13 current ordinance has been updated based on that. I know there's another State Bill 831 that's  
14 on the table now that would take away any FAR going towards an accessory dwelling unit. Also,  
15 take away school fees and things and I think my point is that every jurisdiction in the Bay Area  
16 has an opportunity to create a model code for any other City in the country for accessory  
17 dwelling units. I think Palo Alto could be a great example of how to do these appropriately to  
18 provide housing for nationally affordable in the area so thank you.

19 Chair Lauing: Thank you. Manasa Murthy.

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1 Ms. Manasa Murthy: Hi there, thank you for giving me this opportunity. As Aaron mentioned,  
2 he's helping with our property. We recently became new homeowners in Palo Alto and we're  
3 so looking forward to the amazing education system that Palo Alto provides. We have a young  
4 family, I have two children who go to school in Palo Alto and we still have not moved to this  
5 house. We bought this house last spring, we started out with looking at this house and we  
6 really wanted a living room downstairs because we have... I have grandparents. The kids, I'd  
7 love for them to live with their grandparents so we have grandparents visiting us all the time  
8 and our current home actually exceeds the FAR by the ADU square footage. And so, we wanted  
9 to convert one of the rooms for a bedroom and over the time we realized we can do that by  
10 saying... By making that an ADU. Allowing an entrance and all of that so that part really was  
11 appealing because now I can have a room that my kids can grow up into and for now, at least  
12 it's an independent in-law unit. My mom and dad can come and look after the kids in the  
13 summer while I'm working and it's very appealing and so I didn't want to give away that tie.  
14 Over the period we learned that we wanted to make our house more safe, it's in the flood zone  
15 now and the construction is not earthquake safe and all of that. So, we are now ending up  
16 doing a new construction and it looks like the square footage that we would get for an ADU has  
17 to go away. So, it's almost like I have a home but it doesn't fit your rules so it's a little bit of you  
18 know I had no idea what I was buying and now I'm here and I have no idea how to make the  
19 best use of what this is. So, I'm here to express my concern on how the law differs for existing  
20 construction versus new and just how to lose it is to actually find loopholes and make it around.

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1 So, I'm hopeful that we can get to something more meaningful and clear for the tenants. Thank  
2 you.

3 Chair Lauing: Thank you. Leonard, I'm sorry I can't read, Ely? Ely?

4 Mr. Leonard Ely: My name is Leonard Ely and maybe I've missed the boat here. I sent in a  
5 picture, I don't know if you can make that bigger but this is a small unit that was just  
6 constructed about 3-years ago in my backyard. I have not a problem with the overall concept.  
7 In fact, I use to have two buildings on my property but I do have a problem with the height. As  
8 you can see, this is a single... It's supposed to be a single-story building but evidently when I  
9 asked... Came down when this was being built, evidently, this was legal under the code to be  
10 able to build pretty much a two-story building; 13-foot height limit. So, I would just caution that  
11 when you're putting a building that closes to someone's property line, having... You can see my  
12 garage and I have a small room off of that. That's not an imposing structure and I think one of  
13 the things that may have been missed here is the height limit and so I just wanted to bring that  
14 to your attention. And I hope you will consider that as something that could be looked at down  
15 the road so that people don't have to look at that out their backyard.

16 Commissioner Summa: Just a quick question, looking at the photograph, which is the ADU that  
17 you're talking about?

18 Mr. Ely: It's the large stucco building.

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1 Commissioner Summa: With windows?

2 Mr. Ely: With the window and the wall.

3 Commissioner Summa: And you're... That's your garage?

4 Mr. Ely: And theoretically that's a single-story building but it has a loft built into it where the  
5 people sleep and things like that. But as I say, I don't... I have no problem seeing the top of  
6 somebody's house because my next-door neighbor before they tore that house down also had  
7 a small unit. I have a 910-foot bungalow that was the original building on the property. I've  
8 lived there for 33-years and this all of a sudden popped up so I don't like it, it's code but I think  
9 in... for a... you don't need that height limit for an accessory unit. Ok?

10 Commissioner Summa: Thank you.

11 Mr. Ely: Thank you very much for your time.

12 Chair Lauing: Thank you. Doug Cox.

13 Mr. Doug Cox: My name is Doug Cox, I live in Mid-Town, I have for over 30-years. Our neighbor  
14 on the corner lot just built a detached garage all to code and a very well designed because it  
15 goes through a Redwood Grove but right now, the garage has 1-foot setbacks from our side  
16 yard and also from our ninety-degree neighbor on his street, 1-foot. So, it's really wedged in  
17 between the two fences and my concern is conversions of his garage, which beat the deadline  
18 by eight days, so now he can go to a conversion and 1-foot is just not a proper setback for

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1 residents in your backyard; it's just not right. I think a conversion should fit the same 6-foot  
2 setback as the original ADUs. I mean 1-foot is less... I imagine and I didn't look it up but I bet a  
3 chicken shed... chicken coop probably has a bigger requirement than 1-foot.

4 Commissioner Alcheck: I'm sorry, I don't mean to interrupt but I think actually the ordinance  
5 doesn't allow for that. Does Staff want to quickly correct the record here just to be clear so that  
6 this individual doesn't... He's got a detached garage 1-foot from his fence. Can that be  
7 converted into an ADU?

8 Mr. Ely: Currently.

9 Mr. Lait: Through the Chair, I mean do you want the speaker to finish his comments and have  
10 us respond to questions?

11 Chair Lauing: Let's finish his comments and repeat that, thanks.

12 Mr. Ely: I reviewed this with a Scott McKay and he said yes, 1-foot would... Is all that's in this  
13 rule and he said to be sure and show up because City Council, Planning Commission is going to  
14 be reviewing this. And I'd really like to encourage you to not have an ADU that's 1-foot from  
15 people's property lines. It really revalues the property and discourages their enjoyment. We  
16 built our house around a five-window breakfast nook and it is 12-feet away, right in front of our  
17 picture windows and all the other windows. So, it's really.... And like I say, I think chicken coops  
18 would be required to be more than 1-foot away from the side yard fence. So, I really think you

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1 should look at this requirement and make it the same as a new ADU. In particular on this guy's  
2 position where he made the qualified by eight days. That doesn't seem fair to build a detached  
3 garage there and all of a sudden it becomes a residence so that's my recommendation, thank  
4 you.

5 Chair Lauing: Could Jonathan clarify what the actual ordinance says right now?

6 Mr. Lait: Yeah, I think any of us can respond to that. This is a function of state law and state law  
7 provides that a garage can be converted into an ADU. And we do allow garages to be located in  
8 a proximity to where this gentleman has described. Our ordinance stipulates that that garage  
9 needed to be in existence as of January 1<sup>st</sup>, 2017. If it were then, which is notable because  
10 that's when the state law took effect, then that garage could be converted into an ADU under  
11 local and state law.

12 Chair Lauing: Ok, thank you. Next speaker... What?

13 Commissioner Alcheck: So, presumably anything after 2017 couldn't be within 1-foot?

14 Mr. Lait: Well no, the garage could be established but an ADU could not be converted. A  
15 garage, for example, that was constructed after January 1<sup>st</sup>, 2017 could not be converted into  
16 an ADU.

17 Commissioner Alcheck: Unless it was farther away from the fence?

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1 Mr. Lait: Yeah, unless it otherwise met the Development Standards but that raises other  
2 (interrupted)

3 Commissioner Alcheck: I didn't realize that, thanks for clarifying.

4 Chair Lauing: The next speaker is Jeny Smith.

5 Ms. Jeny Smith: Hello, I was born and raised in Palo Alto. I am now living back here again and I  
6 just wanted to show my support of the City and their limitation of the parking requirement. I  
7 think it's really a good idea but I'd also like to... As everyone has talked about already, to look  
8 into the reduction of the Development Fees. I feel like there's a lot of people who could really  
9 benefit from these ADUs that are maybe on a fixed income or don't have that amount of money  
10 to add to their project. So, I just wanted to show my support, thank you.

11 Chair Lauing: Thank you. The next one is Linnea Wickstrom.

12 Ms. Linnea Wickstrom: Good evening. I sent in my points in a letter so I won't belabor all those  
13 details. I'd just like to speak to the fact that I support continuing owner occupancy  
14 requirements in the spirit of in which I think the ADUs intended. I oppose restricting the interior  
15 rear lot coverage to fifty percent, I think that could have unintended consequences. I oppose  
16 exempting the deed restriction for converted ADUs because I think that would be unfair to  
17 those of us who under the old ordinance where not allowed... could not create an ADU. So, I'm  
18 fine with the deed restriction for the ADU I'm planning to put up but I don't think existing ADUs

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1 that are expanded or improved should be exempted from the deed restriction. I support the  
2 options to make ADUs affordable for people. I would especially like to see the planning and  
3 permit fees reduced to something reasonable and something that reflects the impact rather  
4 than being in accordance with being impacted for developing a whole huge new residence. I  
5 would like to ensure that tech assistance is available, to the extent that it's needed, to modify  
6 pre-built to meet any details of the Palo Alto Planning Department's Code because many of us  
7 may explore pre-built as a, excuse me, in order to build our ADU. Thank you.

8 Chair Lauing: Great, thanks very much. Becky Sanders.

9 Vice Chair Monk: Could I just ask, wherein the packet is her letter?

10 Ms. Clare Campbell, Senior Planner: Her letter was not part of the packet. It was one of the  
11 recent emails that we received, that's what I am thinking.

12 Chair Lauing: So, part of this packet. This is a handout.

13 Vice Chair Monk: Right, right, in this hand out where is it? Is it on the handout? Did you see it  
14 [unintelligible]?

15 Chair Lauing: No.

16 Vice Chair Monk: Has the Commission seen the letter that was referenced by Ms. Wickstrom?

17 Chair Lauing: I think it was just submitted shortly before the meeting.

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- 1 Vice Chair Monk: Right, I just didn't see it in here. Did you see it?
- 2 Chair Lauing: Where you going to reference it now or do you just want to make it here?
- 3 Vice Chair Monk: I'd like to make sure it's here because she did make all of her points but I did
- 4 want to look them.
- 5 Mr. Lait: I mean we could speak to this... We could speak to Ms. Wickstrom. I don't see it in the
- 6 Planning Commission mailbox and I believe Clare's received a copy and we're looking at this
- 7 collection of emails here so I'm not sure we received it.
- 8 Vice Chair Monk: Ok so the email that (interrupted)
- 9 Chair Lauing: Sorry, you (interrupted)
- 10 Vice Chair Monk: Mr. Wickstrom referenced was not received by Staff so perhaps after we
- 11 have our other speakers, we might want to invite (interrupted)
- 12 Chair Lauing: Yeah, they are saying that they didn't receive any email.
- 13 Ms. Wickstrom: [unintelligible -off mic]
- 14 Mr. Lait: Yeah, if we can get that resent.
- 15 Chair Lauing: Or we can just get your email on here and then follow up with you.
- 16 Vice Chair Monk: Thank you. Sorry for that delay.

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1 Chair Lauing: This is Linnea Wickstrom?

2 Ms. Becky Sanders: Becky Sanders.

3 Chair Lauing: I'm sorry. Moved on, moved on, moved, on, Becky.

4 Ms. Sanders: Hi, good evening. My name is Becky Sanders, I live in Ventura, I echo a lot of the  
5 sentiments I've heard this evening [and] a concern I have is the owner-occupied provision. I live  
6 in Ventura and we are sixty-three percent rental, twenty-seven percent owner-occupied. So, I  
7 want to avoid the duplex effect where this is just a way for real estate investors to up their  
8 profits because it does really change the fabric of a community when fewer and fewer people  
9 own their homes. So, if we could avoid that by having it be an owner-occupied situation.

10 With regard to the high fees, I think anybody who has any family that is going to move in there  
11 and impacts City services and the school, well I think that fee needs to be there. However, if it's  
12 going to be a BMR, I don't know how you could do that but I would totally waive a fee for a  
13 BMR for an improved person or someone on a fixed income. Of course, that's not my call but  
14 you know I think the fees serve an important purpose. I'm not wild about basements so I mean  
15 ADU dewatering, I don't know if that's on the table but let's not have that. That 1-foot thing is a  
16 real problem, to have someone convert their garage beyond and have it just be 1-foot on the  
17 line; that's pretty harrowing. And I just also want to avoid the bonus lot coverage that might  
18 happen for new construction. I just want to make sure that we do that restrict bonuses only to  
19 existing homes that are existing as of a specific date and the effective date of the ordinance. So,

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1    yeah, I'd like to build an ADU, I'd like my mother or my daughter to live on the same property  
2    with me but I also understand that a responsible ADU ordinance is important and why change  
3    everything in the middle of the stream or changing horses in mid-stream. Why don't we see  
4    how it goes for a little with what way it's going and then we can modify it as needed. But let's  
5    get some data so thank you for listening to my comments this evening. I appreciate your  
6    service.

7    Chair Lauing: Thanks very much; very helpful. Christopher Gadda.

8    Mr. Christopher Gadda: Hi, my name is Christopher Gadda. My wife and I purchased our house  
9    in Palo Alto about 6-years ago and it, unfortunately, has what turns out to be an illegal ADU.  
10    The building has been there about 25-years, as best we can guess. There... It turns out there's  
11    no permit or no record of a permit for the conversion from the garage that's been there since  
12    the turn of the century and we don't actually want to do any changes to our ADU but we do  
13    need to make some structural upgrades to the foundation in our main house because it's still  
14    sitting on the original brick foundation from 1901. So, it's slowly sinking into the ground at  
15    different rates at different parts of the building but we've been told that we can't get a building  
16    permit that covers modifications to our main house unless we bring our illegal ADU into  
17    compliance with current ADU laws. So, as we stand today, we're going to have to smash our  
18    ADU before we can fix up our foundation and so I know the ADU laws were trying to promote  
19    ADUs. As it stands today, we're actually going to be removing an ADU from the market. Our  
20    hope was to have my mother-in-law live there so mostly I just hope that we can look at ways

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1 that we can have more flexibility for illegal ADUs to be legalized. Possibly something like an  
2 individual review where you have a comment period for neighbors in the area to express their  
3 concerns about the details of the ADU. Maybe something where... In our case, the problem is a  
4 6-inch encroachment on the 6-foot setback so we're only 5 ½-feet from the property line  
5 instead of six. We can't move it over, that's just tearing it down and building a new one so it  
6 would be nice if there was a way to look at maybe safety related code violations and require  
7 those to be brought up but not things like move your house over by 6-inches because that's not  
8 economically viable. And so, as it stands today, there's nothing we can do. We have to tear it  
9 down or just watch our house crumble. Anyhow, so I just wanted to encourage people to think  
10 about ways that you could have more flexibility in the legalization process. Thanks.

11 Chair Lauing: Ok, thanks. Thanks to all the speakers, we like to have lots of public comment on  
12 any of these issues and there are some tough ones here. Some borderline calls I think for  
13 Council eventually so we really appreciate that folks come out and give us that kind of input.  
14 That's the last speaker card so we'll be taking this up now. The first thing that I actually wanted  
15 to ask Staff is if there's any update since December of the number of ADU applications? Just so  
16 that we are current on what's happening.

17 Ms. Campbell: We have not done any additional data research to update the numbers that  
18 were provided to you on December 13<sup>th</sup>.

19 Chair Lauing: Ok.

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1 Ms. Campbell: So, no.

2 Chair Lauing: Do you know if there are any or is it just (interrupted)

3 Ms. Campbell: I would have to kind of take a look (interrupted)

4 Chair Lauing: That's alright. You don't have to invent anything, I just wondered if there was any  
5 just so that we're dealing with the most current because I'm just struck by the tiny amount of  
6 data that we have so far upon which we're contemplating these out-wire issues. And I think  
7 what... Are you going to speak to any of this or you're just ready for us to go ahead and make  
8 discussion?

9 Ms. Campbell: I think we're ready for you to just go ahead and get started.

10 Chair Lauing: Ok so if I understand correctly... That's where I thought we were but if I  
11 understand correctly, we're really talking about two things. One is the requirements that we  
12 have to get into compliance on relative to the new state laws that happened in Q.4 of '17 and  
13 became effective on January 1<sup>st</sup>.

14 Ms. Campbell: So, just to kind of speak to that. I know that was part of the planning code  
15 amendment which is the next item on the agenda. We did have a discussion in December about  
16 those... about the ADU state regulation updates and what we're doing is we're actually pulling  
17 that and moving that forward to go to Council on January 29<sup>th</sup>? 29<sup>th</sup> for them to take action and  
18 it's just focused in on just those state-mandated changes. There was a slight change just to add

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1 in the multi-family use table to make sure that we say that ADUs are a permitted use under  
2 certain circumstances. But... So that is moving forward for Council to adopt at the end of this  
3 month.

4 Chair Lauing: So, is that the materials on... Shift back to the other packet, I switched to the old  
5 packet because it was already nice and marked up. Is this Item on Page 19, state regulations  
6 taking effect?

7 Ms. Campbell: In the ADU study session Staff report that is probably what you're referring too,  
8 yes.

9 Chair Lauing: Right. Good because you... In that section, you say that the City ordinance only  
10 requires minor (interrupted)

11 Ms. Campbell: Yes.

12 Chair Lauing: Modifications to remain consistent with state law.

13 Ms. Campbell: That's correct.

14 Chair Lauing: Right so I'm just... For discussion purposes, I'm trying to make a distinction  
15 between those which are very minor and you're moving forward with and going to Council to  
16 get those in sync. Versus all these other knotty issues that you want comments on and we're  
17 not moving to any kind of an ordinance or ordinance revisions at this point.

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1 Mr. Lait: Yeah that's correct and I would also just note, the Commission had considered those  
2 ADU changes I think at your last meeting (interrupted)

3 Chair Lauing: That's right.

4 Mr. Lait: And made a recommendation on that. We were going to group those changes with the  
5 broader list that you're going to consider... That you previously considered and will be  
6 considered under Item Number Three. There's a whole list of amendments that we were going  
7 to make. We're actually pulling out those ADU amendments out separately to advance those  
8 sooner to get to the City Council and we're going to do... I think we're going to Council in... I  
9 think I said In February? Oh, you said that. Am I repeating everything you just said?

10 Chair Lauing: Yeah, when you were in conference.

11 Mr. Lait: I'll get more engaged.

12 Chair Lauing: Well, we're glad you're up to speed on it anyway. Yeah so, the ones that are going  
13 to be minor modifications are going forward but for purposes of this discussion, this is  
14 independent from the next agenda item.

15 Ms. Campbell: That's correct, yes.

16 Chair Lauing: So, the only point that I'm trying to make for discussion purposes is that the  
17 comments that we're making on these things don't have to necessarily go to any kind of  
18 amendments now at all. We can wait for more data for 'X' number of months but you're

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1 wanting input and we've been through this once before. I think everybody has been through  
2 this that's here tonight has been through it once before. But I would suggest process-wise,  
3 maybe we just go ahead and take them one at a time and see if there are any incremental  
4 questions. See if there are any incremental questions to chat about.

5 Commissioner Alcheck: If it's acceptable Chair, I would just like to suggest that maybe we allow  
6 Commissioners to have sort of around to make general comments as well. I don't know that we  
7 need to go through these one by one.

8 Chair Lauing: Right so that's the debate that I'd like to have so that's fine. And yeah, go ahead.

9 Vice Chair Monk: Clare, could you just take us through the packet a little bit on the what you  
10 have with the Exhibit 2A because there's a lot happening in that attachment and I just want to  
11 make sure of what we're looking at, it's not clearly defined.

12 Ms. Campbell: Could you tell me what Packet Page you're on, please?

13 Vice Chair Monk: So, on Packet... It's a 2A, it starts on Packet Page 21 it looks like. No, sorry  
14 (interrupted)

15 Ms. Campbell: You're talking about the Staff report itself?

16 Vice Chair Monk: Staff report, the attachment. Yeah, Page 22 or was it 21? Staff report Packet  
17 Page 21 looks like it's the beginning of 2A. Correct? Is that... We just have one attachment to  
18 this.

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1 Ms. Campbell: Oh, ok so on Packet Page 21, that is the existing adopted ordinance for the  
2 accessory dwelling unit regulations.

3 Vice Chair Monk: Alright and then if we move through this packet onto page... Packet Page  
4 starting at Page 31, what is that referencing? Is that an old ordinance or what is all of that in  
5 there? It's a lot more detailed (interrupted)

6 Mr. Lait: Right this is (interrupted)

7 Vice Chair Monk: So, it's just... Without having this labeled (interrupted)

8 Mr. Lait: No, no, this is what... This was the strikeout underline version that was presented to  
9 the City Council so the strikeout is the old code.

10 Vice Chair Monk: I don't see anything stricken out. It's a lot of languages and it's all underlined.

11 Mr. Lait: On Page 32?

12 Vice Chair Monk: I'm looking at Packet Page... More or less Packet Page 32 to (interrupted)

13 Mr. Lait: Sure and so again, there's a combination (interrupted)

14 Vice Chair Monk: Packet Page 38, yeah, it's quite lengthy.

15 Mr. Lait: That's the ordinance.

16 Ms. Campbell: That's the ordinance.

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1 Vice Chair Monk: That's the ordinance (interrupted)

2 Mr. Lait: The existing ordinance.

3 Vice Chair Monk: That's the existing? I thought you just said the existing ordinance was what we

4 looked at initially which much (interrupted)

5 Mr. Lait: I'm sorry [unintelligible]

6 Mr. Albert Yang, Senior Deputy Attorney: So, Packet Pages 21-41, that's Attachment 2A, that is

7 the ADU Ordinance that the City Council adopted April 17<sup>th</sup> of 2017.

8 Vice Chair Monk: Ok, where is... Sorry, what was it?

9 Mr. Yang: That whole attachment, Packet Pages 21-41 (interrupted)

10 Vice Chair Monk: Right.

11 Mr. Yang: That is the (interrupted)

12 Vice Chair Monk: Well, it's not a twenty-page ordinance so can you just direct us to where the

13 current ordinance is that we're looking at.

14 Mr. Yang: It is a twenty-page ordinance.

15 Vice Chair Monk: This is the entire ordinance with all these diagrams and everything attached at

16 the end of it?

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1 [Note -Male:] Yes.

2 Ms. Campbell: No, I think you might be looking at the wrong (interrupted)

3 Mr. Lait: No, no, I think she... I'm sorry. I think you're looking at... We're looking at the same  
4 thing. This is... So, there's a cleaner version that we probably could have given you which is how  
5 it reads today in the code.

6 Vice Chair Monk: Ok, it's just not clear to me from the packet what we're looking at. Whether  
7 it's on Page... Starting at Page 21 or starting later in the packet. I just want to be sure I'm  
8 looking at (interrupted)

9 Mr. Lait: That (interrupted)

10 Vice Chair Monk: Because they don't look the same.

11 Mr. Lait: There are many sections... So, when the ordinance went forward to the City Council,  
12 there where many different sections of the Municipal Code that got amended. This ordinance  
13 that's included in the report that Albert just referenced, is the ordinance that went to the City  
14 Council. The strikeout text that you see in there is text that got deleted and the unlined text is  
15 all the new text that was added. If you go to the Zoning Code and you look at Section  
16 18.42.040 [Note – zeros instead of O's], all that underlined section is new and is the ADU  
17 Ordinance.

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1 Ms. Campbell: Then to clarify on Page 44, this is a letter. I think... So, we... This was a mistake to  
2 have this letter in the packet.

3 Mr. Lait: Which one? Page 44?

4 Ms. Campbell: Page 44. [unintelligible] was an old attachment.

5 Vice Chair Monk: So, just for the purposes of streamlining this evenings discussion, we're just  
6 going to be looking at the first couple of pages of the packet... Of the attachment?

7 Chair Lauing: Well, we're not dealing with the ordinance at all and all these other exhibits are  
8 letters coming in, another letter coming in, some topographic maps from particular studies. So,  
9 I don't think those are material to what we're talking about.

10 Vice Chair Monk: Ok well some of the comments that we heard tonight do need to be reflected  
11 in here so I just want to make sure that if we take a decision that whether or not they are  
12 brought in the ordinance. I just want to make sure I'm looking at the right section. Ok, thank  
13 you for clarifying.

14 Chair Lauing: So, other opinions from the other two Commissioners on if we should take this up  
15 person by person or if you want to go issue by issue? I'm totally open to (interrupted)

16 Commissioner Summa: [Note -off mic] I think issue by issue is easier but [unintelligible].

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1 Chair Lauing: Gardias and Susan [Note -Vice Chair Monk]? Ok so we'll do it issues by issues, this  
2 is our second review. Hopefully, we can move through this so would you like to start on the first  
3 one which is... Let's see, here we go.

4 Mr. Lait: Are we starting with B or with A because I think you talked about A at your last  
5 meeting and I'm on Packet Page 12.

6 Chair Lauing: The definition?

7 Mr. Lait: Yeah.

8 Vice Chair Monk: Yeah, we've already talked about A.

9 [Note- Male:] Yep.

10 Vice Chair Monk: We're starting with B.

11 Mr. Lait: Starting with B.

12 Commissioner Gardias: No, hold on a second, I want to clarify this right because I don't recall  
13 the agreement or us at least voting on any agreement. We went through this (interrupted)

14 Chair Lauing: We didn't vote on it. [Note- unintelligible -several people starting talking at once]  
15 We did not vote on any (interrupted)

16 Commissioner Gardias: Exactly (interrupted)

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1 Chair Lauing: Right.

2 Commissioner Gardias: So, there was no consensus.

3 Chair Lauing: Right but we commented on it at length.

4 Commissioner Gardias: So just from the discussion perspective because this is Chair and Vice

5 Chair purview on how you want to proceed, you want [unintelligible] to review starting with B?

6 Chair Lauing: Yeah.

7 Commissioner Alcheck: Can I make just a last-ditch request here? Is there any way that you

8 would entertain a general discussion and then move on to specifics? My concern is that for

9 most of these issues, I think they are tremendously interlinked. I don't think that I can provide

10 you, I can provide City Council with an articulative statement just about lot coverage fifty

11 percent interior yard requirement without also talking about parking requirements and some of

12 the other issues that I think are involved with respect to setbacks. So, I'm a little concerned that

13 when you get to me, I'm going to want to touch on a bunch of different issues at the same time.

14 Chair Lauing: I think that's your prerogative (interrupted)

15 Commissioner Alcheck: Ok, alright.

16 Chair Lauing: But we've checked and a number of other people want to do it that other way. So,

17 I was neutral but ok so B.

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1 Commissioner Gardias: So, I understand it's on me to review the bonus lot coverage so let me  
2 just start with this. Right so the horse is everybody sees and can read the booklet but what I'm  
3 going to talk about, I'd like to just get an understanding of this ten percent bonus. And I'd like  
4 to just direct this question to the Council [Note -Staff] who's here with us. What is your  
5 understanding of the legislature direction of this bonus? Does this bonus relate to all the lots at  
6 the time of legislation or it relates to all the lots as of today and in the future? Could you give  
7 me your interpretation of this? What do you think about this 175 or ten percent bonus?

8 Ms. Campbell: So, this floor area bonus that this is... Are we talking about the lot coverage and  
9 the floor area?

10 Commissioner Gardias: So, let me just start with this right so I'm going to give you my  
11 interpretation and it will be easier for you to just to relate to something that I think. Right so  
12 when I'm reading the law right and I just want to understand because we can interrupt in  
13 various ways and we can say well, we can just either have those that would like to build the  
14 ADUs to build them, if it's a new residence, to build up to a limit of the FAR. And then one year  
15 later apply for a new permit; this could be one interpretation. There could also be a different  
16 interpretation, we can allow just to go over the FAR limit by this ten percent if the owner  
17 wishes to build an ADU up right, right? At the time of applying for an original permit but so I'd  
18 like to understand what is the... Regardless of our discussion, I'd like to understand what is the  
19 understanding... Legal understanding of the language that California legislature adopted in this  
20 document. So, the way that I read it, it says that when the development... I hope this is the...

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1 And I'm reading out of the copy of an email that John Kelly sent to us which I think that this may  
2 be a copy of the existing except the Assembly Bill. It says that when the development of an  
3 accessory dwelling unit on a parcel with an existing single-family residence would result in the  
4 parcel exceeding the lot coverage requirement so and blah blah blah. When I read this, I  
5 understand that this, when it talks about existing, it talks about the stock of the housing as of  
6 the time of the adoption of this legislation. So, I would... Is this your understanding as well or  
7 you have a different understanding?

8 Mr. Lait: Ok so I think we all have some maybe information to add to this and I'll just start off  
9 and get support. I think there's a couple thing to distinguish, one is the state law doesn't set  
10 forth this bonus floor area requirement. This is something that our City Council established, ok?  
11 So, let's make a distinction between state law and our local ordinance. This is one area where  
12 we go beyond state law to grant these this bonus area so do we have an understanding of that  
13 component?

14 Commissioner Gardias: Yep.

15 Mr. Lait: Ok so the second question then is too intent, was this intended to be for existing or is  
16 the January 1<sup>st</sup>, 2017 date relevant or significant? The way the ordinance is written, it talks  
17 about... And I've drifted off the page a little bit but I think it says there's a... For FAR by way of  
18 example, when a new ADU is proposed and there is an existing single-family residence, that  
19 would result in the parcel exceeding the allowed floor area. One would get to have this

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1 additional 175-square foot bonus so that they can have an ADU. So, this is a Council policy, it  
2 was tied to just... it was just as written and not associated with the January 1<sup>st</sup> date so I'll pause  
3 there and see if anybody wants to add more to that.

4 Mr. Yang: Yeah, I would just concur that the Council in this ordinance used a specific January 1<sup>st</sup>,  
5 2017 date when they wanted that to be a significant cut off and that's not the case for this  
6 provision.

7 Commissioner Gardias: Very good, thank you very much for clarification. I went through the bill  
8 and I was confused myself because I thought this was language out of the Assembly Bill but it's  
9 not. I went through it, counted multiple times, I couldn't find it. I thought that maybe I was  
10 counting the document so thank you for clarification. So, with this, so my understanding is that  
11 just when I read this, it just talks about our existing housing and then there is no need that will  
12 be applicable for the residences that would be built later on. And then if there is a residence  
13 that's developed after this ordinance took place, there would be no need to pretty much...  
14 There would be no opening for the homeowners to come again and then request additional  
15 floor area ratio of ten percent over the existing one.

16 Chair Lauing: No.

17 Mr. Yang: So, I think what Staff just stated was that we don't interpret it that way. So, it's about  
18 an existing home and new construction can become an existing home once it's completed.

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1 Commissioner Gardias: Ok so that's... We can just do it in two different ways, right? Because  
2 the way that I read it, it would not allow for this but we can just either direct it to the Council or  
3 we can just... or we can propose our own interpretation. From my perspective, I would be  
4 more... I will be leaning towards accepting this as the additional ten percent for the existing  
5 houses, not for the future houses. That would be my interpretation that I would like  
6 [unintelligible] and then I would propose for our understanding unless Council decides to  
7 change it because this was their provision.

8 Ms. Campbell: I'd just like to clarify. You've referred to a ten percent bonus, are you talking  
9 about the 175-square feet?

10 Commissioner Gardias: Yes.

11 Ms. Campbell: Ok or... And are you suggesting that it should be ten percent?

12 Commissioner Gardias: No, what I am suggesting because there is a question right. Is it going to  
13 be applicable to the existing houses and future houses? We talked about this last time or is it  
14 going to be applicable only to the... Or it's going to be applicable to the existing houses and  
15 then there's a third question. If it's going to be applicable to the future houses, can the owner  
16 that applies for the original permit apply for ten percent larger FAR ratio because he's going to  
17 build ADU at the time when he's building a new residence.

18 Mr. Lait: Yeah except it's not ten percent, it's 175-square feet.

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1 Chair Lauing: Yeah, the ten percent reference is in the substandard lot size. I think those two  
2 might be getting confused there so it's the 175 that we need to focus on.

3 Commissioner Gardias: 175 then.

4 Chair Lauing: And just to clarify this, there's no question that people get a 175-square foot if  
5 they do it and/or there's no question that if they just put up the house and they come back  
6 later and put up the ADU, they can get it. The question that we're debating, should we add that  
7 concurrent construction of both buildings should qualify? That's basically the core question on  
8 this.

9 Mr. Lait: Right or alternatively, do we need to go to a set date? Existing now [unintelligible] set  
10 date so that we don't have that. That's the universe of options.

11 Chair Lauing: Explain that one to me now? I think got it but just (interrupted)

12 Mr. Lait: So, no, you got it right. So, I mean... So, it's either existing as of a certain date and you  
13 want to add the ADU but you're at the maximum lot coverage, then you can add the 175. It's...  
14 As it's written which is anytime you come in for the ADU, if you have an existing single-family  
15 dwelling, that this addition of this ADU would push you over the ADU... the floor area limit, you  
16 get the 175 which is fine. That's the way the code is written but what we're hearing and seeing  
17 from people is that they've got a project that they are advancing forward, new construction,  
18 and there's a way to two-step the process. So, you build to the max floor area and then you

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1 come back later and you ask for your ADU and you get an additional 175-square foot bonus for  
2 that ADU. It just makes it a bit of an awkward sort of situation.

3 Chair Lauing: Building process for the owner (interrupted)

4 Mr. Lait: It's not convenient and it's just a workaround.

5 Commissioner Gardias: Right, exactly so from this perspective, I propose to just adopt an  
6 understanding of the language that this bonus of 175-square feet is applicable only at the time  
7 of... Applicable to the existing housing.

