



Planning & Transportation Commission Action Agenda: May 13, 2020

Council Chambers
250 Hamilton Avenue
6:00 PM

7 **Call to Order / Roll Call**

8 Approximately 6:09 pm

9 Chair Templeton: Excellent. So, I will start with some of the technical content about doing this
10 online. So pursuant to the provisions of California Governor's Executive Order N-29-20, issued
11 on March 17, 2020, to prevent the spread of Covid-19, this meeting will be held by virtual
12 teleconference only, with no physical location. The meeting will be broadcast live on Cable TV
13 Channel 26 and live on the Midpen Media Center at <https://midpenmedia.org>. Members of the
14 public who wish to participate can do so by email, phone, or computer. To ensure participation
15 in a particular item, we suggest calling in or connecting online 15-minutes before the item you
16 wish to speak on.

17
18 For written communications please send an email to Planning Commission....
19 planning.commission@cityofpaloalto.org.

20
21 Spoken comments via a computer will be accepted through the Zoom teleconference meeting.
22 To address the Board [note – Commission], go to zoom.us/join... zoom.us/join. Meeting ID is
23 925 9144 5934. You will be asked to enter an email address and name. We request that you

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 2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
 3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 identify yourself by name as this will be visible online and will be used to notify you that it is
2 your turn to speak. When you wish to speak on an agenda item, click on “raise hand”. The
3 moderator will activate and unmute speakers in turn. When called please limit your remarks to
4 the time allotted. The timer will be shown on the computer to help you keep track of your time.

5
6 Spoken comments using a smartphone will be accepted through Zoom teleconference meeting.
7 To address the Board [note – Commission], download the Zoom application onto your phone
8 from the Apple store... Apple App Store or Google Play Store and enter the Meeting ID 925
9 9144 9534. Please follow the previous steps.

10
11 Spoken public comments using a phone call use phone number 1-669-900-6833 and enter
12 Meeting ID 925 9144 5934. When you wish to speak on an agenda item hit #9 on your phone so
13 we know that you wish to speak. You will be asked to provide your first and last name before
14 addressing the Board [note – Commission]. You will be advised how long you have to speak.
15 When called please limit your remarks to the agenda item and time limit allotted. You can also
16 find this information on the last page of the agenda.

17
18 To better facilitate public comments, at the beginning of the meeting our meeting host Vinh
19 will identify each person with a raised hand by name or last four digits of your phone number
20 and request that you state your name and the agenda item you wish to speak on. If you wish to

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1 speak under any item not on the agenda, please state your intent to speak under oral
2 communications. When it is your time to speak during public comment, you will be identified
3 and provided 3-minutes to speak. Any callers with blocked numbers will wait until the end of
4 the speaker's portion. The host will unmute them one at a time and will be... and all will be
5 asked to speak.

6
7 Alright, that was a lot but that is how we are able to meet on the Zoom call. So, at this time
8 Vinh, do you want to go through any... well we don't have any attendees dialed in at the
9 moment.

10

11 Mr. Vinh Nguyen, Admin Associate III: Yes, we have no public comments at this time, so you
12 may proceed with the agenda.

13

14 Chair Templeton: Ok. So, at this point we should call the meeting to order and do a roll call.

15

16 Mr. Nguyen: Ok so I will begin the roll call. Chair Templeton?

17

18 Chair Templeton: Present.

19

20 Mr. Nguyen: Vice-Chair Roohparvar?

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2 Vice-Chair Roohparvar: Present.

3

4 Mr. Nguyen: Commissioner Alcheck?

5

6 Commissioner Alcheck: Present.

7

8 Mr. Nguyen: Commissioner Hechtman?

9

10 Commissioner Hechtman: Here, not there.

11

12 Mr. Nguyen: Commissioner Lauing?

13

14 Commissioner Lauing: Present.

15

16 Mr. Nguyen: Commissioner Lauing?

17

18 Commissioner Lauing: Present.

19

20 Mr. Nguyen: Commissioner Riggs?

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1

2 Commissioner Riggs: Here.

3

4 Mr. Nguyen: Commissioner Summa? Commissioner Summa?

5

6 Commissioner Summa: Present, sorry.

7

8 Mr. Nguyen: You've got a quorum, thank you.

9

10 Chair Templeton: Great thank you very much.

11 **Oral Communications**

12 The public may speak to any item not on the agenda. Three (3) minutes per speaker.^{1,2}

13

14 Chair Templeton: We still have no one as an attendee so Oral Communications are going once,
15 going twice, alright. I guess we should close that portion of the meeting and review the agenda.

16

17 **Agenda Changes, Additions, and Deletions**

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

19

20 Chair Templeton: Are there any changes, additions, or deletions to the agenda?

21

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1 Ms. Rachael Tanner, Assistant Director of Planning: I have no changes or deletions to suggest

2 Chair.

3

4 Chair Templeton: Alright.

5

6 **City Official Reports**

7 1. Directors Report, Meeting Schedule and Assignments

8

9 Chair Templeton: Let's move on to the City Official Report then, thank you.

10

11 Ms. Rachael Tanner, Assistant Director of Planning: Great and I just want to share one cool

12 Zoom trick that I learned while listening to the budget hearing surprisingly; which is that if

13 you're on mute and you click and hold your space bar, it will let you talk, and when you un-hold

14 your space bar you go back on mute. So, I thought that was really cool so I figured I would share

15 it with you all. You may already know that because you may be Zoom aficionados but

16 something new to pass along.

17

18 Well I do want to give a little bit of an update on what we just heard today, if you were listening

19 in and if you weren't, from the City Council regarding the Planning and Transportation Budget.

20 And we do have both... and Sylvia Star-Lack and Nathan Baird on the line from the Office of

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1 Transportation. So, they can update on transportation both budget-wise but also in regard to
2 different initiatives that they've been working on. So, one of the things that Council did vote to
3 actually do... so as I was mentioning before we got started, the way the Council is approaching
4 the budget is they are both making motions to maybe add different items back into the budget
5 or to remove them from the budget and then voting on those with the majority vote. So, four
6 votes to carry that motion and to have that become part of the proposed budget that will be
7 adopted. I believe they're meeting yesterday, today; they may find another third time to meet.
8 They'll have their meeting next Monday and the goal is that by the 26th of May they're... the
9 Staff are able to bring back all of their proposals and adjustments and everything back for
10 consideration. And then work on those kinds of proposals through June 22nd when the budget
11 for the next fiscal year will actually be adopted. And I'm sure many of you have heard that the
12 deficit that we're planning for is \$39 million so a fairly significant impact to the City over the
13 next year or two.

14

15 But we're very fortunate that Council did vote four to three to restore the Long-Range Planning
16 and Housing Program to its full budget. And so that means we hopefully can move forward with
17 some additional work in the Long-Range Planning and Housing functions in the Planning and
18 Development Services Department.

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1 We also had a parking lot item which is to look a little bit closely at our Inspection Services and
2 as you may know when folks are looking to open up buildings or move back into their buildings
3 or start new businesses there are inspections needed. And so, we had proposed in the budget a
4 50 percent reduction in our Inspection Services in order to try to balance the budget. And so,
5 kind of taking a look at what we can do to maybe either restore some of those or monitor those
6 or try to ensure that there aren't disruptions as folks are opening their business. So that's a
7 parking lot item we'll be working on and bringing back.

8

9 Coming up in the future, in just 2-weeks on May 26th, we are going to have our first virtual
10 NVCAP meeting. So, we're really looking forward to getting together. We're trying out a 2-hour
11 meeting instead of a 3-hour and hopefully being able to really share feedback from all the
12 working group members on the proposals. Both the proposals shared by the working group
13 members and designed by them as well as the proposals prepared by the professional planners.
14 And so, we'll kind of get a really... really a round-robin discussion and then also plan for how we
15 can meet in June. So, I'm really excited about that. I'm a little nervous for the Zoom meeting
16 but if the XCAP can do it successfully I'm very confident that NVCAP can also have a successful
17 virtual meeting. So, if you want more virtual meetings, Tuesday May 26th from 5:30 to 7:30 you
18 can tune in for a little bit or for a little bit of time... a lot of time if you choose.

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1 Also, happy to report just in the operations of our department we have released... switched on
2 our online permitting system. And so, folks are submitting applications both for planning, for
3 building and also other departments like fire, utilities online. I mean we're really able to serve
4 our customers virtually so we're really excited about that. If you have friends, colleagues, who
5 are thinking about doing home improvements or other work, we're open for business 24-hours
6 a day really online. And in addition, construction has been allowed, so since we last met I
7 believe the construction... the Shelter in Place has allowed construction activities of all kinds to
8 move forward in our county and in our City. And so, we're doing inspections, we're out there in
9 the field helping those projects move along.

10

11 Coming up to City Council next week we do have one informational item which is an ADU
12 Quarterly Report. And just you can look at the report right now, it's already published as an
13 informational report on the City Council agenda. Just to give you a sense, in 2015 we had 10
14 new applications filed for Accessory Dwelling Units and in 2019 we had 75 applications filed for
15 Accessory Dwelling Units. And later this month you will have an item that's looking at even
16 streamlining further our ADU Ordinance. And also, we hope to make some other changes to
17 hopefully make it easier for folks who want to get ADUs developed and approved. That we can
18 help them with that.

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1 There's also going to be an Appeal of a Director's Decision of an IR, a two-story home, that will
2 be on the Council Consent agenda on Monday on the 18th. And then we will be bringing forward
3 some more items to the City Council in June which I can update you on later.

4

5 So, with that I'm going to turn it over to Nathan Baird and to Sylvia Star-Lack from the Office of
6 Transportation.

7

8 Commissioner Riggs: Can I interrupt before we do that?

9

10 Ms. Tanner: Yes, if there's any questions or comments.

11

12 Commissioner Riggs: No, Rachael, I just wanted to say how excited... this is Commissioner Riggs.
13 How excited and proud of you I am and the department for doing the virtual permitting and
14 really scaling out fast. I think that's really important. We've talked about it in theory in
15 academia for a long time and it's just amazing to see how quickly you've gone to e-permitting
16 full force. So, kudos to you and the rest of the Staff. I think it's really important.

17

18 Ms. Tanner: I will take that and I will share with the Staff. There are many people who've been
19 thinking about this for, as you said, a couple years even. And it's the groundwork they laid we

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1 were really able to say ok, now's the time, let's do it. So, we're really happy and I will share that
2 with them. They'll be very... feel that very warmly so thank you very much.

3

4 Chair Templeton: It looks like Commissioner Lauing also has a comment.

5

6 Commissioner Lauing: Yeah, I just wanted to add that I was watching the section of the budgets
7 for Planning and Transportation today and a lot before that too. But I just wanted to comment
8 that the four-three vote doesn't mean the sentiment was four-three. It was substantially
9 procedural in the sense the three who voted just wanted to look at it later in the context of all
10 other adds. But I think there was general agreement that we needed the person there who was
11 going to help drive and think about housing policies. So, I just wanted to point that out.

12

13 Ms. Tanner: Yeah that's a great comment. There's been a little bit I think of discussion about
14 what it means to have something to go to the parking lot and what it means to have it be an
15 actual budget recommendation. So, I think that may continue unfortunately.

16

17 So, if there are no other comments (interrupted)

18

19 Chair Templeton: Alright.

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1 Ms. Tanner: Or questions do we want Chair, to hear from the Office of Transportation?

2

3 Chair Templeton: I think it would be great to go over to the transportation team. Thank you.

4

5 Ms. Sylvia Star-Lack, Transportation Manager: Nate, do you want me to go first, or do you want
6 to go?

7

8 Mr. Nathan Baird, Transportation Manager: Why don't you go first. I think you can probably
9 give the fuller update on the Council proceedings the last couple of days, as well as I, think your
10 items were a little bit more discussed a little bit more as well.

11

12 Ms. Star-Lack: Ok, well I don't... I can't begin to summarize the Council... the Council meetings
13 for the budget. It's been... but it has been really emotional and intense. It's a... they have a very
14 heavy lift. I don't envy them. What I did gather from today's meeting is that it looks like the
15 crosstown and possible the Embarcadero Shuttles will both be cut. And we did have a parking
16 lot item and that is to revisit TMA funding and how much it will receive for next year. That's my
17 very short update on budget that... that's I think... did I miss something else in there? I think
18 (interrupted)

19

20 Mr. Baird: That about covers it. I think I'll talk about parking a little bit.

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Ms. Star-Lack: Yeah, I'm going to let you handle the parking piece. Ok, great, so then I have two program updates. The first is that... and some of you may know this, hopefully, you all know this, that we did launch last Friday our new Shared Street Pilot Program. The program reserves selected streets on our bicycle network for local traffic only. And the idea is to reduce through traffic so that pedestrians, bicyclists, and other non-motorists can maintain physical distancing while exercising or using the street. So, they can pass each other and have fewer conflicts with vehicles. We also included on that website an online survey for feedback and for folks to recommend other streets on our bike network for this kind of treatment. And I wanted to give you a couple results from the summary so far. About 50 people have responded, so it's not a lot so take it for what it's worth but 85 percent of the total responders have used these streets for one... at least one of these streets for walking or exercise, 89 percent of the responders think that residents are often or occasionally using the roadway on the shared streets to maintain physical distancing so people are actually using the space, 58 percent of the responders have noted less traffic on these segments and 63 percent of the responses shared that the Shared Streets Program made these streets feel more safe and inviting for walking and bicycling. And then 50 percent of the people who responded did suggest additional streets to be included. And then I just have a couple samples of feedback that... direct feedback people said. "Please keep on supporting alternatives modes of transportation", "we've seen with COVID how pollution and harmful emissions got reduced", "we're hoping we can keep doing that after we

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1 go back to normal'. Someone else said "I'd love to see this be more permanent and for Cal. Ave
2 to become a completely car-free zone, an enjoyable public space", and someone else said,
3 "sidewalks are often too crowded making it nearly impossible to maintain distancing without
4 walking in the center of the street." So, people are using these streets and they like it so that's
5 my first update.

