



Planning & Transportation Commission Action Agenda: October 13, 2021

Virtual Meeting
6:00 PM

Call to Order / Roll Call

Approximately 6:03 pm

Chair Hechtman called to order the October 13, 2021 Planning and Transportation Commission (PTC) meeting.

[An automated voice recording begins to play disclosing Zoom procedures.]

Mr. Vinh Nguyen, Admin Associate III, called the roll and announced that Commissioner Alcheck and Commissioner Summa are absent.

Oral Communications

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

Chair Hechtman asked if there are any members of the public who wished to address the Commission regarding items that are not on the agenda.

Mr. Vinh Nguyen, Admin Associate III, announced that there are no public speakers for oral communication.

Agenda Changes, Additions and Deletions

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

Chair Hechtman inquired if there are any Commissioner or Staff agenda changes, additions, and deletions. He noted that Commissioner Chang is currently absent but will be joining the meeting at 7:00 pm. If the study session item takes longer than 45-minutes, he suggested pausing the item at 7:00 pm sharp, beginning and concluding the action item, and then resuming and concluding the study session. If the study session is concluded before 7:00 pm, he recommended taking a short break to allow for the action item to begin at 7:00 pm.

City Official Reports

1. Directors Report, Meeting Schedule and Assignments

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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1 Ms. Rachael Tanner, Assistant Director, reported that the PTC had reviewed the Objective
2 Standards and Council did discuss them at their early October 2021 meeting. Council continued
3 the item to October 25, 2021, and will hold a third Objective Standards hearing either later in
4 the year or early 2022. She explained that the first two meetings on the Objective Standards
5 were structured as a chance for Council to provide direction and initial feedback. The Council
6 meeting on October 25, 2021, is intended to be focused on several land use items. On October
7 18, 2021, Council will be discussing the update of the Commercial Linkage Fee and possibly
8 increasing it. In other City news, she announced that at the end of September 2021, Council did
9 vote to continue virtual hearings for all Boards and Commission till January 2022. In November
10 2021, City Council will begin hybrid meetings and Staff will continue to keep the PTC up to date
11 as more information becomes available.

12 **Study Session**

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

14

15 2. Study Session to Review 2021 State Legislation Related to Planning and Housing

16 Ms. Rachael Tanner, Assistant Director, introduced Sheldon Ah Sing and gave a brief
17 background on Mr. Ah Sing as he is a new Staff member.

18 Mr. Sheldon Ah Sing, Planner, presented on the 2021 planning and housing legislation. The
19 2021 legislative session focused on clarifying existing laws and bills that addressed housing
20 production and streamlining. The four most relative bills that would most likely require
21 Municipal Code changes included Senate Bill (SB)8. The bill was a clarification of SB 330 and
22 extended the Housing Crisis Act (HCA). SB 9 was a bill that allowed two-family units in single-
23 family zones. SB 10 was a tool, more than a mandate, to streamline Zoning Amendments to
24 allow more housing near transit, and SB 478 addressed the minimum Floor Area Ratio (FAR).
25 With respect to SB 330, the bill contained the HCA of 2019. SB 8 extends the sunset of the HCA
26 by 5-year to January 1, 2030. It expanded upon the definition of what a housing development
27 project is and include both discretionary and non-discretionary ministerial projects. SB 8 also
28 applied HCA to the construction of single dwelling units. Therefore, single dwelling units can
29 now submit pre-applications to freeze zoning laws and may be subject to the No Net Loss
30 provision in the City's Code. SB 8 also clarified that appeals and hearings on density bonuses are
31 now counted towards the five-hearing limit. Staff continues to implement the law and any
32 changes to the Code will be forthcoming in Code Amendments. With respect to SB 9, the bill
33 applied to single-family zones such as R-1, RE, and OS Zones. The law allows a second unit on a
34 parcel and allows a single-family lot to be split. This equated to the possibility of having two
35 units on the first lot and two units on the second lot for a total of four units on two parcels. For
36 two-family units, the law allows for a minimum of 800-square feet per unit. The law has
37 minimum setbacks for the rear inside of 4-feet. When considering demolition of existing units,
38 demolition cannot occur if it is a designated historic property or if tenants have been living
39 there for 3-years or more. In terms of the lot split provision, the split must adhere to a 60/40 lot