8 Mr. Lait: As of a certain date. [unintelligible – multiple people started talking at once]

9 Commissioner Gardias: Yes, exactly.

10 Chair Lauing: Commissioner [Note – Vice Chair] Monk, did you have any comments on this one?  
11 Should we move on and come back if you want?

12 Vice Chair Monk: I just would at this point keep it brief hopefully. I think that with the general  
13 intent being that we want to have these bonuses give... Allow for the maximum of flexibility in  
14 development. We should do what we can to encourage these structures and for that reason, I  
15 would support taking action on Item Two of the proposed options. Which is to modify the code  
16 to specifically allow the bonuses for any ADU development whether in conjunction with new or  
17 existing homes. And to that end, I would also ask Staff to consider making a possible change to  
18 the ordinance or clarification in the section that deals with this issue at page... Packet Page 33. I

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1 think it's a little bit unclear in the terminology and I'll just direct your attention to Item Four ii A,  
2 lot coverage. When the development of an accessory dwelling unit on a parcel with existing  
3 single-family etc. and then again, Item C FAR, when the development of a new one-story  
4 accessory dwelling unit on a parcel. We don't have a clear understanding of what development  
5 means and so you might want to consider putting in some language that states that  
6 development includes or consists of an existing or new construction or both; something to that  
7 effect and I'll leave it at there for now.

8 Chair Lauing: Commissioner Summa.

9 Commissioner Summa: Thank you to Staff and thank you to all the speakers who came tonight.  
10 A couple of general observations and one is that I think I appreciate that Council wanted a  
11 quarterly report and I appreciate that Staff has done that. I think it's almost too soon to really  
12 know much about how many applications we're going to be getting and how many ADU were  
13 being... Going to be achieved. So, I'm not, in general, not in favor of recommending a lot of  
14 changes at this time just because it's too soon. Antidotally, the people that I know that are  
15 building ADUs or have applied for them, they just got... It took them a long time to get their  
16 applications together and work with their architects and they just got them in or will be getting  
17 them in. And so, I just think that it's too soon really to make a lot of big changes because we  
18 really don't know the impacts or effects of the lot change yet.

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1 That being said, with regards to Item B and the bonus FAR, I would be in favor right now of  
2 Three with restricts the bonuses only to existing homes that are existing of a specific date; i.e.  
3 the effective date of the ordinance. I think it's... I think that's what was intended originally and I  
4 think we should leave it that way. I think new houses being built are almost all built to the...  
5 Within an inch of the maximum FAR and a lot of older houses are not. So, and a lot... And they  
6 are all have full basements, some of which will be used as ADUs anyway so I worry that we'll  
7 end up with in R-1 with three... Potentially three dwelling units instead of two. So, for that  
8 reason, I would like to restrict it to existing homes. Thank you.

9 Chair Lauing: Commissioner Alcheck.

10 Commissioner Alcheck: I think there's... The question that needs to be answered with respect to  
11 this issue is there a single good rationale that be identified that would support the conclusion  
12 that bonuses, either FAR or lot coverage, could be granted for ADUs built after a single-family  
13 home but not for an ADU built concurrently with a single-family home. There's... Without a  
14 good one, I would encourage Council to either eliminate that bonus or expand it to include new  
15 concurrent construction. One can argue that there is an inconsistency... That this inconsistency  
16 might be justified by this overwhelming need to support housing and the development of  
17 housing. And that adding ADUs on lots with old housing is the most promising way for us to  
18 create housing stock in our neighborhoods, which I agree. And so, we should really make it as  
19 appealing and flexible as possible and grant bonuses, which I support for the record. I support  
20 the bonuses; however, I'd argue that most of our old house homeowners are probably nowhere

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1 close to maximizing their FAR or lot coverage. So, if you have an old home that was built 20 or  
2 30 years ago, you aren't probably close to your maximum FAR lot coverage and this issue of a  
3 bonus isn't even relevant. But if built your home 2-years ago or in 6-months and then you come  
4 after that date and want to build an ADU, you can now get the bonus so what are we  
5 encouraging? Two permit application processes? What you're suggesting isn't somehow not  
6 allowing the bonus, you're just creating a two-step process. Two development fees... Hold on,  
7 you'll get your chance, so that doesn't make any sense. If you build a home today, max it out,  
8 you come back, you want to develop an ADU out of the detached garage you built in the back  
9 of your property, you can do it and you can add onto that garage because we allow for a bonus  
10 under this ordinance. That's how it's written, that's what Number Three would result in so I  
11 would suggest that we should support the bonuses because we want to encourage the  
12 development of ADUs. And we should allow individuals who are now building a single-family  
13 home to be able to also benefit from the bonus concurrently so that they don't have to tear  
14 down their garage.

15 Now I want to sort of make a broader point which I eluded to that I would do earlier which is  
16 this same issue. Which is a fundamental issue of logic and inconstancy occurs again when you  
17 dig deep into the parking requirements. Which we'll get to but I want to suggest that we have a  
18 bigger problem here. I support the effort to allow existing homeowners to convert detached  
19 garages into accessory dwelling units. I wouldn't be surprised if the vast majority... This is  
20 antidotal but I wouldn't be surprised if the vast majority of detached garages are not in fact

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1 used to house vehicles. So, you wouldn't really be resulting in a lot of overwhelming change in  
2 the way we park our cars for those homes. But what logic supports the policy position that we  
3 would allow someone who built their home last year to convert their garage and eliminate their  
4 covered parking but someone building a home this year may not escape that requirement. They  
5 would have to build their home with a car garage and if they wanted a dwelling unit, they have  
6 to build another detached... potentially a detached structure in the rear; which I imagine would  
7 be virtually impossible with the requirement that you can't cover over fifty percent of your rear  
8 interior yard. Why are we encouraging a system that allows one individual to eliminate their  
9 parking requirement but the other can't unless they do this two-step process? Unless they  
10 come back 6-months after they finish their construction, convert their garage and now they  
11 have no covered parking which is great because they have an ADU which is what they wanted.  
12 So, then... Hold on, this is important, I'd like to be able to finish this point. These are  
13 inconsistencies in the incentives that we are building into our residential housing code. Why we  
14 would be... One gentleman spoke tonight about a problem which we've limited because every  
15 home built after 2017 with a garage basically 6-inches from their neighbor's fence can't convert  
16 it to an ADU but for the vast majority of homes whose garages are literally on their fence line,  
17 those people can because they were before 2017. These are the sort of inconsistencies which  
18 result in this patchwork conclusion. Every street has a different issue, nobody understands how  
19 these issues get... We should encourage Council to take a step back and say wait a minute, what  
20 are the incentives that we are creating? Is the result that you want for every other home on the

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1 street to sort of be grappling with parking requirements 6-months after they build their homes.  
2 Do we want construction to take longer? Do we really want to encourage ADUs? Do we want  
3 them to happen right away or later? I mean it's bigger than just do we want a bonus or not?  
4 The question is, are we building in inconsistent logic? And the reason why I'm harping on this is  
5 because we made this point a month ago; there's no response; it's maddening to me. We made  
6 the point... I make this specific point why would we encourage a homeowner to tear down their  
7 garage 6-months after they built it for the purposes of building an ADU? Why don't we allow  
8 them to build the ADU and not the garage? And there's nothing about it and without that, we  
9 are suggesting to Council to create a system which is... It's not a work product you should be  
10 proud of.

11 Chair Lauing: So, this is just a second reading of the various issues that Staff has discovered to  
12 get some more public hearing.

13 Commissioner Alcheck: No, this is the second time I'm making a point that isn't being  
14 addressed and so I'm making it (interrupted)

15 Mr. Lait: I'd like to respond to that actually.

16 Commissioner Alcheck: Yeah, go ahead.

17 Mr. Lait: We were closed for two weeks or for a week and change. This was continued at the  
18 Commission's request to this date. Staff has not had time to prepare any kind of response to

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1 these issues. This is a continued discussion, not a brand-new study session, we're at the  
2 Commission's request to continue the dialog and that's why you don't have a response in your  
3 Staff report.

4 Chair Lauing: Right (interrupted)

5 Commissioner Alcheck: I guess my (interrupted)

6 Chair Lauing: And on some of these points if we say hey, we already talked about this. We don't  
7 have any further comments on those, that's fine because we're already on the record on those.

8 Commissioner Alcheck: It's not that we are not... It's not... It's... I guess what I would like to say  
9 is that maybe this Staff report should have suggested hey, last time we met inconsistencies that  
10 create inconsistency incentives are being created. I mean we got... Look, we're going to get to  
11 fees and we're going to get to owner occupancy in a minute but I don't think anybody can make  
12 an argument why they would prefer a system that would allow someone to do exactly what Sue  
13 doesn't want... Commissioner Summa doesn't want them to do 6-months after they started.

14 Chair Lauing: You made that point a number of times now so let's just have a short response  
15 from (interrupted)

16 Commissioner Summa: So, I didn't prefer Option One which is to leave the code as it is because  
17 that allows what you're saying. That allows somebody to build a house and then come back and  
18 build an ADU and I don't think that's very practical for Staff. I don't think its practical for the

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1 Development Center and/or I think it costs people extra money. It seems sort of like a punitive  
2 choice, that's why I didn't choose One. I chose Three, which I think keeps the intent of what  
3 Council wanted which I don't have any... I don't get to question what the Council decides. So,  
4 whether or not the 175-foot bonus made sense or is not up to me but I don't think it's prudent  
5 or logical to extend that.

6 Chair Lauing: So, I'd just like to make a couple comments on this one. The one... First of all, let  
7 me just comment on your original general comments which sort of parallel with what I was  
8 getting to on my original comments. Was that there's just so little data here to be making any  
9 changes to a law that Council passed a few months ago. So, net, I hope at the end of the day  
10 we're not moving onto a newly amended ordinance but that any way that Staff wants to  
11 conglom these different comments along to Council or not. But I would say the consensus at  
12 the end of this should be that it's just too early to make any changes at this point.

13 But moving forward (interrupted)

14 Mr. Lait: Can I? Just because I... It's a...

15 Chair Lauing: Yeah.

16 Mr. Lait: So, I (interrupted)

17 Commissioner Alcheck: [unintelligible – off mic]

18 Chair Lauing: Go ahead.

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1 Mr. Lait: I think that may be true. Maybe there's no change that comes out of this. At a  
2 minimum, I think there might be some tweaks that we need to make from an administration  
3 standpoint because Staff is encountering these issues at the public counter and we need clarity  
4 in the ordinance to at least affirm a policy direction or not. So, there may be some tweaks but  
5 again, we're not here looking for wholesale changes to the ordinance. We're just trying to make  
6 sure that we're achieving that and the intent of this study session and others if required is to  
7 fine-tune that universe of things that we need to change and to respond to the Council's other  
8 policy direction related to the two items I mentioned before; the illegal units and the  
9 affordability component. [unintelligible] (interrupted)

10 Chair Lauing: Right and we should actually make some comments on fees as well. So, my  
11 comment on this one is kind of very consistent with that which is I think we should know what  
12 Councils intent was. If they say oh yeah, we meant to include new units that are built  
13 simultaneously with new homes, I think that's fine. And if they said that wasn't the intent, I just  
14 think we should go with the original intent of the "makers" for a while on this particular one.  
15 So, that may be one where you have to get feedback directly from Council, what was the intent  
16 here? So, that's all I have to say on that one.

17 So, Item C basements, we actually talked about that quite a lot last time.

18 Commissioner Gardias: Can we continue on B?

19 Chair Lauing: Well, we already did.

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1 Commissioner Gardias: Well, I just lit my light so.

2 Chair Lauing: Well, I'm hoping that we're not going to be two or three rounds here on each one  
3 of these things after we also talked about it last time. So, if you have some comment on B,  
4 that's fine but (interrupted)

5 Commissioner Gardias: Yes, of course, I do. I'd to just use my time and we... I don't believe that  
6 we finished on B. The discussion continues so (interrupted)

7 Chair Lauing: Ok, I thought we had so go ahead.

8 Commissioner Gardias: Yeah so thank you very much. So, I would like to... I find Mike's [Note -  
9 Commissioner Alcheck] logic irresistible. I thank you, those are good comments, that I was at  
10 the beginning trying to oppose 175-feet but the audience maybe saw me struggling where this  
11 175-feet is coming from. I thought this was from the Assembly Bill, apparently, it does not.  
12 Typically, if there is a number or some percentage or some other requirement it means  
13 something. I don't believe that this 175-square foot means anything. I don't understand the  
14 logic this was... That was applied for this 175. Why not 150? Why not 200? Why not 300? We  
15 went through similar discussions before, we try to also just have some reason behind a number  
16 so I'd be looking forward to have some rationale behind 175-square feet that would just tell me  
17 or pursued me personally why this was number was put into the law? But if there is none and  
18 maybe looks there's none, I'd really like to just support the logic that Michael's [Note -  
19 Commissioner Alcheck] presenting and just propose to the Council just to eliminate this bonus.

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1 It's not only because it's illogical, I find his logic irresistible as I said, I think this is illogical and  
2 then also it's going to be unfair because we're going to just have two classes of the owners.  
3 Ones that would be entitled to have 175-square feet more on their lot and then the second  
4 class that would not have so this is another argument against this bonus. We can find some  
5 other ways to allow for a larger number of the housing units or ADUs built on our lots but I  
6 don't believe that this is the right way. So, with this reason I would support just another point,  
7 the point four, just to recommend to Council just to remove this bonus altogether. Thank you.

8 Chair Lauing: Commissioner Alcheck.

9 Commissioner Alcheck: So, this is complex, I'm going to try to be very clear. My  
10 recommendation to City Council would be that they include a bonus to encourage the  
11 development of ADUs. However, I would suggest they require that the ordinance be revised so  
12 that it doesn't create an incentive for individuals to build ADUs 6-months after they complete  
13 new construction. That is the inconsistency that I see in the current packet and the issue there  
14 is broader. I believe that... And I really do think that we are just scraping the surface of potential  
15 issues regarding conflicting incentives and without maybe appreciating how this works a little  
16 bit more. We're not realizing that we're setting issues up between our existing housing code  
17 and our ADU development. So, in this particular case, I want to be clear, I support the bonus. I  
18 just think that as it's written right now, it demonstrates a fundamental lack of appreciation for  
19 the incentive that it's creating for what I would call backward development process. One that  
20 requires someone to build their home in two phases as opposed to one.

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1 Mr. Lait: So (interrupted)

2 Chair Lauing: Ok.

3 Mr. Lait: Chair?

4 Chair Lauing: Go ahead.

5 Mr. Lait: So, just to respond to a couple of the comments. One, I think this is... The reason the  
6 175 was added was to provide a modest relief valve for those homeowners who have an  
7 existing home that may not have been at the maximum floor area or maybe at the maximum  
8 floor area but in providing this additional unit, which the City is trying to encourage, needed a  
9 little additional floor area to make it a viable unit space. And so why 175 and not 160 or 180?  
10 Sure, people could argue about that. The Council set forth the policy of 175 and that's the  
11 number we have and we're not having a conversation about whether that should be increased  
12 or decreased. That's just the number we have.

13 To respond to the other comments about the inconsistency. I think what we have here is a  
14 different kind of policy consideration and that is the state has established a set of requirements  
15 that says Cities shall require Municipalities to allow property owners to convert existing garage  
16 to ADUs. And a posture... And so, every City has to do that and county needs to respond to that  
17 and allow for that but the Cities and counties still have rules in their zoning code and policy  
18 interest in having homes be developed in a manner that has covered parking. I mean that's not

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1 an unusual requirement for municipalities to have covered parking. It's not required, it's not  
2 necessary but this community has taken the position, the policy perspective, that at least one  
3 space needs to be a covered parking space for a new home. And so, I think the reason we're  
4 seeing this inconsistency as it's been described is because we're codifying what the states told  
5 us what we need to codify but we still have this local interest in a policy of having at least one  
6 covered parking garage or parking space. And what we're seeing in... So, those I think are the  
7 reasons why... We didn't want to... I think municipalities are trying to balance and navigate this  
8 requirement from the state with their existing policies and see how they come together. And  
9 what we're seeing in the application of the ADU Ordinance is this issue where we end up  
10 potentially, based on the reading of the existing code, creating this two-step process. And I  
11 think the two-step process doesn't serve anybody, I think everybody would agree to that issue.  
12 The question then that we just need to solve it... Well, you know the question, I don't need to  
13 restate it but those are the options that we've presented in the Staff report and that's the issue  
14 that we're trying to resolve.

15 Commissioner Alcheck: Chair, I would suggest that that question hasn't been raised in the  
16 packet effectively. The question as to whether or not we should revisit, because he raised it,  
17 parking requirements because we currently are creating an ordinance that allows new  
18 homeowners, new homes that have just been built to essentially three days after they get their  
19 final to convert their existing garage, which I'm sure will be very bare bones, into an ADU which  
20 is maybe their desired intent. My point is I'm ok with that but if we're ok with that, then let's

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1 address it and if we're not ok with it, then don't ignore it. I don't think this report suggest hey,  
2 red flag, we've got this long-standing approach to covered parking but the state required us to  
3 do this. By the way (interrupted)

4 Chair Lauing: At least, I think it's being aired right here and you're raising is multiple times.

5 Commissioner Alcheck: Right but I don't think it's news to the Planning Department. I think they  
6 are aware of the inconstancies. I think as individuals are coming to the Building Department,  
7 there are having a hard time with these inconsistencies.

8 Chair Lauing: So, the comments at this point are not to be creating an ordinance. The  
9 comments are giving planning Staff feedback.

10 Commissioner Alcheck: Right. Look, I get it, you got... Look, from my perspective, we sit on this  
11 Commission not just to essentially affect the intentions of the City Council. It's our job to  
12 suggest to them that maybe their intent should include a more consistent and articulate  
13 approach to solving the problem of both of complying with the state requirements for ADU and  
14 their stated goal and my shared goal of increasing housing stock in the community.

15 Chair Lauing: Which I think you just did.

16 Commissioner Alcheck: I'm just... I want to make it clear that I don't think that we need to just  
17 say oh well, I don't know if we shouldn't make any changes. Changes have to happen, people  
18 are completely confused by this and the inconsistencies are huge. So, I don't think that this is a

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1 small issue, we've been dilly-dallying with it for 2-months now and we don't have an effective  
2 discussion of the problems and that's my issue. We are not... We haven't even referred to the  
3 problems properly. We're talking about whether bonuses should be allowed as if it's like well  
4 should we allow them or not? I don't know. Are they good or bad? It's not (interrupted)

5 Chair Lauing: Well, you just referred to them multiple times Michael [Note – Commissioner  
6 Alcheck].

7 Commissioner Alcheck: I... Ok.

8 Chair Lauing: So, you're on the record, we got it and we're not... If we get to an ordinance  
9 (interrupted)

10 Commissioner Alcheck: What I'm trying to [unintelligible]

11 Chair Lauing: We're going to have to look at how the ordinance (interrupted)

12 Commissioner Alcheck: What I'm trying to do is to convince all of you sort of the heightened  
13 importance of this so then maybe we can come to a conclusion as a group here; create a  
14 unanimous position on this. That's the goal of going by them one by one, not to simply sort of  
15 stand here and come to no conclusion. I would suggest that it would be wise if each of you  
16 opined. If you all feel opposite of me that you don't think this is an issue, then come to that  
17 conclusion, state it, take a vote, whatever you want and let's move on. But I'm making a  
18 concerted effort here to sort of raise all of your heart rates here so that we can all get on board

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1 and maybe the next time we meet, we have a different ordinance that has slightly tweaked  
2 language that addresses these issues. That's the goal I'm trying... I'm not trying to move this to  
3 Council so that they can have a discussion that's just as half-baked as this one.

4 Chair Lauing: Got it. Ok, are we done with this or no? We're not? Go ahead.

5 Commissioner Gardias: No, we're not and so I value Mike's [Note – Commissioner Alcheck]  
6 comments. I find them always refreshing because he speaks from his heart I believe but so let  
7 me just speak to this point that he's raising because I think we should have the discussion  
8 because we should have some general stand about this ordinance and where we want to go  
9 with it. So, I can tell you what I think about this so my concerns about ADUs are pretty much  
10 that and some of the speakers were just touching upon the fact that there may be that there is  
11 a risk of creating... Of changing the community of Palo Alto. And this is a very specific City and  
12 pretty much if you go through our demographics, you're going to find out that we... That the  
13 number... Percentage number of the renters in this community has increased I think that by the  
14 ten percentage points within the last 7-years. I believe that with that, there's a farther risk of  
15 eroding ownership and those that are involved in this community by pretty much putting an  
16 item like this one that we just heard from one of the speakers. That the garage that is one 1-  
17 foot away from the fence will have a superstructure or a second-floor built on top of this. And  
18 then pretty much if the enjoyment of that individual from his backyard will be reduced  
19 dramatically because his neighbor will have an accessory dwelling unit. This is the risk that  
20 pretty much our community is at today, that there could be a number of those that would be a

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1 number of those owners that would invest in ADUs and then rental... Number of the rentals in  
2 this community will increase. And then pretty much those that are trying to support the  
3 community by being with this town for many years will feel separated from it.

4 Vice Chair Monk: Are you lite up Doria [Note – Commissioner Summa]?

5 Commissioner Summa: I have my light on, yeah.

6 Chair Lauing: Yeah, Commissioner Summa.

7 Commissioner Summa: So, just really quickly, I think Staff laid this out with the three choices  
8 rather well and I would agree with Mr. Lait that the first one, leave it as is and make people go  
9 through the process twice, is really not serving anyone. And it takes a lot of development Staff  
10 time and that nobody wants to do that. So, I think that Commissioner Alcheck would like...  
11 Would favor Two and once again I favor Three because I think we should wait. Before we make  
12 a lot of substitutive changes I think we should see what the impacts are and how many ADUs  
13 we're getting. And I do agree with Mr. Lait that I interrupted it that the same way that he did,  
14 that Council was trying to give a little extra incentive for existing homes because they are often  
15 not at their full lot coverage with full basements.

16 Commissioner Alcheck: Can I just ask you to clarify how you think a new home built to its max  
17 under Number Three, wouldn't be able to get a bonus three day after they've finished  
18 construction? The result that happens in the current ordinance, how do you think Three

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1 addresses that? I'm not... It's not clear to me that Three somehow prohibits that exact result  
2 that you're complaining about.

3 Commissioner Summa: Because Staff had indicated a date at which that... The house would  
4 have to have been built before that date to be qualified... Be defined as an existing home.

5 Commissioner Alcheck: What would the date be?

6 Commissioner Summa: It would be the date the ordinance went into effect.

7 Mr. Lait: It could be any date.

8 Commissioner Summa: [unintelligible – off mic]

9 Commissioner Alcheck: So, from your perspective, any home built in the last 15-months is  
10 except able to you that they get the bonus but just homes built in the next 15-months  
11 shouldn't? You're comfortable with that sort of (interrupted)

12 Commissioner Summa: I'm comfortable with not changing what the Council did by extending it  
13 to more homes.

14 Chair Lauing: Yeah, Commissioner Monk [Note -Vice Chair Monk]?

15 Vice Chair Monk: I don't want to beat a dead horse here but I hear Commissioner Summa's  
16 concerns. I guess we just don't know what that result will be if we go with Option Two over  
17 Three. Does Staff have an insight on what this will do with inventory whether we choose Two or

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1 Three? Would Three result in... I mean choosing Two, would that result in changing you know  
2 changing to R-2 essentially and having a lot more ADUs? I mean it's not really going to  
3 (interrupted)

4 Mr. Lait: I don't imagine that there would be... No, certainly, it wouldn't have an (interrupted)

5 Vice Chair Monk: It wouldn't result in that (interrupted)

6 Mr. Lait: No.

7 Vice Chair Monk: In reality but I just meant that's a concern that people have. That  
8 (interrupted)

9 Mr. Lait: What it would require is people who are building new homes today would have to take  
10 into account the maximum floor area that exists for these lots. And if they are interested in an  
11 ADU, designing that ADU within those parameters.

12 Vice Chair Monk: So, and maybe I am reading it incorrectly but to me, it seems like they could...  
13 They are not prohibited from doing that (interrupted)

14 Mr. Lait: No.

15 Vice Chair Monk: And if we choose any option other than Option Two, it would just involve  
16 additional construction because they have the right to come back and build again later and  
17 that's additional disruption to the neighbors because they've just built a home. And then if they

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1 want to go back and build an ADU, they're going to be taking up more time and more  
2 construction effort, more noise, more disruption and more process on the back end for Staff to  
3 have to duplicate their efforts.

4 Mr. Lait: I think the issue really is, is this a bonus that extends to existing properties that are at  
5 or near FAR or is this a bonus that extends to any redevelopment of a single-family lot  
6 (interrupted)

7 Vice Chair Monk: Right.

8 Mr. Lait: For the purposes of promoting ADUs.

9 Commissioner Alcheck: So, let me ask just a quick clarifying question because I think this will  
10 sort of trigger Commissioner Summa. Which is what you're really saying is for every  
11 homeowner who lives in a home built in 1951, which has an average floor area of 1,800-square  
12 feet, who is likely able to build double that on their property. If they decide to build an ADU, it  
13 won't make a difference because they are only going to build a 900-square foot ADU; it won't  
14 bring them close to the maximum. Basically, this bonus will only benefit the individuals who  
15 have built a home either very recently and clearly maximized because who builds a home in the  
16 modern era and doesn't build every square foot they possibly can base on the financial issues  
17 that we're facing. So, you're really creating a bonus of a 175-feet, whatever you want to call it,  
18 two percent, five percent, ten percent, only for those people who already have massive homes  
19 on their lot. Nobody that's been in a... Nobody that has a 1951 structure that wants to

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1 redevelop their home is eligible for the bonus. You're essentially rewarding the group of people  
2 who I sense you dislike their decisions the most. It doesn't... It's so inconsistent.

3 Chair Lauing: Can we just get a response from Commissioner Summa?

4 Commissioner Summa: I don't know how to respond to that. I wasn't disliking anybody's  
5 decisions or choices. I was responding to a special benefit that Council wanted to give to certain  
6 people of 175-square foot bonuses.

7 Commissioner Alcheck: Who? What people? I'm laying out the houses for you. It's only the  
8 people who've maxed it out so nobody else gets that benefit. What's the rationale? How do  
9 you... What would be your reason for supporting that rational?

10 Commissioner Summa: Look, I'm not on the City Council and I didn't participate in that  
11 conversation.

12 Commissioner Alcheck: I know but we're going to provide them with advice what they should  
13 do. Would you suggest that supporting the rational is a wise one or we should make it equitable  
14 for every resident in the whole City whether they've built a home in the last 5-years or not?

15 Chair Lauing: The only way we're going to get closure on this is to do sort of a straw vote.

16 Vice Chair Monk: I just have quick question for Commissioner Summa (interrupted)

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1 Chair Lauing: I know, I'm not down with asking for lights. I'm just saying that I think that's the  
2 way to get closure on it so go ahead.

3 Vice Chair Monk: Well, I think we've made our points. I don't know that we need to vote again  
4 but Commissioner Summa, would it make sense to you that maybe if we were to go with  
5 Option Three that they wouldn't be able... It would only... It could only apply... If they haven't  
6 maxed out their new construction, are there any combinations that you think that would  
7 make... Do you have any suggestions that you can offer?

8 Commissioner Summa: Of the three suggestions (interrupted)

9 Vice Chair Monk: Like it should only be (interrupted)

10 Commissioner Summa: Options that Staff laid for us and I thought it was very clear, I prefer  
11 Three.

12 Mr. Lait: So, I think Chair, we're clear on the different perspectives of the Commissioners so I  
13 don't know that we need a straw poll vote on that.

14 Chair Lauing: Commissioner Gardias, is your light on?

15 Commissioner Gardias: Yeah, I think that we should just add another option. I mean just as I... If  
16 we are restricted only with One through Three, I support Three but then I already said that I  
17 think that Mike [**Note -Commissioner Alcheck**] has a point. I don't believe that there should be

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1 any bonus because however you look at this, pretty much it just awards certain groups of  
2 homeowners and doesn't reward others. You can also (interrupted)

3 Vice Chair Monk: Commissioner Gardias, I think you did make that point already earlier. Can I  
4 (interrupted) [unintelligible -talking over each other]

5 Commissioner Gardias: Exactly, [unintelligible – talking over each other]. Yeah but please allow  
6 me to just finish right?

7 Vice Chair Monk: If you're going to make a new point but I think you've already made that same  
8 point. I've heard it now twice. If you have something new to say because I'd like to... We have a  
9 large audience tonight.

10 Commissioner Gardias: So, pretty much I would like to propose to add a recommendation to  
11 the Council that we recommend to eliminate this bonus altogether.

12 Chair Lauing: Ok so in the current format, that's another option that you're picking up in terms  
13 of what we're hearing and at some point, if this comes back in ordinance changes, then we'll be  
14 able to vote on everything, including the language.

15 Vice Chair Monk: Chair, for the next issue since we have an audience here that... I'm so pleased  
16 to see all of you. This is really exciting for us, I think this is my first real big audience so thank  
17 you all for being here and sticking this out. Just in respect to the audience concerns, I don't  
18 know, I was wondering if we could maybe consider doing either the owner occupancy

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1 requirement or what was the other big issue that people... Was that the bigger issue that the  
2 audience was mostly speaking to tonight? Just something that would... So that we can respect  
3 their time and they can leave when we're talking about things that might not be pertinent to  
4 them.

5 Commissioner Alcheck: I would suggest that in nearly every issue that's raised in this packet is  
6 probably of importance because they are all issues. The (interrupted)

7 Vice Chair Monk: But maybe we could move the noncompliant (interrupted)

8 Commissioner Alcheck: Replacement of noncomplying structures, the owner occupancy, every  
9 single issue is identified by one speaker.

10 Vice Chair Monk: So, then our next topic would be the replacement of noncompliant structures.

11 Commissioner Summa: Basements.

12 Chair Lauing: Basements.

13 Vice Chair Monk: We've already talked about basements in the last (interrupted)

14 Chair Lauing: Well, I don't know that. Let's ask if people have other comments on basements.

15 Vice Chair Monk: Does Staff... Is it Staff's understanding that was discussed in December?

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1 Chair Lauing: It was discussed but all these things were discussed so we're just trying to see if  
2 anybody else has further comments on these issues.

3 Vice Chair Monk: I guess my feeling is that when this is continued, it's because it could have had  
4 hours on end on that meeting and not an opportunity to necessarily come back and revisit  
5 things that we hadn't discussed or you want to bring up again.

6 Chair Lauing: The reason for two readings is because we have time to contemplate it,  
7 contemplate our colleagues on the first time around and see if we have any other comments on  
8 a second time around. Maybe we don't but I would feel remised if we didn't ask if there were  
9 further comments.

10 Commissioner Alcheck: I'll make a comment on basements.

11 Chair Lauing: Ok.

12 Commissioner Alcheck: Ok so here look, I think that I would encourage the City Council to  
13 require the Planning Department to create concurrently with the revision of this ordinance like  
14 a three to five-page manual that lays out the exact options and limitations for ADU  
15 development. And I say that because we can make... The process should be simplified, people  
16 should be able to grab a technical manual from the desk and understand what their options are  
17 right away. And this one area in particular where there are sensitivities in our community about  
18 basements. Whether you think they are rational or irrational, they exist and I think that issues

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1 related to ADU and ADU's proximity to setbacks or daylight planes are important and  
2 basements fall into that category. We need to be careful here, I think the ordinance should  
3 discourage rules that essentially allow the fears associated with these developments to be  
4 realized. So, naming that residents will feel imposed upon by their neighbor's ADU and so to the  
5 extent that we're talking about an issue like basements; which is I would argue is sort of  
6 unaddressed by the ordinance, there's a lot of confusion about how it's supposed to work. It  
7 doesn't... We're not... It's not consistent with the way we treat basements in our single-family  
8 home development. What... How should the rules be applied? Well, I would suggest to you that  
9 the main issue is that we... While we allow basements under single-family homes, we don't  
10 allow single-family homes to encroach the rear setback and we are allowing ADUs to encroach  
11 the rear setback. The rear setback is 20-feet so you have an issue there. We're going to allow  
12 these structures to encroach a setback, do we want to allow basements to encroach setbacks? I  
13 don't know that we do and I would suggest that the way we approach... What are we talking  
14 about? We're talking about a basement underneath a detached structure, right? And so, I think  
15 what we need to do is we need to lay out sort of how the setbacks, how the daylight planes,  
16 how the various rules apply to sort of a detached accessory dwelling unit? So, that you can  
17 begin to see ok, well, I'm not so concerned about this accessory dwelling unit because I now I  
18 realize it's not going to affect my daylight plane, it's not going to be that close to my fence and  
19 so maybe I don't mind. Right now, we are operating in this vacuum of knowledge, everybody is  
20 freaking out and so they are saying, no, no, definitely don't allow a basement under an ADU.

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1 That would be illogical and if you do, count it, which is what logic? We don't count basements  
2 under houses, why would be to count them under ADUs? What... The question should be what  
3 is the rationale? If you want... If you are opposed to basements, which I think plenty of people  
4 are, then say I hate basements and they shouldn't be allowed under single-family homes and I  
5 wish you would change that to City Council. But don't say I don't know, I just think for ADUs we  
6 shouldn't allow them as if that's somehow a reasonable suggestion. So again, another  
7 inconstancy, no logic, City Council should say, wait a minute, let's clean this up.