6

7 My second update is (interrupted)

8

9 Commissioner Riggs: Hey Sylvia?

10

11 Ms. Star-Lack: Yeah?

12

13 Commissioner Riggs: Before we move on I want to... I just... I again want to just provide
14 encouragement and positive feedback. I mean this has been... most people don't know, this has
15 been my primary research area for 15-years; particularly studying Dutch streets. And so, I
16 couldn't be more proud of Palo Alto of working forward with kind of a naked street, Hans
17 Monderman, type concept. So, congratulations to Staff for the record. Thank you so much for
18 pursuing this.

19

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1 Ms. Star-Lack: Thanks. The... and this next item really enhances the Shared Streets concept and
2 really supports everybody right now as we're sheltering in place and I mentioned it last week.
3 Our Safe Routes to School team has been focusing on revamping how they're delivering
4 support to the community on education evaluation and they've launched four new things. One I
5 mentioned last week but I have an update. They launched an on-grid... online module of...for
6 our 5th Grade Bicycle Safety Education Program. We normally go into the schools and educate
7 kids face to face but we can't do that now and now it's online. We've wanted to do it for many
8 years. This module launched last week and its seen more than 100 students accessing the
9 curriculum. The 8th grade Getting to High School online module is going to launch soon so I'm
10 looking forward to that.

11
12 The third item is that our Biking from Preschool to Parenthood adult presentation has been
13 shared with about 50 students and they're families. So, we are really experiencing some
14 interest from really young families in how to adopt a biking lifestyle early when they have little
15 kids. So that's great and we also... our final offering is the new one-on-one virtual and
16 optionally bilingual if you speak Spanish, you can do this in Spanish, Bike Safety Consultations.
17 And these are intended to address the significant growth in family bicycling we're seeing right
18 now across Palo Alto. And the team can arrange phone or Zoom consultations with parents who
19 would like the Safe Routes to School Team to discuss rules of the road, biking safely in Palo
20 Alto, and setting families up for success. Sometimes helping them with equipment choices

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1 while accommodating shelter in place with they're children and families. So, we're very excited
2 about all of those things. Thank you.

3

4 Mr. Baird: Ok (interrupted)

5

6 Chair Templeton: Thank you so much. If any Commissioners want to make comments, can you
7 raise your hand, and after we hear from Nate we can go to your comments. Thank you.

8

9 Mr. Baird: Ok so this is Nate again. I think part of what I need to do is... today is just kind of
10 introduce myself again. So again, I'm Nathan Baird, I am your new Parking Manager. It's been a
11 very interesting couple months for me. I started on the first week of our Shelter in Place Order
12 and have been working remotely for my entire time. So far, it's been interesting learning how
13 to communicate with the team via entirely online channels, chat, and other sorts of Microsoft
14 teams functions I didn't know existed. [note - They] have all been much more useful than I
15 would have thought they would have been just 3 or 4 months ago. But it really has been helpful
16 to have chat tools, video channel tools, and so it's been interesting to get up to speed on in a
17 new place in a new way as well.

18

19 I've spent 10 some years in transportation roles at local Cities. Previously I worked at the City of
20 Mountain View, prior to that I was in Southern California and worked at both L.A and Long

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1 Beach in transportation roles. This is my first venture into parking and it's been an exciting one.
2 I've been pouring over 5 to 10-years of Palo Alto documents related to parking. So, no shortage
3 of great ideas and great recommendations to help our systems improve. With that said we have
4 a lot of work on parking in terms of getting ready for when the economy does get back, for
5 when we do turn our parking regulations enforcement back on. And so, May 27th, your next
6 meeting, I'll be bringing a fuller update on progress made on our Parking Working Plan items as
7 well as some strategies and policies Staff have been thinking through about how to streamline
8 those and put those in place in a way that makes sense once the economy starts to come back
9 online and once parking becomes again a very important resource for the City. So that's my
10 introduction, I look forward to spending a little bit more time with you all next time.

11

12 Chair Templeton Thank you both so much. Nate, just to reiterate how happy we are to have you
13 onboard and joining a wonderful team with Sylvia and Philip and the rest of the folks in
14 transportation. I would suggest that people in Palo Alto are very interested in parking and so
15 you're going to have a lot of engagement once they COVID Shelter in Place lifts. So that will be
16 great to speak with the community on that.

17

18 Mr. Baird: Yeah, I suspect that we will have way more attendees next time.

19

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1 Chair Templeton: More than likely and Sylvia, I wanted to say how much I appreciate that you
2 are adapting so quickly in rolling out the program about the protected streets. So quickly and
3 that you're getting wonderful feedback on it. I love that you're already measuring it, the
4 feedback, as close to rolling it out as possible. I think that's wonderful, that we should do more
5 things like that. So, I just wanted to acknowledge that as well so thank you. And it looks like
6 Vice-Chair Roohparvar has a comment.

7

8 Vice-Chair Roohparvar: Sylvia, I really have appreciated the street closures. I actually... the Ross
9 Road one, I walk on it every single day with my daughter. I take her down with the stroller. I've
10 seen a lot more people using it. It's been really cool. I had a question for you and this is just you
11 know I think I have it right but there's a sign that says closed to through traffic. So, cars can't go
12 through but that means local people, Palo Alto people, can still drive through, right? That's the
13 point of it.

14

15 Ms. Star-Lack: Yes. Yeah, yeah, it's (interrupted)

16

17 Vice-Chair Roohparvar: And we all know that but outsiders don't and that's how we
18 (interrupted)

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1 Ms. Star-Lack: Well through traffic is a term. I... we... I think that that's a... that might be a sign
2 that is an official sign and the sign... in traffic signage world there are certain words you can use.
3 We could have... I don't know if we could have put down something that said local traffic only. I
4 don't think you can say that. I actually don't think you can say that but all of... if you look at the
5 website, which is our same... our usual website www.cityofpaloalto.org/sharedstreets, there's a
6 listing of what is allowed and what's not allowed on the street. And we are allowing residents,
7 we're allowing deliveries, we're allowing mailman, we're allowing emergency services, all of
8 those things that still have to happen but we're really encouraging people who don't need to be
9 there to use a different street. And at the very least we're letting folks know you should expect
10 something different happening on this street.

11

12 Vice-Chair Roohparvar: Yeah, it's actually been kind of fun. It activated the street and a lot of
13 locals go walk through it and I don't know it just takes away some of the loneliness during this
14 time but thank you.

15

16 Ms. Star-Lack: Yeah, I... yeah, I walked on it. I live in Mid-Town, I walked it on my Monday so
17 yeah, I saw that.

18

19 Chair Templeton: Excellent. Any other comments, raise your hand? Alright well thank you for
20 the Staff reports.

-
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Ms. Star-Lack: Thank you.

Mr. Baird: Alright thank you.

Chair Templeton: Alright I think it's great that the transportation team has been more active in our PTC meetings so that's wonderful news as well.

Study Session

Public Comment is Permitted. Five (5) minutes per speaker.^{1,3}

- 2. STUDY SESSION/PUBLIC HEARING: Discuss Recommended Approach to Converting Portions of the Palo Alto Zoning Code Pertaining to Review Standards and Criteria into Objective Standards for Development Which Includes Housing Units

Chair Templeton: Alright so let's move onto the study session and who is going to be driving that? Is that Jean or Rachael, did you want to introduce it?

Ms. Rachael Tanner, Assistant Director of Planning: Yeah, I will take a minute to introduce it, thank you Chair.

Chair Templeton: Ok good.

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1 Ms. Tanner: So, we're going to have a presentation this evening, a study session, regarding
2 Objective Standards and as I was joking earlier it's really kind of a planning nerds' topic. So
3 hopefully you are ready to think about the Planning Code and really nuts and bolts of what it
4 means to have a Planning Code and to administer it in Palo Alto. And we have... are really
5 fortunate to have Jean Eisberg who's the owner and principle of Lexington Planning who has
6 been working with our Chief Planning Official Amy French and our current Planning Manager
7 Jodie Gerhardt to really lead this effort. And Jean brings a breadth of experience working with a
8 variety of Cities on policy projects, long-range planning projects, stakeholder projects really
9 from California, and also even to Hawaii. She has just been really instrumental. Even you may
10 recall if you were here when we did our Retail Preservation Ordinance, she was part of bringing
11 that forward. So, she's familiar with Palo Alto and I'm really hopeful or really glad that she's
12 here tonight and working on this project and you guys will get to meet her if you haven't
13 already. And she also has her colleague Chris Sensenig and I'm sorry Chris if I didn't say your
14 name properly. He's really been helping with the design and architect. And so, as Attachment A
15 to the Staff Report you saw an example of how a potential code could look and he's responsible
16 for helping to think about how to make it a little bit more visually communicative. And so that
17 can provide some greater understanding for our applicants.

18

19 So, Jean is going to share her screen, she'll maybe introduce herself a little bit more and we're
20 going to go through her presentation. She will pause at a certain point in the presentation and

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1 the Chair may entertain questions from you all and then she'll continue on into Part Two. Part
2 One is kind of the context setting, what are we here to talk about, and some of the bigger
3 background. Particularly around legislative changes that have occurred that are precipitating
4 this work happening.

5

6 And then she'll get into those five recommendations that are part of the report and so if you
7 need a refresh yourself on those recommendations she'll go over them, but on Page One of the
8 Staff Report towards the bottom they're listed in that Executive Summary. Those are really the
9 five things we really hope to get your feedback around and while we think we're all fans of
10 efficiency, this is our only agenda item tonight. So, we can really hopefully dig into some of the
11 nuts and bolts. And last thing I'll say is if you feel overwhelmed or confused by any of this,
12 you're not alone. There's a lot here. It is like spaghetti in a trench and kind of untangling it to
13 see what you've got is part of why we're here in the study session format. So, with that I'm
14 going to hand it over to Jean Eisberg.

15

16 Mr. Vinh Nguyen, Admin Associate III: You're muted, Jean.

17

18 Ms. Tanner: You're on mute. You need to unmute yourself. There you go.

19

-
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1 Ms. Jean Eisberg, Consultant: Ok, there we go, thank you. So, thank you Rachael for the intro
2 and good evening Chair Templeton and Members of the Commission. I guess I am a planning
3 nerd, I also like spaghetti so I'm excited to be here to walk through Objective Standards. I'm
4 going to go ahead and share my screen. There we go.

5
6 So as Rachael said I'm here tonight with Chris Sensenig who will be available to answer
7 questions when we get into any more design topics. And also, as Rachael said, we're breaking
8 this presentation into two pieces. First to provide an overview of what this project really is and
9 then the context of why we're doing it. Particularly the relationship to state housing law and to
10 the City's policies. We'll take a break thereafter about a 10-minute presentation to ask any
11 clarifying questions among the Commission. And then continue on to the key issues and
12 recommendation section where we're really looking for your feedback on two of those
13 recommendations; Number One and Number Six so I'll call those out when we get there.

14
15 And then as Rachael mentioned we do have a framework for the design standards that we
16 wanted to present to you and as she mentioned there's an attachment in the Staff Report that
17 goes through one of the sections. And we don't want to go through the nitty-gritty of design
18 tonight and talk about dimensions. There will be a place for that later down the line but the
19 idea tonight is to frame the problem for you. And so, this is not your... not the last time you'll
20 see this but really just this is just the beginning of your efforts here.

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1

2 So tonight, we're just looking to present the project to you and get your preliminary feedback.

3 We have already done a number of brainstorms with City Staff including front planning counter

4 Staff on how they use the ordinance and their relationship between Objective Standards and

5 the City's Design Criteria which tend to be more subjective. We've met with the ARB twice now

6 and so that's how we've developed this Objective Standards framework and I'll talk a little bit

7 more about the ARB's feedback. And so here today we're just checking in with you about where

8 we are in the process and we'll be back later in this summer or fall with an ordinance for your

9 consideration and your recommendations hopefully to the Council.

10

11 So, the main problem here is that given the changes in state law, the City's Subjective Design

12 Criteria, subjective regulations are going to be difficult to enforce for some multi-family and

13 residential mixed-use projects. And so that's why we're looking at changes to make standards

14 more objective. And so, the outcomes of the objective of this project, first and fore more, are to

15 translate those context-based design criteria into Objective Standards. And in that way to really

16 capture the City's design intent as Objective Standards because otherwise we may not be able

17 to continue to enforce them for certain types of projects. So, while we're doing that we also

18 want to identify new Objective Standards where concept may be missing. Chris may mention

19 this later but one of the things that the code doesn't really get into right now are windows for

20 example. We're also looking to do some reorganization of the Design Standards and you'll see

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1 this appear in the recommendations later on but to make a more logical organization of the
2 code both for Staff, for applicants, and for decision-makers. And then the last two, adding
3 graphics and an architectural review checklist to make sure that things don't get missed during
4 the review process and to just clarify and help illustrate what some of these standards are
5 which can sometimes more easily be shown in pictures. And then lastly, some of this as we'll
6 talk more about some... this requirement for Objective Standards are coming from recent state
7 law from SB35. And so, part of this process we've developed a draft application for SB35 to
8 clarify what the City will require if an SB35 application comes in in terms of submittal
9 requirements.

10

11 So, what is this project apply to? So, if you think about Objective Standards right now today in
12 the Comp Plan, in Title 18, in the SOFA CAP Plan, other adopted policies, there's a variety of
13 Objective Standards that apply to all projects. Whether their commercial projects or residential
14 projects and those would continue in the future. So, our focus for this project are amendments
15 to the Zoning Ordinance, to Title 18, and primarily for multifamily housing which we define as
16 two or more units and for residential mixed-use projects so if you have a residential over
17 ground floor retail. And so, we're really addressing the RM Districts and the C Districts. The
18 Downtown CD District, CM, CS, so you can think about California Avenue, San Antonio, El
19 Camino Real.