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1 split of the area and the minimum size of the lot can be no fewer than 1,200-square feet. Cities
2 can require access to the public right of way. Once the lot split is completed, that lot cannot be
3 split again and the maximum number of units allowed on a lot split is four units. Staff
4 recommended that the City consider having the units be subject to Objective Standards. Staff is
5 working on an emergency ordinance and then drafting a more permanent ordinance to address
6 SB 9. With respect to SB 10, the law is a tool to allow Cities to adopt an ordinance to up-zone
7 parcels up to 10-units per parcel. The project must comply with the City's existing height
8 requirements and the project must be located in a transit-rich area. The City is not considering
9 using SB 10 as part of its work plan going forward. With respect to SB 478, the law applies to
10 projects in multi-family and mixed-use zones. The law sets a minimum FAR for projects
11 between 3- and 7-units at 1.0 FAR. The minimum FAR for projects between 8- to 10-units is 1.25
12 FAR. He noted that many of the current City zones allow a maximum of .6 FAR depending on
13 the zoning district and the characteristics of the project. Cities cannot preclude FAR because of
14 lot coverage or minimum lot size standards. Staff is exploring possible Code changes to address
15 the new law. Other notable bills included Assembly Bill (AB) 215 which had to do with housing
16 violations, AB 537 which had to do with wireless telecommunications, AB 602 which had to do
17 with Impact Fee Nexus Studies, AB 787 which had to do with converted affordable housing
18 units, and AB 1466 which had to do with discriminatory restrictions. Next step is to review the
19 adopted legislation and determine the appropriate follow-up Staff actions. Then to update the
20 City's Municipal Code to bring it into compliance.

21 Chair Hechtman invited Commissioners to ask questions of Staff.

22 Vice-Chair Roohparvar inquired if Staff anticipates a lot of applications to come in under SB 8,
23 SB 9, and SB 478.

24 Mr. Ah Sing answered that there have a lot of questions about the new laws. Included in the
25 Staff report were the Turner Center's predictions, but Staff did not anticipate there being a
26 flood of applications.

27 Vice-Chair Roohparvar inquired how Palo Alto compares to other jurisdictions.

28 Mr. Ah Sing stated that the laws are still fresh and Staff does not have a full grasp on them yet.

29 Vice-Chair Roohparvar wanted to know if ADUs will be allowed on a parcel that has had a lot
30 split.

31 Mr. Ah Sing answered that Staff has been discussing it.

32 Ms. Tanner added that the Council will have to decide whether to allow ADUs on parcels that
33 have been split or not allow it.

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1 Vice-Chair Roohparvar requested that Staff clarify the Regional Housing Needs Allocation
2 (RHNA) credit proposed in AB 787.

3 Mr. Ah Sing explained that the bill has to do with how the different income levels are broken
4 down and Cities can receive a credit for those different income levels.

5 Ms. Tanner explained that there are companies that purchase existing units to provide long-
6 term affordable units. If that were to happen in the City, those units would be changed from
7 market-rate units to affordable units and that would count towards the City's RHNA.

8 Vice-Chair Roohparvar asked when the emergency ordinance will be brought for review.

9 Ms. Tanner answered that the ordinance will be brought to Council on December 6, 2021, and
10 Council's last meeting of the year will be held on December 13, 2021.

11 Commissioner Lauing observed that the Staff report says that no local ordinance is necessary to
12 address SB 8.

13 Mr. Albert Yang, Assistant Attorney, clarified that SB 8 does not require the City to adopt an
14 ordinance. SB 8 extends the HCA to single dwelling units and so the City may need to update
15 the Code to come into compliance.