8 Chair Lauing: Commissioner Summa.

9 Commissioner Summa: Yes, so the question as Staff framed it was should we have that allowing  
10 basements in setbacks would be a change and do we want to allow that? I tend to think not at  
11 this time. Like everything else about this, I think we don't have a lot of information yet so that  
12 would be my take on the basements.

13 I did want to ask Staff a couple of questions. The last speaker who spoke and I can't remember  
14 his name, I am sorry, but he mentioned that he couldn't replace his foundation on this main  
15 dwelling because he would have to bring his ADU... His existing non-conforming ADU up to code  
16 also. Is that correct?

17 Ms. Campbell: It's not that... It an illegal unit so what happens is that often times when a  
18 project comes in, we... If it turns out that we are aware that there is an illegal condition. They  
19 need to correct that before we would support approving new construction.

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1 Commissioner Summa: Ok so it's not that it wasn't compliant, it was illegal.

2 Ms. Campbell: Right.

3 Commissioner Summa: Ok, thank you for clarifying that. So, that's my comment on basements,  
4 thank you.

5 Chair Lauing: I'll just make a quick comment since it dovetails pretty well with Commissioner  
6 Summa's, is that it is a hot button in the community, there's no question about that. I agree  
7 with Michael [Note – Commissioner Alcheck] on that and there are various engineering views of  
8 that relative to water tables and so on. I just don't think with the day that we have right now  
9 that it's something that we need to make a decision on. I mean this is one that I would  
10 definitely want to have more data, more engineering knowledge presented on this and frankly,  
11 see if it's even an issue. The square footage in the ADU doesn't go away and that's kind of  
12 primarily what we're solving for so I don't see this one amongst all of these things as significant  
13 or I should say as urgent. Commissioner Gardias?

14 Commissioner Gardias: Thank you. So yes, I agree with the thought that there should be a clear  
15 set of rules and then there needs to be rational. Personally, I think that... And we talk about this  
16 in the prior session, I think that people will not build basements because it would be very costly  
17 but I think it should be put into law. And then there should be a rule that ADUs that we don't  
18 allow basements under ADUs and I can tell you one more point just to be logical why I would  
19 request that so let me tell you a story. So, I had a tree in my backyard and the tree was right in

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1 the corner and then a neighbor of mine on the other side of the fence decided to build a  
2 recreation area. And he decided to just pretty much cover his backyard with concrete and with  
3 some tiles on top of it. In order to do this, he pretty much cleared out all the roots to make  
4 room for the concrete and the slab... Concrete slab. And then when I noticed this I just went to  
5 the City, I found out this was done without a permit, I went to the City arborist, I just found out  
6 if they can do this and they said if it was under permit it would be allowed. But the City is not  
7 looking into items like this so it would be allowable. So, when I realized that the tree that is on  
8 the boundary of my lot and the neighbor has lost the roots on the other side I just... I freaked  
9 out. I thought my gosh, there will be a rainy season, and it is, and the tree is going to collapse so  
10 a couple weeks after this, I just pretty much requested that the tree be removed. And they  
11 removed the tree and the reason was that pretty much that I was concerned that the tree  
12 without the roots on the one side was going... Is going to collapse and it's going to kill someone,  
13 this was my concern. If we're going to allow ADUs with the basements 6-feet and this relates to  
14 the comment that away from the fence or from the boundaries, then it's the same concern like  
15 I had and expressed it earlier. That pretty much my concern is that construction of ADU on a lot  
16 on one person effects the neighbor. And I... As much as I support this and of course we have to  
17 support it because it's a state law, we have to make sure that the neighbors that decide that  
18 they don't have ADUs or because of some reason they have no... They are powerless, they are  
19 not affected with their neighbor's action. So, for this reason, I would oppose basements

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1 because somebody else may have a situation like I do. Pretty much that some... It would affect  
2 trees on the boundaries of the lots to be affected with the basements underneath. Thank you.

3 Commissioner Alcheck: Can I ask a quick clarify [question]? So, your position is you wouldn't  
4 allow basements within the rear setback up to 6-feet? You would... But would you be... I'm just  
5 curious, would you support a detached structure having a basement if it was not in the rear  
6 setback of 20-feet?

7 Commissioner Gardias: That's correct.

8 Commissioner Alcheck: Ok. I think it's just worth noting that we currently allow basements  
9 within 6-feet of side yards and 20-feet of rear yards. That distinction can be odd for unit... For  
10 homes that are on the corners and such but I'm not suggesting it. I just wanted clarity on where  
11 you stand.

12 Commissioner Gardias: Yes, exactly. I spoke about that and note that I [unintelligible – speaking  
13 over each other]

14 Commissioner Alcheck: [unintelligible] Do you have any opinion on this inconsistency about the  
15 square footage of a basement normally not counting but for an ADU it does count?

16 Commissioner Gardias: No, I don't have... At this moment I don't have an opinion about this.  
17 Once I have thought about this, I will provide... I will share it with you. Thank you.

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1 Chair Lauing: Any other comments on this? If not, we're going to go to replacement of  
2 noncomplying structures. Are we good or do we want to take a break and jump back in later?  
3 Ok, replacement of noncomplying structures, Commissioner Alcheck?

4 Commissioner Alcheck: Yes, I think one of the issues here is how uncompliant. You know we  
5 have homes that are an inch off or structures that are too very slight degree not consistent with  
6 our code. And so, they can't be converted to an ADU and the suggestion that they have to do all  
7 of this work may be completely out of the budget for a homeowner. And then you have a  
8 structure which is entire uninhabitable that is also noncompliant. I can't... I can imagine that for  
9 a Building Department or Planning Department to have to scrutinize these structures is difficult.  
10 How would... How can we create a process that allows the individual who for some reason their  
11 home is... Their ADU is 6-inches over a specific mark, how can we create flexibility for that those  
12 individuals...I think this is (interrupted)

13 Chair Lauing: I heard your point. I was just wondering if Staff could maybe respond to that.

14 Commissioner Alcheck: I would suggest that maybe one option is to create a route for  
15 noncompliant but structurally acceptable structures and maybe there would be a process by  
16 with an applicant could overcome issues with compliance with neighbor consent. Do you know  
17 what I mean?

18 Chair Lauing: Yeah, no, I do. So, I just wondered how they are going to kind of (interrupted)

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1 Commissioner Alcheck: I don't think I have an answer for any of these issues but this is an issue.

2 Chair Lauing: I don't know if there's a percentage you could put in there on that. If there's a  
3 quantitative way or if there had had to be a visual inspection or what?

4 Commissioner Alcheck: [Note – off mic] It seems virtually... It's a hurdle that seems virtually like  
5 unsurmountable.

6 Chair Lauing: Well, it's a tough one because we heard some examples here tonight of just board  
7 line cases where we're removing an ADU because of that minor problem. So anyway, that's... Is  
8 there any way that if we wanted to make exceptions that we could either quantify it or like you  
9 did on the lot size within ninety percent? But for example, the gentlemen that spoke and he  
10 was a couple inches away, we're not trying to take down ADUs with this whole system but  
11 we're respectful of how difficult it might be to make exceptions. So, just off the cuff and I know  
12 this is not prepped but addressing Michael's [Note – Commissioner Alcheck] suggestion.

13 Ms. Campbell: I definitely think that we're opening to hearing the suggestions made and  
14 maybe we can put certain parameters in place to allow certain things to happen; yes.

15 Chair Lauing: Ok.

16 Commissioner Alcheck: If I may? I'll just say that I do believe... Well, I think this is a very  
17 important issue in the collective sort of overarching theme. I would suggest that it's a bit Tier  
18 Two because I think we need to first understand what the rules are before we can begin

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1 excepting them. And so, I think if Council... This particular issue of replacement noncomplying  
2 structures I think should be revisited once we have a coherently articulated guideline of what  
3 you're allowed to do. And then we can begin to explore issues related to well, can we make an  
4 exception because this is almost that. We don't know what that is yet which is why I am  
5 uncomfortable with having a huge process to figure out how to make an exception to rules we  
6 haven't figured out.

7 Chair Lauing: Ok. Commissioner Summa.

8 Commissioner Summa: So, this is a question for Staff, was D really meant to address buildings  
9 that had to be completely... existing accessory buildings, the conversion of which cannot be  
10 achieved because they are not safe and so they have to be rebuilt? That's what I thought it was  
11 about.

12 Mr. Lait: We were just having that conversation and I think we have two... maybe represent  
13 two different interest on this and my interest is that point right there. Where you've got a  
14 detached accessory garage that state law allows to be converted into an ADU but you go  
15 through the process. The foundation needs to be replaced, the energy codes require the walls  
16 to be torn down, we just heard about the Green Building requirements, and at... you can't  
17 convert that. That's a rebuild, that's a brand-new construction and so one policy question that  
18 we're asking is are we ok with that? We have to honor a conversion but in this case, the  
19 conversion is a brand-new structure and that structure is located a foot from the property line

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1 or maybe it's too tall or whatever the issue is. That's one area of interest in this and maybe I'll...  
2 If I can just let Clare speak to her area of interest on this particular issue.

3 Ms. Campbell: Yes so something very similar. So, we've had situations at the Development  
4 Center where you have an existing home with an attached garage and they want to convert  
5 that attached garage into an ADU. And they've gone through the process, the building permit  
6 process, and then they've learned that that existing attached garage is not structurally sound  
7 and they need to actually tear down part of it. And let's say the noncomplying situation is that  
8 it's encroaching into the setback so it's not maintaining a 6-foot setback. Perhaps it's 5-foot or  
9 4-foot instead of the 6-foot so in that situation, which has come up, we also just want to get  
10 clear direction if this is acceptable for us to allow for that rebuild of this existing noncomplying  
11 feature of this structure or should it be built to the current code?

12 Commissioner Summa: So, I certainly don't think we want people living in dangerous buildings,  
13 right? I think we can all agree on that. I think also if you have to take down an existing building  
14 that isn't safe, in many cases because the new ADU laws allow you so much more flexibility on  
15 where you're going to put something on your lot, it wouldn't be a problem. And I think we  
16 would want to have... We don't want people to have to like not be able... We don't want to  
17 make inches become a problem for people. So, I think we will have to have somewhat of a  
18 detailed conversation about what degree of flexibility or do we want to give people when they  
19 are really close but not quite inside the rules. But I don't think we want anyone living in  
20 anything unsafe.

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1 Chair Lauing: Commissioner Monk [Note -Vice Chair]?

2 Vice Chair Monk: I agree with Commissioner Summa's comments that safety is a concern and  
3 that's why we have these rules with new construction. And it's to protect residents and have  
4 them in safe environments. I think... And so, for that reason, I would suggest yeah, we should  
5 make sure that new... That anything newly constructed would be code compliant. However,  
6 looking at a deeper level, the fact that this would result in possibly the displacement of folks  
7 that are using these structures or what to use them and we heard earlier today from  
8 Christopher I think was his name (interrupted)

9 Chair Lauing: Yes.

10 Vice Chair Monk: Because of their foundation and I know a little bit about that case. I think it  
11 would be a real shame that if we were to make this a requirement that we would lose housing  
12 that's so important. So (interrupted)

13 Mr. Lait: [off mic] Ok, yeah. I'm sorry, go ahead.

14 Vice Chair Monk: So, I just think it's a sticky issue and I would like to ask Staff are these  
15 generally not complying because of safety issues or because of some other code violation?

16 Mr. Lait: So, I want to... I think there are a few things that have entered into the conversation  
17 so I just want to peel some of them off. The scenario that we're describing is a voluntary one  
18 where somebody is... So, Christopher had described a scenario and I've got his contact

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1 information. I'll find out more about that and I think there might be some particulars about that  
2 instance which is unrelated to somebody wanting to construct an ADU on their property so I'll  
3 understand that issue better. The issue that we're trying to solve is if somebody wants to  
4 construct an ADU, so we're not talking about taking it away or any of that kind of stuff, we're  
5 just somebody wants to build an ADU and they want to convert their existing garage. But in  
6 doing so, it's substantially a brand-new structure and so the question that we're trying to  
7 understand is at what point does this become new construction and subject to the setback  
8 requirements and the height requirements and all these different things that we allow for ADUs  
9 or do we let them rebuild in the same footprint, same height as the previous garage and allow  
10 that ADU to be converted? We're not going to issue a permit for a condition that is unsafe and  
11 everybody's got that, that's the baseline and so what we're talking about is like the zoning  
12 issue. Do we allow these conversions to be new construction and allowed to be built in the  
13 place where they were rebuilt in place or do they have to now be subject to the setback  
14 requirements?

15 Commissioner Alcheck: Yeah, if I can just say something real quick?

16 Chair Lauing: Well, just wait, where you done? Susan [Note -Vice Chair Monk]? Ok. Sure, go  
17 ahead.

18 Commissioner Alcheck: This is exactly my point. It's not about whether... They are inside the 6-  
19 foot setback, they are a foot from the fence and they need to... They want to convert it but

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1 that's going to require nearly a complete rebuild because they are going to put in a new  
2 foundation and duh duh duh. And what they want is to rebuild exactly what they have today  
3 standard but if they had to move it 6-feet over, that would screw everything up because they  
4 got a pool there. And so, they want to have an exception to the rule that everybody else sort of  
5 has to follow when they do new construction. Now, I would suggest to you that there are sort  
6 of degrees to which this is problematic. If the home is 5-foot 6 from the fence and the rule  
7 requires 6, that's one thing. If it's foot, it's another but we can't really have a discussion about  
8 can we allow some rules to have exceptions until we really know what all the rules are. I think  
9 that's why I would suggest that we recommend that we revisit the issue of creating a  
10 replacement of noncomplying structures only and when we've really nailed down what you can  
11 do and how comfortable are we? We had... Our ordinance firmly prohibits structures after 2017  
12 that are within the side setback from being converted. Right? That's what I understood today.

13 Mr. Lait: They were... If an accessory garage was constructed after January 1<sup>st</sup>, 2017, it could  
14 not be converted.

15 Commissioner Alcheck: Right, it couldn't be converted period, even though it was technically  
16 (interrupted)

17 Mr. Lait: Well yeah if it's... Unless it otherwise complies with the zoning... You know the ADU  
18 requirements. I'm... Staff just reminded me that I'm assuming that this accessory garage is at

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1 the property line or a foot from the property line but if the accessory garage is meeting the  
2 setback requirements for ADUs, then (interrupted)

3 Commissioner Alcheck: Right, no, that's what I'm saying.

4 Mr. Lait: Right, we would allow it.

5 Commissioner Alcheck: The scenario that we described earlier was that a home built a foot  
6 from the fence, if it was built before 2017 like in 2016, then they could convert it but if it was  
7 built in January 2017, which assuming is built to code, can't convert it. So, right, we're allowing  
8 someone to rebuild something after the 2017 date right, in this same discussion that would be  
9 able to be an ADU in the same place as the individuals newly constructed garage who we can't  
10 convert. There's another inconsistency there so what we need to figure out is what rules are we  
11 excepting... Do we find acceptable? I can't imagine a scenario where you would say, I will allow  
12 you to rebuild this 50-year old structure but the guy that build one 6-months ago can't convert  
13 it because oh, there's was this random Planning Department date where that guy is screwed. So  
14 again, City Council, too many inconsistencies.

15 Chair Lauing: Ok. Commissioner Gardias.

16 Commissioner Gardias: Thank you. I think we already have a process for this, it's called  
17 variance. So, if they just decide to... Obviously, we cannot be... We will not be regulating here  
18 just to make exemptions from the California Building Code because this is not really in our

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1 purview so they have to rebuild, they have to rebuild within the code. If they want to just  
2 encroach the setback, they are entitled to apply for a variance and then, of course, they can  
3 argue that pretty much that their prior accessory dwelling unit was closer to the lot. If their  
4 neighbor agrees with having the structure closer to the fence, they pretty much... It's going to  
5 get the approval of the Director. They can with the variance so I don't see here an issue, I think  
6 this will just be following our process. Thank you.

7 Commissioner Alcheck: I'm sorry, does Staff want to respond to that? I don't think that's how  
8 our variance process works so just so the eleven people in the audience can know.

9 Mr. Lait: Well, I think what I'm hearing is that a process be established whereby somebody  
10 could request a deviation from the standards and maybe we don't call it a variance which is a  
11 certain standard but maybe there's some kind of ADU modification or something like that. So, I  
12 think you're speaking to a process as opposed to just an automatic rebuild and you're saying  
13 variance but we might come up with some different language for that.

14 Commissioner Gardias: Yeah, exactly.

15 Chair Lauing: Commissioner Summa.

16 Commissioner Summa: Thank you. I think there might be a difference with detached and  
17 attached ADUs also. In the case of the attached one that was mentioned, that's... I can see why  
18 they want to just rebuild it in the same place but if you have to totally rebuild like a garage

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1 because it's not safe to accommodate... to have... Turn it into an ADU. It kind of makes sense to  
2 move it off of the property lines if it's really on the property lines; 6-inches is different because  
3 all the years that I was on the Development Center Customer Advisory Group, garages that are  
4 on or accessory buildings that are right on property lines are really problematic because you  
5 can't perform maintenance on them without going into your neighbor's yard and they are  
6 always very problematic that way. So, I would say if somebody is like a foot or they don't have  
7 maintenance space around them, that's a good reason for them to move it to be, if they can,  
8 available because that's always a problem that was discussed in our building code and kind of  
9 stuck in my head. But the attached one is kind of problematic because you really... If you move  
10 it, you're changing the whole look of your house and everything so I think maybe there should  
11 be a distinction made therebetween attached and detached and attached.

12 Chair Laung: Are there any other comments? Yes, there are. Commissioner [Note – Vice Chair]  
13 Monk?

14 Vice Chair Monk: So, on Packet Page 18 we're also looking at strategizing for legalizing illegal  
15 constructed ADUs. Is there any correlation in that discussion item with that we're talking about  
16 now that we should bring these two together?

17 Mr. Lait: No, I think they're different. I mean they could be related when the person goes  
18 through the process of actually trying to legalize that unit but they're distinct enough to be held  
19 separately.

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1 Vice Chair Monk: Ok, thanks.

2 Chair Lauing: Alright so with no further comments on that we're going to move to owner  
3 occupancy requirements. Let's start with Commissioner Gardias.

4 Commissioner Gardias: Thank you. Let me just go through this. What's the question? If Staff  
5 could just help me with the question that is... That needs to be... That is asked here?

6 Ms. Campbell: So, we've just had it come up with an application that's in the Building Permit  
7 process and that person... And we had the letter that person (interrupted)

8 Commissioner Gardias: We're talking about the flag lot, yes.

9 Ms. Campbell: Not a flag (interrupted)

10 Commissioner Gardias: No, that's in the attachment, right?

11 Vice Chair Monk: The Lundy case, correct?

12 Ms. Campbell: Oh, yeah, yeah, yeah.

13 Commissioner Gardias: Yes, exactly.

14 Ms. Campbell: Yes, yes, yes so basically, they're looking to see if there's a way to remove that  
15 requirement to have an owner occupancy standard for having an ADU because this particular  
16 person doesn't live on the property and they currently rent it out. And they would like to be

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1 able to have the flexibility to rent to two different [Note - tenants]. And I think this has come up  
2 with... I mean this comes up at the counter, it's a question that we get.

3 Commissioner Gardias: So, let me respond in this way so generally, I think that we have it right  
4 and if I remember this is in the Assembly Bill? This time I have it correctly, right? That there  
5 must be owner-occupied (interrupted)

6 [Note -Male:] [off mic] JADU.

7 Commissioner Gardias: Only JADU? Not ADU?

8 [Note -Male:] [off mic] Correct.

9 Commissioner Gardias: So but at least from Palo Alto perspective I think that we have it right  
10 so I think that this should be owner-occupied. We heard a couple of concerns from some  
11 speakers that they don't... Would like to just have a different way and so I totally support that  
12 one of the buildings needs to be owner-occupied.

13 However, in this particular case, I would be open just to make an exemption for a lot that is not  
14 facing the street to make some exception but that exception doesn't have to be... I think that in  
15 this specific case, we can swap the buildings because I think that the ADU is closer to the front  
16 line and then the owner house is at the back side of the lot if I remember correctly.

17 Mr. Lait: I don't know the details of the particular instance. The request was simply about the  
18 deed restriction requirement. So, I don't know about the details of the particular scenario.

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1 Ms. Yang: The deed restriction also doesn't speak to which of the units needs to be owner-  
2 occupied. It could be either one.

3 Commissioner Gardias: So, I will have to gather my thoughts just to give you the precise  
4 recommendation but in general, I think that we have it right. It needs to be owner occupied  
5 throughout the City but we can think about some exemptions for the lots like this one which is  
6 secluded which is farther away from the street because there is a service route that connects  
7 this lot to the main street.

8 Mr. Lait: If I recall the letter, it didn't really articulate the site scenario, it was more of a timing  
9 issue. They felt like they were going through the process and I forget the... Within a... They  
10 filed... I think they filed the same... For a building permit the same day that the ordinance  
11 became effective and so they were caught by the ordinance for the deed restriction. I don't  
12 think there was any discussion about the building orientation or lot configuration, it was more  
13 about timing.

14 Chair Lauing: Commissioner Alcheck.

15 Commissioner Alcheck: I just... I feel compelled to say that before I start on this topic, just that  
16 the reason why I am so impassioned about this is because we've got this great idea here to  
17 create these ADUs. Everybody on the peninsula is asking for them, there are so many families  
18 that can benefit from this and I'm very frustrated that our version of it is so problematic so if I

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1 appear fraught and frustrated that's why. It's because of sheer enthusiasm for a concept that is  
2 not being articulated, I think, in the right way.

3 I would suggest to City Council that there is an irrational fear that neighbors who rent homes as  
4 opposed to own them degrade a single-family community. I believe that's an irrational fear. I  
5 am both surprised to learn that twenty-three percent of Palo Alto residences of single-family  
6 homes are renters, I'm not talking about multi-family and comforted that such a high  
7 percentage are renter occupied. And yet during my time on this Commission, nearly 6-years, no  
8 one has communicated a specific concern about a renter in their neighborhood as opposed to  
9 an owner in their neighborhood. I think that this requirement should be incredibly thoroughly  
10 scrutinized. If the fear that I refer to is legitimate, which I cannot... I almost can't believe that it  
11 is, if that fear is legitimate, I think it should be demonstrated. I think evidence should be  
12 brought to why somehow a family that's been renting for 2 ½-years is somehow a lot less  
13 desirable than the owner who lives next door to you. It just... affordability is a major problem,  
14 it's like we're... It's so massive and I know rents are high. I'm not ignorant to that but it's  
15 significantly more accessible to rent than it is to buy. So, for a majority of my peers, a  
16 homeownership is a joke so, in order to rent in Palo Alto or in order to live in Palo Alto, that  
17 means rent in Palo Alto and they might rent for ten, 20 or 30- years. We've just gone through a  
18 tax code change that has vastly changed the dynamic of homeownership. We don't necessarily  
19 encourage homeownership with financial incentive the way that we use too. So, now we may  
20 see a completely different paradigm between renters and homeowners. More young families

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1 may rent for longer now as a result of some of the changes to our tax code, right? So, on the  
2 eve of that change, we're going to encourage what I believe is an irrational fear. I don't think  
3 this is a minor issue, I can... I just want to say I can appreciate justification for limitations on  
4 short-term rentals like Airbnb. No one wants to live next to a hotel room, I get it, that's not  
5 what this is. This is a deed restriction, it strikes me as incredibly antiquated.

6 I want to also suggest that I'm not entirely sure that it's legal. I can... I haven't spent that much  
7 time looking into it but it seems to me like this could be challenged... the enforcement of it  
8 could be challenged in court. Let's talk about enforcement for a minute, there is no  
9 requirement that a person renting a home be aware of deed restrictions so how does this issue  
10 get enforced? You're neighbor, after you've moved in, has called the City on you. I think there  
11 are two renters in the home next to me. Then what happens? The City comes in, this family has  
12 to move out, how does... This is not a scenario we should put in place without a significant  
13 amount of thought because the enforcement of this requirement alone seems so fraught with a  
14 neighbor on neighbor conflict, let alone potentially families that aren't aware of the rule renting  
15 a space and then realizing shortly after they have to move out. It just... So, I'm not entirely sure  
16 we can enforce this well, I'm not entirely sure it's legal and I can't for the life of me fathom a  
17 good, like a reasonable, logical argument that somehow someone can demonstrate to me that  
18 on the whole renting... Renters are somehow degrading to a community more so than owners.  
19 And I think that we should really look in the mirror here and make sure we know what we're  
20 implying before we create this policy so that's all I have to say on this topic.

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1 Chair Lauing: Commissioner [Note – Vice Chair] Monk.

2 Vice Chair Monk: This one is a challenging one for me because I agree with a lot of the  
3 sentiments we heard from our residents that spoke tonight. It was Ms. Wickstrom and I think  
4 Ms. Sanders mentioned that they support the owner occupancy requirement and we do want  
5 to prevent speculation and investment purposes in not having such a requirement that could be  
6 avoided if we had an owner occupancy requirement in effect so I do sympathize with that. I  
7 think though, at the same time, it's not always feasible to enforce and I think it would be  
8 interesting to know if there is a legal issue that we're up against if we do have that  
9 requirement. I don't know how enforcement would be maintained and if they sell the property,  
10 there are so many factors that can occur that might prevent compliance with this rule. So, from  
11 that standpoint, it's something that to be concerned about.

12 I think what I was a little surprised to hear was that we are distinguishing between the ADUs  
13 and the JADUs because the way that I read the ordinance, we're applying it to both currently  
14 but Assistant Director Lait states that it's only being applied to the JADUs. So, my understanding  
15 is that this (interrupted)

16 Chair Lauing: Do you want him to respond?

17 Vice Chair Monk: Well, I'll just say that it's a little unclear what the state law is, what  
18 circumstances it's being required for the JADUs under state law but I do support the state  
19 requirement that there is an owner occupancy for the JADUs. And as far as the... And I just

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1 don't think that the ordinance is drafted as distinguishing between those two so if you're  
2 looking at Page 35 (interrupted)

3 Mr. Lait: It's not. I mean so (interrupted)

4 Vice Chair Monk: Ok so what you wrote here is different than what the ordinance is actually  
5 saying.

6 Mr. Lait: Well, state law requires that for JADU.

7 Vice Chair Monk: Right and I support the state law and we should obviously have that  
8 compliance.

9 Mr. Lait: The local ordinance applies it to JADU and ADU.

10 Vice Chair Monk: Right so I would suggest that we consider in looking at... And I think that's  
11 covered on Page 35 under occupancy at the very bottom. I'm just wondering if there's any  
12 acceptance that we might want to bake in there in case it's not feasible or something like that.

13 Mr. Lait: I don't understand the feasibility question, like from what standpoint?

14 Vice Chair Monk: So, if for some reason the owner can't live there anymore; they got sick, they  
15 moved, I mean there's just... Their job changed.

16 Mr. Lait: Sure.

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1 Vice Chair Monk: There are so many factors that could make noncompliance a reality.

2 Mr. Lait: Yeah and that's (interrupted)

3 Vice Chair Monk: And so, I was just looking at the way it's written and you have very strong  
4 language that's precluding the tenant from subleasing. So, I didn't know perhaps we could  
5 consider taking out that last section about prohibiting the subleasing and maybe consider some  
6 softer language that in the... Even that it's not feasible for the owner to remain in there due to  
7 X, Y and reasons that... So long that they comply with the rest of the code section, the 30-day  
8 minimum, things like that. That they are not precluded from a signing or subleasing.

9 Mr. Lait: I think that's... I certainly understand the point. I think that becomes even more  
10 problematic from an administration standpoint to sort of craft this scenario where one person  
11 would be allowed (interrupted)

12 Vice Chair Monk: Right because this is very restrictive as it is and it's really not enforceable the  
13 way it is written. So... And doesn't take into account these extreme situations like the Lundy  
14 case where they unexpectedly had to move out of town or whatever their example was so I'm  
15 just being sensitive to that. I do lean in favor of having an owner occupancy requirement but I  
16 think there are situations where it's just not feasible so just being mindful of that.

17 Mr. Lait: Ok so maybe some kind of a Director's process to allow modifications (interrupted)

18 Vice Chair Monk: Certain exceptions.

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1 Mr. Lait: From that requirement for ADUs.

2 Chair Lauing: Are you done? Commissioner Summa.

3 Commissioner Summa: So, in general, I understand the theory behind the deed restriction and I  
4 care a lot about renters and I've spoken about caring about renters and displacing current  
5 renters through development many times here and in the CAC process. I'm not afraid of having  
6 renters live near me but one problem that I see with the deed restriction is I think there needs  
7 to be some sort of hardship maybe. In general, I agree with it because I think it will have the  
8 advantage of keeping communities where people know each other, know their neighbors more.  
9 And it doesn't matter to me whether my neighbors rent or own but it does... It's nice when you  
10 know them when you live next to them long enough to know them but there are situations  
11 where people, for instance in academia business leave for a year with their families to live  
12 abroad or work someplace or do an internship. And I certainly think with the Lundy case so I  
13 would never want to make a law based on one case. They got kind of stuck because they  
14 inherited these properties, they haven't lived in Palo Alto for a long time though they grew up  
15 here. So, we certainly... They don't... They could still rent the two properties they have so that's  
16 an option for them but there are cases where people leave for a year or 6-months or more and  
17 travel or work someplace else. Especially in the academic community, academics do that a lot  
18 so I think we have to make some sort of provisions for that sort of situation. And I think the  
19 deed restriction, in general, is good because I think it will discourage people from buying  
20 properties who have no intention of living in them and maxing out their profit for them. I have

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1 a concern about that because the whole intent of the ADU law as to provide affordable housing  
2 and if it just becomes a speculator's commodity to buy houses and maximize them and put as  
3 many units in as you can in Palo Alto, it's not going to create any affordable housing. So, I, in  
4 general, think the deed restriction was aiming at preventing those things from happening and  
5 keeping neighbors knowing one another and promoting community but I do think there has to  
6 be some sort of hardship process to get out of it and mostly for people who are going to be  
7 temporarily leaving their home.

8 Ms. Campbell: If I could? I would just like to clarify, if I may, that the deed restriction is a  
9 separate line item than the owner occupancy requirement. All of the ADUs or JADUs are going  
10 to have a deed restriction with certain things that are laid out in that and that may include...  
11 Right now, it would include the owner occupancy requirement, it would outline how big the  
12 unit is and it would kind of go over what was being developed. But we're trying to just address  
13 the owner occupancy requirement which is a separate item from the deed restriction which  
14 we're not trying to change.

15 Chair Lauing: I'll just make a couple comments on my own. I support basically Commissioner  
16 [Note - Vice Chair] Monk's comments on this and in general in support of it and a couple of  
17 other colleagues who mentioned it. We're not... I don't think we're worried here about renters  
18 per say. What we're worried about more is the mass development of buying lots and lots of  
19 houses and putting up lots and lots of ADUs and we're trying to have neighborhoods that are  
20 different from that.

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1 On top of that, at least at this stage as I've said with respect to some other issues here, you  
2 know I'm persuaded that Council gave this a lot of thought and as it was written in the  
3 document here, it was envisioned to help address some neighborhood concerns. And so, at this  
4 point, I don't see any reason to change it, it's something that I think we can continue to look at.  
5 Other lights, Commissioner Gardias?

6 Commissioner Gardias: Very briefly, I think that I stated my position. I just wanted to make a  
7 comment because that sixty percent of rental that we heard was for specific for Ventura. If I  
8 remember correctly Palo Alto numbers it's still up homeowners are over fifty percent and  
9 renters are below fifty percent but if I remember, the number of the renters in Palo Alto keeps  
10 growing every year. And then with this legislation with ADUs, we may see pretty much the  
11 balancing tilting toward the majority of the renters as opposed to homeownership. Thank you.

12 Vice Chair Monk: I have a question for Staff that might be interesting to consider. It is possible...  
13 I think for me the concern isn't the neighborhood concern, my concern is that this will be  
14 utilized... If we don't have an owner occupancy requirement, then we'll have a lot of  
15 speculation and building for investment purposes. And so, to prevent that, is there a way that  
16 we maybe can consider doing an ordinance that would say there's an owner occupancy  
17 requirement on any new construction for the first 12-months of ownership or something like  
18 that? And then not just having it baked into this general ordinance, is that just an out there  
19 thought? Would that address some of these? You know to me that's the real issue, is to prevent  
20 the speculation and (interrupted)

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1 Chair Lauing: They could just do it the second year.

2 Vice Chair Monk: Right but at least you're getting someone living there for the first year, I don't  
3 know, as opposed to purely an investment property. Just an idea or something along those  
4 lines. Does that resonate with anybody? Would that make a difference in any way? Ok.