20

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1 Now, what is an Objective Standards? The quote up top on this slide is from state law. These
2 are standards that involve no personal or subjective judgment, the uniformly verifiable, and
3 they're known prior to submittal. So, one simple example here is just a front setback. A front
4 setback is defined in the Zoning Ordinance, 10-feet, we all can understand what that means. So
5 front setback shall be a minimum of 10-feet, that we consider an Objective Standards.

6
7 On the other hand, what are Subjective Criteria or Subjective Standards? Two examples here,
8 one from the Performance Standards in the City's Code. Parking should be broken up into
9 smaller groups of spaces to avoid large expanses of parking. There're different ways that we
10 could interrupt this. How many spaces constitute the smaller group of space? What constitutes
11 a larger expanse of parking? That's a debatable criterion. Likewise, many of the Context Based
12 Design Criteria in the code are also subjective. So here scale and massing should be compatible
13 with the existing pattern of building. That's not a clear measurable criterion and its subject to
14 interruption so we consider it subjective.

15
16 So, this is showing how the current regulatory framework is in the City. So, the City regulates in
17 Title 18 uses, regulates Development Standards, parking, the Retail Protection Ordinance. Many
18 of those sections of the code are objective. However, other sections of the code and other ways
19 we regulate development are so far subjective. The Conditions of Approval for example may
20 include both some objective criteria that emanate from the code but also criteria that are

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1 applied say by the ARB during the review and approval process. Now those again, are if we
2 think back to the legislative definition, those are not knowable prior to application. On the
3 bottom three rows there the Context Based Criteria as I mentioned are mostly subjective.
4 Certainly, legislative action are discretionary actions when you're applying an overlay or
5 changing the zoning. Discretionary actions by the PTC and Council and then lastly ARB Findings
6 are likewise Subjective Criteria.

7

8 So, what we're looking to do here is to establish standards that implement the intent of these
9 existing Subjective Criteria. So, taking the ARB Findings, taking the Context Based Design
10 Criteria, and making them objective. That doesn't mean that those criteria... excuse me, that
11 the ARB Findings go away. Those would still be used and we'll talk a little bit more about which
12 projects those could apply too and, in a way, they can continue to apply to all projects that go
13 towards the ARB. It's just in the way that they're... they can be applied to a project.

14

15 So, the next piece of this first part of this presentation is the policy context. So first the Housing
16 Accountability Act, this is a state law that's been on the books for almost 40-years but it's
17 starting to be invoked more and more by developers. You may have heard about Cities getting
18 sued on the Housing Accountability Act. And some of the recent state laws over the last couple
19 of years have continued to strengthen the Housing Accountability Act in an effort to facilitate
20 housing development and specifically affordable housing development. So, what the HAA says

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1 is that when a project applies... excuse me, when a project complies with Objective Standards, a
2 City cannot deny it, reduce its density, or make it infeasible unless the project would have a
3 specific adverse impact which is narrowly defined in state law; things like environmental issues,
4 historic resources. So, this act applies to all housing development projects which the City
5 interrupts to mean two or more residential units. So, the HAA does not apply to single-family
6 residential. Additionally, a project must be at least two-thirds residential so where it applies to
7 mixed-use, it would need to be at least let's say ground floor retail and two-stories of
8 residential above.

9

10 So, some examples of how this might apply in Palo Alto, on the left of the screen a multifamily
11 residential building in an RM District that complies with all Objective Standards. That would be
12 an HAA compliant project. Likewise, a mixed-use project that's two-third residential in
13 downtown or a State Density Bonus project which gets waivers and concessions to reduce say
14 parking or reduce... excuse me, increase the height limit would also be covered by the Housing
15 Accountability Act. And then lastly, an SB35 streamlining project would also typically be
16 covered by the HAA. Where it doesn't apply, on the right-hand side here, say you had one-story
17 of residential over ground floor retail. Well that's less than two-thirds housing and so the HAA
18 wouldn't apply. Likewise, projects seeking rezoning and concurrent architectural review would
19 not... the HAA would not apply. That's a discretionary and legislative action. And then the

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1 Housing Incentive Program, again that requires Discretionary Review. Likewise, a project
2 requesting a reduction in parking spaces. So just a few examples of the HAA.

3

4 The SB35 project streamlining, some of you may be familiar with this. It went into effect last
5 January 2019 and this allows projects that are least two-thirds residential and projects which in
6 the case of Palo Alto have at least 50 percent of their units allocated for low-income
7 households and projects that have consistent zoning and consistent... are consistent with all
8 Objective Standard allowed certain streamlining provisions. And I do want to point out that
9 right now the City of Palo Alto is subject to the 50 percent threshold. That is renewed by or
10 updated by HCD, the Housing Community Development Department for the state, annually
11 based on the City's progress towards the RHNA. So right now, that's where Palo Alto is at. We
12 don't know where Palo Alto could end up in the next couple of years but right now that means
13 that there probably aren't too many projects that are going to come in as SB35 projects. But
14 what those projects get to do is they're subject to administrative approval, a shortened review
15 period, no CEQA review is required, and no Discretionary Review is required. And so, some
16 examples of what that looks like, what could happen is in Palo Alto, a non-profit housing
17 developer could propose a 100 percent affordable project. They can combine that with the
18 State Density Bonus Law project say to get a height waiver or a parking waiver and that could
19 be an SB35 project. The less likely scenario right now, the second bullet, would be that market-
20 rate developer teaming with an affordable housing provider doing a 50 percent affordable, 50

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1 percent market-rate project with at least two-thirds residential. But again, the point here is that
2 these projects have to comply with the Objective Standards so understanding what those are is
3 an important consideration.

4
5 The next key housing law is something that went into effect in January, SB330. Two important
6 elements here, first this prohibit jurisdictions from opposing new Subjective Design Standards
7 established after January 1 of this year. That does mean that existing Subjective Criteria can
8 continue to be applied but new standards must be objective. And then second it prohibits
9 jurisdictions from enacting policies that would change current zoning and General Plan
10 designations where housing is an allowable use to lessen the intensity of housing. And so, what
11 that means is that one the City cannot downzone a district unless they showed that a different
12 area was upzoned or sort of counted for those potential losses of residential units somewhere
13 else. For our purposes what this is getting at is that we couldn't make the Development
14 Standards so strict that we were eliminating the possibility for or lessening the intensity of
15 housing in a certain location without accounting for increasing the intensity of housing in
16 another location.

17
18 So, we're almost done with state law and this is maybe the good side of things but this project
19 is funded by Senate Bill 2 which is seeking to provide local governments with assistants to both

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1 streamline housing approvals, facilitate housing specifically low-income housing, and facilitate
2 housing production.

3

4 So how does this all relate to the City's effort? So, we have a number of Objective Standards
5 and we have housing policies in the Comp Plan in the Housing Element and in the Housing Work
6 Plan that the Council adopted a couple years ago. The Housing Workplan had specific action
7 items to strengthen the City's Objective Standards and foresaw some of the changes that we
8 continue to see this year in terms of SB330. But as you can tell from the state laws that I went
9 through, the legislature relying more and more on projects compliant with these Objective
10 Standards to facilitate review and approval. And so, we might continue to see the importance
11 of Objective Standards overtime.

12

13 I did want to mention the zoning update that went into effect about a year ago. It made a
14 number of changes to help facilitate housing production. This project is really aiming to
15 streamline the housing review and approval process. It's a little bit different but one thing that
16 zoning update did last year was eliminate Site and Design Review. So whereas 2-years ago if a
17 housing project with fewer than 10 units was proposed in the City, that would only require
18 review by City Staff and the ARB. Projects with 10 or more units would go to you, would go to
19 the PTC, and the Council regardless of whether this Housing Accountability Act is applied or not.
20 The changes to the Zoning Ordinance last year changed that review process so the way it is now

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1 City Staff is reviewing all projects. The PTC and the Council are only reviewing multi-family
2 housing projects that are requesting a rezoning or application of an Affordable Housing Overlay
3 or Work Force Housing Overlay. The ARB continues to see most projects, most multi-family
4 projects, regardless of the number of units, and then in the case of SB35 projects City Staff
5 would be reviewing those at a ministerial level. So, we think about those various project types
6 with various multi-family and two-thirds residential mixed-use project types. Objective
7 Standards apply across the board. All of those projects will be ensuring that the project meets
8 the Objective Standards but the way that the City can apply its Subjective Criteria are different
9 depending on the project type. So, for SB35 projects, those Subjective Criteria really don't apply
10 at all. For a Housing Accountability Act project, it's a little bit more complicated and that's this
11 asterisk here. So, remembering what that HAA law tells us, a City cannot disapprove a project,
12 reduce its density, or otherwise make it infeasible.

13

14 Ms. Tanner: Jean can I stop you for one second?

15

16 Ms. Eisberg: Yeah, I'm blocked by feed.

17

18 Ms. Tanner: [unintelligible -crosstalk] I think you're maybe stuck. Maybe try turning off your
19 video and then turning it back on and share the screen again.

20

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1 Ms. Eisberg: Ok my Zoom seems to be restarting.

2

3 Ms. Tanner: Ok.

4

5 Ms. Eisberg: If you can give me a minute. It was such an exciting slide too.

6

7 Ms. Tanner: I know. It's the combination of all the previous slides.

8

9 Ms. Eisberg: I'm going to restart here.

10

11 Ms. Tanner: Ok.

12

13 Ms. Eisberg: Let's see. No. Ok we're reconnecting. Bear with me. Ok are you able to see my
14 screen now? Ok great.

15

16 Ms. Tanner: Yes, we do see it.

17

18 Ms. Eisberg: Ok so I was at the second row here so a little more complicated for the Housing
19 Accountability Act project. For example, the ARB could still talk about those Findings, they could
20 talk about the Design Criteria, but they cannot use them... at this asterisk, cannot use them to

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1 disapprove a project, reduce its density, or make the project infeasible. For these other types of
2 projects, the ARB would be using their Findings, would be using Design Guidelines to comment
3 on projects, and potentially recommend changes to projects.

4

5 So, a segue and before we just break here for a minute, I wanted to talk about the feedback
6 that we got from the Architectural Review Board when we met with them in February. And for
7 first most Board Members were concerned that Design Standards would be overly prescriptive
8 and would restrict the influence of character, of context on enabling high-quality designs. So,
9 there was just this overall sense of concern about being too prescriptive. They did want to
10 regulate and address transitions between height and uses which right now is captured in the
11 Context Based Design Criteria in terms of Compatibility guidelines. However, they recognized
12 that it's just really challenging to create a one size fits all standard for different types of uses
13 and locations. Third and this is one of the tensions that maybe some of you are feeling too.
14 Some Board Member were concerned about the concept of creating strict standards. We talked
15 about things like zero shadows being allowed to be cast or specific types of materials that were
16 allowed to be used, but allowing exceptions if an applicant agrees to go through Architectural
17 Review so sort of as a way out. Other Board Members were concerned that this would be
18 conservative and restrict housing development altogether. Still, other Board Members
19 supported more flexible options such as a menu of choices which you'll see we'll talk more
20 about in the second half of the presentation. And then lastly there was a desire to allow for

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1 some flexibility for affordable housing. Particularly around things like regulations for materials.
2 If we end up regulating materials, making sure that the requirements don't get too expensive.
3 And then lastly there was a fair amount of agreement about basic good design principles that
4 could apply to all types of projects. For example, the length of a façade as one example.

5

6 So, I wanted to pause there and ask the Chair if you'd like to ask any questions.

7

8 Chair Templeton: Thank you. So just to remind folks that if you need to use the raise hand
9 function you can access that by clicking on the participant's icon that people and the number
10 beside it. And then there's a raised hand button there but if you're dialing in by phone I believe
11 it's *9 will cause you to raise hand. So, if you have any questions for Jean about the
12 presentation so far. So, let's give folks a moment to chime in if they have questions. Alright,
13 seeing none we will move on. Thank you very much. It's obviously a sign of a very good, clear,
14 well-organized presentation so thank you Jean.

15

16 Ms. Eisberg: Ok great. So, as we're getting into the next section I do want to say that the
17 legislature is not requiring that we adopt Objective Standards but that, again, for certain types
18 of projects they can't necessarily be enforced. And so, if we did nothing, that would be ok, it's
19 just that we don't have... and we don't have the opportunity to continue the intent and the
20 desire for Design Standards that right now are captured by ARB Findings.

-
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1

2 So, I'm going to go through the six recommendations that are mentioned in the Staff Report.
3 Some of them may sound perfunctory. I think they are a little bit more directed at Staff and
4 applicants but I do want to focus your attention a little bit more on the first recommendation
5 and the sixth recommendation.

6

7 We'll remind you when we get to the last one but the first one is really at the heart of the
8 project here which is revising the Context Based Design Criteria as Objective Standards. As I
9 mentioned with ARB, we had this little tension between whether to be more conservative or
10 more flexible. And so, this is where we've landed in terms of our recommendation after
11 discussions with ARB and Staff. So, the way it is now many of the Design Criteria are subjective.
12 So, bullet one, where guidelines can be easily transformed into Objective Standards by adding a
13 dimension or a measurement, and we would use that approach. Bullet number two, many
14 guidelines just don't lend themselves to that unit of measurement. I mentioned compatibility,
15 garage context, things like that. So instead we could develop a number of options for standards.
16 You can see at the right-hand side of the page a menu of options for active ground floor
17 residential or instead of meeting the standard if for some reason the developer or the architect
18 didn't want to meet that standard. It didn't make sense for that project. They could instead
19 meet the guideline, the intent statement and that would be as determined by the ARB, and so
20 in that way the applicant is choosing to go through that Discretionary Review for that certain...