16 Commissioner Lauing understood that SB 8 is not as urgent as the other bills.

17 Mr. Yang confirmed that any changes to the Code for SB 8 will be included in the urgency
18 ordinance that goes to Council in December 2021.

19 Commissioner Lauing predicted that a person who has a 4,800-square foot lot can build four
20 units on it using SB 9.

21 Mr. Yang clarified that the lot only has to be 2,400-square feet, which then can be split and four
22 new units can be built.

23 Commissioner Lauing agreed that Staff will have to investigate how that applies to setbacks and
24 access to the street. In terms of ADUs, he said in some instances the ADU may be an existing
25 structure and Staff will have to determine how the other units will be added to the lot. He
26 requested clarification on the sentence stating that PTC might want to pursue Development
27 Standards to ensure resulting units align with Palo Alto preferences.

28 Ms. Tanner stated that what the City can do with SB 9 is have Design Criteria and Objective
29 Standards.

30 Commissioner Lauing asked what the definition is for "transit-rich area" and "urban infill site".

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- 1 Ms. Tanner recalled that the frequency of the transit service is a component of the definition.
- 2 Commissioner Lauing stated that the link provided in the Staff report to the Turner Center
3 document did not work. He inquired if SB 478 addresses parking.
- 4 Mr. Ah Sing noted that the definition for “transit-rich areas” is on Packet Page 19 and Page 20,
5 the definition for “urban in-fill” is cited.
- 6 Mr. Yang noted that SB 478 does not address parking.
- 7 Commissioner Templeton appreciated the presentation and found it very informative.
- 8 Chair Hechtman remarked that when SB 9 is discussing two units on a site, the law is not
9 necessarily talking only about a duplex.
- 10 Ms. Yang answered that is correct.
- 11 Mr. Ah Sing added that the units can be side by side.
- 12 Chair Hechtman explained that under SB 9, on a vacant single-family parcel a person could build
13 two separate residential structures.
- 14 Mr. Ah Sing confirmed that is correct.
- 15 Chair Hechtman asked if that is done, how many ADUs and junior accessory dwelling units
16 (JADU)s can be built that are associated with the new units.
- 17 Mr. Yang informed the Chair that Staff does not have a definitive answer for that question. He
18 noted that if there are two structures on one parcel, the parcel is now a two-family use parcel
19 instead of a single-family use parcel. If that is the case, he predicted that an ADU or JADU
20 cannot be built on the parcel. If a parcel is split under SB 9 and a single-family home is built on
21 each. Then the owners would be entitled to build an ADU and a JADU on each parcel.
- 22 Chair Hechtman recalled that the Staff says that the state cannot require the City to allow more
23 than two units on a parcel. He understood that the City can allow in a lot split a single-family
24 home, an ADU, and a JADU. The City also could say when the lot split is complete, only a
25 maximum of two units is allowed.
- 26 Mr. Yang agreed that that scenario pointed out the inconsistencies there are between the ADU
27 Law and SB 9.
- 28 Chair Hechtman summarized that there is uncertainty with the new laws and how they will
29 interact with the maximum density of parcels that utilized SB 9 will be.

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1 Commissioner Chang commented that SB 9 states that a parcel has to be at least 2,400-square
2 feet. She noted that there are parcels within the City that are 10,000-square feet or larger. She
3 asked if the 10,000-square foot lot can be divided into two parcels and then those two parcels
4 be divided into two. This would create a total of four lots from one 10,000-square foot parcel.

5 Mr. Ah Sing concurred that there is a provision in the law that precludes that scenario from
6 happening. A person can only split a single-family lot once.

7 Chair Hechtman opened the floor for public comment.

8 Mr. Vinh Nguyen, Admin Associate III, called on Steven Hammond.

9 Mr. Steven Hammond suggested that Staff investigate Government Code 68552.21 Subsection
10 F to better understand whether an ADU can be constructed in the context of a lot split.