5 Chair Lauing: Commissioner Alcheck.

6 Commissioner Alcheck: Yeah, ok, look, I think for someone like myself who works in the real  
7 estate industry, the take away from this discussion would be that there is potentially a  
8 fundamental misunderstanding of the Palo Alto real estate market. No one in Palo Alto is  
9 building single-family homes for the purposes of renting them, nobody. That is the least  
10 desirable result. If you build a single-family home in a down market and you are... Can  
11 somehow hold onto it because you don't have debt, you might rent it but this is a market  
12 where speculative development happens because the sale price is astronomical. And  
13 developers are not landlords, it's not the same thing so the typical person who builds a rental...  
14 First of all, it's a very small community in California of people who develop rental property. It's  
15 much more common for there to be developers who then sell their properties to companies  
16 that like to manage rental property. But even that is almost entirely limited to multi-family so I  
17 would I suggest to you that the most likely scenario is there's a couple, they have an ADU, they  
18 are going to rent their ADU or maybe they live in the ADU and they rent the other spot and they  
19 pass away and their kid takes ownership of the property. And the property by the way is not

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1 new, this is most likely going to be a scenario where the property is kind of old and that new  
2 person who's just inherited has a choice. They can either sell it or they can rely on new rental  
3 income. If they sell it, someone is going to spend \$5 million and then another three to build  
4 their dream house. If they don't sell it, you're going to keep that old home and the little ADU  
5 and you'll have two renters. If their... I would suggest that if the reason for this is you don't  
6 want some big-name developer to build three homes on your street and create six little units,  
7 you... that fear is not going to occur for rental, I should say for rental. People don't buy  
8 properties for \$7, \$8 million to rent them out to somebody forever. So, you're much more likely  
9 to see this scenario that Commissioner Summa described with an individual who has an ADU  
10 deciding that they are going to travel for a year because this is a community of people who are  
11 affluent enough to do that with their families or somebody who's going to take a year abroad  
12 as a Professorship somewhere else or a medical... You know maybe they are working at a  
13 hospital in... I don't know. But it's not going to be KB Homes that suddenly wants to get in the  
14 business of building ADUs for people and renting them out. It's... I want to suggest to you that  
15 there are spec. home builders in this market. They do well, they build incredibly high-quality  
16 product to sell in the market for people who are willing to spend \$1,500 to \$1,800 a square  
17 foot. That play is about a sale, they are not in the game to rent it out for twenty to 30- years to  
18 somehow realize a return on the massive investment they have to make of not just money but  
19 a typical development takes somewhere around 18 -28-months and 6 or 7-months before that  
20 or potentially longer in the planning process. So, I'm sharing this information with you because I

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1 think that we're operating on a misguided premise and if you think I am wrong, I would suggest  
2 you reach out to a developer that you know or a real estate broker that you know. I think they  
3 will tell you the same thing I am. I'm not trying to sneak one over this Commission because I  
4 want to suddenly develop properties in Palo Alto for rental purposes. So, if that's worth  
5 anything, I would suggest that we get a lot more clarity on that premise before we support this  
6 suggestion.

7 Chair Lauing: Alright so I see two more lights on. Just point out that we've been on this for 2 ½-  
8 hours and we've gone through four points. There are five more points and there are two other  
9 agenda items and some people have now talked about four times on this issue so just point  
10 that out. I mean I'll stay as late as we have to but go-ahead Commissioner [Note – Vice Chair  
11 Monk].

12 Vice Chair Monk: I'd like to acknowledge Commissioner Alcheck's comments. I actually agree  
13 that that makes sense and it's probably not likely and that there might be a fear factor here. I  
14 think the fact that Staff is obligated to report back I think annually on this and we can always  
15 make modifications and changes if there is an influx of housing getting developed for that  
16 purpose. So, I guess I am compelled to support what Commissioner Alcheck said in that... In  
17 taking away the owner occupancy requirement for that reason.

18 Ultimately, we were tasked with advising Council on the policy questions that they need to  
19 resolve and it's not stated what rational Council had relied on in coming up with this. So, we're

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1 just assuming it's based on what we articulated here tonight. That being said, given Council's  
2 position and priority to increase housing, housing stock and further develop ADUs, I would think  
3 having a more broad application and removing the barriers would be most consistent with the  
4 Council's direction. And for that reason, I would think that the policy question that they would  
5 need to ask themselves is whether or not having this own occupancy requirement is going to  
6 provide a barrier to increasing housing stock or not. Thank you.

7 Chair Lauing: Commissioner Gardias.

8 Commissioner Gardias: Thank you. So, I think Mike [Note -Commissioner Alcheck], sorry for this,  
9 I think that... I don't believe that you have it right. I don't have the numbers, I cannot support  
10 this with the numbers but I believe that actually, the stock of the houses that are owned by the  
11 corporations or by the private investors within Palo Alto is increasing. And then I would bet  
12 money to pretty much to against your observation and I think that I would be proven right. I  
13 believe that there is a number of investors, Ventura as we know there is its own buy one... A  
14 number of the housing within Ventura is owned by one large corporation and that may be the  
15 reason for this large number of the renters in this neighborhood. I think that the concern is that  
16 we need to make sure that there are incentives that there's a requirement for home... For  
17 owner occupancy because of the owners that stay in their houses are the glue for the  
18 community. This is exactly the same what Commissioner Summa said before and I think that if  
19 we just take this away, there may... We're going to change community very quickly. This may be  
20 changed in 10-years or 15-year and maybe this community will be changing then and then

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1 pretty much there will be a changing of the neighborhoods but I don't see this happening  
2 today.

3 Commissioner Alcheck: [Off mic] What's the change?

4 Vice Chair Monk: Can I just ask Staff a clarifying question? Are we still... Is... Are you going to be  
5 returning to Council every year on the statues of this ordinance or was this just the first year  
6 that you're required to do that? Just so that there's some oversight.

7 Chair Lauing: They have to give a report every quarter, an update on it.

8 Ms. Campbell: We definitely have to do that.

9 Vice Chair Monk: So, I think the Council is going to be very aware of what's happening and I  
10 would imagine there would be opportunity for them to then at that point address it so I don't  
11 think we really need to belabor the discussion that much further because there is an oversight  
12 built into the process that I feel confident in.

13 Chair Lauing: Yeah, I mean that said which I totally agree with, we can also proactively say hey,  
14 we want to pick this up. Some of Michael's [Note – Commissioner Alcheck] Comments, some of  
15 [Note-Commissioner] Gardias's comments, some of all of our comments and say you know  
16 we'd like another crack at it. Perfect AD HOC Committee assignment and really dig into that  
17 thing.

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1 Commissioner Alcheck: I have a quick question for Staff about the deed restriction because in  
2 the in what I would imagine a terrible scenario would be that somehow, we allow this deed  
3 restriction to restrict renters because of a fear that things will change. If that did take place,  
4 who is entitled to enforce the deed restriction? Would it be a City that holds that power?  
5 Would neighbors because here's what imagine will happen. I imagine that this will go sideways,  
6 we may realize it now that this is a bad idea and save ourselves from it or in 5-years' time we  
7 will decide that this restriction was a bad idea. In which the City may ultimately decide, well you  
8 know what, we're not going to enforce this anymore. The restrictions that are on the books,  
9 can existing... We're just not going to enforce it in the same way that we don't enforce... Some  
10 HOAs some enforce their current requirements. However, it's in partitive that the deed  
11 restriction be written in such a way that what if a neighbor could continue to enforce it. So, it's  
12 not so simple to come back in 6-years and decide wow, that was... That didn't do anything and  
13 all these young people can't rent out their home while they go abroad or something and we  
14 don't want that anymore so we're just going to stop doing it but you can't just take away deed  
15 restrictions. They've been recorded (interrupted)

16 Chair Lauing: Ok so you asked a question, maybe we can get an answer maybe from the Council  
17 [Note -Staff]?

18 Mr. Yang: I haven't had a chance to look at the specific language of the deed restriction. My  
19 understanding is that the City can enforce it. It may be restricted to the City so the City may be  
20 the beneficiary of that restriction.

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1 Ms. Campbell: I think our code enforcement team would be responsible for doing the  
2 enforcement once it gets reported.

3 Commissioner Alcheck: So, you don't imagine a scenario where a neighbor could theoretically  
4 benefit from the right and bring an issue to court to restrict somebody from (interrupted)

5 Mr. Yang: I can't speak to that right now without the language.

6 Commissioner Alcheck: It's worth looking into.

7 Chair Lauing: Let's move onto the next one. Who knows, maybe this is an easier one, this is the  
8 opt our prevision. The question is simply if... Sorry?

9 Vice Chair Monk: [unintelligible - off mic] this discussed in December?

10 Chair Lauing: Yeah, we discussed it but in a minimal kind of way which is should they give the  
11 benefits back that they earned by taking down an ADUs but it's kind of early on that one too  
12 because nobody is talking about taking down ADUs except this gentleman who has a problem  
13 back here.

14 Commissioner Alcheck: So, can I ask a quick question to everyone really? One of the incentives  
15 for building... For converting something to an ADU like taking a guest house and making it an  
16 ADU, is the bonus, right? If you take away the bonus which some people on this Commission  
17 has suggested is a good idea, then people will just build a guest house. And if you build a guest  
18 house, you can rent it to whoever you want. The only way that you have all these restrictions is

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1 if we give you something which was the bonus. So, you take the bonus off the table, maybe  
2 there are some setback things that are still in play that make it interesting for some people but  
3 the idea here is we're creating incentives for you to do something and then that thing creates...  
4 We get to impose rules upon you. And so, my quick question here is, this opt-out thing, do you  
5 think this would even be relevant to anybody who didn't exercise... Like what would be the  
6 incentive of creating the ADU if you didn't need any of the benefits of this ordinance? Could  
7 you just build a guest house in the... If you had 1,800-square feet home and you have 3,000 so  
8 you just add a 900-square foot guest house?

9 Ms. Campbell: So, to build... So, you could build a... Within your buildable area, so meeting all  
10 your setback requirements, you could build a guest house. Now a guest house would be  
11 something that does not have a kitchen so you could have... I mean that's typically how we look  
12 at it. So, you could have a rec room, a bathroom, a bedroom, that kind of thing but you couldn't  
13 have a full on the proper living unit because there wouldn't be a kitchen permitted. So, if you  
14 wanted to have a unit... A living unit defined by the kitchen, then it becomes the ADU and if  
15 you do the ADU, then you have to have the deed restriction. And then if you want to get out of  
16 it, we have... We just don't have a provision right now to say that... For a path to get out of that  
17 process but the question comes up, oh well if they got some bonus floor area, what do we do  
18 then?

19 Chair Lauing: Well, the bonus floor area would have gone into the ADU.

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1 Ms. Campbell: Exactly.

2 Commissioner Alcheck: If City Council would recommend the suggestion... If the City Council  
3 where to adopt the recommendation that you eliminate the bonus, which I don't share but has  
4 been stated tonight, do you think that this ordinance would be effective at creating ADUs?

5 Ms. Campbell: Yes.

6 Commissioner Alcheck: As opposed to just... Because of this kitchen scenario.

7 Chair Lauing: I mean we're talking about corner cases and contingencies at the same time here  
8 because right now it has the 175. We're saying this one (interrupted)

9 Commissioner Alcheck: No, if you want... But if you want to opt out and you didn't get anything  
10 because it's not bonus, it's just a kitchen. Are you suggesting that is enough of a (interrupted)

11 Ms. Campbell: So, what I'm trying to say is you've signed this deed restriction once you've  
12 created that ADU. So, now if you want to have all of these City rules not apply to you anymore,  
13 you just don't want to deal with that, maybe you have an anger neighbor who's watching  
14 everything... I don't know what it is but you just don't want that on your property. We're  
15 basically saying that you can... We want to develop a path to do that and then if you have the  
16 bonus like we were just kind of saying, what happens in that situation? We've had situations  
17 where we've talked about people building out their lot coverage for single-family homes and  
18 then if they decide to build the two-story, they have to maybe... And then they've changed...

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1 They've maxed... They've gone over some where on their numbers. They actually have to  
2 remove some square footage to be compliant so I know this isn't really [unintelligible] but it's  
3 the same principle. If we've given something and they want to further develop or change it,  
4 what do you want to do? Should we make them comply or remove it?

5 Commissioner Alcheck: So, just to be clear though, couldn't you just simply opt out by not  
6 renting it?

7 Ms. Campbell: Yes.

8 Commissioner Alcheck: So, what does this mean?

9 Ms. Campbell: Well, what if you... I mean it's just a legal (interrupted)

10 Commissioner Alcheck: You don't want to deal with your neighbor who's upset about you  
11 renting so you stop renting it. What is it... You want (interrupted)

12 Mr. Lait: So, we're just presenting a question.

13 Commissioner Alcheck: I'm just not clear (interrupted)

14 Mr. Lait: Somebody goes through the process, get's advantage... Takes the advantage of  
15 bonuses or lot coverage, should they be allowed to retain those if they (interrupted)

16 Commissioner Alcheck: For the purpose of what?

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1 Mr. Lait: Are not longer using ADUs which was the purpose for which they got those bonuses in  
2 the first place? This hasn't come up, it may never come up, we're asking the Commission  
3 (interrupted)

4 Commissioner Alcheck: I guess what I'm trying to... I think... (interrupted)

5 Mr. Lait: Do you think this is a problem that you think needs to be solved?

6 Commissioner Alcheck: I know but I guess what I am trying to... Ok well, in that case, I don't  
7 know... I guess what I am really asking you is what is the problem? Someone decides they don't  
8 want to rent anymore, they have a structure and are you suggesting that they are going to be  
9 like I'd really like to take out my kitchen, can I do that? They probably won't... What is the  
10 problem?

11 Mr. Lait: So, I'm hearing from you that you don't think that there's a need to address the issue.

12 Commissioner Alcheck: What you're hearing from me is that I understand that you think there  
13 is a problem, can you explain it to me?

14 Mr. Lait: Ok, I think we've presented the issue so if that's not sufficient then (interrupted)

15 Chair Lauing: If they want to take it out because they wanted to use the land to put in a  
16 swimming pool as an example.

17 Commissioner Alcheck: Is that a scenario?

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1 Chair Lauing: And if they are taking down their ADU (interrupted)

2 Mr. Lait: Let me just be clear about this. Somebody wants to put an ADU on their property,  
3 they go through a process, they receive bonuses from the City in terms of floor area or site  
4 coverage, do we care that they continue to use that property without an ADU or not? That's the  
5 question.

6 Commissioner Alcheck: What... So (interrupted)

7 Mr. Lait: I can't be any clearer than that, I'm sorry.

8 Commissioner Alcheck: I think you need to be. They want to continue to use it without an ADU,  
9 meaning what? If they wanted to take the structure down to build a pool, then they wouldn't  
10 get the... They got no benefit from all these rules. They didn't get any extra space, they've torn  
11 it down.

12 Chair Lauing: Right so we might as well take the benefit away on this corner case (interrupted)

13 Commissioner Alcheck: What benefit?

14 Chair Lauing: And be done with it. Well, they are taking it down so (interrupted)

15 Commissioner Alcheck: That is taking the benefit away.

16 Chair Lauing: Alright, that's enough, we have more lights here Michael [**Note – Commissioner**  
17 **Alcheck**].

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1 Commissioner Alcheck: I'm just (interrupted)

2 Chair Lauing: Commissioner Summa.

3 Commissioner Alcheck: This is crazy.

4 Commissioner Summa: So, I think a more likely scenario is just somebody new building the  
5 property that doesn't wish to use it as an ADU. So, that kind of is a problem then because if  
6 we've allowed... If we've given a bonus and that's likely to happen. People want to use it for  
7 their own family so I think you need a process, I think it's... It would be... We don't want people  
8 gaming the system either. We don't want people building an ADU to get some extra square  
9 footage or whatever they get and then not really using it for the purpose intended. The purpose  
10 of the state law is to create more housing ok? And if people are just gaming the system but in  
11 the absences of a registry of ADUs, I don't know how you would follow... How you would  
12 monitor this because people aren't likely to turn themselves in. So, I think it's a tricky one but I  
13 think you need a process probably but I think the bigger question is when a new builder doesn't  
14 want to rent. They want to use it all for themselves and then what have we achieved? So  
15 (interrupted)

16 Commissioner Alcheck: [Off mic] But you don't have to build it to use it.

17 Chair Lauing: Go ahead, are you done?

18 Commissioner Summa: Yeah.

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1 Commissioner Alcheck: [unintelligible -off mic]

2 Chair Lauing: Commissioner Gardias.

3 Commissioner Gardias: Yes.

4 Commissioner Alcheck: [unintelligible -off mic]

5 Chair Lauing: Commissioner Gardias is going to speak now.

6 Commissioner Gardias: Thank you so I think that we have an interesting process. It's like with  
7 any other house pretty much, a new owner buys it or an existing owner wants to make some  
8 modifications. Just to go to the Planning Department, submit the plans and you know if there  
9 was a change, they just want to convert the junior unit to the part of the existing residence.  
10 Then they pretty much will just go through the planning process and it's going to happen. When  
11 they sell the house, they don't need to make any changes. They should be making changes,  
12 they should pretty much just bring it up to the code but they typically don't do this and there is  
13 no requirement. So, the house can change hands and there would be no reason for them to  
14 give out any space if they have an ADU with a bonus or some other benefits that they received  
15 from the City or ADU or JADU. And then pretty much they enjoy the property with those  
16 additional structures so I don't really see that this is... there is a question. I think there is an  
17 existing process and they should just pretty much every time when there is a modification, they

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1 would go through the existing process so I don't believe there is a need for any up top  
2 provision. Thank you.

3 Chair Lauing: Commissioner Alcheck.

4 Commissioner Alcheck: Yeah, I would... I agree with your sentiments entirely and I just want to  
5 make sure that we are all on the same page here. That every person in the City that would like  
6 to build an ADU, there is absolutely no requirement that they rent it. The theory is that they will  
7 be incentive to rent it because maybe they want the income but you can build an ADU with all  
8 its [Note- accouterment?] so that your mother-in-law who comes every 6-months can be very  
9 comfortable in your house. So, I'm really sorry if we're not on the same page here but no one is  
10 going to opt out, they will simply not rent it. There is (interrupted)

11 Chair Lauing: Ok, you made the point.

12 Commissioner Alcheck: My point is we're wasting time.

13 Chair Lauing: I agree with you, thoroughly. Item Number Six, ADUs in the front of a home, any  
14 comments on that? How about an architect?

15 Vice Chair Monk: So, I have a (interrupted)

16 Chair Lauing: Wait, I called on Mr. [Note-Commissioner] Gardias.

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1 Commissioner Gardias: Very good, thank you very much. So, you want to talk first? She just  
2 started, I will just wave my time to Sue [Note - Vice Chair Monk]. I will speak after her.

3 Vice Chair Monk: That's fine, go ahead.

4 Commissioner Gardias: No? Ok, then I will go ahead. So, yeah so, I believe that we should not  
5 allow to have ADUs on the front of a home with exception of the lot like we had with... With the  
6 exception of the case like we have with Mr. Lundy. Because this is different... This is a secluded  
7 lot but then pretty much existing neighborhoods and those lots that follow this tree line, that  
8 the façade... Tree façade, they pretty much if the main residence should be in the front of the  
9 lot. And then the ADU should be right behind it, as well as JADU so I don't believe that there  
10 should be any consideration of having ADUs in front [unintelligible]. We have... However, I want  
11 to make a point, we have lots like we discussed maybe 2-years ago along Churchill where pretty  
12 much the line the façade of the houses is pushed back because of the historical reasons. Those  
13 are large residences that pretty much have a cul de sac in front of those houses and large front  
14 garden in front of those residences. And then it may be tempting for somebody just to use the  
15 front of the lot to construct an ADU but I believe that because of this specific of this  
16 neighborhood, we should not be allowing to place ADUs in front of the property. Thank you.

17 Chair Lauing: Commissioner [Note-Vice Chair] Monk.

18 Vice Chair Monk: I'd like to... I'll circle back after everyone has spoken.

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1 Chair Lauing: Commissioner Summa.

2 Commissioner Summa: So, in general, I agree with Commissioner Gardias and I think it would  
3 be interesting to have the ARB weigh in on this question too but in general, I just think it's going  
4 to create... I don't... I think it will throw all the standards and compatibility issues down the  
5 drain. And if the Council wants to go in this direction, I for sure think that these... That projects  
6 that want to build ADUs in front should go through a public hearing process [with] ARB and  
7 maybe PTC. You might be able to make more of an argument for an attached ADU but still, I  
8 think it should... I don't think it's a good idea and if we do go down that road, I definitely think it  
9 needs public hearing by ARB and PTC.

10 Chair Lauing: Commissioner Alcheck.

11 Commissioner Alcheck: So, I think that is scenario is incredibly limited. I think the vast majority  
12 of existing homes don't situate on their lots in a manner that would allow you to develop  
13 another detached unit in front of them so this is a very unique sort of scenario.

14 However, I sort of have a fundamental problem with the first sentence of this item because it  
15 says that the ADU provision includes requirements for the exterior entry of an attached unit to  
16 be located on a separate building face from the entrance of the main residence. With this  
17 provision, there was a recognition that the ADU should be visually subordinate of the primary  
18 house. Ok, we wrote the first sentence. Staff, in theory, wrote the first sentence and so they're  
19 relying on their articulation of the first rule to suggest that there is an incentive that we down

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1 play. I don't know that that's the case and I will suggest to you that the one scenario where this  
2 will come into play is when you have a detached garage adjacent to a home. In that scenario,  
3 they're on equal footing and I believe the way this reads is it requires one to be in front of the  
4 other and side by side is problematic or maybe the garage because of the nature of the lots...  
5 The streets curvature is a little closer to the street. In that situation, this detached garage might  
6 be a suitable conversion that we would be precluding simply because of a rule that I don't  
7 believe has a place on this ordinance guiding by the very limited applicability.

8 I think the second issue is that if you're living on a lot... And there are some, they are sort of  
9 rare and you may be driven past them but there are some lots in Palo Alto where the homes  
10 are actually far. They are like way in the back and they are old, these are older homes. Most  
11 new homes are building to the street front setback so these very random older homes, in that  
12 scenario where the person doesn't want to rebuild their home but there is no rear yard. It's this  
13 sort of home that's a result of some old zoning code that might have allowed that sort of  
14 setback development. Are we sure that in those, I don't know, a hand full of lots we want to  
15 restrict those individuals if they... For example, this lot that I am talking about, if you... There's  
16 one on Hamilton, for example, the home is way in the back but their garage is in the front. The  
17 garage is a logical place for them to add a bit of square footage and make a conversion. I just  
18 think we're taking a really strong position on something that's very, very limited and we don't  
19 appreciate maybe sort of all the implications. And I think without a demonstration of how this  
20 would play out and how many homes would be affected, this should be considered only on a

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1 secondary review at a later date to be added if, for example, people seem to have a big  
2 problem with this occurring and the neighbors are in uproar.

3 Chair Lauing: I'll make a quick comment. I'm comfortable that the intent, as captured here, is  
4 correct. I don't disagree that there could be acceptations but we've said that on all of these and  
5 it's kind of feeling like that eventually we're going to have an exception process to look at  
6 things that might work that way. But I think in general, you know having a small brand-new  
7 structure that's smaller in front of the front yard, it's kind of like if we talk about retail and  
8 having it be a vibrant retail. You know when you're walking through neighborhoods, we're  
9 already making some compromises with ADUs, we all know that. Garages are coming down,  
10 there are more cars parked out there, instead of one car in the garage and one car on the  
11 street, two people move in next door and now there are four cars maybe and they are all four  
12 on the street so we're making some visual compromises. This doesn't seem to be one to me...  
13 This doesn't seem to me like one that we should make as a policy. Shall we make it as an  
14 exception, perfectly willing to look at that as a second phase? So, I think of the choices, I think it  
15 would be the second one of the two that are listed here but perhaps there are other options.  
16 Any other comments on this one? Commissioner Gardias.

17 Commissioner Gardias: So, I think that Mike [Note – Commissioner Alcheck], the points that  
18 you made so it's again right, I don't believe that there should be any exceptions. I think that  
19 grand door of the main house should be along the main street. That's how it is all over the  
20 world and there is just no question about it. There's nobody just builds this other... The other

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1 way so I don't believe that there should be an exception. However, in the examples that you  
2 gave to us like this house on Hamilton, I think that this would be a subject of the state law and  
3 Council can help us with this... With the interpretation. If we have a lot with the existing garage  
4 in the front of the property, would that language of the Assembly Bill allow for a conversion of  
5 this garage? And then also an addition on top of it within its current language or it would be a  
6 subject of our regulation?

7 Mr. Lait: It that a question?

8 Commissioner Gardias: Yes.

9 Mr. Lait: So, the way that we... So, if the garage in this scenario where constructed prior to  
10 January 1<sup>st</sup>, 19... whatever, 2017, then yes, that garage can be converted. The other part is an  
11 issue that's come up that I don't think we've addressed in the Staff report here where  
12 somebody wants to convert their garage but then also do a conforming addition to that garage.  
13 So, you may have a 360 or 400-square foot garage and you want to do an addition to that so  
14 you can have a little bit more room. We've been allowing those additions to the conversions  
15 provided they met the setback and the height requirement and all the other standards so in the  
16 Hamilton example, yes it could be converted and expanded in compliance with the ADU  
17 regulations.

18 Commissioner Gardias: Exactly and I think this is per the Assembly Bill.

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1 Mr. Lait: Well, the conversion is part of the state law and the provision to allow some  
2 additional floor area is one that we've interrupted as part of our application of the local  
3 ordinance.

4 Commissioner Gardias: So, hold on a second, addition on top of the garage that would be  
5 converted to an ADU would be under the provision of the Assembly Bill? No, it's our internal  
6 regulation, right? So, we would be... So, it's within our purview to, in this case of Hamilton  
7 example, it would be within our purview not to allow an addition on top of the garage, right?

8 Mr. Lait: Ok, I just want to be clear about our terminology. So, we're not talking about a second-  
9 story addition, we're talking about an expansion of the ground floor area. Is that right?

10 Commissioner Gardias: No, we're talking about the garage. Apparently, there is a lot on  
11 Hamilton, I don't know the specifics but let's imagine there is a garage in front of the building.  
12 The building is secluded so we're talking about the building... the garage that's in the front of  
13 the lot and then somebody wants to convert the garage and then (interrupted)

14 Mr. Lait: The state law (interrupted)

15 Commissioner Gardias: And then it's per state, we have nothing to do with... We have no power  
16 to do anything with this and then the second-story addition (interrupted)

17 Mr. Lait: No.

18 Commissioner Gardias: On top of this, it would not be in our purview.

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1 Mr. Lait: So, nothing I have said had anything to do with a second-story and that's what I  
2 wanted to be clear. We're talking about the one-story garage. There are limited opportunities  
3 in the City to do a second-story, I think it's in the OS and the RE zones so we're not talking  
4 about second-stories.

5 Commissioner Alcheck: Can they expand the garage?

6 Mr. Lait: But they can expand the garage in a manner that is in conformance with the  
7 Development Standards.

8 Commissioner Gardias: Under our ordinance (interrupted)

9 Mr. Lait: Yes.

10 Commissioner Gardias: or under the Assembly Bill?

11 Mr. Lait: Under the ADU regulations.

12 Commissioner Gardias: Our own ordinance?

13 Mr. Lait: Well, I mean I don't understand the distinction really. The conversion of the garage is  
14 allowed for by local ordinance and also set forth by the state law. The ability to add onto that is  
15 an issue that we've come across because people aren't satisfied with just converting the  
16 garage. They want to expand to that garage and so we've allowed for those expansion... That

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1 conversion A, B expansion to take place under one permit provided that expansion meets the  
2 required setbacks and height limits for ADUs.

3 Commissioner Gardias: Yes, of course, right but in this case, I don't know how many other  
4 examples Mike [Note -Commissioner Alcheck] has. [Unintelligible] in his sleep but you know in  
5 this case I would disagree. I think that pretty much an expansion of this garage because of some  
6 historical reason relationship to the neighbors may not be a desirable solution and this should  
7 go through the review, architectural review.

8 Mr. Lait: Ok so this has come up a few times and I just want to be clear. So, ADUs, they have to  
9 be ministerial projects, we can't have a review process to consider ADUs; whether before the  
10 ARB or the PTC. You know it's got to be a ministerial process so we cannot do any design  
11 review.

12 Commissioner Gardias: Even in this example?

13 Mr. Lait: Even in this example.

14 Vice Chair Monk: That was a state law requirement and it was heavily commented on by the  
15 community at the ADU hearing to Council. So, but I think what alleviate your concern is that the  
16 fact that in this ordinance, I do believe that it states somewhere in the ordinance that the ADU  
17 should be visually subordinate to the primary dwelling.

18 Mr. Lait: Right.

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1 Vice Chair Monk: And that to me is key language and so even though it's a ministerial review  
2 process, whoever is undertaking the review should be guided by that guiding principle, right?

3 Commissioner Gardias: Sure, I agree. Yeah, but we talked about this one example on Hamilton.

4 Vice Chair Monk: So, I would just want to encourage the review process to have that as a  
5 guiding principle in undertaking their review that it's subordinate to the primary dwelling.

6 Mr. Lait: So, allow us to maybe (interrupted)

7 Vice Chair Monk: That's just a comment, you don't really need to respond to it.

8 Mr. Lait: Well, I just don't want (interrupted)

9 Vice Chair Monk: Or is that language not in the (interrupted)

10 Mr. Lait: No, that's not in the ordinance.

11 Vice Chair Monk: It's not in the ordinance?

12 Mr. Lait: No, that language is more illustrative in (interrupted)

13 Vice Chair Monk: I think thought it was in the 2017 ordinance. Was it taken out?

14 Mr. Lait: So, there's... So, just to be clear, there is a requirement about the entrance, I think not  
15 facing the same direction and you know there's some design standard. This concept of  
16 subordinate is Staff's sort of read on historically in our code we've allowed ADUs but we've

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1 perceived them as a... I mean they are subordinate. They are less floor area than the primary  
2 residence and that's the concept that we're making here. Is that they are subordinate in that  
3 context. You have a primary residence which is 2,000-3,000-square feet or whatever it is and  
4 you've got this ADU of 400-square feet or something like that. That's the way that we're... That  
5 sentence should be read. That's not in the ordinance word for word.

6 Chair Lauing: Good so (interrupted)

7 Vice Chair Monk: I'm going to jump forward just for a moment to Page 16 on the Planning  
8 Entitlements and the placement. Is there something further that should be explored here  
9 because it seems that this could possibly open up some issues with previously planned  
10 entitlements. Is this worth exploring tonight a little bit further?

11 [Note – Male:] [unintelligible -speaking off mic]

12 Vice Chair Monk: It's just after the two options on... It's pretty... Just above H, Miscellaneous.  
13 Staff is mentioning that if there's an ADU placement requirement in the rear that sites with  
14 Planning Entitlements could be negated.

15 Commissioner Gardias: [unintelligible -off mic]

16 Vice Chair Monk: It's not... No, I was... Was there further discussion that you think needs to  
17 occur in that regard because it was (interrupted)

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1 Mr. Lait: I think those are more arguments to support putting detached ADUs in a subordinate  
2 manner to the primary structure.

3 Vice Chair Monk: So, of the two options given to us, I don't know that I love either one. Is there  
4 another alternative that we can advance tonight that Staff might want to suggest?

5 Mr. Lait: We don't have to advance anything. We're going to come back with something so  
6 we'll consider the comments and we'll return to the Commission.

7 Chair Lauing: Ok, great, thanks. So, the next item is fifty percent rear yard coverage.  
8 Commissioner Alcheck.

9 Commissioner Alcheck: Oh, I'm sorry. Well, are you breaking this up now? Are you going to  
10 break up H into all its little things or can we just talk about any of the items in H?

11 Chair Lauing: You can do all those together, yeah.

12 Commissioner Alcheck: Ok so I'll just say that I think the fifty percent rear yard coverage  
13 requirement is... This is the area inside the 20-feet from your rear fence, inside the 6-feet from  
14 both of your side fences that is "the area behind your house"; which by the way, your house  
15 could be anywhere in that space. You could go all the way up to the setback line so in this  
16 scenario I just think that it's a little impractical to create this requirement. I think this is  
17 something that the decision to use more of your, what we call the interior rear yard, for  
18 creating a housing unit versus more of it for a garden should be the choice of the homeowner. I

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1 can't imagine a scenario where a neighbor is somehow affected by how much your interior  
2 yard, this is the area that's not close to the setbacks, somehow is the prerogative of your  
3 neighbor. So, I just... I think that any suggestion that there should be enhanced limitations here  
4 or even encouraging these limitation is just an effort to discourage the development of ADUs. I  
5 think the vast majority of lots that want to develop an ADU will come either very close or cross  
6 this threshold and if we really want to encourage it, we should eliminate this threshold for the  
7 purposes of ADUs in order to encourage their development. I consistently believe that we will  
8 not see 300 ADUs get developed a year. This will continue to be a small addition to our housing  
9 stock so that I want to suggest that fears should be mitigated by that.

10 The second item here, replacement parking, I want to just highlight this is a part of the general  
11 discussion I've been having all night about inconsistencies. If there are some... I am going to use  
12 a quick example, there are homes in Palo Alto that are (interrupted)

13 Vice Chair Monk: Commissioner Alcheck, would you mind if we maybe just all talk about that  
14 one point. I know you had asked that question. I think it would be easier for Staff and also for  
15 us to just be able to respond and have a discussion but I mean if you are able to.