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1 excuse me... for that certain design topic. So, the idea here is to aim to create reasonable
2 standards. Not conservative, not overly prescriptive.

3

4 So, Recommendation Number Two is to streamline Design Standards. So right now, many of the
5 Design Criteria are repeat as many as four times across the code in different zoning districts. So,
6 we recommend removing those redundancies in part by reorganizing the Design Criteria into its
7 own standalone section which happens to be recommended as 18.24. The way we're thinking
8 about this is that most of those Design Standards apply to multi-family and mixed-use
9 residential projects across the board but that there may be some additional standards for
10 certain types of uses. Particularly where you have 100 percent residential versus ground floor
11 retail in certain locations. For example, El Camino Real has a standard for a 12-foot sidewalk.

12

13 And then Recommendation Number Three, if you think about the code there are also a number
14 of development regulations in other sections of the code. Performance Criteria in 18.23,
15 General Standards in 18.40 that address landscaping, open space, refuge storage. Things that
16 are design-related but they're scattered in different parts of the code. And so, something that
17 we talked about with Staff is that there are things that sometimes easily get missed or just
18 don't quite... excuse me, don't quite make sense in that section. So, this is going to relate to the
19 next recommendation but here we're recommending that we make sure that all of those
20 standards are objective so that can be used in a review of an SB35 or HAA application. And then

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1 potentially relocating those standards in a way that they are easier to find. For example, in the
2 Performance Standards chapter there are... there is a subsection about parking design and so
3 one thing that we review with Staff is that it may be more appropriate located in the Parking
4 Facility Design Section of the code. So, in this way we're recommending eliminating 18.23,
5 Performance Standards, and moving those regulations into different sections of the code where
6 they make sense. So again, this is seeking to reduce redundancies, inconsistencies, and lack of
7 clarity to help Staff and applicants through the application process.

8
9 The Fifth Recommendation is fairly simple but just the idea of using more graphics to illustrate
10 standards. Right now, the City does use graphics outside of the code for single-family homes in
11 a user's guide that front line Staff use at the counter. There are graphics in the Context Based
12 Design Criteria. This could be... these graphics could be part of the code or they could be a
13 stand-alone section outside of the code but just help both applicants understand what is meant
14 by a standard and help Staff in the interpretation.

15
16 So, the last recommendation, Number Six, is also something that we're looking for your
17 feedback on. This is kind of a new idea but rethinking legislative action into Objective Criteria.
18 So, the way that the code is now there are a couple different overlay districts like Work Force
19 Housing Overlay, the Affordable Housing Overlay, that have criteria for when they can apply for
20 above matter... excuse me, for above moderate-income housing in the case of Work Force

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1 Housing, for moderate-income housing in the case of affordable housing but they require this
2 legislative action. They require a review by the PTC and the City Council prior to Architectural
3 Review and so one thing that we can consider is instead of making these legislative actions to
4 essentially make them buy right. Those projects that meet these eligibility criteria could
5 automatically be eligible for the reduction in or the more flexible Development Standards. And
6 so, in this way it's a little bit similar to the Housing Incentive Program that was codified last year
7 in terms of making that link clear between when a project can be eligible for certain more
8 flexible standards.

9

10 So last section of the presentation, I mentioned we provide an example section in the Staff
11 Report for the Design Standards subchapter. And I don't want to get bogged down in the
12 details of dimensions and substandards. We are going to be working with the ARB and ARB
13 subcommittee on those specifics but I did want to present it here so you can see the direction
14 that we're headed and provide any feedback on that. But taking the big picture here in terms of
15 how this chapter may be organized and this is Chris's work. Thinking about starting with the Site
16 Design, the circulation, the access, the site planning, and then looking at the continuum of how
17 we design the site. So, after that big picture looking at the massing and scale, the modulation of
18 a building, and finally the façade articulation and architectural detail. And so, we go from that
19 large urban scale to the fine-grain scale in how this chapter may be organized. Within those
20 bigger topics you can see that the sections on the right-hand side of the table that we're

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1 proposing for how to organize this chapter. And within each topic we would have an intent
2 statement that emanates from the ARB Findings, from the existing Design Criteria, and then you
3 essentially have two paths for how to meet the Objective Standards or that intent statement.
4 So, one, you can choose to meet the Objective Standards which sometimes could meet a
5 Dimensioned Standards, other times may mean this menu of options where you're choosing
6 between one, two or three options or if for whatever reason the developer or the architect
7 doesn't want to meet that specific standard. You're instead choosing to go through the ARB
8 review where the ARB determines whether you've met the intent of that design topic.

9

10 So, the example in your Packet is a section on façade design and here you have an example of
11 an intent statement. This again is coming from some of the language of the existing Context
12 Based Design Criteria. And then you have one example of a standard and in this case, it's a
13 menu of options. So, in the middle of the page here, current Context Based Design Criteria, this
14 particular criterion is relating to a building having a base, body, roof. A base, middle, and a top.
15 And so, this idea you have this menu of options where a developer would choose from one
16 variation in building modulation to meet the intent of the façade design intent statement that I
17 showed on the previous page. So, you could choose to make horizontal shift, an upper floor
18 step back, or a ground floor step back and the idea is that these... you're only selecting one and
19 that these are Objective Standards.

20

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1 So next steps in the process, I'm just repeating this graphic that I showed upfront. After
2 tonight's meeting and based on your feedback we'll be going to work with the ARB and the ARB
3 subcommittee on reviewing the complete draft standards and reviewing a preliminary draft
4 ordinance. And then we would be coming back to you probably this fall with a draft ordinance.

5

6 So that concludes my presentation and I'm happy to answer any questions. Thank you.

7

8 Chair Templeton: Thank you very much. So, the structure of how the rest of the conversation
9 will go is that Commissioners who have technical questions should raise their hands, we will
10 acknowledge them in order, and then we will check and see if we have any public comment.
11 And then we get into the discussion and so does anyone have any technical questions or
12 questions around the presentation material itself? Alright I see three; Commissioner Alcheck,
13 Lauing, and Hechtman. Commissioner Alcheck.

14

15 Commissioner Alcheck: Yeah, actually, I'm going to save... I meant to uncheck that. I'm going to
16 save my question for Staff after I guess public comment. It's not... I don't know if it qualifies as a
17 technical question so I'll just wait.

18

19 Chair Templeton: Ok. Alright, thanks. Commissioner Lauing.

20

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1 Commissioner Lauing: My first question is could you define what technical is in the context of
2 this discussion?

3

4 Chair Templeton: So, any clarifications on the materials presented versus opining.

5

6 Commissioner Lauing: Ok in that case I want to start with Page One because you said something
7 about two-thirds of the way through your presentation that I was... I didn't think was squared.
8 The whole idea here is to come up with Objective Standards and you want our input on that.
9 And it says they're needed to fulfill requirements under Senate Bill SB2 etc. And in your
10 presentation, you said it's ok if we do nothing so I didn't quite understand that. So, if you could
11 start there and I have a couple after that.

12

13 Ms. Eisberg: Sure, so to clarify let's say an SB35 project came through the door and to review
14 that, that project is only required to meet Objective Standards. If the City had no Objective
15 Standards then it wouldn't need to meet any of them. So, if that project comes in the door
16 today, it's required to meet all of the Objective Standards that are currently on the books. So,
17 you can think about setbacks, height, FAR, residential density. So those could continue to be
18 addressed going forward, however that project would not be required to meet the Design
19 Criteria, it would not need to be evaluated according to the ARB Findings. And so, the thing that
20 gets lost is if... the City's design priorities essentially could get lost if we don't adopt Objective

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1 Standards that are specifically around design that are intended to translate those Objective
2 Criteria into Objective Standards. I hope that helps clarify.

3

4 Commissioner Lauing: Yes, it does. A couple other questions I think are qualified in this section.
5 Under the SB35 with 50 percent affordable is there a codified definition of what affordable is
6 there?

7

8 Ms. Eisberg: Yes, those are low-income units so that's at least low. It could be low or very low
9 but at least low income.

10

11 Commissioner Lauing: Ok but those come out to be certain numbers right, in terms of current
12 medium income?

13

14 Ms. Eisberg: That's right. I don't want to get this wrong. Low income is either 60 or 80 percent
15 to AMI. I do not remember off the top of my head.

16

17 Commissioner Lauing: Ok and then the second paragraph (interrupted)

18

19 Ms. Eisberg: [unintelligible – interference]

20

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1 Commissioner Lauing: You're defining essentially the penalties if they come back and say we
2 haven't made a good enough progress on RHNA numbers, correct?

3

4 Ms. Eisberg: That's right so if (interrupted)

5

6 Commissioner Lauing: Packet Page 12.

7

8 Ms. Eisberg: The City either... if the City either does not submit its annual report of how it's
9 doing towards it RHNA or it doesn't meet certain aspects of its RHNA on a year to year basis. So,
10 then it could get pushed into the 10 percent category in which case a developer would only
11 need to provide 10 percent low-income units in order to have an eligible SB35 project in
12 addition to all of the other SB35 eligibility criteria.

13

14 Commissioner Lauing: Ok. I think that's all that would qualify in this section.

15

16 Chair Templeton: Thank you. Commissioner Hechtman.

17

18 Commissioner Hechtman: Thank you. This is really a process question so attached to the Staff
19 report is Attachment A. There's a sample of objectifying some of the Objective Standards into
20 and quantifying various things. And I think I understood you to say one of the next steps of this

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1 process is going to be working with either ARB or a subcommittee of ARB to I think to come up
2 with those quantifications such as how many feet of setback for a particular situation of
3 massing and so my question is, is that process going to happen before this come back to the
4 PTC so that when it comes back to the PTC we'll see that ARB work?

5

6 Ms. Eisberg: Yes, that was our thinking.

7

8 Commissioner Hechtman: Thank you.

9

10 Ms. Tanner: Just to add to that Commissioner Hechtman and Jodie Gerhardt is here if you have
11 other questions for the ARB. She does run our current planning and our ARB but they're going
12 to have a subcommittee that will be focusing, kind of really rolling up their sleeves or sharpen
13 their pencils, I'm not sure maybe getting out some rulers to help with that process.

14

15 Chair Templeton: Alright Commissioner... I mean Vice-Chair Roohparvar followed by
16 Commissioner Summa.

17

18 Vice-Chair Roohparvar: So that slide that you had where you said a topic-based they can
19 choose... a developer can choose to go Objective Design Criteria or subjective. The intent
20 statement, so that is by topic. So, for example, I just want to make sure I understand this,

-
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1 someone can come say ok windows. I don't want to meet fenestration. I don't want to meet
2 Objective Standards. I'm just going to go to ARB for that, but then for like setback on my front
3 entryway I'm going to meet Objective Standards. Does it go piece mill like that or does it come
4 all in one and then once you go subjective the whole project is subjective with the ARB? I'm just
5 a little bit confused.

6

7 Ms. Eisberg: That's a great question and Albert may want to weigh in too but my understanding
8 of... two different parts of the questions; how it relates to the Housing Accountability Act and
9 how it relates procedurally. So, let's say most like an SB35 project is not going to want to get
10 into the world of intent statements because it takes them out of ministerial approval. So, if they
11 went this route, in effect they wouldn't be meeting the Objective Standard and so they really
12 couldn't do that. They couldn't meet the intent statement, they would always have to meet the
13 Objective Standards. Let's say a project was otherwise compliant with the Housing
14 Accountability Act. If on that one topic of façade design they didn't or couldn't meet that
15 Objective Standard and they moved into the world of intent statement. They would already...
16 they'd already be at the ARB for that particular topic under... essentially the ARB on
17 discretionary aspects of their review would only pertain to that specific topic. However, they're
18 at the ARB and in practice the ARB would be reviewing the entire... it sorts of opens up the
19 entire project but to your point in terms of the Housing Accountability Act, it really isolates
20 them on that specific topic.

-
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Vice-Chair Roohparvar: Got it. Thank you.

Mr. Albert Yang, Assistant City Attorney: So, I guess I'll just weight in with I think it's up to us whether we want to limit it just to this specific topic or if we want to say you know if you're not able to comply with all of the Objective Criteria then you're thrown into... your entire project is... can be thrown into the subjective realm. Yeah, so.

Chair Templeton: Alright thank you.

Vice-Chair Roohparvar: Sorry, sorry.

Chair Templeton: Go ahead.

Vice-Chair Roohparvar: Just a follow up so when you up to us, is it going to be something that's going to be written into the code or is it going to be just project by project bases and the ARB (interrupted)

Mr. Yang: Yeah.

-
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1 Vice-Chair Roohparvar: Decides whether to open up the whole thing or not? How does that
2 work?

3
4 Mr. Yang: So, I think we would want to write it into the code the way that we want to structure
5 our process. I was just speaking to the way that the Housing Accountability Act is written. It
6 prescribes a local jurisdiction's authority for these projects that meet applicable Objective
7 Criteria. But if a project... even if it's just one of those Objective Criteria, if it doesn't meet all of
8 the Objective Criteria then we don't fall under it to the realm to the Housing Accountability Act
9 anymore.

10
11 Vice-Chair Roohparvar: Thank you.

12
13 Chair Templeton: Chris did you want to weigh in on this question as well?

14
15 Mr. Chris Sensenig, Consultant: Yeah, I just wanted to reiterate, yes, it is up to the City to
16 decide the review process once you get into the subjective and different Cities have dealt with
17 this in different ways. One is that the whole project goes to Subjective Review but we have also
18 in a quantified, how many Objective Standards... that if you're only missing two of them then
19 maybe the ARB only reviews those two. But if you're missing three or more then the whole
20 project becomes a Subjective Review so there's different gradients that a City can work in.

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Chair Templeton: Thank you. Is there anything else Vice-Chair?