11 Mr. Nguyen announced that there are no other public speakers for the item.

12 Chair Hechtman noted that the new legislation is far-reaching and can result in significant
13 effects in the City. In a normal setting, he would have requested that Staff bring the urgency
14 ordinance addressing the new laws to the PTC before going to Council. He acknowledged that
15 because the new laws will be in effect on January 1, 2022, there is no time to bring the urgency
16 ordinance to the PTC for review.

17 Ms. Tanner disclosed that lot splits will be allowed under other circumstances.

18 Chair Hechtman remarked that a person could use the Subdivision Ordinance to subdivide a
19 10,000-square foot lot into two, 5,000-square foot lot parcels. Then on each of those 5,000-
20 square foot lots, two housing units can be built on them.

21 Mr. Yang clarified that the law does not allow serial lot splits as well as adjacent splits if both
22 owners are acting in concert. If the lots were sold to two separate individuals, those lots could
23 potentially split their lots.

24 Chair Hechtman added that if a lot is divided using SB9, the owner has to commit to residing in
25 one of the four units on the split lot for a period of 3-years. That could not happen if an owner
26 owned both parcels.

27 **Action Items**

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

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31 3. PUBLIC HEARING / QUASI-JUDICIAL. 985 Channing Avenue [21PLN-00167]: Request
32 for Public Hearing of a Preliminary Parcel Map to remove a recorded height

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1 restriction on the underlying Parcel Map. Environmental Assessment: Exempt from
2 the provisions of the California Environmental Quality Act (CEQA) in accordance
3 with Guideline Section 15315 (Minor Land Divisions). Zoning District: R-1 (Single
4 Family Residential).

5 Mr. Garrett Sauls, planner, reported that the subject property is located within the Crescent
6 Park neighborhood. The property has an existing single-story, single-family home that is
7 surrounded by R-1 lots with a mixture of one- and two-story homes. Prior to the creation of 985
8 Channing, there was one lot that was designated as 991 Channing Avenue. In 1980, 991
9 Channing was split into two lots. 991 Channing was retained and 985 Channing was created. At
10 that time, when the lot split was approved, the City Council and PTC placed additional
11 conditions on the Parcel Map. The conditions included a height limit of 13-feet for all
12 structures, a two-story home could not be constructed on the site, and no Variances were
13 allowed. At the time, the City's Zoning Code allowed single-family homes to be built up to 35-
14 feet in height with no privacy provisions. Since then, the City adopted Single-Family Individual
15 Review Guidelines for new two-story homes. The owner submitted an application for a new
16 two-story home, and a new ADU on the site, but the applicant was not aware of the conditions
17 placed on the Parcel Map. In order for the conditions to be removed from the Parcel Map, a
18 new Preliminary Parcel Map would need to be recorded. PTC and Council must be the bodies to
19 rescind the existing conditions on the original Parcel Map. Key considerations were that the
20 limitations imposed on the property were unique and Staff was able to find only one other
21 instance within the City where through the Parcel Map process, a commercial property was
22 limited on the amount of floor area that could be on the site. When 991 Channing was divided,
23 there were no disguising factors between what is considered a substandard lot, and how the lot
24 could be developed. Under the current substandard rules, the lot would be allowed to have a
25 two-story home built on it. Staff recommended approval of the proposed project to the City
26 Council based on the findings in Attachment B and subject to Conditions of Approval in
27 Attachment C.

28 Chair Hechtman invited Commissioners to ask questions of Staff. Seeing no hands, he invited
29 the application to make their presentation.