16 Commissioner Alcheck: I just have another minute and a half and then I'm done here. If there  
17 are homes in Palo Alto that have below grade parking garages. Those are not currently  
18 compliant with our current code. If those homes wanted to undergo a significant renovation or  
19 rebuild, they'd have to change that. I want to suggest to you that a major inconsistency with

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1 this ordinance is that if you own a home that's modest and you have a detached rear garage  
2 that you convert into an ADU. Then 5-years later you decide you'd like to do a major renovation  
3 on your home, it is not clear that you could accomplish that without having to rebuild covered  
4 parking. So, you may eliminate your covered parking requirement and then you go to rebuild  
5 your home and suddenly you are right back to where you need to be which is oh you can't  
6 actually add that second story to your one-story homes that are 1,200-square feet without  
7 building new parking. Which creates a dramatic problem which will result in the removal of  
8 existing ADUs. People will be like well, I got a growing family. I have to add this second-story  
9 and this little 400-square foot ADU means that I can't do it; ADU is gone or they will destroy the  
10 ADU, build a garage, 6-months later convert the garage to an ADU again. Nothing about that  
11 sounds logical so I think in addition to replacing parking in street, this area here has to not only  
12 address what happens to parking after you take it away from covered spaces. It has to address  
13 the future requirement of parking on the structure should anybody want to add something to  
14 their single-family home like a second-floor or maybe even rebuild it. And we cannot put this  
15 ordinance in play until we solve that problem because it just creates now not a two-phase  
16 process but a three-phase process and a dramatic miss opportunity.

17 Chair Lauing: So, Commissioner [Note- Vice Chair] Monk.

18 Vice Chair Monk: So, in regards to the fifty percent rear yard coverage, by definition, it's not an  
19 accessory structure so I would say that it should not be applied. So, I agree with Commissioner  
20 Alcheck and his ultimate determination on that one issue. Sorry to sidestep a little bit but I just

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1 had a question about some of the stuff that was brought up initially by Council in the ordinance  
2 itself. Just I might want to just bring that up later on when we get through the miscellaneous so  
3 I just want to put a placeholder in for that. I think talking (interrupted)

4 Chair Lauing: We're just on yard coverage right now, right?

5 Vice Chair Monk: Yeah but I have a couple other questions that are not listed in the  
6 miscellaneous section that I might want to bring up later on.

7 Chair Lauing: Ok. Commissioner Summa.

8 Commissioner Summa: First a question for Staff, I know it's different in different RPP zones but  
9 there's a limited number of street parking that every parcel is can buy. Has the ordinance  
10 discussed whether the ADU or have we figured that out gets... Like, say it's five so the front...  
11 The primary house gets five and they share that with the ADU or both get five? I think we  
12 need... I think that's a big one. I meant to mention it earlier actually but it's sort of related to  
13 some of the parking issues.

14 Ms. Campbell: So I think we need to go back and just double check but I do believe it's each  
15 living unit would be entitled to a certain... The RPP allowances.

16 Commissioner Summa: So, that was decided?

17 Ms. Campbell: Well, I think the way the code is written, it's talking about each living unit so it  
18 (interrupted)

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1 Commissioner Summa: So, it's in the RPP code.

2 Ms. Campbell: Yeah.

3 Chair Lauing: So, it could be ten?

4 Commissioner Summa: Yeah so back to the rear (interrupted)

5 Mr. Lait: And we'll just double check that.

6 Commissioner Summa: Ok because that's potentially very impactful. The fifty percent rear yard  
7 coverage, you know what I think we want to avoid while we're making housing which we don't  
8 even... We're not really assured how much housing we're going to make with this. Whether  
9 people will just use it to expand their own homes and not provide a unit for a new family or  
10 another couple or something. We also don't really know how many existing illegal ADUs we  
11 have. There's so much we don't know but I don't want neighborhoods to be turned into  
12 businesses and that's what some of this feels like. Backyard habitats are incredibly important  
13 for animals, for birds especially and insects. I don't think we want people... I think we should  
14 keep the 50-foot yard requirement... I mean fifty percent yard requirement in here with the  
15 understanding that we need to do that to provide an environment for animals and a place for  
16 people to have trees to keep the air clean, to have shade so I think we should keep it in there.

17 Chair Lauing: Commissioner Gardias.

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1 Commissioner Gardias: Thank you. So, before I make a comment on this, Jon [Note -Mr. Lait] if  
2 you could help me, I believe that we have a permeable area requirement in the code. What's  
3 the requirement for a lot if you... I don't remember. Just (interrupted)

4 Ms. Campbell: I believe in the R-1 it's sixty percent of the front yard, it's just the front yard  
5 setback.

6 Commissioner Gardias: Just the front yard?

7 Ms. Campbell: Yeah.

8 Commissioner Gardias: There's nothing about the whole lot. I think that there's a... There's no  
9 permeable area requirement for the whole lot?

10 Ms. Campbell: No.

11 Commissioner Gardias: So, the reason that I am just asking this question right because the  
12 question is what is this rear yard coverage and I thought that maybe it would be related to the  
13 permeable area. And I wish it had been right but we should consider this as well because there  
14 is a related water runoff from a lot if you at constructions of additional structures and then  
15 pretty much having ADUs on a lot will take away the lands in which water would sink into. And  
16 then it would be replaced with a runoff because the adjacent area will not be able to hold this  
17 amount of water that would be accumulated in the rest of the lot. So, this is the first concern so

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1 pretty much it would flow to the Bay which is something that we want to avoid. I just want to  
2 make this comment so you realize what is the impact of things like this.

3 If we have ADU at the back of the lot and then also if we retain fifty percent rear yard coverage  
4 which could be with a variety of different structures. It could be with some pavement, benches,  
5 you know pergola, something that pretty much water would not sink into. Then pretty much  
6 what we're doing is we're just asphaltting and concreting the majority of the lot coverage of the  
7 lot area with impermeable structures. And so logically, if we're going to just have ADU, I would  
8 not only... I would not only... I would not retain fifty percent of the rear yard coverage. I would  
9 reduce it because logically speaking there will be some area that would be taken by ADU taking  
10 away and from this would be... I am sorry, let me just take it back. That if we build ADU at the  
11 back of the lot, specifically allowing ADU to be 6-feet away from the rear fence, then pretty  
12 much we would be covering the rear yard with a structure already. So, the point that I am  
13 making is that constructing ADU should be in certain sense reducing a number of the allowed  
14 rear yard coverage. What would be the new percentage allowed, I don't know but I'm making  
15 the point that this fifty percent should be reduced farther not the lot to be clogged with a  
16 number of the structures that would be at the backyard. Thank you.

17 Chair Lauing: So, my comments on this are I think this ship already sailed. I mean the whole idea  
18 of putting in a new structure means that some of the lands has to go away. So, solving for the  
19 percentages, if it's fifty or forty or seventy or sixty seems to be just kind of a detail getting into  
20 the way. And from the state law to the Council decision, I just feel like this is... I'm going to call

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1 it collateral damage to the squirrels but I think that we want to... The law of the land of the City  
2 is that we want to put in ADUs and so it's going to be on smaller net lots in the backyard so I'm  
3 ok with that. Did you have a comment Michael [Note -Commissioner Alcheck]?

4 Commissioner Alcheck: Yeah, just on this topic so I would just like to suggest, there's an  
5 equation by how you calculate lot coverage. It roughly comes to like thirty-six percent, you can  
6 cover thirty-six percent of your lot. This doesn't allow you to do more, I mean there is a slight  
7 bonus but what we're talking about is a hundred and... I mean it's if in theory if you are close to  
8 your lot coverage then you are also very close to your floor area max so you're talking about  
9 175-square feet over your lot coverage because it's one hundred percent bonus. But if you are  
10 not close to your lot coverage max but you're at your floor area max because you have a two-  
11 story home, then you are probably not going to come close to your lot coverage max and this  
12 isn't an issue. So, the likelihood of us, as a result of these ADUs, occupying more than thirty-five  
13 percent of the lot is very low, across the board, on every ADU. However, where that lot is, is  
14 different. Some people have a huge front yard so the thirty-six percent that they can cover or  
15 let me do the flip. The sixty-six percent of their lot that is uncovered, maybe a majority of it is in  
16 the front which we've just now said you can't build your ADU in the front, right? That was your  
17 preference so the only place they can locate this 450-square foot or 620-square foot ADU may  
18 be in the area within the side setbacks because that's what we prefer. We don't want them on  
19 the fence, is in an area that might compromise the requirement that fifty percent of this area  
20 that is not relevant to how much of their lot coverage. It's just an area we define by the

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1 proximity to the house to the rear setback line is covered. So, you will not... Any home that's  
2 maximized their floor area will only be able to add 175-square feet which is nothing; it's very  
3 small. So, this isn't going to dramatically change the amount of covered ground in our lots. It  
4 will look different, rear yards may be more covered but you're not losing something dramatic  
5 here from the perspective of how much of the earth in Palo Alto homes is exposed so I just  
6 want to make that clarification.

7 Chair Lauing: I think more people want to comment on replacement parking, the bottom of  
8 Page 16. Commissioner Gardias.

9 Commissioner Gardias: Yes, so I just want to... Before I get into this, I want to ask a question  
10 because I went... In this case, I went through the Assembly Bill line by line item and I just  
11 wanted to understand what is the legislation, the requirement on the parking? And then in one  
12 area, it says that local towns, they have... The towns have an ability to regulate and that towns  
13 have the ability to require at least one parking space per ADU. Why, in our case, ... And then  
14 there's another paragraph that doesn't... That there's silence about this so my understanding is  
15 that legislature allows us to require at least one parking space per ADU. Is this correct? Ok.  
16 However, we waive this... City Council waved this requirement. Ok, I just wanted to make sure  
17 that we are... That my understanding is correct. So, before I get to the replacement parking, I  
18 would like to just speak briefly about this requirement and I would like to suggest to my  
19 colleagues that we advise the Council to reconsider requirement of one parking stall per  
20 Assembly Bill. And the reason is like this, that with addition of the ADUs, that would be... There

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1 may be at least two cars if the family moves in. If the family moves in, then pretty much it's not  
2 only going to be on the impact on the residential parking but also it would be an impact on the  
3 frontage... On the front of the street that would be taken by the parked cars. And this would  
4 just [unintelligible] the directly those that have ADU and then occupants in this ADU in a  
5 conflict with those that... With their neighbors because those ADU occupants would be taking  
6 the precious street parking place for parking their cars. They would not be probably parking on  
7 the lot so I think that what we should have in our ordinance, we should have a requirement for  
8 at least one parking stall on the lot when we erect ADU. Thank you.

9 Vice Chair Monk: On that issue, I'll just state that I agree with the Staff's recommendation on  
10 the street side setback and that with the Planning Director to have discretion to reduced the  
11 required parking stall dimensions. Does anyone else have further comment on that issue or can  
12 we move onto... Commissioner Alcheck.

13 Commissioner Alcheck: I would... I just want to make sure that it's on the record. I would totally  
14 disagree with Commissioner Gardias's recommendation. The entire objective here is to  
15 encourage the development of ADUs. Requiring parking to be some how covered on site is a  
16 major hurdle that will destroy this effort. So, that couldn't be farther from the way I feel about  
17 how the City Council should move forward.

18 I think with respect to the parking in the street side setback, I think that the... It should be  
19 allowed on the front setback but not on the side front setbacks and I think that's how it's

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1 written. Although, I believe now our current code allows individuals to designate the side yard  
2 adjacent to a fence as a single uncovered parking space. One of the concerns is that you'll  
3 create a... And here's what I was referring to earlier is about we don't want to have a program  
4 that essentially realizes all the fears that people have. They don't want ADU to overwhelm their  
5 sense of community so a scenario where someone could tandem park four cars from the fence  
6 towards the other could for somebodies home seem like they're living next to a parking lot. So,  
7 I think we should allow designated parking to exist within the front setback but not the side  
8 setback and that would (interrupted)

9 Ms. Campbell: And just to be... Can I just clarify that you're talking about the street side set  
10 back? We're not talking about an interior setback.

11 Commissioner Alcheck: You're talking about street side setback, I am suggesting that we  
12 shouldn't allow it on street side setbacks and we shouldn't allow it on side setbacks either  
13 because people... Any of these ADUs that are built in areas where parking is a little difficult over  
14 night will result in essentially everyone parking the car on the driveway. Which isn't a problem  
15 but if we allow them to build the driveway up to the fence, then it creates a potentially  
16 uncomfortable scenario because if you've ever driven down where someone's parked an RV  
17 right on the fence line. It's one thing if they do that but there's no driveway. If we suddenly  
18 allow for that, it may feel imposing on the neighbors and so what I would suggest is if you want  
19 to allow parking in front of the home inside of the lot, that's one thing but we should continue  
20 to suggest that you can't do it on the side setbacks as we do today.

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1 Commissioner Gardias: I want to just briefly respond to this. So, in the Assembly Bill there is not  
2 requirement for a covered parking space. There is a requirement for uncovered parking space if  
3 I remember this correctly so everything what I am proposing this to recommend to the Council  
4 that at least one parking space is within the existing lot for ADU as it is within the state bill.

5 Commissioner Alcheck: So, basically what you're saying is there has to be a driveway because  
6 in theory if you don't have a garage, you don't need a driveway.

7 Commissioner Gardias: Yes, I mean there has to be some sort of room for a car to park.

8 Commissioner Alcheck: Uncovered?

9 Commissioner Gardias: Yes.

10 Commissioner Alcheck: Is that a requirement now? Could someone remove their driveway and  
11 park all their cars on the street or do they have to have an uncovered space?

12 Ms. Campbell: So, for the ADU unit there is absolutely no parking requirement but if for some  
13 reason when they created the ADU, it displaced the existing required parking so that covered  
14 space could then be converted to an uncovered space on the lot.

15 Commissioner Gardias: Right and I totally understand this but what I think is here is that my  
16 point is like this, if you have a... At this moment we don't require any parking spaces for ADU.  
17 We only require this replacement or parking for the existing residence but my point is like this  
18 that if you have ADU and then there may be two cars per new ADU, those folks they will not be

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1 parking at the back of the property or on the side of the property. They would be naturally  
2 parking in the front of the house and they would be naturally parking in the front of the  
3 neighbor's house because majority of the residences, they have two parking slots in front of  
4 their houses. So, they would just be parking right in the front of their neighbor's house so there  
5 will be impact on the neighbor with additional two cars that would be owned by those that  
6 would be living in the ADU. Thank you.

7 Vice Chair Monk: It seems (interrupted)

8 Chair Lauing: Commissioner (interrupted)

9 Vice Chair Monk: Is that for me?

10 Chair Lauing: No, Commissioner Summa has her light on.

11 Vice Chair Monk: Oh, sorry.

12 Commissioner Summa: Thanks, so this 1-B is just for corner lots, right? So, I don't think we want  
13 to park on the street side setback of corner lots. Those corners already have different... How  
14 those corners are developed and how high the fence can be and all that kind of... All those kinds  
15 of things, there are already restrictions on corners. It's basically to make it not seem like a wall  
16 when you're walking so you can see around the corner and stuff so I would not be in favor of  
17 that.

18 Chair Lauing: Ok, can we move onto the next Item C?

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1 Vice Chair Monk: Just related to that, I'm just going to throw this in and this is one of the more  
2 miscellaneous ones. I think that in the motion on this, the April... Was it April 2017 motion by  
3 Council? They also... Staff was directed to explore options about limiting parking permits in the  
4 RPP programs so has that been addressed or is that something that we just need to  
5 (interrupted)

6 Mr. Lait: We'll follow up on... Yeah, we'll follow up as it relates to that other question too.

7 Vice Chair Monk: Ok, thank you.

8 Mr. Lait: I don't have that. Chair, I don't think we recorded your perspective on the street side  
9 yard parking.

10 Chair Lauing: It basically it was... One way or another it was covered by some of these other  
11 comments.

12 Mr. Lait: So, we'll record that as being supported or not supporting?

13 Chair Lauing: You need... I mean you need parking. They need to be somewhere and I think... I  
14 personally think there's going to be a lot of cars so I think having places that have them park on  
15 the street as opposed to them on top of each other, I don't see a way around that. I think one  
16 of the items that is "collateral damage" to a lot of folks being in a single lot.

17 Ok, applications for existing ADUs, is there anything on that?

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1 Commissioner Summa: I have a question.

2 Chair Lauing: Question Commissioner Summa?

3 Commissioner Summa: Is that existing legal? I was confused by this one, I wasn't sure what it  
4 was really addressing. Is it for existing legal ADUs?

5 Ms. Campbell: Exactly. It's for ADUs that have gone through the permit process and have been  
6 around for 20-years and they want to do something new and they built the covered parking  
7 because that was required or they had the two spaces because it was required. Maybe they  
8 want to expand and enclose the parking garage now to... So, anyway, we just... Our code  
9 doesn't really specifically address these existing units.

10 Commissioner Summa: So, wouldn't they be eligible to exercise their rights under the new ADU  
11 law and expand anyway that allows you? I mean (interrupted)

12 Ms. Campbell: I think that's a... That's sort of what we're trying to just think through and  
13 because I think there are people out there who are doing very minor work to an existing ADU  
14 that they've had for 20-years. And now they've been told you need to do the deed restriction  
15 so I can understand from one perspective that hey, we've had this for so long and just because I  
16 want to add 50-square feet, now I have to do this deed restriction. So, it sorts of just brings up  
17 this whole thing, do we make them all consistent with the current requirements or do we have  
18 some type of exemption?

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1 Commissioner Summa: That's hard.

2 Chair Lauing: Did you (interrupted)

3 Commissioner Summa: I kind of have mixed feelings about this because it seems like they  
4 should have the same rights under the new ADU law that anyone else does. I don't... But they  
5 also should have the same responsibilities if we're requiring the deed restriction for others. If  
6 they want to change it, I would think they would have to bring it up to code and that inquires...  
7 Includes the deed restriction. I mean I think we have to apply the law consistently.

8 Chair Lauing: So, inconsistently you mean all three of these?

9 Commissioner Summa: I mean people have a right to use the new ADU laws, like they have a  
10 right to any change in the code, to change or redevelop their property but along with that goes  
11 a requirement of the deed restriction. And I think that would have to be imposed too if they are  
12 changing their ADU if they are not making any changes (interrupted)

13 Mr. Lait: Or even just getting rid of the parking. So previously you had to provide, I don't know  
14 if it was one or I think two parking spaces and one had to be covered for the ADUs. So, people  
15 who have gone through the process previously and have these two parking spaces, currently  
16 you could convert those parking spaces to an ADU. There's... I mean I am blending things maybe  
17 a little bit but today we don't require parking for ADUs so the people who build the parking can  
18 get rid of their ADU parking.

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1 Commissioner Summa: Yeah, I think under the law they can but under the law, I think they are  
2 also required to do the deed restriction like everyone else.

3 Chair Lauing: Commissioner [Note – Vice Chair] Monk

4 Vice Chair Monk: Looking at the Staff recommendations, on Number One allowing the  
5 expansion of existing units within the allowable size limits to take advantage of the bonuses; I  
6 agree with that. On Number Two, allowing the elimination of required covered parking to  
7 support the expansion of existing units. I am not totally clear on the pros and cons of it but I'm  
8 inclined to support that recommendation as well and then on Number Three, that one is a little  
9 bit more confusing. I don't know if we got more clear on it or not but don't we want to exempt  
10 all related deed restrictions?

11 Ms. Campbell: I think (interrupted)

12 Vice Chair Monk: Did you already answer that question?

13 Ms. Campbell: Earlier (interrupted)

14 Chair Lauing: That's the opposite of what Commissioner Summa suggested.

15 Vice Chair Monk: Yeah, probably because it's just a... This one is a little confusing.

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1 Ms. Campbell: So, I think the earlier discussion tonight was about just removing the owner  
2 occupancy requirement and not about eliminating a deed restriction. Staff is not trying  
3 (interrupted)

4 Vice Chair Monk: I just meant related deed restrictions to... So not just all restrictions but  
5 related to these types of issues. I mean I don't know how many restrictions there are and  
6 what's... How broad they are, how many there are.

7 Ms. Campbell: The deed restriction is basically to record the unit information (interrupted)

8 Vice Chair Monk: How many other restrictions are there for example, other than the owner  
9 occupancy one?

10 Ms. Campbell: There may be three or four, something like that.

11 Vice Chair Monk: Ok, thank you.

12 Chair Lauing: Commissioner Alcheck.

13 Commissioner Alcheck: So, I was about to go down the same line of questioning which was  
14 what are the deed restrictions? The main caveat... The main concession that someone would be  
15 making in exchange for being able to put a kitchen in their guest house now, from my  
16 perspective and potentially 175-square feet of bonus, was the idea that they could no longer  
17 rent both units, right? That seems to be the "restriction", they are restricted from doing it. The  
18 description that you wanted to record the unit as existing I would not characterize as somehow

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1 restrictive. So, is there something else that you're aware of that somehow restricts the rights of  
2 the owner that would be in this deed restriction?

3 Ms. Campbell: So, let me direct you to Packet Page 36, it's the very first paragraph, maybe I can  
4 just read it to you. So, prior to the issuance of a building permit for an accessory dwelling unit,  
5 the owner shall record a deed restriction in the form approved by the City. Includes a  
6 prohibition of the sale of the accessory dwelling unit separate from the sale of the single-family  
7 residence. Requires owner occupancy consistent with certain [unintelligible], does not permit  
8 short-term rentals, restricts the size and attributes of the accessory unit to those that conform  
9 with this section so those are the components of the deed restriction.

10 Commissioner Alcheck: So, let me follow up, do you believe that our current code already  
11 provides restrictions on short-term rentals for existing ADUs?

12 Ms. Campbell: Our current code provisions already line by line state that you have certain  
13 provisions for each one of these things but I think the intent is to just have it recorded. So, that  
14 way when the property passes from one owner to another, that there is some record that's  
15 easy to refer to hopefully and makes the new property owners aware of the requirements.

16 Commissioner Alcheck: I would suggest to you that a deed restriction is the least easy way for  
17 example, to in your City restrict Airbnb, which I believe we have an ordinance already that  
18 addresses Airbnb or that we've discussed it, let me put it to you that way. So, if City Council has  
19 not yet come to the conclusion that Airbnb is a problem, then are we already ready to create a

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1 deed restriction on an ADU that we wouldn't apply to the rest of the community? Right, so  
2 that's number one.

3 Number two, the restriction related to the owner occupancy which is the big one here, if you  
4 have an existing ADU that is legally compliant. We're not talking about something that wasn't  
5 built to code, they mean something that actually that is built to code and you already don't  
6 have parking because or let me... I think you suggested that it was... It already accomplished  
7 what it wanted to do within the framework of our current code. Then presumably what we're  
8 suggesting is that if you want the benefit of a bonus, you'd have to take on these significant  
9 restrictions; like you can't... You can no longer rent it on Air BnB and you can no longer rent it in  
10 conjunction with the rental of your home. Is it... The other restriction that you meant, which I  
11 find to be most unique is the one that forbids the sale. It is your impression that ADUs that are  
12 currently built in compliance with our code can be sold separately from the homes?

13 Ms. Campbell: No.

14 Commissioner Alcheck: So, what... Do we even need that on the... Are we creating a deed  
15 restriction process that seems to anybody on the Staff level as redundant? Would you have to  
16 restrict their sale? Is there any path where those can be sold now? I mean I'm only asking this  
17 question because deed restrictions are not cheap.

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1 Mr. Lait: So, we're just making it clear that if somebody were to buy property, there are two  
2 units on the lot, one is an ADU, one of those units cannot be sold off as an independent  
3 ownership.

4 Commissioner Alcheck: And they can now?

5 Mr. Lait: No, it's (interrupted)

6 Commissioner Alcheck: Without the deed restriction?

7 Mr. Lait: Nope.

8 Commissioner Alcheck: So, then do you need the deed restriction? It should... I'm sort of  
9 pushing here because as appointees of the City to Council, we're sort of here to make sure we  
10 aren't wasting money and time. And if the Staff is spending a great deal of time trying to draft a  
11 deed restriction that you're not equipped to draft. It has to be the attorneys, it's got to be  
12 somebody that (interrupted)

13 Mr. Lait: Just so we can... I'm sorry, not to cut you off. It's a template, it's set, it takes us  
14 minutes to process these things.

15 Commissioner Alcheck: I would argue that anybody that wants to record it, has to go through a  
16 (interrupted)

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1 Mr. Lait: There is a process for recordation. I'm just saying that we've streamlined the process  
2 because you're right, it is time-consuming. We've streamlined it so that somebody can come in  
3 at the counter (interrupted)

4 Commissioner Alcheck: You've... Let look, I don't want to argue about it. It sounds like you  
5 streamlined a redundant process. If you want to spend time streamlining a process, how about  
6 we do what Santa Cruz does and create an ADU design that people can just form apply for? The  
7 consensus or maybe just let me put this, my conclusion of my line of questioning is that at least  
8 two elements of this restriction are unnecessary. If you're comfortable recommending that in  
9 your packet that's one thing, I would suggest to City Council that if they are not one hundred  
10 percent sure about the renter restriction and they haven't opined yet on Air BnB. To create this  
11 deed restriction would be a massive sort of confusing requirement and potentially costly and  
12 hard to enforce.

13 Chair Lauing: My comments are consistent with Commissioner Summa on this and the word  
14 consistency has come up a lot. The... Do you want to comment any more on the low income or  
15 are you still not... You kind of commented on that last time.

16 Mr. Lait: I think these two items here are again the direction from the City Council and so this is  
17 probably a moment where if individual Commissioners have some perspectives of how we  
18 might go about exploring these issues, then we welcome that feedback. Otherwise, we'll  
19 (interrupted)

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1 Chair Lauing: I knew that last month you had said that it was preliminary and I didn't know if  
2 you had anything to add at this point.

3 Mr. Lait: No, nothing new.

4 Chair Lauing: Commissioner Summa.

5 Commissioner Summa: So, I definitely think for Staff to... I mean it's a great idea to try to see if  
6 we can... If there's a way to actually create BMR or affordable ADUs. Otherwise, any housing  
7 that is created will just be market rate housing. So... But I don't think Staff should take that on, I  
8 think Staff... I just think it's an onerous amount of work for Staff to do that. I think if Staff can  
9 find a reliable agency who can... Who wanted to do that, I don't see why not. I doubt it will  
10 create many if any, BMR units because it's really problematic because to be fair they would  
11 have to get the tenants for BMR units from the existing waiting list of people. And I suspect that  
12 most homeowners since the owner... Property owners are required to live in one of the units,  
13 would want to pick the people they were living so close to themselves. And so... And it also  
14 creates problems I think if... For people when they are selling their property because I'm  
15 assuming that you wouldn't be able to kick out a BMR tenant and it might make it hard for  
16 people to sell their properties. So, I find that it's... I find... I'd be really surprised if it worked out  
17 that any agency wanted to take this on and if it did, I don't think it would create many BMR  
18 units but if you want to explore that, it's great.

19 Chair Lauing: Commissioner Gardias.

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1 Commissioner Gardias: So, we're talking about BMR at the moment, is this correct or any other  
2 topic?

3 Chair Lauing: Well, it says ADUs available to moderate or low-income residents.

4 Commissioner Gardias: Sure, yes. So, it's... If somebody proposes a mechanism for doing so, of  
5 course, I would be open but I'd like to just hear some recommendation. I don't have one myself  
6 but so I'm looking forward to some other comments if somebody has some, please.

7 Chair Lauing: Commissioner Alcheck.

8 Commissioner Alcheck: Yes, so we had a meeting. I don't know if all... I don't know if you two  
9 were on it at the time but Gardias... Commissioner Gardias and I were. Along time ago when we  
10 first started talking about ADUs and on that night, I suggested that when we're contemplating  
11 whether we should allow of disallowing ADUs and this was before the state law came into  
12 place. I suggested the spectrum shouldn't be allowed or disallowed, it should be not allowed  
13 and encourage financially. And what I mean by that was, and that was... And that night I used  
14 the word deed restriction for the sole purpose to articulating the point that I believe that we  
15 should wave all fees associated with the development of ADUs that are deed restricted for low  
16 income or moderate-income housing. We can make a distinction on what the Tier should be but  
17 if you are going to build an ADU for the sole purpose of maintaining it on the market for an  
18 individual who does not have a high enough income, whether that's an elderly person who no  
19 longer makes money or whether that's an individual... At the time that night, I suggested there

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1 should be... That the deed restriction not be too specific. It should include things like income  
2 but also any public servant, individuals who work on Staff, teachers that are in local public  
3 schools or firefighters; anything. We can create all the sort of desirable renters that we want,  
4 put them in one category and that, I would argue, would be the right place to create a deed  
5 restriction. That this property has to remain on the market as an exchange for no fees; no  
6 school impact fees, no development fees, basically carte blanche. Now that is a very aggressive  
7 suggestion, it's not entirely clear to me what the average fees would total. Maybe they are  
8 \$10,000 but \$10,000 seems like a small number to pay or not collect to create BMR housing. So,  
9 my suggestion here is not to outsource this. My suggestion would be that City Council asks Staff  
10 to bring them a program because we've heard a lot in the community a fee waiver. Please  
11 waive the fees to make it more encouraging to build ADUS, right? We're here to encourage  
12 ADUs right but we're not here to encourage ADUs that end up not being used and are just a  
13 high-end guest houses, right? We're here to encourage ADUs because we think it might put a  
14 dent in that housing crisis and so I think we can really do that by saying look, if the fees are too  
15 much for you but you can benefit from a moderate sort of rental income on a garage  
16 conversion which may not be that expensive to do because you're not adding a whole lot to it  
17 in terms of size or whatnot. Then if you commit to maintaining this property as below market  
18 rate and you know, these things can have time limits, 20-30-years, then we waive these fees.  
19 That would be my suggestion.

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1 Chair Lauing: I would agree with that, pretty much entirely because for one thing, I'll put on the  
2 table that you know there really are some people that maybe have an old house where they  
3 paid off the mortgage and they'd be happy to help the community. They are not trying to get  
4 the market rate and so they would just out of the goodness of their heart want to do some of  
5 this. So, if there's a way to... Obviously, there are logistics involved in figuring out that this is a  
6 qualified BMR and so on. So, just broadly I think Council and we are completely on record for  
7 BMR and anyway we can get it so I would definitely include this kind of suggestion in a way that  
8 we should look at to try to get it. But I'm not discounting my other colleague's comments that  
9 it's not a slam dunk but it should be on the table as Michael [Note-Commissioner Alcheck]  
10 suggested. Any other comments on that on? Let's see, Commissioner [Note-Vice Chair] Monk.

11 Vice Chair Monk: On the issue of fees, yeah, I think there should be (interrupted)

12 Chair Lauing: Are we on fees?

13 Vice Chair Monk: Well, sorry, I mean on making the ADUs available to moderate and low-  
14 income residents, we could look at fees. I don't know how you can ensure that once the units  
15 complete that they are going to rent to that person so I think there are some problems with  
16 going that route. So, I guess in that regard if the overall policy is to encourage the development  
17 of these units, then we might need to just reduce the fees for everyone. And then I would  
18 perhaps say (interrupted)

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1 Commissioner Alcheck: I just want to say that there is a process. It's self-reporting, people are  
2 aware of low incoming housing opportunities; like there could be a registry because they are  
3 deed restricted, the City could have like a website (interrupted)

4 Vice Chair Monk: Assuming... Yeah, if there's a deed restriction (interrupted)

5 Commissioner Alcheck: And if you end of up renting one of these spaces for \$4,000 a month, all  
6 you have to do is sort of report it and I mean there is... I don't think it's as hard as you think.

7 Chair Lauing: Ok.

8 Vice Chair Monk: Ok, yeah, if their... Then that would answer that issue so but maybe people  
9 don't want to have it put into their deed and limit it for... Yeah so but beyond that, why would  
10 we limit it to the ADUs? Why couldn't we consider crafting some sort of an ordinance that  
11 landlords are incentivized to rent to moderate and low-income residents in general? So, I just  
12 invite Staff to consider that or see if that's something that we can bring back because why  
13 should ADUs be the only avenue?

14 Commissioner Alcheck: [off mic] In exchange for what?

15 Vice Chair Monk: I don't know. We can talk about it (interrupted)

16 Chair Lauing: It's just that we're talking about ADUs tonight so yeah.

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1 Vice Chair Monk: Right so other ideas that I had to make the units more available, I would say  
2 have we looked at an option with regard to like pre-fab ADUs? Are there more... I don't know, is  
3 that something that we could contract with or negotiate with? Does that a way to creatively  
4 address the expense in building it from scratch? I would like to encourage that type of thing  
5 because I think that's something that would definitely lower the cost if there's pre-fabs or  
6 companies... Maybe green companies give incentives for that. I did a little bit of research on it  
7 and found actually there's a lot of development in that area.

8 Mr. Lait: And are you thinking about... I'm just trying to relate that too (interrupted)

9 Vice Chair Monk: So, just making them more available. If they are less expensive to build, such  
10 as having pre-fabs (interrupted)

11 Chair Lauing: Are you suggesting the City should build them?

12 Vice Chair Monk: Not that the City should build them but if the City might want to identify a  
13 certain manufacturer that comply with our... In conjunction with the ARB, something like that  
14 and meet certain specific or certain guidelines. Maybe we can have a few designs on hand for  
15 people that they could select from. It's just a crazy idea.