Vice-Chair Roohparvar: No, thank you. That was helpful clarification.

Chair Templeton: Alright. Commissioner Summa.

Commissioner Summa: I'll wait till later. Thanks.

Chair Templeton: Ok and I've seen some interest in the questions from the Commissioners so I just want to throw this out there as a possibility. You heard that the ARB has formed a subcommittee to look into this and dig in a little bit more detail than they can at a regular meeting. So, if you have an interest in forming a subcommittee, we should discuss that and I'm trying to recall the rules around it. If it has to be agendaize and things like that so Rachael or Albert if you want to speak up about the process there but I also wanted to throw that out that we might want to consider that for PTC as well.

Ms. Tanner: Yes, I believe Chair that we would agendaize that for our next meeting if that was something that we had interest from people actually dedicating time to that.

-
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1 Chair Templeton: Excellent so thanks for clarifying. And when we come back around to our
2 discussion portion if you are interested please speak up. So, at this time we are going to open
3 the floor for public comments. Please dial in per the instructions on the agenda if you're
4 listening from home on cable.

5

6 Commissioner Riggs: Before you do that can I...I had my hand waved. I had my hand raised.

7

8 Chair Templeton: Oh, I see it now. I'm so sorry Commissioner Riggs, please go forward.

9

10 Commissioner Riggs: Yeah, you see my face too. I actually wanted... I actually think this will
11 work well and I actually don't understand the mechanics of this either Rachael so I'll just be
12 candid. I'm throwing this out there as an idea but I actually don't... I'm not a big fan of
13 subcommittees but I actually think a joint subcommittee would be really effective in this case.
14 And so, and having some cross-pollination between ARB and PTC would be really fertile so I'm
15 going to throw that out there as an idea. And I don't know-how... I don't understand the
16 mechanics of it and but I think it would be really effective from a workflow standpoint in terms
17 of a responding as well as edifying the great stuff that Jean presented and kudos to you Jean.
18 Really good presentation.

19

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1 Chair Templeton: I completely agree Commissioner Riggs. Thank you for bringing that up.

2 Alright so I don't see any folks dialed in. Vinh, are you seeing anyone?

3

4 Mr. Nguyen: We currently don't have any public comment at this time so I believe we can
5 proceed with the agenda.

6

7 Chair Templeton: Alright so then we will close public comment and now we can do our
8 discussion. So, we'll go ahead in order of hands raised as I see them so please feel free to use
9 that feature again. And if you have spoken and then have additional questions its fine to raise
10 your hand again. We can do a couple rounds as this is a bit of a meaty topic. So, who would like
11 to go first? Alright, Commissioner Summa.

12

13 Commissioner Summa: Ok well thank you very much. This is a very informative Staff Report so
14 thanks everybody and I do think it's really good that we're doing this. I think that retaining
15 some of the values from the Subjective Review as Objective Standards is a really important
16 thing to do and probably kind of a hard thing to do in some cases.

17

18 And I was a little concerned as I was reading the Staff Report before the presentation that we
19 might be getting a little ahead of ourselves. There's so much unpredictability in the future and

-
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1 what's... whether housing or office [and] whether there will be a surplus. I mean it is kind of
2 crazy right now so that's just one idea.

3

4 Do you want to go down Chair the recommendations one by one or just the two that Ms.
5 Eisberg is mostly (interrupted)

6

7 Chair Templeton: I'm open to either way. I was anticipating that there might be some general
8 comments first but we definitely should at some point address the points. So, if you want to
9 (interrupted)

10

11 Commissioner Summa: Ok so I'll just keep (interrupted)

12

13 Chair Templeton: Let's do one pass on general and then we'll go through one by one. How does
14 that sound?

15

16 Commissioner Summa: Whatever you think. So, I'm a little concerned about when we use the
17 Dimensioned Standards along with the set of menus. I'm a little concerned about and this is
18 really an architectural concern but it's a planner's concern that we're going to end up with a lot
19 of buildings that look a lot like. So, I'm worried about losing sort of a sense of individuality and

-
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1 I'm a little bit worried at the same time about standardizing across different zones and
2 neighborhoods. That we might end up with losing a little bit of neighborhood uniqueness.

3

4 So, and I see two, three, and four of the recommendations as being more about organizing the
5 code than policy questions. Is that the right way to think about it?

6

7 Ms. Eisberg: Commissioner Summa that is (interrupted)

8

9 Ms. Eisberg: Yep.

10

11 Ms. Tanner: Accurate assessment of those recommendations.

12

13 Commissioner Summa: Ok then I think those are my concerns. Oh and I have a question and it
14 has... it's kind of a funny question but I was wondering if planners ever consider evaluating
15 buildings by volume? And very infrequently but sometimes it does come up that the FAR...
16 because of the way FAR, in certain cases, is counted it doesn't really capture the size of the
17 building as people experience it from outside, not people using the building. And I was
18 wondering if that was ever a standard way in certain situations of looking at building impact?

19

-
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1 Ms. Tanner: Maybe I'll ask if Chris might address that in terms of have other Cities addressed
2 volume as a standard and maybe create a different standard based on the building's volume. Is
3 that something you've seen?

4
5 Mr. Sensenig: I mean I've spent... that is basically what is commonly known as a form code
6 which is really outlining the overall mass of the building from a dimensional standpoint. You get
7 this many feet in this direction, this many feet of depth, and you're really creating it's form and
8 regulating that way. I would say the standard at least across the Bay Area is similar to what Palo
9 Alto has done where you have a set of design guidelines that are formed based but then there's
10 a traditional Zoning Code underlying it that regulates FAR and height and other useful things.

11
12 Commissioner Summa: Ok thank you. Those are my general comments. Thank you very much.

13
14 Chair Templeton: Thank you. I see Commissioner Alcheck followed by Commissioner Riggs.
15 Commissioner Alcheck.

16
17 Commissioner Alcheck: Ok first question for Mr. Sensenig. Are you... you're... as an outside
18 consultant are you working with any other jurisdictions on something similar to this?

19

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1 Mr. Sensenig: Yes. I am currently writing... they call it Clear & Objective up in Oregon. So, I'm
2 doing a Zoning Code in the City of Eugene right now. Earlier this year completed a downtown
3 Zoning Code for Beaverton, Oregon, and I... we're currently working on a specific plan in Sunny
4 Vale and a Master Plan in Mountain View. So, I also have an architecture background I should
5 say, and actually over 10-years ago I worked on the Context Based Design Criteria for the City of
6 Palo Alto that we're currently rewriting. So, I've worked on a lot of both Objective and Design
7 Guidelines throughout the Bay Area.

8
9 Commissioner Alcheck: That's awesome. This question I guess goes to anyone that can answer
10 it which is just that I'd be very interested to sort of hear the discussions at the ARB level. One
11 thing that I think sets us apart from some of our neighbors is that our Planning Commission
12 doesn't really participate in Subjective Review of projects. And to be quite frank we don't even
13 really have that much experience crossing the line or the new line in the past because often
14 when we have a project that's up for review, we're very limited in our discussion because of the
15 way that Palo Alto bifurcates the decision-making process with respect to projects like this. And
16 so, I'd just be curious if Staff could identify and maybe in the abstract what code sections that
17 would be subject to some modification that are actually specifically relevant to our review? And
18 not because I'm suggesting that we don't... I'm not suggesting that this changes in any way the
19 discussion tonight but we don't participate in aesthetics and we don't really make decisions
20 based on whether something is cohesive with its neighboring sites. We stay far away from that

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1 in our decision-making process. So just for the purposes for understanding how this will impact
2 our process, are there any sections that you image would be amended that would actually
3 change what we currently do as a Planning Commission when projects like this come before us
4 that might at the ARB level need to be addressed differently? But that's sort of... I'm curious
5 [unintelligible – audio cut out]

6
7 Ms. Tanner: So that's a great question Commissioner Alcheck and I'll ask Jodie Gerhardt if she
8 will be ready to weigh in a little bit on that and Jean may also have some comments. I think one
9 of the important reasons that the ARB was looking forward to the PTC discussing this item and
10 providing some feedback is that while they, to your point, really do deal with the Subjective
11 guidelines and our kind of... this would definitely change their work and their process to a great
12 deal. They wanted to have the PTC to really wrestle with and kind of opine on some of these
13 policy questions of kind of what is the direction that we should go as a City and how should the
14 ARB really be thinking about it's work? To use the example that Jean created, do they... do we
15 want a menu of options or do we want to use a very extreme example, say everything must be
16 brick and glass, and if you use any other materials you've got to go through the Subjective
17 Review? So perhaps Jodie, perhaps you can weigh in a little bit more on what the ARB was
18 looking for. And also, if there are, whether Jodie or Jean, what the PTC's role... how their role
19 would change if the Objective Standards are adopted.

20

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1 Ms. Jodie Gerhardt, Planning Manager: Thank you Rachael. I think that was a good summary. I
2 think the ARB are mostly made up of professional architects and they feel like it's their... excuse
3 me... their job to implement the City's code. Whereas for the PTC you're helping to create that
4 code that the ARB would implement. And we're definitely putting together the ARB
5 subcommittee though because they do have that technical expertise to get down into the
6 details to help us with that. But we do also want a sense from the PTC just generally an
7 overview of what you're looking for. What... different neighborhoods have a different look and
8 feel and so is there anything that you really want to retain? Commissioner Summa was talking
9 about retaining that neighborhood uniqueness so are there things like that, that we need to be
10 aware of and we can make sure and incorporate.

11

12 Commissioner Alcheck: So, I guess my follow up question would be that I think I would find it
13 exceptionally helpful if Staff or outside consultants provided some materials representing the
14 way other jurisdictions are approaching this and the reason why is I can't really take my land-
15 use attorney hat off. Which I'm approaching this from the perspective of it's a liability that we
16 have so many Subjective Standards in our review process because it allows Cities to potentially
17 restrict developments for what would otherwise be considered improper reasons. That there's
18 an element of bias involved in the process if the standards are too subjective. And so, what
19 we're really talking about here is tying the hands of the ARB to some extent whether here are
20 your options... here's the list of options or here are the... I mean with their feedback trying to

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1 understand what criteria would in some regard tie their hands. And so, I think that's an
2 interesting role for us because I think all of us understand the liability, the concerns, and the
3 reasoning behind this new push. But at the same time, we... I've never... no one cares if... no
4 one has asked us if we like the color of the buildings and we weren't put in place to make those
5 conclusions. And I think it would be a lot easier for me to understand how to go about some of
6 these changes, number one if I had some real-world examples and number two, actually if
7 there was an opportunity to sit down with ARB Members or a representative of the ARB and for
8 them to express to us where they really often feel like they're just standing on very shaky
9 ground. They're reviewing an item for under this criteria but they never feel strongly that the
10 case can be made either way. What are those examples where you could really go either way
11 on these conditions and so we need to reign those in because that allows to much subjective
12 bias in the process? So, I would... I just want to throw that out there that if there's an
13 opportunity to review material from other jurisdictions, I think that would be very helpful
14 because I think there's probably a really good red flag example. Like anytime they talk about X,
15 this is just... maybe there's court... I'm sure there's some case law. Case law has really knocked
16 out this. Whenever we talk about this, it's garbage. So that would be a good summary... a
17 summary of those cases and then also if the ARB could tell us themselves where they often feel
18 like they don't have... they have a very hard time making a strong case either way that would be
19 helpful.

20

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1 Commissioner Riggs: Cari, I'm wondering if I can jump in before there is any response to that?

2

3 Chair Templeton: Ok, it looks like Jodie also wanted to (interrupted)

4

5 Commissioner Riggs: I did... sense a question there but... if there's no... if there's not a question

6 imbedded in what Mr. Alcheck [note -Commissioner Alcheck] said can I jump in there as the

7 person with their hand up next?

8

9 Chair Templeton: Hold on just a second. Jodie, you look liked you were about ready to respond.

10 Did you want to respond before Billy [note -Commissioner Riggs] goes or do you want to wait?

11

12 Ms. Gerhardt: Just quickly, on the ARB does have an annual report that they sent to the Council

13 I want to say somewhat recently but it's probably been a good couple of months. So, I can find

14 that and send that to everyone because that did have these stumbling blocks that you were

15 talking about. That was discussed in their annual report.

16

17 Chair Templeton: Thank you Jodie. Commissioner Riggs.

18

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1 Commissioner Riggs: I double mute myself just to make sure there's no kid background noise.

2 So, I think the reason why I wanted to jump in is because Commissioner Alcheck, Mike, you
3 were hitting on some of the things that I think are some of the embedded assumptions here.

4

5 So first off, I just want to condition, this is great work and our consulting team actually has done
6 amazing work here. My general comment... so I'm... these are general and I don't have specific
7 comments so this is probably the last time you'll hear from me tonight. But I think some of the
8 tension here... and so I want to break this up into two pieces. The second thing I have to say is
9 more for Staff than for the group. But I think we're... the problem here is that we're in this
10 middle ground between having a form-based code and having these Objective Standards. And I
11 think that's a... that is actually what we're talking about here is the tension between the two.
12 And I've talked about maybe moving to a form-based code on the dais before and I think that
13 actually maybe what we should be asking whether or not we need to consider a full pallet that
14 actually is that is responsive to the different neighborhoods. I guess I'm turning that into a
15 question is that as a first step, this is great but are we going to consider just moving a form-
16 based code and having responsive design guidelines and form-based guidelines that actually...
17 for example in the downtown respond to the Historic Standards? In South Palo Alto respond to
18 the Eichler Design Guidelines? I think these are... these are questions where even taking this a
19 step further I think would help both Commission and the ARB be a little more objective across
20 the board. And so, this is where I think we're in... in my opinion we're in this middle ground

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1 between nudging towards a form-based code but not actually excepting that we have a form-
2 based code. And again, I think that's my reservation despite my excitement about what we're
3 doing now. So that's a question. Signpost that.