30 Ms. Shelley Farrell, the architect, summarized that the Preliminary Parcel Map application
31 recommends that the PTC remove the three existing Parcel Map conditions placed on 985
32 Channing. The current property owners want the same property development rights enjoyed by
33 their neighbors. The conditions are out of character, not consistent with local ordinances that
34 guide the development of similarly situated lots, and the unique height conditions are
35 redundant and no longer necessary because of the Single-Family Individual Review Process. A
36 vertical expansion is needed to accommodate the applicant's new residence and a new ADU
37 unit. The neighbors adjacent to the property have vertical additions. The subject property is
38 located in the Boyce Addition which contains different lot types, shapes, and sizes. In the same

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1 neighborhood, 60 percent of homes have two-story additions. Currently, the City's Code allows
2 a maximum height of 30- to 33-feet in the R-1 Zone. The Palo Alto Property Information website
3 shows that 985 Channing is an undersized lot at 5,2460-square feet, not substandard. The
4 Single-Family Individual Review process makes the existing conditions placed on the property
5 redundant and unnecessary. The neighbors who oppose the project reside in homes that
6 exceed one story in height. The Weagers have contested any development at 985 Channing
7 since 1980. The abutting neighbor, 911 Lincoln, permitted a second-story addition in 2003.
8 Neighbors will not be harmed if the conditions are removed, the Single-Family Individual
9 Review is in place to evaluate the appropriateness of second-story additions, state and local
10 laws are in place to guide densification through ADUs, and Variances should be allowed per the
11 discretion of the Palo Alto Planning Department.

12 Mr. Steven Hammond reiterated that the Single-Family Individual Review for second-story
13 additions supersedes the conditions placed on the property. The process is a much more
14 narrowly tailored approach and a more sophisticated approach to the overbroad restrictions.
15 The enjoyment of the Single-Family Individual Review process should be considered a
16 fundamental property right of the owner and equal treatment should be accomplished.

17 Chair Hechtman invited the public to provide their comments.

18 Mr. Vinh Nguyen, Admin Associate III, called on Jennifer Acheson to speak.

19 Ms. Jennifer Acheson announced that her client, David Rugosa, will speak about the project.

20 Mr. David Rugosa, the owner of 991 Channing, stated that the legally recorded restrictions
21 appear on his Parcel Map. He emphasized that it is his Parcel Map that is subject to being
22 altered and he believed that he should have a voice in the proceedings. He explained that along
23 the 40-foot length of the structures of 911 Channing and 985 Channing, there is a minimal 6-
24 foot setback on each side. When he was going to purchase the property in 1980, he understood
25 that no home would ever be allowed to be built above the 13-foot height restriction. The
26 restrictions are essential to him because it protects the privacy and livability of his residence.
27 After bringing to Staff's attention the restrictions placed on 985 Channing, Staff stirred the
28 applicant to the current process with no accommodations for himself. He confirmed and
29 emphasized that he does not have a two-story home. The two-story home proposed at 985
30 Channing would dominate his smaller home, but he supported a rebuild of 985 Channing if it
31 mimicked his gutter height and roof pitch along the border. He found the proposal to be an
32 inverse condemnation and he strongly urged the PTC not to remove the restrictions.

33 Bev Weager, the owner of 975 Channing, explained that when the existing home at 985
34 Channing was being built. She rallied a neighborhood campaign to restrict the height of the
35 home and other factors. Those restrictions have been upheld for 40-years. Previous owners of
36 985 Channing have not tried to change the planning regulations. A new two-story home at 955

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1 Channing was permitted which encroached upon her home and reduced the natural sunlight to
2 her home. In 1999, her husband and herself planned to construct a second-story on their home
3 at 975 Channing but found that the regulations would not allow it. The plans were modified to
4 allow for an attic space to be built at the top of the home. She strongly encouraged the PTC to
5 deny the application.

6 Mr. David Loftus agreed that the subdivision of 991 Channing to create a new parcel was an
7 unusual step because it allowed a home to be squeezed among the older homes. He supported
8 the comment by the previous speaker that the neighborhood opposed the construction of the
9 current home at 985 Channing. He noted that the restrictions are accomplishing their purpose
10 of preserving the neighborhood character and protecting the privacy of the adjacent neighbors.
11 He mentioned that the Dunlap should follow the restrictions, as past owners have, and keep
12 the height limit at 13-feet.