16 Commissioner Alcheck: That form thing, by the way, is in Santa Cruz, I think I would support  
17 that too.

18 Chair Lauing: Go ahead.

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1 Vice Chair Monk: Just trying to think of creative ideas. As far as financial assistance goes,  
2 Number Three, technical and educational assistance, develop prototype designs, I guess that  
3 kind of goes along that. I would definitely support that, all of those I would support providing...  
4 I'm looking at Packet Page 18. Provide resources for training of what involved, provide all those  
5 items that are identified there, provide technical assistance to help solve certain design  
6 problems, things like that. I would support all of those. Let me just see if I have anything else.  
7 And again, I apologize if this has already been brought up, ADU templates. Did we already bring  
8 up having preapproved templates? Ok, well that would be something to look at.

9 And then in regards to... I'm not that familiar with this but I believe that Silicon Valley Housing  
10 Trust has some sort of financing loan available. I don't know if we brought that up already or  
11 not but I think we can do that for some specified period. I think there's a lot of creative things  
12 we can do to make it more available to low-income residences and I would be happy to revisit  
13 it.

14 Chair Lauing: Commissioner Gardias.

15 Commissioner Gardias: Thank you. So, I was hoping that we were just going to talk about below  
16 market rate and all your comments, with all respect, are very valuable but they don't address  
17 BMR the way that I see. So (interrupted)

18 Chair Lauing: Well, we're just talking about the ADU section of this.

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- 1 Vice Chair Monk: And it's a moderate (interrupted)
- 2 Commissioner Gardias: I completely understand but this was under BMR umbrella, right?
- 3 Vice Chair Monk: No, it says moderate or low-income residents.
- 4 Commissioner Gardias: Yes, so that's how I understand it so since we just... Since it pretty much  
5 just ended up that everybody just speaks about fees, let me just make one comment like this. I  
6 think that Mike [Note-Commissioner Alcheck] ... And I'm just referring to the letter from Elaine  
7 Uang who just included the table of Planning Impact Fees on ADU and my questions.... I have a  
8 question like this. Does this... This is calculated based on the square footage, isn't it?
- 9 Ms. Campbell: No, it's based on the unit so it's a flat impact fee per unit.
- 10 Commissioner Gardias: Is this the same fee as the main residence?
- 11 Ms. Campbell: No.
- 12 Commissioner Gardias: What's the [Note -algorithm?] for calculation?
- 13 Ms. Campbell: What is the [what]?
- 14 Commissioner Gardias: Well, I mean so what is the difference? So, ADU unit [unintelligible]  
15 (interrupted)
- 16 Mr. Lait: There is a threshold at 900-square feet.

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1 Commissioner Gardias: So, it is per square footage, right?

2 Mr. Lait: Well no, at 900-square feet there's... Or below, there's one fee or set of fees or  
3 multipliers. Beyond that there's another set of multipliers so for a home, they are typically over  
4 900-square feet, they have a different feet multiplier.

5 Commissioner Gardias: Ok and that multiplier probably logically is tied to use of those parks  
6 (interrupted)

7 Mr. Lait: Yeah, those different (interrupter)

8 Commissioner Gardias: It somehow must be logically tied to the number of the occupants I  
9 imagine this?

10 Mr. Lait: Well, it's not occupants.

11 Commissioner Alcheck: [unintelligible - off mic]

12 Commissioner Gardias: Right, no, I understand, right so my question... I was just... The reason  
13 why I was asking this question was because my first impression would it be possible to  
14 somehow revise this algorithm with shifting the burden on the main house as opposed to ADU?  
15 That was my first question that pretty much if ADU is built on the lot and then we may have a  
16 number of different ADUs. We will have ADUs as somebody pretty much that in-laws will come  
17 to town once a year and they will occupy this building but pretty much they will not really use

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1 this, they will not really use parks, they will not go use the City-wide transportation or any other  
2 (interrupted)

3 Chair Lauing: Right so you're just suggesting the same thing which is let's lower the fees for  
4 (interrupted)

5 Commissioner Gardias: Change the algorithm.

6 Chair Lauing: Yeah, we were going to talk a little bit about fees (interrupted)

7 Commissioner Gardias: Change the algorithm throughout, not for based on any income;  
8 throughout, for any ADUs. And so, this is my first observation. Number two... but then, of  
9 course, just to make precise comments, I would like to see the algorithm because I just know  
10 right now but this is my first impression that maybe it's possible.

11 My second question is like this, what are the impact fees or the planning fees for JADU? Are  
12 they similar?

13 Ms. Campbell: I believe that it is the same because it's another living unit.

14 Commissioner Gardias: So, if somebody has a house but then within... with the existing house  
15 and within the existing house, carves out a bedroom because pretty much JADU is just a  
16 bedroom that has a separate bathroom but then just a kitchen can be common with the rest of  
17 the occupants, right? So, carves out the bathroom and the bed, there's a separate entry but it  
18 could be the separate entry to this unit. Does this... Is there a separate or is the... And this

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1 would be within in the house envelop or within the house existing walls. Is there a separate fee  
2 on this or this has already been covered by the fees that were paid on their original planning  
3 permit? The reason that I am asking you this question... So, hear me out, the reason I am asking  
4 these two questions right because the game changes now. Now we need to... All these impact  
5 fees are for the usage of the City resources so we need to start counting on the number of the  
6 occupants and users of the City resources.

7 Chair Lauing: Ok, can I make a suggestion here? First of all, we aren't even on the fees question  
8 yet. We're still dealing with the ADUs for middle or [low] income residents which I think we  
9 kind of covered that point. And I'd like to further suggest that we actually postpone this  
10 because it wasn't officially agendize and we might want to think about fees until our next  
11 meeting. And we're finishing up our first agenda item that's taken 3-hours and we still have two  
12 more to go so if we get into a long discussion on fees, it's going to be a midnight meeting.

13 Commissioner Gardias: Well, this was related to the below-market or just affordability.

14 Commissioner Alcheck: Yeah, I would... See I would disagree with you. I think that a vast  
15 majority of residents are particularly interested in this discussion over the discussion that is  
16 next on our calendar. And I do think we got enough emails about fees and fee structures.

17 Chair Lauing: I don't disagree at all, I'm just saying (interrupted)

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1 Commissioner Alcheck: I wouldn't suggest that it's not agendized. I think the discussion  
2 encompasses it.

3 Chair Lauing: But I'm just suggesting that we're going to go another two hours here so if we  
4 want to do that, [unintelligible] (interrupted)

5 Commissioner Alcheck: If we want the right ADU bill and we're committed to that then I'm not  
6 sure that (interrupted)

7 Chair Lauing: My point was to discuss it at the next meeting, not to not discuss it.

8 Commissioner Alcheck: I think we're close to the end.

9 Commissioner Gardias: So, allow me just to close it, I'm closing it. So, pretty much my  
10 [unintelligible] to the Staff is like this, just that I'd like to see... Because the game changes. I'd  
11 like to see pretty much the impact planning impact fees being revised and resemble of  
12 occupancy and the real usage of the City resources. Thank you.

13 Chair Lauing: Commissioner Summa.

14 Commissioner Summa: So, I would be in favor of a deed restricted BMR ADU to not have to pay  
15 impact fees. I think that might result in some BMR housing but I am not in favor of reducing the  
16 impact fees for ADUs in general because the ones... If they are going to be used for market-rate  
17 rental housing at \$9,000, I'd probably get it back in 3-months so it doesn't seem to make sense.  
18 I think anybody who's using it as for a profit and there are.... There's a lot of companies popping

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1 up that would like to build your ADU and take part of your rent and they've been talking to  
2 people in town and they are not going to be interested in anything below market rate. They are  
3 in it strictly for the profit so I don't think the impact fees are unreasonable. I think a City needs  
4 fees and things like that to operate and maintain things so yes, for deed restricted BMR ADUs  
5 but I don't see any reason to reduce it for other ADUs.

6 Chair Lauing: So, we're... That... The issue of ADUs available to moderate or low-income  
7 residents has been addressed. We're not on fees so if we'd like to talk about those some more  
8 in any context, I think the group has decided that we're going to press on. Excuse me.  
9 Commissioner Gardias.

10 Commissioner Gardias: Very good, thank you so I will just make my stand on the deed fees. I  
11 think that from the discussion or exchange that I heard here between Director Lait and  
12 Commissioner Alcheck, I didn't hear, with no respect, convincing argument for those fees. I  
13 just... Unless there's going to be a sound reason for recording a deed, I think that we pretty  
14 much should waive the process altogether for the deed because this information is known to  
15 the City and there is no need for just duplicating the process so this would automatically  
16 remove the fees.

17 Mr. Lait: I guess I am not following.

18 Commissioner Alcheck: Yeah, I... Can I just jump in real quick? The fees that we're talking about  
19 are development fees like school impact. There isn't a specific fee that's been raised for the

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1 purposes of recording the deed. That's not to say that there isn't inherit cost in that process but  
2 they are two separate things. There are reasons I think that the restriction is redundant but  
3 actually, I just... I made that clarification. I want to add one thing to what Commissioner [Note-  
4 Vice Chair] Monk said which is I actually... While I suggested earlier that I think waiving  
5 development fees would be a good way to incentive BMR housing, I wanted to add that I don't  
6 think that's enough. And I think that some of the financial incentives that Commissioner [Note-  
7 Vice Chair] Monk eluded too might be wise and I would encourage City Council to consider  
8 subsidization of development. So, for \$9,000, if that's typical, the average person probably  
9 won't dedicate their unit for below market rate housing but if you could partner with Palo Alto  
10 Housing Corporation to help construct it, you might as well essentially to forgo market rent  
11 because out of pocket expenses might be quite low. And that might be a goal the City is willing  
12 to sort of support through its non-for-profit partners and so I think it would be both the fees  
13 and potentially financial subsidization, which Commissioner [Note -Vice Chair] Monk  
14 mentioned, that would have to work hand in hand for this below market raising.... Rental thing  
15 to actually become a reality.

16 Chair Lauing: Commissioner [Note-Vice Chair] Monk.

17 Vice Chair Monk: There were a few links in our packet to Colleague Memos and prior action and  
18 direction by Council and I believe either in 2015 or '16 regarding ADUs when it was discussed  
19 prior to the state laws. There was a vote taken about encouraging the development of ADUs  
20 and that the fee schedule proposed was prohibitive to that. So, if Staff could just go back and

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1 take a look at those Colleague Memos to make sure that we are going to be consistent with  
2 what was decided previously by Council that would, I think, answer some of our questions.

3 Also, maybe an option would be to adjust the fee schedule to address and encourage renting to  
4 certain groups such as teachers or City employees, the disabled. I know there's a lot of  
5 circumstances where... I recall someone was speaking to Council about how her son had some  
6 mental illnesses and wanted to be able to have him live there nearby and so I think there's a lot  
7 of circumstances where maybe having a uniform fee schedule that was a lot more forgiving;  
8 very minimal. I guess it's in Elaine... Elaine Uang wrote an email, it's U-A-N-G and she said that  
9 in Menlo Park I think, it was a really minimal fee schedule. I think it was in that email so I would  
10 just want to iterate that's my position on it. Also, in regards to what I said earlier about the pre-  
11 fab homes, I just want to emphasize that that also minimizes the disruption to the  
12 neighborhood, the noise, the degradation of the environment, things like that. So, I really do  
13 hope that it's something that Staff would undertake to consider partnering with the ARB and  
14 whomever else to make something like that happen. To me, that's the most logical way to  
15 make it more affordable. Thanks.

16 Chair Lauing: Yeah, a simple comment is I think that the fees, whatever they are, are being  
17 charged to the owner of the ADU and of course, that has to be eventually passed on in the rent.  
18 Totally different ball game between below market or low income or what we're trying to incent  
19 versus trying to incent in terms of affordable housing as opposed to market rate. And we just  
20 can't deny the fact, as Commissioner Summa said, that people are going to go to schools and

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1 use the police force and use the fire stations and all that so at some point there has to be that  
2 sort of participation. That's why it's designed, it's been there for decades, for good reasons so I  
3 think there's just.... It almost bifurcates around who this... Who's going to be in the ADU and  
4 under what purposes? So, I think there is some merit in taking a look at sort of the fee  
5 schedule. It's not an algorithm, it's just a fee schedule and sees if there are some adjustments  
6 that should be made.

7 Vice Chair Monk: I just want to point that that these are like small units, 900-square feet. I don't  
8 know that we're going to have families and huge impacts to school. Also, we've had a nominal  
9 number of applications, I think there were a total of fourteen so that's also something to  
10 balance in support of not having the fee schedule where it's at currently. Thanks.

11 Chair Lauing: Any other comment on fee issues?

12 Commissioner Alcheck: I'll just add that I think that City Council should be presented with the  
13 fee structure for ADUs in Mountain View, Menlo Park, Cupertino, San Carlos, Redwood City and  
14 I don't know that Atherton really applies. But I can't imagine why wouldn't want City Council to  
15 at least appreciate how our neighbors are making this process for their residents while they  
16 contemplate how they do it for ours. And if our fees are in fact double, that's problematic. We  
17 shouldn't cost us twice as much to process an application for an ADU than in Menlo Park and if  
18 it does, then we need to revise the Palo Alto process.

19 Chair Lauing: I think the ADUs in Atherton are about 5,000-square feet.

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1 Vice Chair Monk: I have a question for Staff.

2 Chair Lauing: On which issue?

3 Vice Chair Monk: On the same issue. Do we have an affordable housing fund that you can give  
4 us a little bit of information about and how that could be leveraged in this situation?

5 Mr. Lait: Well, we have the Housing Element and we have our BMR program and we're going  
6 to make a presentation to the Commission I think at the end of February about those issues.  
7 But I don't know about any... We do actually count I think our ADUs that we have produced in  
8 the past toward our RHNA numbers for low income... Qualifying low income or affordable units.  
9 So, there is that connection where... How we might be able to bridge that but we can look  
10 further at those.

11 Vice Chair Monk: I think it would be worthwhile to present to Council how our housing fund can  
12 be leveraged to develop the below market... To the BMR units.

13 Mr. Lait: Yeah, I think that's (interrupted)

14 Vice Chair Monk: I think there could be some opportunity there and I'd like to encourage Staff  
15 to present some options to Council on that.

16 Chair Lauing: Ok, do you... Anyone want to discuss this strategy for legalizing illegally  
17 construction ADUs? One of which is waiving permit or development impact fees by the way.  
18 This is on 30... Sorry, on 18 and 19. Who's up here? Commissioner Summa.

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1 Commissioner Summa: So, once again this is one of those situations where I'm not sure why  
2 people would turn themselves in exactly. So, I don't know how much of this you would get but I  
3 would make it a requirement that for safety reasons that any illegally... any illegal ADU that's  
4 made legal, which would be good, but they have to be brought up to code for safety reasons.  
5 And I wouldn't see any reason to reduce fees, I mean these are people that illegally constructed  
6 something and presumably operated it for years. Why should they pay less than the people that  
7 legally applied for an ADU? So... But like I said, I don't think we're going to get much of this but  
8 they definitely should be brought up to code and made to do all the regular things you have to  
9 like fees and what not.

10 Mr. Lait: Can I just clarify? So, you're talking about there are different types of code. There are  
11 technical life safety codes and there are zoning codes.

12 Commissioner Summa: Right.

13 Mr. Lait: And are you referring to the former?

14 Commissioner Summa: I think they should be... I think they should have to be legally compliant.  
15 I think they should have to be brought up to code for safety and I don't think it's... See it's one  
16 of these things again where if it's like 2-inches into a setback or if it's all the way... It's sort of a  
17 degree situation. But so, I think some more specific guidelines would have to be created  
18 because there are degrees of noncompliance, right?

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1 Ms. Campbell: And I think in the research that I've done with some of the local Cities, basically  
2 they all have a process or they have some type of process to legalize an existing unit. And  
3 definitely, the key message was everything had to at least be life safety compliant with what  
4 you need to do for a living unit. And then other than that, when it came to the zoning issues,  
5 there was maybe some flexibility but it was always a case by case kind of situation and it wasn't  
6 a blanket [unintelligible].

7 Commissioner Summa: Yeah like it's different to be on the property line and two-stories and  
8 illegal than it is to be 5-feet away and one-story and those kinds of things. So, I think you would  
9 have to make some sort of more specific or just do it on a case by case basis like you said.

10 Chair Lauing: Commissioner Alcheck.

11 Commissioner Alcheck: I would suggest that we make this relatively easy for City Council. Bring  
12 the current municipal process in San Francisco as a template, put it up on a slide or a part of  
13 your packet, suggest that San Francisco is one of the most tenant-friendly places in the world so  
14 maybe their process for legalizing illegally constructed ADUs maybe the most tenant friendly.  
15 Which is to say that it provides the protections that renters would want in terms of the life-  
16 saving concerns Commissioner Summa had but also creates a process by which we incorporate  
17 this into our housing stock as a known thing. So, it strikes me that anybody that would be  
18 required to put a deed restriction on their home may likely not come forward so I just... I mean  
19 now that I say that out loud, I'd like to know if there's any other community that's creating

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1 deed restrictions like these. If Menlo Park has them or Cupertino or Mountain View etc. etc.  
2 etc. but I think that would help us understand whether... You know the last thing that might be  
3 really helpful also is if the Planning Department to Planning Department, if for example Menlo  
4 Park or Mountain View has a process for legalizing them. Maybe you could just call your  
5 counterpart over in Mountain View and say hey, how often does this happen? Do you think that  
6 your process that you have successes at bringing them in the fold or does it deter them and if it  
7 doesn't work the way that you want it to work, what would you change to make it better? I  
8 mean maybe the Assistant Director of Planning over there wouldn't mind having a conversation  
9 about it if they could benefit from the discussion. I don't know, it seems to me like we don't  
10 have to reinvent the wheel here.

11 Chair Lauing: Commissioner Summa.

12 Commissioner Summa: Oh, I had a question about... I think there might be some cases where  
13 there is ADUs that were built before our former ADU... Legal ADU laws. I think those where like I  
14 think from the early 80's so there might be some that where just... That were built before they  
15 in a sense could be grandfathered because they were built before the former legal ADU  
16 restrictions where put in place. So (interrupted)

17 Mr. Lait: We'd considered those legal non-conforming.

18 Commissioner Summa: Ok, thanks.

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1 Chair Lauing: Commissioner [Note-Vice Chair] Monk.

2 Vice Chair Monk: I just wanted to echo what Commissioner Summa said earlier. I completely  
3 agree that there are... I can hardly read my own handwriting. She put it so eloquently that there  
4 are degrees of non-compliance, I think that was beautifully stated. And to that end, I would  
5 encourage the application process to have a guiding principle of whether or not this is going to  
6 foster or prohibit housing income capacity and to air on the side of moving forward towards  
7 allowing the developing or conversion to occur.

8 Commissioner Alcheck: Can I just ask a question? Earlier we talked about non-complying ADUs  
9 but that was legal. Is it safe to assume that if there was an illegal ADU, that you would use the  
10 same framework for evaluating legal non-compliant with illegal non-compliant?

11 Vice Chair Monk: Well, I don't know that illegal non-compliance would every come before Staff.

12 Commissioner Alcheck: Ok so earlier we had this whole conversation about what happens if you  
13 have something that's non-compliant and you want to convert it to an ADU. It's 6-inches... You  
14 know we were talking about the process (interrupted)

15 Vice Chair Monk: Right so let me just finish what I would like to say on this and then maybe it  
16 will answer it. So, I think it's a real issue, I think it's a tricky issue and I really liked what  
17 Christopher Gadda, I don't know if I am saying that correctly, mentioned about some sort of a  
18 comment period of the neighbors or peer reviews. So, I just want to ask Staff to maybe go back

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1 and listen to what was suggested in that regard, I think that was a really good idea. We are a  
2 community of neighbors and I think that if someone is trying to have their... I think it was their  
3 mother-in-law move in with them and is being prohibited because of 6-inches of a non-  
4 compliance on a development standard versus a health and safety concern. I think that those  
5 sorts of things should be looked at on that with a more lenient approach so that would be my  
6 answer to that question. I don't know if that helps or not. I like that idea, I think there were  
7 some other ideas that were presented by some of the folks out in the community that we  
8 should look at as well.

9 Chair Lauing: Commissioner Gardias.

10 Commissioner Gardias: Thank you. So, I think that definitely, we should not be awarding those  
11 that benefited from illegal ADUs for years. I just don't see this as a logical way of resolving. I  
12 don't know... I don't have a resolution for you, I [unintelligible] that pretty much we should  
13 understand the problem. We talk about this at the first hearing, I'd like to just know the  
14 breadth of the problem. I know that in my neighborhood there are several illegal ADUs. I don't  
15 know how many are in other neighborhoods so maybe we only have like five and that's in our  
16 neighborhood. That's all but maybe there are hundreds so we should understand the problem  
17 before we try to make any recommendation.

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1 Ms. Campbell: And that's definitely understood and I think that's one of... It's a big problem for  
2 us because there's no way to know this unless you go house to house and you do an inspection.  
3 So, you're (interrupted)

4 Vice Chair Monk: To that point, I would say that it could pit neighbor against neighbor.  
5 Someone can complain about someone because they are aware just to be spiteful so I think it's  
6 a slippery slope. You also could be displacing people, we've got people willing to live in their  
7 cars on El Camino which is a whole separate issue so I think we should maybe just let it be for  
8 now and just consider what was stated previously.

9 Commissioner Gardias: Yes, but I want to make one more point right because there is a value  
10 why people live in these illegal ADUs and the value is pretty much that their kids, they can  
11 attend Palo Alto schools. So, I think there's (interrupted)

12 Vice Chair Monk: I think you're making a major assumption right there. There's a lot of reasons  
13 behind it and I think the issues that we will displace people. I love that you want to be more  
14 data-driven and but I don't know we can get the data. And I think that it would be really  
15 burdensome for Staff and on the neighbors to undergo a full community-wide investigation on  
16 whether or people are not illegal. I think they should be in theory, one hundred percent agree  
17 with you Commissioner Gardias. I just don't know that it's the way to go for other reasons. In  
18 theory, I one hundred percent wish that everyone would be legally compliant but I just don't  
19 think it's the right move for us.

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1 Commissioner Gardias: Yes, I don't know how to address the problem but I would like to just  
2 make one comment in this regard. That pretty much this issue of illegal ADUs may not go away.  
3 I think that... And again, I don't have a resolution, I'm just thinking out loud. I know... I can  
4 imagine that for example that there may be some other way of bypassing the law. Let's imagine  
5 that somebody carves out a bedroom, a small bedroom of let's say 50-square feet or 60-square  
6 feet; something like this, very small bedroom and the bathroom and then just call it JADU  
7 because we have no minimum. This bedroom is being rented for somebody that lives in let's say  
8 Burlingame with no... Only for the purpose of having an address in Palo Alto and then just  
9 dropping the kids off in Palo Alto school district. That one bedroom is being rented for let's say  
10 \$500, just a nominal fee only just to get the kids to the school district. I'm just saying this  
11 because there could be a scenario like this. I don't... I'm not saying this because I have any  
12 resolution but I'm just saying that there may be some other ways of just going around the  
13 system. Thank you.

14 Chair Lauing: Ok.

15 Commissioner Alcheck: Yes, can we move on, this speculation is just, I think leading no ware.  
16 Just we don't have any evidence to suggest that and I just think it's an incredible waste of time  
17 and it suggests... It's more fear mongering about renters. It's just (interrupted)

18 Chair Lauing: Ok, moving along. We're going to move to Item Number Three, that's right and  
19 this is twice been continued because we didn't finish it. There are about four items left.

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1 Vice Chair Monk: Chair Lauing, can I just ask Staff a couple questions about the ADU ordinance  
2 in general? There were a few things that I think were brought up in the past on it that I don't  
3 know if they were addressed in some capacity. It might not just be in this... I may be off topic  
4 just bringing it up now but again, it was with regards to parking permits. Also, with the Eichler  
5 Design Guidelines and ADUs, is that something that you're (interrupted)

6 Mr. Lait: We're going to be coming... Yeah, we're addressing that through a separate process.

7 Vice Chair Monk: Ok so I just want to make sure that everything that was brought in the motion  
8 is getting addressed because we don't know that it's all happening from [unintelligible]  
9 (interrupted)

10 Mr. Lait: So, there's no motion. We're just receiving (interrupted)

11 Vice Chair Monk: I mean from the... when Council gave its direction.

12 Mr. Lait: Yeah, we're exploring that through a process and we'll be coming to the Commission  
13 on the Eichler Guidelines.

14 Vice Chair Monk: Ok, thank you.

15 Chair Lauing: So, did you understand next steps there Michael [Note- Commissioner Alcheck]  
16 which is that this is the second hearing and then they are going to go back and potentially work  
17 on a revised ordinance and come back to us for discussion about that and/or as well as the  
18 timing of that.

- 
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1 Mr. Lait: Yeah, I think our next steps on the ADU, we'll draft an ordinance... A draft ordinance,  
2 we'll have a hearing or two whatever we need on that and then we'll move in onto Council with  
3 the Commission's recommendations.

4 Commissioner Alcheck: I'm just going to share with you that I think it sounds like the City  
5 Council won't benefit from the discussion we've had tonight until potentially after a springtime  
6 review of an ordinance. In which case they will have the minutes from that meeting, as well as  
7 the minutes from tonight and I don't know if... My strongest recommendation would be that  
8 Staff considers approaching the drafting of this ordinance as an opportunity. And it's almost a  
9 shame that they spent a better part of the second half of the year preparing for Item Number  
10 Three tonight because I think what really could have been the best scenario would be is if they  
11 really looked at all the elements of our housing ordinance to determine how to incorporate the  
12 ADU inside of that. So, that the inconsistencies that I'm very worried about that we're creating  
13 here by not looking at these two ordinances together and maybe treating them as one are  
14 going to blow up. So (interrupted)

15 Chair Lauing: Which two just for clarity?

16 Commissioner Alcheck: For example, I mentioned today that we can illuminate parking but  
17 when you want to do a renovation on your house, you may have to build it again.

18 Chair Lauing: Right but I thought you were talking about two different (interrupted)

- 
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1 Commissioner Alcheck: I'm saying that I think the best approach (interrupted)

2 Chair Lauing: Pieces of code.

3 Commissioner Alcheck: Would not be to return with an ADU specific ordinance. I think the best  
4 approach would be to return with a new ordinance for single-family homes that incorporated  
5 ADU in a way where someone spent a little bit more time going through the elements of our  
6 current ordinance to determine inconsistencies with the new... With the ordinance, they are  
7 contemplating bringing. So, obviously (interrupted)

8 Chair Lauing: Got that so (interrupted)

9 Commissioner Alcheck: That's lost on Council because they won't hear this until way after  
10 (interrupted)

11 Chair Lauing: Ok so I have a suggestion but you had one question I think? Go ahead.

12 Commissioner Alcheck: I will try to communicate that them to that directly.

13 Commissioner Summa: On Packet Page 19, the three bullet points about the new state law. The  
14 last bullet point doesn't include R-1, is that a typo?

15 Mr. Lait: Because it's already included.

16 Commissioner Summa: Oh, ok.

- 
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- 1 Mr. Lait: The current code already addresses R-1.
- 2 Commissioner Summa: Oh, ok.
- 3 Mr. Lait: State law requires that we extend it to all areas where we have multi-family. This is
- 4 the balance of the areas that we allow (interrupted)
- 5 Commissioner Summa: Ok, I (interrupted)
- 6 Mr. Lait: [unintelligible] single-family.
- 7 Commissioner Summa: Oh, and to Commissioner Gardias's last point, Palo Alto Unified School
- 8 District already has a full-time investigator because they have a problem with students who are
- 9 fraudulently enrolled and with rising enrollment rates, it really is a serious problem.
- 10 Chair Lauing: Where there any other comments on this part before we go onto Number Three
- 11 because I just want to make a final comment afterward.
- 12 Vice Chair Monk: I did have comments but I think Clare should just be here to note our
- 13 comments and she stepped out. Do we want to take a [unintelligible] (interrupted)
- 14 Chair Lauing: [Note -Commissioner] Gardias, did you have (interrupted)
- 15 [Note- Male:] On ADU?
- 16 Commissioner Gardias: Yes please if I may?

- 
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1 Chair Lauing: Ok.

2 Commissioner Gardias: It's about some other miscellaneous.

3 Chair Lauing: No, I was just going to make a comment on how we might move forward on this.

4 Commissioner Gardias: I have some other miscellaneous items that I just... As we read from  
5 Elaine's, the discussion around the impact fees was from Elaine's email. In some other emails, I  
6 found a couple other items which I thought would be important to mention here. So, there was  
7 one on [Note - Sherry Furmonts] email, there was a comment about minimum space between a  
8 main dwelling unit and detached ADU and I think this is for the scenario where ADU is toward  
9 the back and the house is in the front. I think that there should be some minimum  
10 requirement... Minimum distance requirement between those two structures. And the reason  
11 could be that one is, of course, to make sure that these two are not placed one facing the other  
12 one. There's, of course, some fire distance requirement that would have to be observed so I  
13 thought I found this comment useful.

14 There's also another item which Sherry writes about which is the height, I think currently it's  
15 17-feet on... And this includes 5,000 -square feet lots which is the threshold for the ADUs. So, I  
16 have a question to Director Lait, if you could just comment on this. This 17-feet is for ADUs and  
17 that would be for two-story ADU. It would be for one-story only? So, one-story, 70-feet?

18 Mr. Lait: [off mic] 17-feet.

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1 Commissioner Gardias: So, I think that because if it's one-story, 17-feet, I think that  
2 recommendation from this email to reduce height on smaller lots is quite reasonable. Because  
3 there is a [unintelligible] they say that pretty much we can get... We can offer room for  
4 inhabitants but they don't really need 17-feet, even if it's in the flood zone so I find it  
5 reasonable. So, thank you very much.

6 Chair Lauing: [Off mic] Did you have any Susan?

7 Vice Chair Monk: Yeah, it was just a minor point. You just... I had a question about some of the  
8 language that we're going to get into with regards to attached and detached units and I think  
9 that was... Oh, yeah Packet Page 12. So, we went over that extensively so I don't want to go into  
10 it but I just wanted to know if that's going to be incorporated into the ordinance because the  
11 prior ordinance didn't have that language in there.

12 Ms. Campbell: I think that's the intention is to reformat or reupdate the definition for ADUs and  
13 just try to give it a little bit more clarity. And I know we did talk about it quite a bit the last time  
14 so we'll (interrupted)

15 Vice Chair Monk: Ok because I was looking at the underlined ordinance that's on Packet Page  
16 32 so I don't know if that's the correct ordinance that is the one that's going to be updated.

17 Ms. Campbell: That's the only ordinance that we have [unintelligible – talking over each other]  
18 (interrupted)

- 
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1 Vice Chair Monk: That's it so we'll see that addition. I just have some minor observations on  
2 Packet Page 32, it says that the accessory dwelling unit shall be separate, self-contained living  
3 units. The word separate I think would be confusing given the new definitions that you're  
4 putting in because you're calling it attached and detached. So, I would just maybe replace the  
5 word separate with the ADUs should be independent or they should be fully self-contained,  
6 something along those lines because separate might indicate detached and that's why I was  
7 asking that question. And also, you might want to look at that against Page 26 on there is  
8 similar language just for cleanup. I don't know if these are just things that I should bring to you  
9 directly versus here on the public record?

10 Mr. Lait: I don't think you need to do this right now. We're not at ordinance drafting stage, I  
11 mean we will be but we're not there tonight.

12 Vice Chair Monk: Alright because I just looked at it in detail and I don't know that I'll remember  
13 it again and I just noticed that there were some inconsistencies based on some of the  
14 (interrupted)

15 Mr. Lait: Yeah, we're happy to get a copy of your notes and we can (interrupted)

16 Vice Chair Monk: Thank you.

17 Mr. Lait: Look at making some of those changes if we need to.

18 Vice Chair Monk: Ok, thanks.

- 
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1 Chair Lauing: Just the suggestion or idea that I put on the table is that this has to be reworked  
2 again to get to an ordinance after you collate all this stuff and I don't think there's a date right  
3 now that you want to get it to Council.

4 Mr. Lait: No, we're... We want to move forward but we're not (interrupted)

5 Chair Lauing: Right so if it takes a couple months instead of a couple weeks, that's fine so we've  
6 now spent between five and seven Commissioners have had two hearings on this and it's been  
7 productive. We've got a lot of stuff on the table, I'm just wondering if this is not an  
8 opportunity.... An opportune time to have a little AD HOC work with Staff and get it more  
9 processed so that the next time this comes back, it's more processed, there are options, there  
10 are discussions, there's... If there's been more research that needs to explain a point or we  
11 don't have to. I'm just saying there's an efficiency to two or three people meeting as opposed  
12 to seven and that's an option so I put it on the table.

13 Vice Chair Monk: I just had one (interrupt)

14 Chair Lauing: I don't know if you would be ready for that but (interrupted)

15 Mr. Lait: Yeah, I don't think we are frankly. I mean we're... This is essentially our first study  
16 session. I know we've done it twice but this is the first study session and I think we've got to  
17 sort of digest this information and as I said at the beginning, there are other things that we...  
18 That have come up that we haven't talked about. And so, we're using the dialog here to help

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1 gauge how we might address some of these other ones. So, we may even come back again as a  
2 study session before we have an ordinance, I'm not sure but I think when the time is right if we  
3 can talk about AD HOC. I just don't think we're there today.

4 Chair Lauing: I don't know if there's an agreement here or at Council on the degree of urgency  
5 for this but I definitely respect the fact that you have certain things that you have to administer  
6 on applicants that are coming in right now. The twenty-four applicants or whatever you've had.