4
5 The other thing is really more of a comment which is... I think this is... this is the right step. I'm
6 really excited by making more Objective Standards. I think we should do more. My opinion is
7 that we should move to a full-on form-based code. That's my opinion but I also think this is
8 not... that we should actually move to more objective and some standardized conditions as
9 well. And that's something that I brought up on the dais before as well. And this is more for
10 Staff if anything is that I'd like to consider revisiting... and if this is a part... can be a part of this
11 consultant's work or another consultant, revisiting standardizing conditions as well on projects
12 because I think that would make our [unintelligible] much more efficient as well. The more we
13 can standardize and make clear for applicants here are standard conditions, here's guidelines.
14 That's only going to improve our process. So those are my two comments.

15
16 Ms. Tanner: Thank you Commissioner Riggs. I may be thinking of a different conversation but I
17 do believe that Jean and Chris, we at one point did speak about I think perhaps... it comes to
18 mind is Chris's work in Oregon that some Cities may be started at one place where we are
19 currently and did extent that to having maybe more and more Objective Standards. Obviously,
20 again I think that is a policy choice for both the PTC maybe to recommend to Council and for

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1 Council to really uptake if that was the desire. This could be seen as a step in that direction or
2 again, it can be really just preparing us to be ready in case we have SB35 or Housing
3 Accountability Act projects. That we have a path for those projects to retain the things that are
4 really important in Palo Alto. So, I don't know, Chris or Jean if you can speak to how that...
5 you've seen that work in other Cities maybe as going toward form based code and what that
6 would look like in Palo Alto. And then of course, Jodie or Amy if you do have any comments
7 regarding that you're free to make them also. If you don't that's fine too.

8
9 Mr. Sensenig: I think I can speak to some of it. I think in a certain way this creating Objective
10 Standards out of the Context Based Design Criteria will get you most of the way to this form
11 code. In a way I don't think there's... there's very very few Cities that have ever really
12 implemented a strict form code because they don't find them particularly practical on an
13 overall basis because people want to regulate use and other things.

14
15 But to speak to both Commissioners questions about where does what we're doing have to do
16 with the policy questions. [unintelligible – audio cut out]

17
18 Mr. Nguyen: Chris I think you're muted.

19
20 Ms. Tanner: Vinh, can you unmute him?

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2 Mr. Sensenig: Space bar technique. My space bar gave out. Ok, I'm not sure where I ended but
3 for... providing input on policy, I think a big important part of that is that the Architectural
4 Review Board's Findings are actually very broad. And then the Context Based Design Criteria
5 provided much more detail and then the restructuring of this has a very... is trying to have very
6 clear intent statements for each topic. And these intent statements are expanding the
7 Architectural Review Board's Findings with more language that is probably more really
8 expanding policy in a way. And then it's the Objective Standard are codifying those intent
9 statements and I think that's I think one place where this Commission's review will be critical.
10 Jean, am I... I'll let Jean... see if I'm making sense here Jodie. Did we lose Jean?

11

12 Ms. Gerhardt: Jean is still muted and I don't know that I have much... oh, there you go. Go
13 ahead Jean.

14

15 Ms. Eisberg: There we go. Oh, I think that's right on. I mean I would describe Palo Alto as a
16 hybrid code. You are regulating both form and use and we see a lot of Cities doing prime to
17 similar... a similar thing. And so, you've got these very subjective open-ended ARB Findings
18 which gives them a lot of discretion where that path is available to them with certain types of
19 projects. And then you have these just these development regulations which are requirements
20 and so that's (interrupted)

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Commissioner Riggs: [unintelligible – crosstalk]

Ms. Eisberg: [unintelligible – crosstalk] modeling.

Commissioner Riggs: And I was suggesting is that some of the points of tension are really embedded in that because we are in the intermediary space. And that’s really... that’s the whole point of what I was saying is that a lot of the questions are because of that.

Mr. Sensenig: And I think that... I mean in a way though that’s a great thing about Palo Alto is that you guys have allowed a lot of diversity in architecture and I mean I think that’s one of the hard things with these Objective Standards. And Especially when... I mean this might not be what you’re intending in your statement of portion towards a form code but as far as creating Objective Standards, even in a form code framework, you almost need to overprescribe the design to make it objective. And that’s where the spine balance of how do you create a good set of Objective Standards that also allows flexibility. Now there’s always... the applicant can always just choose to go the discretionary path right, but you can’t deny a project if it’s meeting all the Objective Standards.

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1 Chair Templeton: Alright thank you. It looks like we're having a good discussion. Commissioner
2 Lauing is next.

3

4 Commissioner Lauing: Ok yeah it was a very good discussion. I really appreciated the
5 comments by both Commissioner Alcheck and Commissioner Riggs. I think the discussion of this
6 being somewhat in tension, t-e-n-s-i-o-n, is exactly the point. And I think even the ARB in what
7 they sent back to us in Item Number Two when they talked about a conservative versus a
8 flexible approach, where they couldn't agree on what's best at least in terms of giving us
9 guidance, is right on point for what we're discussing.

10

11 And a number of you, both Staff and Commissioners, were talking about does one size fit all or
12 what about look and feel in a neighborhood? So, I think we're right on the critical point of this
13 and we shouldn't on the one hand be having bias in decisions that turn down housing, and on
14 the other hand there probably should be something about neighborhood gestalt to use a term.
15 We all know examples of what we could probably agree where outlier problems. I think it's in
16 Burlingame where the Flintstone houses along 280 or now it's called the dinosaur house
17 because now there's dinosaurs all over the yard as well. That might not be ideal for a Palo Alto
18 neighborhood. There are also very very strict guidelines dictated in Woodside the last time I
19 checked. There seems to be only two paint colors you can use. So, showing those is just sort of
20 the outer boundaries but working with this tension I think maybe we can make some progress.

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1 So, the idea of an Ad Hoc Committee with ARB I think would be really helpful to just kind of drill
2 down on some of these tension areas so I appreciate the comments thereof from my
3 colleagues.

4
5 In general, I think the ARB comments were very helpful. I was really impressed with the
6 summary. Jean was also the report writer so thanks to Jean on that, but some of the things that
7 are there I think absolutely, we need to incorporate in that. Including transitions, design
8 principles, and so on, but the toughest one of all I think was that first one of overly prescriptive.
9 The time, character, I mean the history of a personal area or as Commissioner Riggs said the
10 Eichler neighborhood. We would never want to lose that. It's just a 100-years of history,
11 whatever it's been, so I think we ought to figure out a middle ground here without intentionally
12 trying to keep housing from being built.

13
14 Just let me check, I think I had one question. Yes, on Number Six Jean, I just wanted to make
15 sure I was understanding that. The legislative action that you're talking about here are ARB or
16 PTC or that's the legislature that you're talking about I think. And here and in your slide are you
17 saying that it might be time to go beyond the overlays and just not use those; such as the
18 Affordable Housing Overlay?

19

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1 Ms. Eisberg: It's just an idea but yes basically. If part of the goal in the Housing Work Plan and
2 its part of this SB2 grant is to try to facilitate affordable housing. These overlays provide that
3 opportunity but they go require discretionary action and so the PTC and Council's review. Even
4 though overlays are pretty clear about what the criteria are for who is eligible for such a
5 project.

6
7 Commissioner Lauing: Well that... you know that two or three of us have had some experience
8 with, for example, the Affordable Housing Overlay and all three of us wanted to make that
9 particular project happen really quickly. And we got pretty bogged down in the legislative
10 process there, I think unnecessarily, and there was also some unnecessary friction that just got
11 in the way of the actual outcome which we finally got to but it took a long time. So, if there's a
12 way that we can get around that and recognize that one size doesn't fit all. That was kind of the
13 mantra that I was using at the time which was now 2-years ago because we have to be flexible.
14 Particularly when it comes to affordable housing if we can find anybody to build it. So, I'll stop
15 there, thanks.

16
17 Chair Templeton: Alright thank you and Commissioner Hechtman.

18
19 Commissioner Hechtman: Thank you Chair Templeton. I think that this effort is long overdue. I
20 think it's unfortunate that it took state action to push Palo Alto to take steps in this direction

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1 but I want to acknowledge what we all know in that Palo Alto is not alone. Virtually every City
2 and unincorporated county is having a similar discussion because to some extent we're all
3 guilty of the same thing. So, I think this is a terrific start and I'm really impressed with the work
4 by Staff and it seems to me that we clearly chose a couple of highly qualified consultants in Jean
5 and Chris who bring a lot of the table. And I think it... that shows in the Staff Report and the
6 attachments, so I think we're... it's a really good beginning.

7

8 I think that Subjective Standards are the hobgoblins of fuzzy planning. I think that they cause
9 delays and uncertainty and inefficiency and frustration and disappointment. And I'm not just
10 talking about for project applicants, I'm talking about neighbors too. Neighbors of those
11 projects and part of the reason is that because they're subjective. There's no clear guidance and
12 so there's no way to set expectations. You know, things like you must be compatible with the
13 neighborhood, subjective things like that. So, I think that this effort to translate what are
14 currently Subjective Standards into Objective Standards is great.

15

16 And I'm really... and I guess this will prove that I'm a planning nerd. I really enjoyed reading
17 Attachment A and seeing an example of converting Subjective Standards into Objective Criteria.
18 That really... I got it reading through that and I understand that's just an example, but I really
19 got it. And so, I appreciate that and I'm really looking forward to the work of the ARB
20 subcommittee here. I honestly think that they have the really heavy lifting here. We get to

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1 perhaps do some kind of policy oversight but those people on that Committee [note – Board]
2 are going to have to figure out the actual numbers to plug in to make these Subjective
3 Standards objective. And I think, and a number of my fellow Commissioners have mentioned it,
4 part of that task is going to be for the ARB Members, subcommittee members, to think through
5 how do we have these Objective Standards but make them flexible enough to fit differently in
6 different neighborhoods. And I think that's a great challenge and to the extent that we,
7 members of the Commission, can provide support or feedback to the ARB should they need it,
8 I'm not sure they would need our un-architectural feedback on those things but I'd be happy to
9 provide it.

10

11 I think... so the other general comment I'll have is a number of these Items One through Six
12 have to do with streamlining our code and I want to say I'm in a general sense very supportive
13 of that. I think that many Municipal Zoning Codes are labyrinths that have plenty of traps for
14 the unwary and to the extent that we can thoughtfully organize this so that it simplifies the
15 process, again, that helps to set expectations and will result in, for example, fewer incomplete
16 letters in that first submission. So, I think that that's terrific.

17

18 And the other I guess the other general comment I'll make is that I would... personally I am not
19 supportive of this concept of a... I think we called it a conservative approach to developing
20 these Objective Standards. Where they're so tight that virtually everything falls outside of

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1 them. I think that's a kind of facadism in our code that we should avoid and that there should
2 be a reasonable realistic, path to the approval following Objective Standards that most projects
3 can meet and still provide diverse building types appropriate for their neighborhoods.

4

5 So again, great start, and I appreciate being part of this process.

6

7 Chair Templeton: Thank you for your comments, Commissioner Hechtman. I see Commissioner
8 Alcheck has his hand up. Before we go there, last call on general comments. Please put your
9 hands up if you have anymore. And then after we hear from Commissioner Alcheck I'll ask Jean
10 Eisberg to go through starting on Recommendation One and we'll see if anybody has comments
11 on each of those all the way through. Does that sound good? Ok, alright guys, thanks.
12 Commissioner Alcheck.

13

14 Commissioner Alcheck: So, Commissioner Hechtman's comments made me think of something
15 else that I think we might want to consider; which is that there are a number of former ARB and
16 Planning Commissioner Members in our community who are prolific architects in our
17 community and who have demonstrated interest in volunteering their time since they've been
18 on their previous positions. I'll give you an example, Dan Garber I think sat in on the CAC at
19 some point or maybe it was the thing before the CAC. I can't remember, the Comprehensive
20 Plan Committee, and I know Randy Pop I think at one time was a Chair of the ARB. And there's a

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1 part of me that feels like really, we should be asking former ARB Members and local architects
2 to participate in this process because I didn't find the comments from the ARB that helpful and
3 illuminating; which is why at the start I suggested either we need to have a much more frank
4 conversation with them to understand just how they work through some of the subjective. Or
5 really actually, if I'm being honest, I think it would be highly valuable to talk to some architects
6 who may have... who... I mean in the case of Dan Garber and Randy Pop. They were previous
7 members of the PTC and the ARB respectively and they also are constantly working on projects
8 in town. And there's a part of me that thinks that they might be the most... individuals like that
9 would offer us real insight into... they might be more willing to demonstrate where the ARB can
10 often get stuck, get... I don't know. I don't know the right... you know where there's not a lot of
11 strong ground to stand on and it gets wish-washy.

12

13 And I think I would... I want to just echo Commissioner Hechtman's comments which is that I
14 think the idea of getting overly prescriptive or saying we don't... if we're going to adopt this
15 approach then let's say you can only use these two materials unless you decide to go through
16 our ARB process. That's basically formalizing a Subjective Review. And I would hate for the end
17 result of this process to be that we just covered ourselves legally as opposed to actually
18 addressed what is clearly a problem in the review process all across the Bay Area or the state if
19 you will. Which is that we are succumbing to subjective pressure that may not... that is standing
20 in the way of objectively approvable projects. So, there's a... I don't know if this is something

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1 that Mr. Sensenig is doing as an architect or with your background I'm guessing you have that
2 sort of knowledge. I don't so it is... that's basically why I'm thinking to myself like I'd love to tap
3 somebody who I know isn't worried about us taking control away from them. There's almost a
4 little bit... I'm a little concerned about asking the individuals who are going to lose power here
5 how and how we would we do that? And there's a part of me that wants to ask individuals who
6 may have less at stake in the changes to opine. I'm not sure if that's been done anywhere in the
7 State of California but I know we have a lot of local architects who might be interested. And I
8 just want to suggest that we consider that as well.