13 Mr. Nguyen announced that there are no more public speakers.

14 Chair Hechtman called on the applicant to provide their rebuttal comments.

15 Ms. Farrell restated that any proposed addition will go through a thorough review process and
16 adhere to the City's current ordinances. Also, there will be a time for the neighbors to provide
17 comments on the proposed structure.

18 Mr. Hammond echoed Ms. Farrell's comments. He voiced his confidence that a new Parcel Map
19 that removes the restrictions would not be the type of property damage that would trigger an
20 inverse condemnation claim. He emphasized that if there are concerns of that nature from the
21 neighbors, he is happy to address those concerns.

22 Commissioner Lauing asked if the restrictions are recorded in the site map as well as in the
23 deed of the property.

24 Ms. Sauls clarified that the restrictions are recorded on the Parcel Map.

25 Commissioner Lauing clarified that a Parcel Map is part of the exchange of a property. He asked
26 if there was any sunset provision for the restrictions.

27 Mr. Sauls answered that there was no sunset provision outlined in the documents.

28 Commissioner Lauing inquired what Staff's intentions are as to why the Single-Family Individual
29 Review Guidelines should come into play now.

30 Mr. Sauls summarized that the issues that were raised by the neighbors in 1980 had to do with
31 privacy concerns. The PTC at the time discussed ways to mitigate privacy concerns by

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1 establishing a single-story condition. In 1980, the City's Zoning Code for R-1 regulations was
2 very minimal. The Commission must decide if the policies in 1980 were the appropriate
3 mechanism to limit the impacts; and whether or not the changes that the City has since
4 adopted are appropriate enough to protect against the concerns that neighbors have.

5 Commissioner Lauing summarized that the problem of privacy was solved in 1980, but Staff
6 feels that current policies may be a better solution.

7 Ms. Tanner explained that Staff is not suggesting that is better or worse. Staff feels that the
8 privacy concerns are addressed through the Single-Family Individual Review process. If the
9 home can use the Single-Family Individual Review process, they will be allowed to have the
10 same Developing Standards that the neighboring homes have.

11 Vice-Chair Roohparvar requested Staff explain the Single-Family Individual Review process from
12 a procedural standpoint.

13 Mr. Sauls explained that once an application is received, properties within a 150-foot radius of
14 the subject site are noticed, and there is a 21-day period that residents can provide comments
15 on the project. After public comment is received, those comments are shared with the
16 applicant, and Staff provides their comments on the project. When the application is
17 resubmitted, applicants are required to show that they have responded to the comments, and
18 have modified the design to demonstrate how they better conform to the Single-family
19 Individual Review Guidelines. Once Staff finds the project to be consistent with the Single-
20 Family Individual Review Guidelines, a decision letter is sent out to residents within a 150-foot
21 radius. At that time, the application can be appealed and a Director's Hearing would take place.
22 Once the Director's hearing is completed, the item can be appealed to the PTC, who then
23 makes a recommendation to City Council based on the Director's decision, Staff's input, and
24 resident comments.

25 Vice-Chair Roohparvar asked if the Single-Family Individual Review Guidelines are subjective or
26 a combination of subjective and objective standards.

27 Ms. Sauls answered that it is both subjective and objective. There is a subjectivity to how the
28 guidelines are implemented. Staff pushes applications to be more compliant with the guidelines
29 than what is normal.

30 Commissioner Chang asked legally, are there any criteria in which the PTC is required to
31 consider in deciding whether to continue or rescind the restrictions. She understood from the
32 Staff report that the Commission must do the standard consideration in terms of making
33 findings for a Preliminary Parcel Map for a subdivision. She remarked that the lot is not being
34 subdivided and she wanted to understand what legal guidance there is that the Commission
35 should be considering.

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1 Mr. Albert Yang, Assistant Attorney, agreed that the Staff report does contain the findings that
2 apply to a subdivision of a property. He also agreed that the application is not creating a new or
3 different shaped lot in the process, but the question is still the same. The question is, can the
4 Commission make the findings presented without the restrictions?