7 Mr. Lait: Yeah, no I think we're looking for a spring return to Council so I mean that's sort of  
8 our timeline.

9 Vice Chair Monk: I do have one final point, I apologize, this is newer. If you could consider  
10 advancing to Council the possibility of adding a section that when there are circumstances that  
11 are questionable, that perhaps the matter should be resolved to favor the application being  
12 granted. That whatever response would be more promotive of developing an ADU. If you're....  
13 Is that something that we can include or could you (interrupted)

14 Mr. Lait: Yeah, I guess (interrupted)

15 Vice Chair Monk: I just think if you have some sort of language in there that can go over the  
16 policy so that when Staff has a question and they don't know which way to go, at least they  
17 have that sort of guiding principle to base any decisions on. Just my two senses.

18 Mr. Lait: Yeah, is that generally supported by the other members of the Commission?

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1 Vice Chair Monk: I basically said that because there's going to be situations that are going to  
2 continue to occur and that this Council has taken a very firm and the prior Council position on  
3 allowing and encouraging the development of ADUs. That there should be some provision  
4 within the ordinance to say that when there's a question or an uncertainty of which way to go,  
5 which every response would be more supportive of the development of the ADU is the right  
6 way to go versus denying the application. Something along those lines, I'm not articulating it  
7 very well.

8 Chair Lauing: Yeah, go ahead. I don't know how you codify that.

9 Commissioner Alcheck: Yeah, I would agree. I don't know that there's... Again, there's nothing  
10 agendized on Council after this meeting which in my opinion slightly problematic because you  
11 can make a ton of suggestions right now, they are not going to hear them. So, until our next  
12 study session which could be in three or 4-months so I would say one of my biggest concerns  
13 here is that we have a law on the books. And it doesn't include a deed restriction right, our  
14 current ordinance?

15 Mr. Yang: It does.

16 Commissioner Alcheck: It does, right. Excuse me, I didn't mean it like that. It does include a  
17 deed restriction and it also incorporates all of the items we've discussed that they'd like  
18 feedback on tweaking. So, the biggest concern here is that in the interim, we have a flawed  
19 ordinance so in my mind we should (interrupted)

- 
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1 Vice Chair Monk: The ordinance... My feeling is that the ordinance there's going to be... It's not  
2 going to be able to handle every situation and we don't have any real (interrupted)

3 Commissioner Alcheck: I mean right now the things that you were asked to opine about tonight,  
4 most of them are in play so depending on how you feel about them, whether they should be  
5 changed or not, we're sort of in this limbo period. And the longer we wait, the more the current  
6 crop of ADU applicants is encouraged not to build in the hope that the ordinance will get  
7 tweaked in such a way that it is better than the one that we have now. And so, I'm only saying  
8 this out loud because it's worth mentioning that if we... That this issue if we really want to  
9 encourage the development of ADUs, then we should expedite this process to the extent that  
10 we can because (interrupted)

11 Vice Chair Monk: Maybe I might it clear, I just made a really simple point that if there can be  
12 some language (interrupted)

13 Commissioner Alcheck: I don't think there's a process by which you can somehow oversee the  
14 Development Centers sort of protocol when they have a question when they should be more  
15 lenient. It just, unfortunately, I don't think it works like that.

16 Mr. Lait: So, we'll look into it, thank you.

17 Chair Lauing: Ok so we're going to close... Yeah, sorry, got that last [unintelligible]. We're going  
18 to close this item.

- 
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1 **Commission Action:** None.

2 **Action Items**

3 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.  
4 All others: Five (5) minutes per speaker.<sup>1,3</sup>

5 3. PUBLIC HEARING: Recommendation to the City Council Regarding the Adoption of an  
6 Ordinance Amending Palo Alto Municipal Code (PAMC) Title 18, Chapters 18.12 (R-1  
7 Single-Family Residential District), 18.42 (Standards for Special Uses), and 18.77  
8 (Processing of Permits and Approvals). The Proposed Ordinance is Exempt from the  
9 California Environmental Quality Act (CEQA) in Accordance With CEQA Guidelines  
10 Section 15061(b)(3). (Continued from December 13, 2017.) For More Information,  
11 Please Contact Clare Campbell at [clare.campbell@cityofpaloalto.org](mailto:clare.campbell@cityofpaloalto.org).

12  
13 Chair Lauing: And we're moving onto the one that was continued twice before but we're down  
14 to four pieces of old business and I think one amended one and that we have on Page 80,  
15 correct?

16 Ms. Clare Campbell, Senior Planner: Would you like me to do a brief stuff?

17 Chair Lauing: Yeah.

18 Ms. Campbell: Yeah, ok.

19 Chair Lauing: I just want to make sure that we're on the right pages because we had problems  
20 with that last time.

21 Ms. Campbell: Ok, great, thank you. So, basically, tonight, as you've already mentioned, we're...  
22 This is a continued discussion that we've had on December 13<sup>th</sup> and then we, at that time, the  
23 PTC took action on twenty-three topics and we still have five more to go. And I know you can't

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1 see this very well but I just wanted to put it there to show how much progress we did make so  
2 we really made some great progress and I wanted to just put that out there.

3 So, tonight we have these five items that are we're going to focus on for our discussion. Item  
4 Number Seventeen, regarding the gas-powered leaf blowers, is something that we've talked  
5 about previously and we've also made some proposed revisions to how to handle this. So, the  
6 earlier draft code language included a specific provision that excluded... To exclude the  
7 prohibition of City-owned or City-operated facilities and we recognized that this was a real  
8 concern by the Planning Commission. And then to address this we basically removed that line  
9 out of the code and so that's what we're proposing for the revised ordinance. And as you have  
10 already come across this, the ordinance that you have in our packet today is the same one that  
11 was included in the December packet so it's not an updated one. So, all of the things that we've  
12 been talking about will be things that Staff will make sure is included in the ordinance that gets  
13 passed to the City Council for review.

14 These next two items are related to (interrupted)

15 Commissioner Alcheck: Sorry, I'm sorry, would you just clarify? So, does that mean that the City  
16 now will comply with that requirement?

17 Ms. Campbell: We had... So, what we had done was we put in a blanket statement saying that  
18 we would not apply it to City-owned facilities but there is a provision in that code section

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1 already that says that it doesn't apply to parks and sidewalks and some other City areas. So, the  
2 City would comply with it, yes.

3 Commissioner Alcheck: I'm sorry, what you're saying is you removed language that some of us  
4 found troubling but because it essentially already excepts all the City-owned property where  
5 you would use leaf blowers, it's unnecessary to accomplish the same goal of making it so that  
6 you can use gas leaf blowers on City parks?

7 Ms. Campbell: I believe that is the case but the language that we had inserted was broader, it  
8 said any City facility (interrupted)

9 Commissioner Alcheck: Right.

10 Ms. Campbell: So, it included any City building [unintelligible] (interrupted)

11 Commissioner Alcheck: In front of the Development Center for example where... Ok.

12 Ms. Campbell: Ok so the application processing so one of the items is to reduce the request for  
13 the hearing time and limit the requesters. So, this amendment would apply to minor Staff level  
14 Architectural Review Applications only and it does not apply to Board level reviews. It would  
15 reduce the request for hearing timelines from 14-calendar days to 7-days and is intended to  
16 reduce the overall application processing time while still providing a means to... For an appeal  
17 process. It also would reduce the range of the hearing requesters from anyone to just the  
18 project applicants and the adjacent properties. And these are the people that are typically most

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1 affected by these smaller types of projects and it is similar to what we do right now with the  
2 Individual Review applications.

3 So, the next one is to remove the requirement for publishing and emailing Director's decision  
4 and I just want to emphasize, Director's decisions and it doesn't apply to notices for hearings or  
5 anything else. So, the proposed language would codify the existing practice and the  
6 amendment would apply only to entitlements or sorry, to all of the entitlements that are within  
7 Chapter 18.77. And this includes the projects under the Stand [Note – Standard] Review process  
8 which is the Use Permit and the variances and as well as the Architectural Review Process and  
9 this is the Board level reviews. So, currently when we do a Director's decision, we... Our process  
10 right now includes mailing out a decision letter to the applicants. We do a mailing notice card to  
11 a 600-foot radius for all of these types of applications and we also do a posting on the City's  
12 website. So, we've been doing this and we've had no... There haven't been any concerns raised  
13 by this process that we've been doing for quite some time already.

14 The next one is the clarification to the wireless facilities projects, the review process. So, the  
15 proposed changes would streamline the review process where deemed appropriate and  
16 facilitates the compliance with the expedited review time mandated by the federal regulations;  
17 commonly known as the shot clock that we talk about. These amendments would allow the  
18 Director to refer applications to the ARB or PTC for the recommendation and also it would  
19 allow appeals to be heard directly by the City Council instead of having to go through the ARB  
20 and PTC first.

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1 And the next one is for Individual Review projects and the demolish of historic inventory  
2 properties. So, the purpose of this amendment is to discourage the misuse of the permitting  
3 process to avoid any additional environmental review and historic review when building a new  
4 home. So, if a structure is listed on the City's Historic Inventory list or is National Register  
5 Eligible and is demolished, in association with an approved building permit for a single-story  
6 home and that home is not constructed. No application for an IR shall be filed within 5-years of  
7 the date of the demolish permit issue.

8 And the very last one here is a simple one to a minor text correction to correct the definition  
9 numbering for the Cannabis definition. It was just... It was put in the wrong place in our  
10 definition section.

11 So, next steps, upon recommendation from the Planning Commission the draft ordinance will  
12 be prepared and forwarded to Council for review and that's tentatively scheduled for March of  
13 this year. And here's just a quick summary of our motion so we recommend that the PTC find  
14 the proposed draft ordinance exempt from the provisions of CEQA and to recommend to the  
15 City Council adoption of the amendments discussed in the Staff report to be incorporated into  
16 an ordinance to amend various sections of the Palo Alto Municipal Code. And again, the... Just  
17 to remind you what I said in the beginning, the attached ordinance is not the corrected or  
18 updated ordinance that we're proposing and that concludes my presentation. Thank you.

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1 Chair Lauing: Ok and just quick memory refresh, these last five were not necessarily  
2 controversial. We just flat ran out of time so they can still be kind controversial, I don't know,  
3 I'm just saying. And were there any other ones that we had done... What do we call that?  
4 Callouts or something like that where we wanted to debate it. Those are all corrected?

5 Vice Chair Monk: No, I think seventeen was a pull.

6 Chair Lauing: Sorry?

7 Vice Chair Monk: I think... Wasn't the gas-powered leaf blowers a pull?

8 Chair Lauing: No, she just made comments on that so we're going to want to discuss that one  
9 again so (interrupted)

10 Mr. Jonathan Lait, Assistant Director of Planning: So, everything that... So, this meeting is just  
11 focusing on these... Is it four items? Five items.

12 Ms. Campbell: These five items.

13 Chair Lauing: Right.

14 Mr. Lait: Everything you've said up to this point has been incorporated and will be addressed.

15 Chair Lauing: Right so anything that was a call out, we all got comfortable with and then the  
16 final wording is going to get into the (interrupted)

- 
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1 Mr. Lait: Yes.

2 Ms. Campbell: That's correct, yes.

3 Chair Lauing: Ok, great. Alright so if we could just maybe focus on Page 80 and worked out.  
4 She's got it upside, ok. I was going to go to Page 80 but if we want to go to this chart that's up,  
5 that's fine. So, the first one is the revised gas blower scenario which she just explained. It's back  
6 to where it was without sort of broadening it. That's a fair statement, right?

7 Ms. Campbell: Yes, it is.

8 Chair Lauing: Commissioner Alcheck.

9 Commissioner Alcheck: I oppose this change. I don't think... I think it's so hypocritical that we  
10 are restricting our large commercial sites from using this tool and yet allowing the City to use  
11 this same tool on all of their large sites. The effect of the change as we realized my line of  
12 questioning was that by deleting the exception in this particular discussion doesn't actually do  
13 anything because the City is still exempted on its parks and schools and whatnot. And so, I  
14 would argue that I just don't think it's... I'm not opposed to their use on commercial properties  
15 and I would suggest that it is hypocritical for the City to be able to use them everywhere, where  
16 it makes sense and not for large commercial property owners to do so. And I just think we  
17 shouldn't burden our commercial property owners further with these requirements.

18 Chair Lauing: Commissioner Summa.

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1 Commissioner Summa: So, thank you for bringing this for... Making these changes. I realize I  
2 miss read something here so what... In addition to all the authorizations, and I'm on Packet  
3 Page 86, and restrictions otherwise provided in [unintelligible] public streets, sidewalks, and  
4 parking lots in business districts. That... Does that refer to just City parking lots in business  
5 districts? I read it to refer to all.

6 Ms. Campbell: I believe it refers to City related so it's supposed to be... I would assume... I have  
7 to assume that it's actually City parking lots but maybe we would have to study it a little bit  
8 further but I think that's the implication.

9 Commissioner Summa: So, the way it's written, I thought it meant all parking lots in business  
10 districts so that's fine but I would like to say that all of those... All the places where... That are  
11 exempted from the requirements above should not be able to operate between 4 am and 8 am  
12 when they are adjacent to or across the street from a residential use. That's just too early in the  
13 morning I think but I did take that to mean all business districts because that's kind of what it  
14 says to me. So, I would like to suggest that the other timing 8 to 6 would be more appropriate  
15 in all those places that are exempted when it's... I don't know if you want to... If it would be  
16 better to say adjacent or across from a residential use or just some distance. I'm... I would be  
17 happy to have you offer an opinion about that but 4 o'clock in the morning is pretty early. And  
18 I'm very sensitive to this because it's a big problem in the Research Park for people who live on  
19 the residential side of it. They are always complaining about this issue. Thanks.

- 
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1 Chair Lauing: So, just to clarify, you're saying that relative to what Commissioner Alcheck said,  
2 are you saying that commercial should be able to use it but not until 8 o'clock in the morning or  
3 are you saying the City should be able to use it but not until 8 o'clock in the morning?

4 Commissioner Summa: So (interrupted)

5 Commissioner Alcheck: [Off mic] It currently allows the City [unintelligible]

6 Chair Lauing: Right.

7 Commissioner Summa: It currently looks to me like it says business... Parking lots in business  
8 districts which I did not interpret to being just City-owned lots.

9 Commissioner Alcheck: [Off mic] Staff has clarified (interrupted)

10 Commissioner Summa: That is does mean that but I... Regardless, I do not think it is appropriate  
11 adjacent to a residential use to have leaf... You know people working from 4... At 4 in the  
12 morning. It's just inconsistent with (interrupted)

13 Chair Lauing: No, I understand that point. I was just trying to get vice via all the comments we'll  
14 make here, do you want commercial to be able to use (interrupted)

15 Commissioner Summa: No, I think it would be great for the commercial. I've looked into... I'm  
16 not an expert on leaf blowers but there are battery operated leaf blowers available and I think  
17 eventually we'll transition out of using these gas polluting leaf blowers.

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1 Chair Lauing: Ok and so then the follow-up question is, if they were going from 6 to whatever,  
2 then you're ok with the ordinance allowing the City to use it in parks and parking lots?

3 Commissioner Summa: I don't think its desirable. I was... I think I was the one that said that I  
4 thought that was pretty ridiculous at the last meeting because it... But if Staff seems to think it's  
5 impossible for the City to make that change, I would recommend they make it sometime in the  
6 future. But I think it's a compromise I suppose but I am not comfortable with 4 am to 8 am. It's  
7 inconsistent with all the other noise ordinance about work times. But at the golf course,  
8 obviously, it's not going to wake anybody up except (interrupted)

9 Commissioner Alcheck: I would suggest to that there is probably... I wish Staff would sort of  
10 jump in here but I would be really surprised if there wasn't already a requirement that noise  
11 production on these facilities can't take place at 4 am. But Staff, do you have any idea  
12 (interrupted)

13 Chair Lauing: Yeah, that may be just something that's not being enforced. I think a broader  
14 issue here is that we have now three classes of citizens; residential, commercial and City. And  
15 the City is getting the best deal and the residents are the one that we're trying to solve for.  
16 They are subject to fines or the gardeners are so I think if you need to leave this is interim  
17 because we don't have a better technical solution, there still has to be some research going on  
18 this. I mean I think we have to communicate that we're just... The first three of us that have

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1 spoken are just really not behind this the way it's working right now. The next one up is [Note -  
2 Commissioner] Gardias.

3 Commissioner Gardias: Thank you. So, at the beginning, before we get to all this detail, there  
4 was a discussion between Asher [Note -Commissioner Waldfogel] and Jonathan [Note -Mr. Lait]  
5 and then... About enforcement of this regulation. So, I'm not really convinced that this is being  
6 enforced because I have the same observation so before I get to the details I really need to  
7 understand if this is enforced and then how it's enforced? And until I have this understanding, I  
8 will not just comment further.

9 Chair Lauing: Commissioner [Note -Vice Chair] Monk, do you have any comments? It's sort of  
10 one, two, three, four against it right now.

11 Mr. Lait: And (interrupted)

12 Chair Lauing: Go ahead.

13 Mr. Lait: I'm sorry. So, the discreet change that we're making is that it applies to commercial. I  
14 mean we're going no gas-powered leaf blowers in a residential zone, that's current code and  
15 we're saying also in no commercial zones. And I understand that many of you are also  
16 concerned about the 4 am piece.

17 Chair Lauing: Yeah but also concerned about the City's continuing use of it.

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1 Mr. Lait: I understand that... And so... But this is all existing language. The only thing we're  
2 adding is we're trying to prohibit gas-powered leaf blowers in commercial zones. That's the  
3 only change that we're making. There are existing City regulations and policy about how the  
4 City uses or doesn't use gas-powered leaf blowers at what times of the day. I understand there  
5 are some concerns about that, we're not proposing any changes to that. I'm hearing... What I  
6 want to be clear is when we reflect the Commission's direction on this and it may not be  
7 unanimous but are you saying you don't want us to extend it to the commercial properties or  
8 yes, extend it to the commercial properties and also, we should be looking at our own  
9 operation too?

10 Chair Lauing: Well, I think what I am hearing in an ideal sense, if the technology is there and so  
11 on, is that nobody would use those kinds of blowers because they make noise and they cause  
12 pollution and all that. But some of the feedback is that these larger areas, at this point in time,  
13 need it so I guess we're sort of (interrupted)

14 Mr. Lait: So it sounds... I mean we're trying to extend the prohibition to commercial properties  
15 at a minimum. That... Is that perceived as a benefit and if so, we should (interrupted)

16 Commissioner Gardias: If I may just jump in, I think (interrupted)

17 Chair Lauing: Let me just finish, it's perceived as a benefit but then we still have this out the  
18 wire which is the maker of the law which is the City and they still get to do it.

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1 Mr. Lait: Well, that's right but so it is... Are we saying that we're not going to extend the benefit  
2 to the... You know this perceived benefit to... Are we not going to extend this prohibition to the  
3 commercial properties because we're not satisfied with the way the City is approaching the  
4 issues or are we saying let's fix it at the commercial areas and then let's also later fix it at the  
5 City?

6 Chair Lauing: I understand your question. That's a good clarification, I was just saying that I  
7 think even if you do that, a number of us aren't going to be happy because we'd rather just  
8 have it be consistently gone but you're saying that's not possible.

9 Mr. Lait: Right but we're not there yet. If we're not there yet, is it better to advance the  
10 commercial prohibition?

11 Commissioner Alcheck: [Off mic] It's at the expense of our commercial property owners then.

12 Mr. Lait: I understand you have an [unintelligible] position (interrupted)

13 Commissioner Alcheck: I think what I'm suggesting in that comment is, I think there is a reason  
14 why the City is not prepared to do it. It's because it's not economically efficient... Economically  
15 feasible or efficient and so why would our City put our commercial properties in a position that  
16 the City can't put itself in? It's not about... It's standards.

17 Chair Lauing: No, I get it, yeah. No, I hear [unintelligible – talking over each other]

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1 Commissioner Alcheck: You're right, we should always do the right thing when we can but it's  
2 not the residents that are making the sacrifice, it's not us, it's the commercial properties. And  
3 so, we're talking (interrupted)

4 Chair Lauing: That's not entirely true and the residents are making the sacrifices because it  
5 takes longer to garden and all that kind of stuff but your points taken.

6 Commissioner Alcheck: No, the residents are already sacrificing. This is extending that sacrifice  
7 to the commercial properties.

8 Chair Lauing: So, Commissioner Summa?

9 Commissioner Summa: I don't see it as a sacrifice on any bodies part but my... And I... If the... I  
10 mean I would rather have Staff tell us what their thinking is about keeping gas blowers just for  
11 the City to use. But I mean there are options, there's electric which isn't very useful for larger  
12 properties but there's also battery driven and I'm assuming that's what you feel the larger  
13 companies like in the Research Park will use. Is that correct?

14 Mr. Lait: Yeah, I imagine they will use a variety of options and I don't know that the City...  
15 From what I've heard, the City has an inventory of all kinds of leaf blowers.

16 Commissioner Summa: Yeah, I had someone tell me they saw someone... A City person using  
17 one in a park that was a battery (interrupted)

18 Mr. Lait: Yeah so, it's not like we're (interrupted)

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1 Commissioner Summa: Driven one so (interrupted)

2 Mr. Lait: And so we're... It's still in the... As this is moving forward to Council, we're still talking  
3 to the different City Departments that use these leaf blowers to understand what the policy is.  
4 And there may very well just be a City decree from the City Manager that says stop using gas-  
5 powered leaf blowers but there's... We need to understand what the... What is the implication  
6 to... For all the things that are related to that.

7 Commissioner Summa: Well, should we not be understanding that before we advance the code  
8 change?

9 Mr. Lait: To the commercial property owners?

10 Commissioner Alcheck: To anybody.

11 Commissioner Summa: No, should we not... Should we understand why we don't find it  
12 feasible... what (interrupted)

13 Mr. Lait: I'm not saying we don't, I'm just saying we don't have that information right now.  
14 We're still getting that information. This amendment... And we can do that. We can spend the  
15 next whatever amount of time to figure that out. Meanwhile, this gets pulled off the list and  
16 commercial can still use gas-powered leaf blowers. Is that the result we want?

17 Commissioner Summa: It's not the result I want. I would prefer (interrupted)

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1 Mr. Lait: So, by going forward with the commercial doesn't preclude us from further studying  
2 this issue of how the City is going to address that. It's just that there's a lot of other people  
3 involved in that decision in the City organization and that's not what we're proposing... We're  
4 not proposing to touch that right now. We understand that there's an interest in wanting to  
5 address that. This ordinance is proposing to just add the prohibition to commercial properties  
6 for the reason stipulated in the Staff report.

7 Chair Lauing: Commissioner [Note-Vice Chair] Monk has a comment.

8 Vice Chair Monk: I agree with what my fellow Commissioners have stated on this issue but I  
9 hear what you are asking of us tonight and so I'd like to address both areas. In regards to taking  
10 an action tonight and I'll be letting you know that this is taking from an email exchange that I  
11 had with Commissioner Waldfogel so this is not my original idea, it's really his. That perhaps we  
12 could look to Burlingame who publishes a list of low noise gas leaf blowers and make it  
13 available if that's the way we're going to go because there's just... Well, there's an... Just  
14 overall, I think the problem is that there's just an enforcement issue. I'm trying to simplify this  
15 email exchange here but basically, I think we all agree that the ban has well intentions but it  
16 hasn't been enforced so I think to your point of it coming back down the road, I think it's  
17 something that we might want to revisit.

18 Mr. Lait: I just... I want to dispute the comment that it's not being enforced. The City is  
19 enforcing the leaf blower ban on residential properties. It is a difficult ordinance to enforce, I

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1 think at the last meeting I had cited some numbers, I'm looking for them now, about how... Are  
2 they in the Staff report? So, we have it on Packet Page (interrupted)

3 Vice Chair Monk: I'll retract my statement. It's a difficult (interrupted)

4 Mr. Lait: It's very difficult.

5 Vice Chair Monk: Ordinance to enforce.

6 Mr. Lait: But it's being enforced and we've issued a number of notice of violation letters and  
7 we've done enforcement on the ones that we've been able to track but with the resources that  
8 we have available on this topic with the variety of other important City code violations.

9 Vice Chair Monk: So, then I'd like to ask the... My fellow Commissioners, do we want Staff to  
10 come back with a deeper analysis and revisit this issue?

11 Chair Lauing: Well, we definitely want that but (interrupted)

12 Commissioner Alcheck: [Unintelligible -off mic] Maybe three out of the five of us say we would  
13 like it not to include City Council [unintelligible]

14 Mr. Lait: Can we get you on the mic?

15 Chair Lauing: Turn our mic on.

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- 1 Commissioner Alcheck: I just... I don't know that we need to spend that much time on this. It's...
- 2 Staff seems to think that this is an important change that needs to take place. I don't agree, you
- 3 think that the ban should be extended further, that (interrupted)
- 4 Vice Chair Monk: You're referring to Commissioner Summa when you say you?
- 5 Commissioner Alcheck: You know I'm saying... yeah. I just... City Council is going to read the
- 6 minutes on this and they are just going to be like what are you doing?
- 7 Chair Lauing: Well, no, this one is going to actually be in an ordinance. It goes to them and if we
- 8 disagree (interrupted)
- 9 Commissioner Alcheck: It's going to be in an ordinance no matter what because Staff thinks
- 10 [unintelligible].
- 11 Chair Lauing: But if we disagree, we're going to call that out and describe it.
- 12 Commissioner Alcheck: That's what I am saying [unintelligible – talking over each other]
- 13 Chair Lauing: Let's just get on with it.
- 14 Commissioner Alcheck: Great.
- 15 MOTION #1

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1 Chair Lauing: So, the... I think the two options on the table are two or three, except it or to  
2 accept it with the addition... I mean, sorry, except the change that you have which adds  
3 commercial or not basically. But I think at the footnote here is that if you just add commercial, I  
4 think we can probably get to a five-O [Note - 5-0] that on top of that, we're still not satisfied  
5 and we would like the City to be consistent with the ban. So, if you want to vote on that, I mean  
6 we can vote on who would like this ban extended to commercial with the footnote to the  
7 Council but we want the City to be in compliance eventually. That's you... No, did you say  
8 (interrupted)

9 Commissioner Alcheck: That's not

10 Chair Lauing: You wanted commercial?

11 Commissioner Alcheck: That's not me. I think that (interrupted)

12 Chair Lauing: Did I state it correctly?

13 VOTE [Note-no second]

14 Commissioner Alcheck: No. I am suggesting that we should not require commercial properties  
15 to do this until (interrupted)

16 Chair Lauing: I know you are so (interrupted)

17 Commissioner Alcheck: We're ready to walk the walk.

- 
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1 Chair Lauing: That's your vote. Now people who think that commercial properties should be  
2 added, which is what they have, then we need to vote on that so I would vote for that. And  
3 then we have two abstentions?

4 Commissioner Gardias: We're voting or?

5 Chair Lauing: Yeah.

6 Vice Chair Monk: I'm abstaining.

7 Chair Lauing: So, the choices are do we extend it to commercial now and ask the City Council to  
8 eventually extend it to the City or do we just not extend it to commercial at all which means  
9 that they can still do whatever they want.

10 Vice Chair Monk: May I just ask Staff (interrupted)

11 Commissioner Alcheck: Commissioner [Note-Chair] I would just suggest that the Commission  
12 sort of split on this. There are other Commissioners who aren't here who have already opined  
13 on this.

14 Chair Lauing: Right well see we're almost there.

15 Commissioner Alcheck: I don't think we need to spend any more time on it.

16 Chair Lauing: Well, we're almost there. I mean if they are going to abstain, then they are going  
17 to abstain.

- 
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- 1 Commissioner Summa: Is that a motion?
- 2 Commissioner Alcheck: So, then it fails (interrupted)
- 3 Chair Lauing: Yep.
- 4 Commissioner Alcheck: Because abstains don't agree with a minority.
- 5 Chair Lauing: Right so there's two in favor of going ahead and banning commercial, there's one  
6 opposed and then do we have two abstentions? Then it fails. Then just record it that way.
- 7 MOTION #1 FAILS 2(Summa, Lauing) -1 (Alcheck) -2(Gardias, Monk) -2 absent (Waldfogel, Riggs)
- 8 Commissioner Gardias: [Off mic] I didn't see a vote, I am sorry.
- 9 Commissioner Alcheck: Can you just tell us how you feel about it?
- 10 Commissioner Gardias: Ok so what is (interrupted)
- 11 Chair Lauing: The two choices [unintelligible – multiple people speaking at once]
- 12 Commissioner Gardias: [off mic] my [unintelligible] is like this, if we were leaning (interrupted)
- 13 Vice Chair Monk: I'm done.
- 14 Commissioner Gardias: [off mic] today to extend it to commercial, I would say do nothing. I  
15 would just say keep it all together.

- 
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1 Vice Chair Monk: I think Staff is clear.

2 Commissioner Gardias: [off mic] If you want to just do [unintelligible] time, later on, I would just

3 repeal the whole law. I don't believe that it's pretty much enforceable [unintelligible].

4 Chair Lauing: Ok, fine.

5 Vice Chair Monk: I think Staff is clear on it and I think we do have to talk about the next issue

6 because we have to agendize our PTC retreat so that is something that we do have to talk about

7 tonight because it has to be publicly noticed. So, we have to get our agendas (interrupted)

8 Chair Lauing: It is.

9 Vice Chair Monk: Has everyone submitted [unintelligible] (interrupted)

10 Chair Lauing: No, we'll get to that.

11 Vice Chair Monk: I just want to make sure we cover that tonight.

12 Chair Lauing: We're covering it.

13 Commissioner Alcheck: [Off mic] So, we're 2-2-1, right?

14 Chair Lauing: Yeah, so [unintelligible – talking over each other]

15 Vice Chair Monk: Staff, is there any more clarification or can we move on?

16 [Note – Male:] Let's move on.

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1 Chair Lauing: We are moving on.

2 Vice Chair Monk: Ok, great.

3 Chair Lauing: The second one is Number Twenty-two, updates to application processing, any  
4 comments?

5 MOTION #2

6 Vice Chair Monk: Can I move that we except the Staff recommendation on the remaining  
7 items.

8 Chair Lauing: On twenty-two?

9 Vice Chair Monk: Is that a motion that people would be... On all of them so that we don't... I  
10 support all of the Staff recommendations on the remaining items. I don't know if others have  
11 problems with items. Are there... Is there consensus on any of them or are there any that you  
12 want (interrupted)

13 Chair Lauing: Is there a second on that? There's no second.

14 Chair Lauing: Ok so let's just deal with twenty-two.

15 SECOND

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1 Commissioner Alcheck: Yeah, I'll second it. I'll second that. There... I can't imagine why we need  
2 to talk about this.

3 Vice Chair Monk: And I'll take a substitute motion if you want to take out one item that you  
4 want to talk about separately.

5 Commissioner Alcheck: Let's just [unintelligible – several people talking at once] Let's get this  
6 done. These were not identified as controversial so if anybody has a real issue (interrupted)

7 Chair Lauing: Is there anybody that wants to... Do we just want to move to a vote on that?

8 Commissioner Summa: [Off mic] It was seconded, we didn't vote.

9 Chair Lauing: I know, that's what I am saying. Do we want to move to vote or does somebody  
10 want to explain why they like it or don't?

11 Commissioner Alcheck: I'm prepared to vote.

12 VOTE

13 Chair Lauing: Ok, all in favor of approving all remaining say aye or raise your hand. One, two,  
14 three, four, ok to two. Alright, they are all approved.

15 MOTION PASSED 3 (Alcheck, Monk, Gardias) -2 (Summa, Lauing) – 2(Riggs, Waldfogel)

16 Mr. Lait: And can we get (interrupted)

- 
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1 Chair Lauing: Mission accomplished.

2 Mr. Lait: Well, can we get the descent perspective on the record.

3 Commissioner Summa: So, the dissenting perspective is that Item Twenty-Two, some of it I  
4 thought was ok and some of it I didn't think was ok. Reducing the... And I know that the minor  
5 architectural reviews in the last Staff report. There were only two that came up in 3-years or  
6 something so it wasn't putting a heavy burden on Staff but I still believe that our annual citizen  
7 survey shows a lot of concerns about governance and transparency. And I think reducing it, the  
8 hearing request period from 14 to 7-days will... Is going in the wrong direction when it comes to  
9 those kinds of concerns from the public. And I see no reason why someone would have to live  
10 next door or own property next door to object to something like that. As a matter of fact, I  
11 think that's just moving in the wrong direction. I wanted to make sure with the second part the  
12 lack of... The no emailing anymore, I think is ok unless it comes to projects. Comment cards all  
13 have this box you can check if you want to be informed of anything going on with a particular  
14 project in the future or particular address and I want to make sure you're not... That doesn't  
15 include the bullet number... That the last bullet here which says not sending out emails doesn't  
16 include keeping people who have checked that box in the loop.

17 Ms. Campbell: Yeah, it does not so anyone that has been specifically identified as someone that  
18 wants notice, they would not be removed from the distribution.

- 
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1 Commissioner Summa: The other problem I have is the last bullet is you're reducing the  
2 posting. I want to make sure, which I don't think is the case with the City's website, I want to  
3 make sure that the posting is in a permanent place so there's a record of it. I don't... I just think  
4 some of these reductions are unnecessary because it wasn't putting a bit burden on Staff.