9

10 Chair Templeton: Great points, thank you Commissioner Alcheck. I see Commissioner Summa
11 has her hand raised.

12

13 Commissioner Summa: Just really quickly in response to some of my colleague's comments. I
14 am actually, to be honest, not... though I asked the question that touched on a form-based
15 response. I'm not a fan of form-based zoning at all and wouldn't recommend it for us. I don't
16 think it's appropriate at all for the kind of City that Palo Alto is.

17

18 And actually, Dan Garber was Co-Chair of the Comp Plan group so he didn't just drop in once in
19 a while because I was on that too. And I actually served with Randy Pop on the Development
20 Center Customer Advisory Group for 8-years. So, I know all of them and they're great guys but I

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1 think... I also really trust the ARB. I don't know if everybody got a chance to read the minutes or
2 watch the video. They had a very thoughtful discussion on it and the ARB right now especially I
3 think is incredibly responsible about not overstepping any of their bounds and not being overly
4 prescriptive. I didn't get that and I don't know that the... I think it's important to remember that
5 it's not just professionals in the field that are affected by developments in the City but also the
6 residents that just use this City. I always like to say that architecture... this makes architects
7 really happy, architecture is the most important art form and I say that having gone to art
8 school because you make a choice to go into the museum but you have to walk by it. So, I think
9 it's important to remember that there's people in the community other than the development
10 community that has a real stake in this. And I don't know if we want to... it's a great idea to ask
11 other architects but I don't know that we need to since all the ARB are professional working
12 architects. And I don't think there's going to be any money or any taste right now for forming
13 another Committee and slowing down this process that is really a process to adjust in response
14 to state laws that are opposed upon us. So... although I love the idea of a joint subcommittee
15 because not enough of us get to work with ARB I think. So, I think that was an excellent idea.
16 Thank you.

17

18 Chair Templeton: Thank you for those points. Alright Jean are you ready to take a closer look at
19 Points One through Six? So, if you want to speak to Point One which is probably one of our
20 meatiest, please raise your hand now. And everybody is going to get no more than one bite at

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1 the apple for each point just to keep our meeting running. Alright, Commissioner Hechtman,
2 you get the first stab.

3

4 Commissioner Hechtman: Well, I'm not... I guess I'm getting to go first makes me the guinea pig
5 here because I'm not sure exactly of the feedback you're looking for but I'm supportive of this
6 recommendation. I mean I think it's the... I'm looking at this as really the heart of what's being
7 brought to us right now and so I am in favor of it.

8

9 And actually, on this item I want to pick up... I think this is the right place to pick up on
10 something that Commissioner Riggs brought up and at least elevate it to a discussion among
11 the Commissioners. And that is really this question of how far should we go at this time on this
12 issue? The Staff Report and the recommendation I think are fairly focused on bringing us...
13 basically reacting to state law. And so, creating more Objective Standards in those areas where
14 state law is telling us that we're going to be limited... the Cities are going to be limited to
15 looking at just those standards for those kinds of projects. But my question is should we be
16 stopping there now or should we be looking at... more broadly at most of our developments;
17 whether or not they are subject to the state law Objective Standards limitation that are here
18 today? Because there could be different ones tomorrow and so it seems like there are a couple
19 of possibilities there. One is we bite that off now at the same time and look more broadly at

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1 objectifying our Zoning Code. The other possibility, if there's any appetite for it at all, would be
2 to look at this as Phase 1, Phase 2. Excuse me.

3

4 Let's right now I'll get through the work of addressing the state law issues and then let's come
5 back with another round. My fear there is we might not do that in the foreseeable future. So
6 that's my comment on One. Thank you.

7

8 Chair Templeton: Thank you Commissioner Hechtman. Just to clarify what I'm looking for is
9 Jean if you could go to the one where you had each recommendation on its own slide. So, the
10 little bit more detail in case there was anything that people wanted to discuss, clarify, adjust, or
11 opine on. Yes, that's exactly it. Exactly as Commissioner Hechtman did. That's what I was
12 looking for in case there was something that you thought needed to be tweaked as they
13 approached this because as Staff mentioned it will be going back to the ARB. So, if there's
14 anything that we wanted to say, oh that caught my attention, what if we tweaked that? So, it's
15 exactly what we're looking for so thank you. I don't see any other hands up for Number One.
16 Go ahead and raise your hand now if you wanted to speak to this item. Commissioner Alcheck,
17 thank you.

18

19 Commissioner Alcheck: Yeah this is just a question. Is... there isn't... one of the
20 recommendations doesn't include under... reviewing the steps of our process. Do you think that

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1 that falls under... do you think that the steps of our process are in some sense a Context Based
2 approach? I mean I don't know what... where that... maybe that's a different recommendation.
3 Maybe that's bonus recommendation seven but to what extent does the timeline of our
4 process play into creating opportunities for more subjective determinations? And I don't know
5 if that fits into this recommendation where we're reviewing our process and criteria or is that in
6 your mind a different recommendation?

7
8 Ms. Gerhardt: Maybe I can help to answer those questions just as far as Mr. Hechtman [note –
9 Commissioner Hechtman] and Mr. Alcheck [note – Commissioner Alcheck]. As far as looking at
10 the code more broadly, I think Staff would love to look at the entire code. And many times,
11 after a City updates their Comprehensive Plan then the next thing to do would be to update the
12 Zoning Code. I think given the current budget situation and things like that, that may not be the
13 most doable right this minute. Rachael, Assistant Director, can help with that. But so maybe the
14 Phase 1, Phase 2, if we just sort of had that direction in the back of our minds maybe that's
15 good. We can follow up when... with Phase 2 as we have time and funds. I definitely have been
16 working with Jean and Chris though to in those Design Criteria. There are commercial standards
17 as well. And this SB2 funding is really directed more towards residential streamlining but if we
18 can bring some of the commercial with us easy enough and streamline that section in a quick
19 fashion. We're going to try and do that as well. So that speaks to the more broad update.

20

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1 As far as our review process I think we've done things over the years as Jean was talking about
2 with Site and Design Review. That is no longer is necessary for housing projects. We had
3 tweaked our processes over the years. We weren't anticipating changing those right now but
4 we're definitely open to hearing that discussion.

5

6 Commissioner Alcheck: Ok so I'll just say... I'll just add for by way of example because I think it
7 may fall into this category which is maybe one way of creating stronger Objective Standards
8 would be to include time... more... shorter time periods of review. So that's a process or the
9 process of our review takes a certain amount of time. And maybe tightening up the schedule by
10 saying that the onerous is on Staff to get this scheduled sooner and quicker would reduce the...
11 to me there's something subjective about delaying a project by... when a local municipality puts
12 the breaks on their review or they allow it to take longer than it might otherwise. And that to
13 me is one of the issues that has come up frequently in our state. And so, I'm not sure where
14 that fits in but in the... to the extent that we're revising our Design Criteria, maybe the schedule
15 of our Design Review could also be revised in such a way that it provides clarity to applicants.
16 Here's how quickly you should get a response and failure to respond to you in that... because
17 that's basically some of the state laws are doing, right? They're saying here's the timeline and
18 you can't mess around with the timeline because that is... wouldn't... anyways. So, to the extent
19 that that alters the process ok, but maybe it's in an effort to create a more objective path.

20

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1 Ms. Tanner: I would just add, I think that's a point especially in terms of the state law. And
2 someone can correct me if I'm wrong but I believe that part of SB35 also is indicating for those
3 projects to which it applies. They do have a certain number of hearings that can occur and so
4 even though the Objective Standards may be applying. There's still a process to go through so I
5 believe it's five public hearings before the project is approved. And so (interrupted)

6
7 Commissioner Alcheck: It's not unheard of a project to go before a Planning Commission in our
8 state for example, get feedback, come back with nearly every feedback point addressed only to
9 have the reviewers on that Commission then provide almost 180-degree turnaround. These are
10 the stories you hear that are the bad ones. Then they go back and suddenly it's... but we did...
11 that's what we had the first time and you said you hated that. And so, to some extent having a
12 process that limits the number of back... the... limits the opportunity for someone to keep wish
13 washing in... on a subjective or a design opportunity. Anyways, ok, I'll sit out.

14
15 Ms. Tanner: Point well taken. We can take that to the ARB and also see what the other PTC
16 Commissioners think.

17
18 Ms. Gerhardt: And I do think the Objective Standards inherently will reduce those numbers of
19 rounds of review type thing.

20

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1 Chair Templeton: Alright, thank you. Commissioner Summa will be the last speaker on this item.

2

3 Commissioner Summa: Just for a point of interest, SB35 already has a review process. It can
4 only be 90 or 180-days and so the state... and I think the City in some of its Housing Work Plan
5 has moved towards that.

6

7 But back to the point because I think I spoke to this before. I think, like most things, I think this
8 is the hardest thing to do that you're proposing and the devil will be in the details. So, I really
9 look forward to reading the... to understanding how you think... how you did this and how it
10 worked out. So that's all.

11

12 Chair Templeton: Alright thank you. Let's take a look at Number Two. Raise your hand if you'd
13 like to speak to Recommendation Number Two and we might even be able to bundle these all
14 together. Two, Three, and Four are very similar so if you'd like to speak to Two, Three, and
15 Four. Commissioner Hechtman.

16

17 Commissioner Hechtman: I wasn't intending to usually go first here but nonetheless. So, these
18 are more again organizational, Two, Three, and Four, as I'm reading them. Reorganizing our
19 code to make it more user friendly and more comprehensible and so I'm supportive of these
20 efforts.

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2 I'm not sure this is the right place to bring it up, maybe Number One was, but I think it's here in
3 Number Two. And that is I wanted to echo a concern that Commissioner Summa mentioned
4 when she first spoke because I had the same curiosity or wonder as I reviewed Attachment A.
5 And that is when we adopt this revised code and we have these menus to satisfy the Objective
6 Standards. Will the development community naturally gravitate toward the same option in
7 each category so that we end up with the same building? I mean maybe Option A is just going
8 to be routinely 30 percent less expensive than B, C, and D every time and so everyone's going
9 to go for it. I'm worried about that too. And so, what I would ask is if that... I would imagine that
10 the ARB Members are thinking about that also and to the extent that they are not, I would just
11 like that mentioned to them. That there are voices on the Commission that would like them to
12 look at that as a part of the work they're doing to try to avoid that trap where everybody is
13 drawn to the same option. So that's it for... again supportive of Two, Three, and Four
14 Recommendations. Thanks.

15

16 Chair Templeton: Thank you very much. Commissioner Summa.

17

18 Commissioner Summa: Alright someone else can go ahead if they want to. I'm speaking a lot. I
19 really approve of a new code section, Title 18.24, to get all of that in one place and I'll speak to
20 Three and Four now also. That I think those are just improvements to the organization of the

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1 code and don't have as much policy. And just to reiterate my concern about buildings all
2 looking the same. Yeah so thanks.

3

4 Chair Templeton: Thank you very much. I'm also supportive of Two, Three, and Four. I think
5 anything that improves the usability will also improve efficiency and compliance. So, I think
6 those are all great ideas. I appreciate you pulling those together and including that in part of
7 this.

8

9 Just to chime in on the risk of having multiple buildings... multiple multi-family buildings with
10 affordable housing all looking the same. We should be lucky to have the problem of buildings
11 numerous affordable housing units. So that's... yeah just to keep it in context you know and
12 understand that it's unlikely that we're going to have a lot of cookie-cutter homes here. So just
13 keep that in mind and be realistic about that. However, we don't want it. We don't want to
14 have any kind of repetitive design. We do have as someone mentioned, I think it was Chris,
15 mentioned we do have a lot of beautiful architecture here and people have felt free to get
16 creative. And it has made our community beautiful so hopefully we can find a way to
17 incorporate that even if we do put some of these Objective Standards in. However, I agree with
18 other Commissioners have said that that is probably ARB territory and less PTC territory.

19

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1 Alright I don't see any other hands up for Two, Three, and Four so let's move to Five. Please
2 raise your hand if you have any comments on Five and I believe this one is about incorporating
3 graphics to illustrate standards. Any comments on that? Commissioner Hechtman.

4
5 Commissioner Hechtman: Sorry, I'm using my space bar because I'm just going to be short. A
6 picture tells a thousand words. I think more illustrations is better.

7
8 Chair Templeton: Excellent. Thank you. Commissioner Alcheck.

9
10 Commissioner Alcheck: Yeah, I mean I just want to echo that I... I'm not speaking on each item
11 because I'm generally supportive of all of the recommendations. I think Commissioner Summa
12 said it well that the devil will be in the details.

13
14 And then I'll just say on the graphics I think for the most part the architects involved in a lot of
15 this development don't need them. But I do think they go very, very far to helping the public
16 understand what the standards the architects are held too. And so, I think that the money
17 spent on graphics is money very well spent because if you have something easily digestible for
18 the residents who will be interested in understanding exactly how the project complies. Having
19 that will save our Staff a lot of time so I think it's like money now versus a lot more money later.
20 So, I think that... I think there was a reference to the single-family design guide that I think

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1 already exists. And I don't know that I've ever seen anything that... in other jurisdictions that
2 that particular guide is really well done. So, if there was something with respect to this type of
3 development I think that would be very well spent money.

4

5 Chair Templeton: Thank you for your comments. Commissioner Summa.

6

7 Commissioner Summa: So, I'm kind of neutral about the graphics only because the
8 professionals don't need them. And I think that... I don't think they are a bad thing. I'm just... I
9 don't... I'm kind of neutral on them because professionals don't need them and I think that
10 interested residents or nearby business people will be looking at the specific plans that the
11 architects are composing. The applicants are proposing.