5 Item Twenty-Three, I have no comments.

6 Item Twenty-Seven I appreciate very much that Staff brought this forward because of the  
7 loophole that some people were using about... With regards to historic homes and demolition  
8 and permitting but I don't think it goes far enough. I think that actually, in thinking about it, I  
9 think that it should... I want to make sure it's consistent with the historic goals and policies in  
10 the new Comp. Plan and I'm not sure that it is. I think it should encompass... It should be... It  
11 should apply to all houses on and eligible for the National list but also the California Historic  
12 List. And I also think that for a very long time I've heard various Council Members opine that  
13 our historic... Our Palo Alto historic list really needed to be updated. That we're letting  
14 properties slip away that shouldn't slip away and once a historic property is demolished, we can  
15 never get it back and that's lost. So, I think that we should understand that we're really behind  
16 in updating that list and we should make an effort to update it and finally, I don't think 5-years  
17 is long enough. I think that period should be 10-years, I mean 5-years is... Just doesn't seem  
18 right to me and I would recommend 10-years. And (interrupted)

19 Commissioner Alcheck: [Off mic] Sorry.

- 
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1 Commissioner Summa: Well, you're laughing.

2 Commissioner Alcheck: [off mic] No, I was not laughing at you.

3 Commissioner Summa: Ok so the other items I am ok with. It was those two and I feel very  
4 strongly about that, both about the historic thing which I appreciate Staff bringing forward but  
5 that it didn't go far enough.

6 Chair Lauing: I just voted against it because I didn't want to cut off debate. I thought people  
7 had other things to say about it, I just wanted to hear them.

8 Mr. Lait: Ok so that was a 3-2? I thought it was 4-1. You're saying it was (interrupted)

9 Commissioner Alcheck: Does that mean you support all of them?

10 Chair Lauing: It does.

11 Commissioner Alcheck: Ok.

12 Vice Chair Monk: The vote stands.

13 Mr. Lait: Ok so that's a 3-2 vote?

14 Vice Chair Monk: It was a 4-1 vote.

15 Commissioner Summa: I thought you voted (interrupted)

16 Commissioner Alcheck: I thought you voted for it.

- 
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- 1 Vice Chair Monk: It was a 4-1 and (interrupted)
- 2 Chair Lauing: No, it was 3-2. I voted against basically cutting debate but I agreed with the
- 3 points. I just wanted to continue the debate.
- 4 Mr. Lait: Ok but on the motion, you voted to against the motion?
- 5 Chair Lauing: Correct.
- 6 Mr. Lait: Ok so it's still recorded. Thank you.
- 7 Chair Lauing: So, do you have any other questions for us on that item finally after three
- 8 meetings? And the one... So, net, the one calls out/disagreement is on the leaf blowers, right?
- 9 Mr. Lait: [Off mic] Yeah so (interrupted)
- 10 Chair Lauing: Ok so what we need to do then folks (interrupted)
- 11 Commissioner Summa: By majority call out.
- 12 Commissioner Gardias: Pardon?
- 13 Commissioner Summa: Well, the majority called out.
- 14 Chair Lauing: So, what we need to do... What they are asking us to do is to make a motion on
- 15 accepting the code adjustments with that one acceptance of leaf blowers.
- 16 Mr. Lait: Yeah, that's the proposal.

- 
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- 1 Chair Lauing: Can I get that motion from someone? Does anyone... We need a motion.
- 2 Vice Chair Monk: Is there a motion that's needed? That's not really clear.
- 3 Mr. Lait: [Unintelligible – no mic] I'm sorry, twenty-three... twenty-two, twenty-three, twenty-
- 4 seven, twenty-eight. We left seventeen just in this
- 5 Vice Chair Monk: Correct.
- 6 Chair Lauing: In abeyance.
- 7 Mr. Lait: Right and we can report that there's no recommendation on that item or somebody
- 8 can make a motion and we can
- 9 Vice Chair Monk: I thought the motion failed?
- 10 Commissioner Alcheck: I thought the take away was that there isn't support on the Commission
- 11 that this item be included?
- 12 Chair Lauing: Right.
- 13 Mr. Lait: Is... So, there is... Is that a motion to not include this item (interrupted)
- 14 Commissioner Alcheck: So, we're reviewing changes suggested by Staff and this one we didn't
- 15 support. We couldn't gain support on this one item, that should be just the synopsis.
- 16 Mr. Lait: Thanks.

- 
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1 Commissioner Summa: On seventeen?

2 Chair Lauing: On seventeen, right.

3 Commissioner Summa: May I make a (interrupted)

4 Chair Lauing: Sure.

5 Commissioner Summa: So, I did not vote for seventeen because I didn't vote with the majority. I

6 would have preferred that we pass (interrupted)

7 Commissioner Alcheck: [unintelligible -off mic]

8 Commissioner Summa: Huh?

9 Commissioner Alcheck: There was no majority.

10 Commissioner Summa: I understand that. I feel strongly that we would have done a good thing  
11 for the residents of Palo Alto by prohibiting gas leaf blowers in commercial districts and I was  
12 disappointed that we couldn't at this time extend it to the City but I felt sure that we would in  
13 the near future. And I think it was a lost opportunity not to pass it.

14 Chair Lauing: Ok, I think we don't with that so let's shift back over to the real agenda. That's the  
15 13<sup>th</sup>.

16 **Commission Action**: Motion made by Commissioner Monk, Seconded by Commissioner  
17 Alcheck. Motion Passed 3-2 (Lauing, Summa against, Riggs, Waldfogel absent)  
18 • No recommendation made on item 17 in staff report

- 
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1 • Approval of items 22, 23, 27 and 28 in staff report.

2 **Approval of Minutes**

3 Public Comment is Permitted. Five (5) minutes per speaker.<sup>1,3</sup>

4 4. November 29, 2017, Draft Planning & Transportation Commission Meeting Minutes

5 Chair Lauing: So, the next item is the approval of the minutes of November 29<sup>th</sup> of 2017. Move  
6 approval?

7 MOTION

8 Commissioner Summa: Sure.

9 Chair Lauing: Second?

10 SECOND

11 Vice Chair Monk: I second.

12 VOTE

13 Chair Lauing: All in favor of those minutes being approved? Unanimous, thank you.

14 **Commission Action:** Motion made by Commissioner Summa, Seconded by Commissioner  
15 Monk. Motion passed 5-0 (Riggs, Waldfogel absent)

- 
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1 **Committee Items**

2 **Commissioner Questions, Comments or Announcements**

3 Chair Lauing: Now moving over to the section of Commissioner questions, comments or  
4 announcements. And we had agreed at the last meeting that this has also should be headed as  
5 future agenda items and that just didn't happen to get picked up, Jonathan [Note -Mr. Lait].

6 Mr. Lait: Yeah, that will be on the next one. It was... It's been recorded in the system.

7 Chair Lauing: Right so just wanted to confirm that because it is kosher to talk about the next  
8 agenda which is actually our special meeting, a retreat. But where there any questions or  
9 comment or announcements first from Members?

10 Vice Chair Monk: Well, we have our retreat next week. Is this (interrupted)

11 Chair Lauing: That's what we're going to talk about next.

12 Vice Chair Monk: Ok, yeah.

13 Chair Lauing: But I was just getting any questions on anything else. So, the agenda I passed out  
14 last time and suggested then, as well as in follow up email that if you had anything you wanted  
15 to get to me relative to the... What we call other possible priorities, this would be a good time  
16 to do it. And I haven't received any from anybody so I presume that means that those ideas will  
17 be coming with you to the retreat which is a week from tonight at 5 o'clock across the street at

- 
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- 1 the library. We are promised snacks, white boards, flip charts... Sorry? No, I think we decided to
- 2 do 5 because Commissioner Gardias can't get there until 5.
- 3 Commissioner Alcheck: I'm sorry, quick question, do we have an agenda for the [retreat]? Am I
- 4 just not seeing it? Is there an agenda?
- 5 Chair Lauing: I handed it out last time.
- 6 Vice Chair Monk: Do you have an extra copy (interrupted)
- 7 Chair Lauing: Just going over it, I'm just going to go over it which is (interrupted)
- 8 Vice Chair Monk: Do you have an extra copy?
- 9 Chair Lauing: No, I don't.
- 10 Commissioner Alcheck: So, my quick question, sorry, I was hoping to see this. Is there a strategy
- 11 for reviewing and discussing Council Priorities? Has Council (interrupted)
- 12 Chair Lauing: Council?
- 13 Commissioner Alcheck: The first item on your agenda is to review and discuss Council priorities.
- 14 Is there a process that's been created that they are communicating some priorities to you or
- 15 are we supposed to guess what their priorities are?
- 16 Chair Lauing: Well, there's two answers to that question.

- 
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1 Vice Chair Monk: Their priorities are going to be determined at the retreat which will be in early  
2 February from my understanding.

3 Commissioner Alcheck: But our retreat is next week.

4 Chair Lauing: Right so that's the second one but the first one is I think the existing priorities, as  
5 well as what the new Mayor just said the other night so I think it's pretty clear. I don't think  
6 we're going to miss those priorities. Are you thinking we're going to miss those priorities?

7 Commissioner Alcheck: No, I just think that it sounds like what you're saying is that there  
8 could... That there is a meeting scheduled on Council level to talk about priorities that might  
9 affect Land Use and Transportation but that's happening after the fact. And so (interrupted)

10 Chair Lauing: Right but I'm saying I think it's a mystery and we're not going to wait for that  
11 meeting.

12 Commissioner Alcheck: Let me... I'll be more direct, I wouldn't... I would... I think it would  
13 behoove our leadership on the Commission to reach out to the new leadership on the Council  
14 in advance of our meeting to gain a little bit of idea of what they anticipate.

15 Chair Lauing: That's in process.

16 Commissioner Alcheck: Ok, that's what I was asking.

- 
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1 Chair Lauing: And then it... Because... It obviously starts there and the... We also ask Staff to  
2 chat about what they think sort of by law from Council that they already know about and Staff  
3 preference that they feel like is going to be on our agenda, period. And then from there, are  
4 there other possible priorities and I know there are because I've talked to a couple of you and  
5 there are and so we have to get ultimately to the end. There is set up to be working on a work  
6 plan for the rest of the year on priorities. We're not going to be able to do all of them but that's  
7 part of the process. The idea here, just to point out, is to come up with a plan, not to work the  
8 plan so this isn't going to be a detailed. We're going to start working on BMR housing  
9 approaches or things like that.

10 Vice Chair Monk: I've got some items that I'd like to add so do you just want to read off the list  
11 so that you make a record of it and then (interrupted)

12 Chair Lauing: I don't have a list.

13 Vice Chair Monk: Oh, ok.

14 Commissioner Alcheck: Here you go.

15 Chair Lauing: No, I don't have a list of priorities because I didn't get any.

16 Vice Chair Monk: No, no, no, of the agenda. We want to make sure that Staff has the addenda  
17 items. Do you have a copy of (interrupted)

18 Chair Lauing: Jonathan [Note -Mr. Lait] has this.

- 
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- 1 Vice Chair Monk: Ok so that's what's going to get published to the (interrupted)
- 2 Mr. Lait: Well so it's... I'll take another look at the specifics there but we have a very broadly  
3 drafted agenda to talk about raised issues.
- 4 Vice Chair Monk: Ok so I just have some idea and if they can be weaved in, they might be  
5 covered.
- 6 Chair Lauing: Are you talking about our agenda or what's published to the public because what  
7 (interrupted)
- 8 Vice Chair Monk: It's the same. Our agenda has to be published otherwise (interrupted)
- 9 Chair Lauing: It is, it is, he's already taken care of that.
- 10 Vice Chair Monk: Right but I haven't given my input on what I'd like to see on the agenda.
- 11 Chair Lauing: But what he just said is its sort of generic around the fact that we're going to be  
12 discussing priorities for the year.
- 13 Vice Chair Monk: There was an email that got sent out saying that if we have items to add to  
14 the agenda for our retreat, to bring those tonight and I spent time putting together my ideas.  
15 So, I'd rather [instead of] discussing it, can I just lay out my ideas and if you can incorporate it.
- 16 Chair Lauing: We want the ideas.

- 
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1 Vice Chair Monk: Ok so basically, I would like to go over Staff reports and that might be already  
2 covered and how to make them more effective. I'd... And if there's a way for me to get a sense  
3 on whether... Not everything that I'm bring up people are going to agree with so I don't know if  
4 we... If people don't like what I'm saying or don't want to (interrupted)

5 Commissioner Alcheck: You know, it would help me if I understood how much time you would  
6 devote to each of those topics just so I could (interrupted)

7 Vice Chair Monk: I can maybe at the beginning of the meeting we can discuss it. I just... All I  
8 want to do is make sure that the items that I'd like to get on the agenda if there's the consensus  
9 so that's all I'm trying to do here.

10 Chair Lauing: Let me just clarify which I thought was but I was hoping that a bunch of you would  
11 present a list of six or eight things.

12 Vice Chair Monk: That's what I'm trying to do right now.

13 Chair Lauing: I know, you are, that's great.

14 Vice Chair Monk: Trying.

15 Chair Lauing: Then we would have forty-two things, seven times six is forty-two.

16 Vice Chair Monk: That's not necessarily true.

17 Chair Lauing: What are you saying (interrupted)

- 
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1 Vice Chair Monk: We're having so much dialog, I could be done by now.

2 Chair Lauing: Now wait, I'm saying we might have by the time we walk into the retreat forty-  
3 two different ideas about where we should spend our time next year and what I'm saying is  
4 from that is we have to whittle down to something that we think is doable.

5 Vice Chair Monk: Let me just go ahead and say my things and if they are already incorporated,  
6 they are already incorporated. So, perhaps consider some increase in community engagement, I  
7 did like that there was a lot of notices put out about the meeting. I think that was why it was  
8 well attended tonight so just maybe covering what has been done and plans for continued  
9 community engagement. Not sure this would come up but I would like business cards, I think  
10 we should talk about that. I think we could be really good ambassadors for the City. Also, I was  
11 curious if the parking is going to come back to us, the parking issues. I think there needs to be a  
12 study done around parking.

13 Commissioner Summa: You mean (interrupted)

14 Vice Chair Monk: The downtown paid parking, just let us know what's happening on that. In  
15 regards to transportation, I don't know if we're talking about that specifically in here or not but  
16 I think we should have a discussion on transportation and maybe the parking study could fall in  
17 that. We might want to touch on the RPP statues, I know that you said you're going to...  
18 Assistant Director Lait said that was coming back to us but I think getting some direction on our  
19 role with the RPP Program should be covered. In regards to housing, Commissioner Gardias

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1 sent out a New York Times article a while back that I really enjoyed reviewing it. It covered a  
2 really interesting perspective and I think that we might want to discuss something about what  
3 we can do around housing maybe have a housing summit or something. I don't know if people  
4 agree with that but I think it's worth bringing up. I don't know if it's listed in here. Those are just  
5 on high-level ideas that I have and I have more detail. I think everything that I want to talk  
6 about is covered in those. Because I don't see on here transportation specifically or housing  
7 specifically or... Yeah, on our... I think we need to go over planning and transportation in some  
8 capacity.

9 Mr. Lait: We haven't published an agenda yet but it's broadly talking about (interrupted)

10 Vice Chair Monk: So, maybe just put in a topic in of transportation and a topic in on housing;  
11 just general for now.

12 Chair Lauing: Two things... Sorry, were you done? Ok, two things that I would... We all need to  
13 be up to speed on this Housing Element so I would hope that you could get to that before next  
14 week but if not, get to it when you can. I think that... Sorry?

15 Commissioner Alcheck: Can you clarify? Are you going... Are we going to be discussing Housing  
16 Element issues?

17 Chair Lauing: I'm just saying it's so fundamental to everything that we're going to do this year  
18 and I don't know if everybody has read it.

- 
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1 Vice Chair Monk: I think my thought on that was just to discuss whether or not we want to  
2 have a summit because I think it would be a bigger, broader discussion so maybe just have it as  
3 an agenda item if it's something that we want to study down the road. That's kind of what my  
4 intention was which I think you'll probably get support for.

5 Chair Lauing: And also, as we know there's a detailed direction in the Colleague's Memo that's  
6 come over to planning and then it will come over to us as well.

7 Mr. Lait: We're going back to Council, I think it's in February, with a plan for (interrupted)

8 Vice Chair Monk: Are you referring to a Colleague's Memo on the rent (interrupted)

9 Mr. Lait: Housing.

10 Vice Chair Monk: The rent control response memo?

11 Mr. Lait: No, another one about housing.

12 Vice Chair Monk: More recent?

13 Chair Lauing: Yeah.

14 Mr. Lait: It's like right around the time [unintelligible – multiple people speaking at once]. In  
15 any event, we can talk about what our... What we're working on anyways at the PTC retreat in  
16 terms of housing.

- 
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1 Chair Lauing: And then there's going to be a section of going over process and procedures and  
2 so on so it would be great if everybody could get both of those documents that I think you sent  
3 me originally a few months back. Both procedures and... Just to see what the baseline game  
4 plan is right now and then we can make any adjustments to that, that we want.

5 Vice Chair Monk: Are folks interested in talking about the RVs at all or hearing from the police?  
6 Just getting a basic report. I know that the police did present to the Human... The HRC on that  
7 issue. Do we want to have them speak to us at the retreat or down the road?

8 Chair Lauing: That would-be part of creating the work plan and if we thought that was  
9 [unintelligible] (interrupted)

10 Vice Chair Monk: Ok, does that need to be (interrupted)

11 Chair Lauing: We wanted to (interrupted)

12 Vice Chair Monk: That's not something we would need to agendize? Ok.

13 Mr. Lait: We're not going to be prepared to... I think at your retreat you're going... Maybe we...  
14 I can talk with the Chair a little bit more. There's... I don't know if this is an interest in talking in  
15 detail about specific objects or topics or (interrupted)

16 Vice Chair Monk: No, I was looking at it more of areas to see the gauge of interest and see if we  
17 wanted to take further action on these issues.

- 
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1 Mr. Lait: Yeah, I mean there's a couple of areas where hey, we'd like to talk about housing and  
2 let's schedule an agenda item to talk about that. Ok and so (interrupted)

3 Vice Chair Monk: That was my intention.

4 Mr. Lait: We'll identify those sorts of priorities and then there's also these sorts of procedural  
5 interests that you'll have some room to talk about those but I think we just need to be clear  
6 about how we're structuring the different time for those different discussions.

7 Chair Lauing: Yeah, I mean my view of the retreat is that we're not going to do anything that's  
8 tactical at all. That we're going to start to get a 12-month, maybe even 15-month look and  
9 that's why we have to start with what's going to be fed to us by Council and that you guys need  
10 help on. See what items are the most important for us to conquer and as tactical as we're going  
11 to get is to set up some AD HOCs is people want to do that so we know how to work the various  
12 issues.

13 Vice Chair Monk: Do folks have a preference on prioritization? Whether we should be doing the  
14 by-laws and the procedural stuff, have that discussion first or have that discussion after we  
15 have the more substantive discussion? Does anyone have an opinion on that?

16 Commissioner Alcheck: [Unintelligible – off mic]

17 Chair Lauing: Commissioner Alcheck.

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1 Commissioner Alcheck: So, I wouldn't suggest... This is an ambitious task, I would suggest that  
2 the Colleague's Memos that have been produced by the Council in the last 6-months be  
3 included in our packet as a part of the review section dealing with Council priorities. I think it  
4 would be interesting to discuss those Colleague's Memos because they represent strong  
5 opinions by members of our Council and it would be interesting to see what we think about  
6 them as a body.

7 And then I would suggest that you just talk to David Carnahan, everybody gets business cards.  
8 You probably haven't gotten your yet but if you email David Carnahan, he'll make them for you  
9 and you get a whole box and they say just that you're a Planning Commissioner and your email.

10 And I would suggest that in the section about process that we revisit the issue of eliminating  
11 substitute motions from our by-laws and also reducing the number of individuals that need to  
12 support a call to question or call the question from the supermajority to just the majority. That  
13 would effectively allow us to have a proposal on the floor and then force a vote on it so we can  
14 move to the next proposal if there's no support for it.

15 And then I would say lastly that I think... I'm optimistic that this will be an efficient meeting. I'm  
16 concerned that we'll spend a lot of time sort of throwing out things that we're interested in and  
17 suggesting they get calendared. It may be helpful to have Staff... There used to... I don't know  
18 who currently serves as our long-range planner, Steven Turner use to do that role here in the  
19 Planning Department. I don't know who does that now but maybe that person could provide us

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1 with a quick list of the items that the City Staff believes are out long-term priorities. And then  
2 we could look at those items and then decide if we were interested in exploring any of them  
3 specifically and then during the meeting agendaize them for a specific date like in May we want  
4 to cover this topic that's on the long-range curriculum. I may not be using the right terminology  
5 but something like that. I'm sure there's a list somewhere, if not maybe Director Gitelman has it  
6 and then instead of coming up with our own issues like RV parking on El Camino. Maybe this list  
7 is more representative of topics that Staff would be willing to entertain in an effective way  
8 because it's already on their radar.

9 Chair Lauing: That was the intent of Item Number Two, bullet point number three, Staff  
10 preference of stuff that's there.

11 Commissioner Alcheck: Right, I'm just suggesting to you a specific process by which that list  
12 could get created like if you have the wherewithal to convince some of the Staff to do that for  
13 you, it would be more instructive than... I think... Do you have an assumption that Staff is  
14 making a presentation?

15 Chair Lauing: I wouldn't say a presentation but that preparation on Staff preference items is  
16 definitely going to be there; Jonathan [Note – Mr. Lait] and I will talk about that.

17 Commissioner Alcheck: Are you... Ok. Well, it's a week, do you think that's going to happen?  
18 Alright great.

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1 Mr. Lait: So, we're planning on having myself, Hilary, and somebody from transportation to be  
2 present at the retreat and we have the list that you're referring too.

3 Commissioner Alcheck: Awesome. I'm just suggesting that those things get decimated before  
4 our meeting. It would be helpful because then we can kind of come prepared as opposed to just  
5 hearing it for the first time. So, if it could be made part of an agenda it would be great as  
6 opposed to just a generic bullet point.

7 Chair Lauing: Yeah, the one thing I... Well, I won't go there. So, to answer your question, I have  
8 a strong preference on your last question that we do the process issues a little bit later in the  
9 meeting (interrupted)

10 Vice Chair Monk: Yes, I agree, ok.

11 Chair Lauing: And stick to the kind of the future bit and then it gets more and more mechanical  
12 as you go through the agenda and at the end, it's sort of like are we going to do substitute  
13 motions or not? Are we going to do call the question?

14 Vice Chair Monk: Right, I think those should be at the end so if we could flip that agenda item  
15 because that's listed at the beginning on his list. And then I asked that you include printouts of  
16 the by-laws and the rules of procedure.

17 Chair Lauing: Yeah, I just asked them to send that in advance.

18 Vice Chair Monk: Could... I'd like a (interrupted)

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1 Chair Lauing: Both those items.

2 Vice Chair Monk: Hard copy of those two items and the community is in aware of our retreat so  
3 is there a way we could request that Council maybe make an announcement? Can we do what  
4 we can to promote it in just these short amounts of days beforehand? I just want to  
5 encourage... I see things on Next Door sometimes but if there's a way we could alert the  
6 community to it. I think they would be interested to come.

7 Chair Lauing: We're publishing.

8 Vice Chair Monk: We're going to all this trouble for... Only publishing for 4-days.

9 Commissioner Alcheck: Are you seeking community input?

10 Vice Chair Monk: No, I just think they'd be interested. I think people in the community would...  
11 Might want to attend and listen. I like (interrupted)

12 Chair Lauing: That wasn't my experience on Parks.

13 Vice Chair Monk: Oh, ok, like [Note – Ginotty?] didn't know it was happening. I mentioned it to  
14 him so he'd like to come from the Weekly. Don't we want... We're doing this for the community  
15 so don't we want (interrupted)

16 Mr. Lait: I think you're doing this for you.

17 Vice Chair Monk: And us. Oh, ok.

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1 Chair Lauing: It's kind of organization for the year.

2 Vice Chair Monk: It's for us.

3 Commissioner Gardias: I think its free for all, right? We're not just waiting for our names to be  
4 called out (interrupted)

5 Chair Lauing: No, go ahead.

6 Commissioner Gardias: because I was waiting for me to just for some time. So, I think that  
7 we're going... Thanks. So, I think we're going to meet just to plan for the next year, right? That's  
8 the objective, yes? And we're going to negotiate with you on the capacity of this Planning. We  
9 can wish for a lot but you know you will be out gatekeeper.

10 Chair Lauing: He's not saying yes or no until next Wednesday night.

11 Commissioner Gardias: So, my first concern is that I already spoke about, my first concern is...  
12 And I've done tons of retreats like this. It is one day too short, it should be day and a half at  
13 least so that's... And I have it on the record. So, I will be referencing you to the letter that I  
14 wrote to the Council and I also sent to all of us that I wrote over a year ago and I would like to  
15 just to include in the agenda going through all the points of this letter and just have it as part of  
16 the items that we would take on in this coming year. So, this is one of the items and then the  
17 other items are practical, I think that we should have a large map in the room of Palo Alto so we

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1 can... When discuss, we can just point to the different zones when required. I think it's a nature  
2 of planning team, I don't know if we can get such a map in the room. And some (interrupted)

3 Chair Lauing: That sounds like that's getting down into the [unintelligible] more than the  
4 strategy.

5 Commissioner Gardias: Yeah but I think it's important, right? We can just talk... We can just  
6 point to specific areas of Palo Alto where we have certain concerns and we can just discuss  
7 street or some zones that we would like to address. One of the times I can tell you that I would  
8 like to just discuss in addition to the items that I've about in the letter. I would like to just talk  
9 about the cottage clusters, maybe take on the cottage clusters regulation this coming year. I  
10 would like to also talk about the small industrial park that we have between Palo Alto and  
11 Mountain View, every close to 101; the small industrial district I think it needs to be revitalized.  
12 So, in addition to all the items, I would like to just pretty much comb through all the zoning  
13 areas and then just hear our comments about what would be our perspective on all those  
14 either neighborhoods or zones.

15 Chair Lauing: What do you mean by perspective?

16 Vice Chair Monk: But before going into...I think that's covered because (interrupted)

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1 Commissioner Alcheck: In light of that comment, I would like to suggest that we have a hard  
2 and fast time that we end the meeting by and we stick to it or better yet, we allow  
3 Commissioners to leave at that time without extension.

4 Chair Lauing: I totally agree with that.

5 Vice Chair Monk: [unintelligible – off mic] I think the way the agenda is written (interrupted)

6 Commissioner Alcheck: I suggest that we end this meeting.

7 Vice Chair Monk: It's insufficiently broad that you can bring those up without bullet pointing  
8 them tonight because have additional priorities that we (interrupted)

9 Commissioner Gardias: Of course, this is a very broad agenda so we can just talk about anything  
10 right?

11 Commissioner Summa: Can you resend your letter to us?

12 Commissioner Gardias: Will do and also, we'll just propose some items like the revitalization of  
13 the industrial zone and cottage clusters and some other areas that I would like to just throw  
14 into the discussions. Thank you.

15 Chair Lauing: Then Jonathan [Note -Mr. Lait], relative to the January 31<sup>st</sup> meeting, that's as  
16 current as you got right? These agenda items of annual office limit, training Brown Act, El  
17 Camino, and PF zoning changes?

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- 1 Mr. Lait: Yeah, that's right.
- 2 Commissioner Gardias: And quick question just of the technical nature. We're going to, of  
3 course, get the dinner right at the retreat? It's a given so [unintelligible – multiple people  
4 speaking at once].
- 5 Commissioner Alcheck: What time does it start?
- 6 Chair Lauing: It's supposed to start at 5 because that's when everyone can get there.
- 7 Commissioner Alcheck: And what time is it going to end?
- 8 Chair Lauing: I'd say 12.
- 9 Commissioner Alcheck: No, I'm serious.
- 10 Commissioner Gardias: No, we're serious.
- 11 Commissioner Alcheck: What time is it scheduled to end?
- 12 Chair Lauing: Make some suggestions.
- 13 Commissioner Alcheck: Do you guys have a sense of what time it was... How long did you book  
14 the room?
- 15 Chair Lauing: Well, it's sort of (interrupted)
- 16 [Note – Female:] How late is the library open?

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- 1 Chair Lauing: No, no, we're around that problem.
- 2 Commissioner Alcheck: I would suggest that it ends at 8.
- 3 Mr. Lait: Is there any way we can start earlier?
- 4 Chair Lauing: That's fine with all of us but I don't think you can make it.
- 5 Commissioner Gardias: I can come earlier.
- 6 Chair Lauing: Can you come at 4?
- 7 Commissioner Gardias: I can come at 4, yes.
- 8 Chair Lauing: Beautiful, let's do 4-8.
- 9 Commissioner Alcheck: You may want to check with the other two Commissioners not here. I
- 10 would suggest that 3-hours be the limit, that's what I would suggest. If we're going to start at 4,
- 11 we should finish at 7. I have hard... We have no agenda. I mean we have an agenda but we have
- 12 no items like before so it's (interrupted)
- 13 Commissioner Summa: Theirs is absolutely no way we can do everything everybody wants to do
- 14 in 3-hours.

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1 Commissioner Alcheck: I think it is ambitious, I agree. I think that the leadership should spend  
2 the time over the next week to just making it an effective meeting by limiting that number and  
3 making the decision on their own.

4 Chair Lauing: Limiting what number?

5 Commissioner Alcheck: Limiting the number of topics we go over. I don't think it should be a  
6 democratic process. I think you should work with your Vice Chair to sort of figure out how to do  
7 this so that it doesn't last 5-hours.

8 Chair Lauing: Well, there's two issues there. One is that there's going to be unlimited... As we  
9 already discussed, there's going to be an unlimited number of options that everybody puts on  
10 the table like forty so we have to whittle them down. Do you want me to pick ten? Ok, good.

11 Commissioner Alcheck: I'm suggesting I would be (interrupted)

12 Chair Lauing: Secondly, it depends on how long everybody talks on each item.

13 Commissioner Alcheck: I would... I'm suggesting I would be very comfortable with the  
14 leadership managing this meeting in a way that made it effective. I think if you put a map out  
15 and we just start pointing at areas of interest, it will take... We won't get anything done. So, I  
16 just think every meeting has to be managed and (interrupted)

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- 1 Vice Chair Monk: Our rules do require that at 9 pm we take a poll on whether to continue so we
- 2 can go ahead and follow that rule that night and take a decision at that time. If that's
- 3 (interrupted)
- 4 Chair Lauing: He's saying stop at 7.
- 5 Commissioner Summa: I think that's... I don't think that's (interrupted)
- 6 Vice Chair Monk: I just have a question (interrupted)
- 7 Commissioner Alcheck: Let me ask you a question, how long do the City Council retreat last?
- 8 Mr. Lait: [unintelligible -off mic]
- 9 Commissioner Alcheck: Oh man, ok.
- 10 Vice Chair Monk: May I ask a question?
- 11 Commissioner Summa: It's all day basically.
- 12 Vice Chair Monk: If we don't get through items and we feel that we want to continue it, could
- 13 we... Could it be held... Could it be continued at our next regularly scheduled meeting?
- 14 Chair Lauing: No.
- 15 Vice Chair Monk: No, ok.
- 16 Chair Lauing: I mean certain parts are. [unintelligible – multiple speakers talking at once]

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1 Vice Chair Monk: Are there certain parts that we could continue? No.

2 Mr. Lait: You're not restricted, I mean we would just have to agendize it.

3 Chair Lauing: Right so to give you some (interrupted)

4 Commissioner Alcheck: There are other retreats, you could ask Yolanda to provide you with  
5 minutes from older retreats to get a sense for timing.

6 Chair Lauing: I was just going to give you a sense for timing, I've done seven of them at Parks  
7 and Recreation and they are about 3 ½-hours.

8 Commissioner Alcheck: That's exactly what I just recommended.

9 Chair Lauing: Well, three.

10 Commissioner Alcheck: Ok so 3 ½. I'm just suggesting that the five or six other people are  
11 mentioning is a little bit overwhelming for a workday.

12 Chair Lauing: Ok, how about a motion to adjourn?

13 Vice Chair Monk: I move to adjourn.

14 Chair Lauing: Alright, adjourned, thank you.

15 **Adjournment**

16 10:45pm

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2 Commissioner Biographies, Present and Archived Agendas and Reports are available online:  
3 <http://www.cityofpaloalto.org/gov/boards/ptc/default.asp>. The PTC Commission members are:

4 Chair Michael Alcheck

5 Vice Chair Asher Waldfogel

6 Commissioner Przemek Gardias

7 Commissioner Ed Lauing

8 Commissioner Susan Monk

9 Commissioner Eric Rosenblum

10 Commissioner Doria Summa

11  
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16 Secretary prior to discussion of the item.

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18 delivered to the Planning & Community Environment Department, 5<sup>th</sup> floor, City Hall, 250  
19 Hamilton Avenue, Palo Alto, CA 94301. Comments received by 2:00 PM two Tuesdays preceding  
20 the meeting date will be included in the agenda packet. Comments received afterward through  
21 2:00 PM the day of the meeting will be presented to the Commission at the dais.

22 Material related to an item on this agenda submitted to the PTC after distribution of the  
23 agenda packet is available for public inspection at the address above.

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