12

13 Chair Templeton: Thank you for your comments. I'm a little on the fence about this as well. I do
14 think that potentially at the start including them as examples could be helpful to the public but
15 we don't want to accidentally go down the path of being too prescriptive. And if they somehow
16 become interrupted as suggestions rather than examples, we could run that risk. So, if we do
17 have the option to show here's an example of a building that passed through our screen
18 rather... that might be a better type of illustration because it would be more obvious that that's
19 not a prescription but an example. So just think about that fine line there and I think to our

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1 earlier point about cookie-cutter design. That may help reduce the risk of having designs that
2 are too similar [unintelligible – audio interference].

3

4 Ok let's move onto Number Six. Raise your hand if you'd like to speak to Recommendation
5 Number Six. And then after we go through this we will have one last chance for any questions
6 that have not been answered and then we will probably close this item. Alright, Commissioner
7 Riggs followed by Commissioner Summa.

8

9 Commissioner Riggs: No, no I meant I actually my question... my comment is actually more on
10 Number Five which is I guess I just want to... I want to distinctly disagree with you and
11 Commissioner Summa in that I actually think graphical standards are extremely effective at
12 articulating the intent of the Zoning Code. So, I actually... I actually think Recommendation Five
13 is extremely important and so I would be very disappointed if these were... this was omitted
14 from what was submitted by the consultant.

15

16 Chair Templeton: Thank you for chiming in on that. I think it's definitely important to hear the
17 different perspectives here so thank you very much. Commissioner Summa.

18

19 Commissioner Summa: Ok so this is on Six. I'm just very... also much very much in favor of
20 including the public in the process and we've been... we've kind of already been towards a path

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1 of limiting that. So, I would not be so excited about this with probably the exception of the
2 affordable housing but that really... that housing overlay has a lot of fast-tracking in it already
3 so. And the PTOD, I don't know maybe it will be used more in the future but it's been around
4 for a long time. And there's only two buildings that were every... applications that ever used it
5 so I'm not sure how important that is.

6

7 Chair Templeton: Thank you. Any other comments on Recommendation Number Six?
8 Commissioner Hechtman.

9

10 Commissioner Hechtman: Thank you Chair. So, I think... was Number Six one of the ones that
11 Staff was particularly seeking PTC feedback on?

12

13 Ms. Tanner: Yes, Commissioner Hechtman, it is. Oh whoa, that's was weird. It is in part because
14 to the question of where the PTC's roll fit? This is one of the actions that the PTC would take in
15 terms of the legislative action rezoning to say yes, you can use the Work Force Housing Overlay.
16 And so perhaps Commission Lauing's earlier point, if that was not a process that projects had to
17 go through and get agendize here and then at Council etc. They just knew it met the criteria and
18 I can have Work Force Housing Overlay. That might incise more folks to use it, and perhaps
19 result in the types of housing that are suggested by each of these overlays.

20

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1 Commissioner Hechtman: Alright so since Staff is asking... specifically asking us for feedback I
2 want to try to provide some, but I guess I'm feeling a little dense on this topic right now. And
3 I'm just feeling like I'm not entirely understanding it. So, are we talking here about taking
4 something that today would require legislative action, which would be I guess a PTC
5 recommendation and a Council decision, and coming up with a set of criteria that if those
6 criteria are met then that project does not come to the PTC for recommendation and does not
7 go to the Council for a decision? Am I understanding, that right?

8
9 Ms. Tanner: Yes, that is correct and there may be... just to not to try to confuse it but I know
10 that Jean had a slide showing the different scenarios of what... when does a project go to which
11 review body? So, I imagine there could be still aspects of that project that may need PTC or
12 Council approval but it wouldn't be the Work Force Housing Overlay, for example, that is what
13 would need the approval.

14
15 Commissioner Hechtman: So, I'll be very curious to hear what the Council thinks about losing
16 projects that might otherwise come before it. I think this is something that we should explore
17 further. I don't think it should die here tonight. Are there... and maybe they're on the screen in
18 front of me and I'm just not understanding them. Are there particular examples that Staff is...
19 has in mind of, this would be a good kind of project that maybe if we could have Objective
20 Standards it doesn't have to go through PTC and Council?

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Ms. Tanner: Jodie are there projects that you've reviewed with these overlays or other projects that might illuminate kind of what we're describing for Commissioner Hechtman?

Ms. Gerhardt: So, I think we've... these two overlays, so the Work Force Housing was created for the project that's at I want to say 2755 El Camino which is the old VTA lot. So that has Work Force Housing as part of it. This overlay was created for that project, but the... we didn't have the code in effect yet. So, it did have to go through that legislative process which did take a little bit more time. So that's an example of the Work Force Housing.

For the Affordable Housing project, a little bit more south on El Camino, 3705 El Camino off of... corner of Wilton Court, is our 100 percent affordable housing project that we just did. And that's where this overlay comes into play and how it started.

Ms. Tanner: So that maybe gives you a little color... oh go ahead Amy if you have another project or sample, that'd be great.

Ms. Amy French, Chief Planning Official: Just I was going to address the PTOD. I mean that's very long [unintelligible]. That's way back in 2005 I think that that was born, before these other ones, and it's just an example of where you had to go and rezone each site to put the PTOD.

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1 Even though it was within an area that we said PTOD makes sense. So that was definitely an
2 impediment to anybody coming forward and saying well yeah, I want to go through this long
3 rezoning process to put more housing, and then how many housing units did we get? Four units
4 here, eight units there. It wasn't a lot but that PTOD, the way it's written and the way it's
5 processed, could be changed up and it could be applicable to University. Our biggest station so
6 just an example.

7

8 Ms. Tanner: I think the last thing I would say is that these actions... so let's say we did say ok
9 Work Force Housing, here's the criteria, your project meets it. That project could be not using
10 Objective Standards so it could still need Design Review and other things related to it. It may
11 need a Variance or other types of discretionary permissions which may bring it in front of
12 various approval bodies. So, it really is just saying if we have criteria for these specific overlays,
13 can a project know that I will have that overlay? I will have that... those benefits that come
14 along with it versus needing to ask for it and possibly be denied even if I meet these criteria.

15

16 Commissioner Hechtman: Alright so thank you (interrupted)

17

18 Ms. Gerhardt: And we have seen that interest with the last one on the table here, the Housing
19 Incentive Program, where that is more of a guaranteed FAR. And so, we have one project

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1 coming through the system, we have a second project proposed on San Antonio and so we'll
2 see where those go.

3

4 Commissioner Hechtman: Alright, that was very helpful. I appreciate all of Staff's additional
5 explanation. So, I think I would be supportive of moving forward in this direction and I guess
6 where I'm coming from is that Council will ultimately get to approve the overlay which would
7 thereafter allow faster access. So, they will be the... in this rethinking into Objective Criteria
8 they would essentially be the gatekeeper and they will get to decide upfront what are the
9 criteria that will allow people to pass through without coming back to see us. And so, I think
10 that will give the Council sufficient control that hopefully, they could be comfortable with it.
11 And so, I would encourage Staff to move forward with Recommendation Number Six.

12

13 Chair Templeton: Alright thank you Commissioner Hechtman. Vice-Chair Roohparvar.

14

15 Vice-Chair Roohparvar: I was having the same lack of understanding as Commissioner
16 Hechtman so thank you for the clarification. Are the current standards fairly non-controversial?
17 Is that why we're thinking with these... you know the ones that you called out that would be
18 easy to put together Objective Standards? Does that make sense?

19

20 Ms. Tanner: Yeah, I would hesitate to say anything is not controversial.

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Vice-Chair Roohparvar: No, I didn't (interrupted)

Ms. Tanner: That many items have constituencies but I think your point is taken of how easy or simple might it be to create the standards. Are they already imbedded in the overlays?

Vice-Chair Roohparvar: Yeah exactly.

Ms. Tanner: What are you... do you want to address that? Where they are now and how that body of work might look for becoming Objective Criteria or Jean if you'd like to address it?

Ms. Gerhardt: I think just these overlays... I was trying to pull up the code quickly here but most of these are fairly limited about where they can be applied. And so, the Council could decide if they want to limit it further but they do allow... most of them allow more FAR and less parking and things of that nature. That's where some of the controversy comes in, but we were able to approve them the first time around because we limited the locations.

Ms. Tanner: And those geographical locations could be maintained if that was what was put forward.

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1 Vice-Chair Roohparvar: Thank you.

2

3 Chair Templeton: Alright. I'm also supportive of Recommendation Number Six. So alright last
4 call if you have any other comments. General, whatever, raise your hand. Alright and Staff are
5 you feeling like you've got what you needed out of this discussion or was there anything
6 specific that you were looking for that we may have left out?

7

8 Ms. Tanner: I'll say it's been really helpful. Jodie, I see Jodie nodding so I think she's got what
9 she needs to be able to move forward. I really thank you guys for tackling this.

10

11 One thing I did want to comment on, Albert feel free to jump in if you need too, in regards to if
12 we wanted to establish a joint subcommittee on this topic. We would need to take that
13 recommendation to the City Council to have them establish a formal joint ARB and HRB [note -
14 PTC] subcommittee which would then be a Brown Act group. But we could also ensure that we
15 could just provide informational updates at these meetings to provide more insight. I don't
16 know if HRB Members [note- ARB Members?] could interview the PTC Members or something
17 as part of their outreach, but there may be other ways to gain participation if there is either not
18 will to have a subcommittee or if that just seems procedurally challenging. Albert, I don't know
19 if you want to put anymore color on the restrictions or the process to have a subcommittee?

20

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1 Mr. Yang: No, I think you covered it. Thanks, Rachael.

2

3 Ms. Tanner: Ok.

4

5 Chair Templeton: I think being able to reach out to people that have expressed interest in

6 answering questions or being available should the ARB subcommittee want to would be fine.

7 So, if there's any Commissioner who would like to make themselves available then we don't

8 have to do a subcommittee. We could be willing to chime in and if you're not ready tonight or

9 need to think about it. You could of course email Rachael and myself and let us know.

10 Commissioner Summa.

11

12 Commissioner Summa: Oh, I was just going to say alternatively a joint subcommittee sounds

13 like a lot of work for Staff right now. Alternatively, we could have a joint study session which

14 might be a much less laborious thing for Staff.

15

16 Ms. Tanner: I think that's a great suggestion.

17

18 Commissioner Riggs: I think that's a great idea.

19

20 Ms. Tanner: Yeah, yeah, I see Jodie (interrupted)

-
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2 Chair Templeton: That'd be fun.

3

4 Ms. Tanner: Yeah.

5

6 Chair Templeton: Excellent. Thank you for suggesting that. Alright last call, any more thoughts,
7 contributions, etc.? Alright so we will end the discussion of Agenda Item Number Two.

8

9 **Action Items**

10 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.
11 All others: Five (5) minutes per speaker.^{1,3}

12 None.

13 **Approval of Minutes**

14 Public Comment is Permitted. Five (5) minutes per speaker.^{1,3}

15

16 Chair Templeton: Alright there's no minutes to approve I believe, is that right?

17

18 Mr. Vinh Nguyen, Admin Associate III: That's correct, we have no minutes for this meeting.

19

20 Chair Templeton: Ok.

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1 **Committee Items**

2 Chair Templeton: So, then Committee items. Any updates? Raise your hand if you have any
3 updates from... ok and we heard earlier that the NVCAP will be meeting later this month on
4 Zoom. So, it might be an interesting opportunity to listen in if you are available.

5

6 **Commissioner Questions, Comments or Announcements**

7 Chair Templeton: Alright Commissioner questions, comments, announcements, and future
8 agenda items. Commissioner Summa.

9

10 Commissioner Summa: Sorry I must be lonely. I'm so chatty tonight. I just wanted to thank Vinh
11 for the great job he's doing organizing all the Zoom meetings. He also does the ARB I noticed as
12 I've watched ARB Thursday and it's just been going really smoothly. He's been doing a great job,
13 even when idiots like me can't find my invitation at the last minute. So, thank you Vinh.

14

15 Mr. Vinh Nguyen, Admin Associate III: My pleasure.

16

17 Chair Templeton: Yes, thank you Vinh.

18

19 Ms. Rachael Tanner, Assistant Director of Planning: Just as far as updates (interrupted)

20

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1 Chair Templeton: Alright any comments on future agenda items from Staff?

2

3 Ms. Tanner: So next week or not next week, in 2-weeks on the 27th which is our next meeting,
4 we're going to be having the Parking Ordinance with the electrical vehicle charging return as
5 well as the ADU Ordinance. So those will be two big topics and then as you heard the study
6 session item will be the Planning and Transportation update regarding parking. So, I know it's
7 three items that are pretty meaty but one, you're at least a little bit familiar with the EVSE and
8 ADU Ordinance. While it's perhaps new, it's not the very, very first time that we're tackling
9 ADUs but I think we've done a lot of good streamlining there. And so hopefully you'll find it
10 easy to read and that will be something that we look forward too seeing. So, it should be a
11 really good meeting, and thank you guys in advance for your participation in this virtual setting.

12

13 Chair Templeton: Thank you and just to mention in case there were any planned absences. You
14 can speak to those now as well for the upcoming meetings. I know we're about to head into
15 summer and everybody's got all those canceled vacation plans so.

16

17 Commissioner Alcheck: A big trip planned, I'm going to be gone a long time.

18

19 Chair Templeton: Sorry, I mean it's sometimes you just got to laugh or you're going to cry. So
20 alright then this meeting is adjourned. Thank you very much everybody for all your patience

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1 and flexibility on dialing in from Zoom. You've made it through another one so thank you so
2 much. Alright good night everybody.

3

4 Ms. Tanner: Bye.

5 **Adjournment**

6 8:40 pm

7

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