5 Commissioner Chang requested that Staff provide an analogy that helps clarify why Staff is
6 suggesting this approach.

7 Mr. Yang provided the analogy that there is a Conditional Use Permit that restricted the hours
8 of operations due to noise. Over time, technology changed and the noise was reduced. The
9 holder of the Conditional Use Permit could approach the City and request a new Conditional
10 User Permit that does not have the restriction on hours of operations restriction because the
11 noise has been reduced. Then the PTC would have to determine can the findings be made
12 without having the noise restriction in place.

13 Commissioner Templeton agreed that the history behind why there are these unique
14 restrictions on the property adds value to the discussion and she agreed with Mr. Yang's
15 comments. She remarked that the PTC does not have the future proposal of a two-story home
16 in front of them and can only make a decision on the application that is in front of them.

17 Mr. Sauls explained that the findings are asking the Commission to make a reverse finding. The
18 application in front of the Commission only addresses the restrictions that are placed on the
19 parcel. The subsequent application would focus on the impacts to massing and privacy that
20 would be reviewed through the Single-Family Individual Review Process.

21 Commissioner Templeton stated that is a very important distinction.

22 Chair Hechtman noted that the plans for a two-story structure and ADU have not been through
23 the Single-Family Individual Review Process.

24 Mr. Sauls clarified that the plans have been submitted and Staff has provided the initial
25 comment letter. The project is on hold, pending the decision that PTC and Council make
26 regarding the restrictions.

27 Chair Hechtman inquired if Staff knows if 975 Channing is a substandard parcel that is subject to
28 the 17-foot limit.

29 Ms. Sauls indicated that 975 Channing is less than 50-feet but is not less than the 83 percent
30 requirement based on the undelaying zone district. For this reason, 975 Channing is not
31 precluded from applying for a two-story home.

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1 Chair Hechtman recalled that the Subdivision Map Act does allow an approved map to be
2 amended. He asked why Staff did not use that process instead of the proposed process.

3 Mr. Yang noted that given the amount of interest there was in the issue, Staff wanted to make
4 sure that the proposal went through a hearing process, and is decided upon by City Council.

5 Vice-Chair Roohparvar agreed that it felt like the wrong mechanism is being used.

6 Ms. Tanner stated that Single-Family Individual Review projects do not come before the
7 Commission and likewise, Staff cannot process an application for a two-story home unless a
8 new Parcel Map is created that allows a higher height limit.

9 Vice-Chair Roohparvar restated that the findings are talking about the proposed subdivision,
10 but there is no subdivision because the subdivision has already happened.

11 Mr. Yang clarified that the City's Code and the Map Act do deal with amendments but they are
12 primarily meant to adjust errors and minor issues. For this reason, there are no findings that
13 touch on the policy of what is being proposed in the amendment process.

14 Commissioner Chang wanted to understand the difference between the Map Amendment
15 process and the Subdivision Process.

16 Mr. Yang disclosed that the City's Code states that a determination has to be made that the
17 map conforms to the provision of the Subdivision Map Act. That means that the same findings
18 have to be made.

19 [The Commission took a break]

20 Mr. Yang requested that the Commission resume the break to allow Staff time to go over a new
21 development that Staff has found.

22 [The Commission continued their break at the request of Staff]

23 Mr. Yang announced that Staff has discovered additional findings that should be applied to the
24 situation. He proclaimed that Staff recommends the Commission continue the item to a future
25 meeting to allow the applicant and residents to review the new findings.

26 Ms. Tanner recognized that this is not a normal occurrence and apologized for the oversight.

27 Commissioner Templeton requested that Staff send out the new findings to the Commissioners.

28 Commissioner Lauing asked what "burden on the present fee owner of the property" means.

-
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1

2 Mr. Yang answered that it means burdens on the owner of the properties that are on the map.
3 Since the map contains two parcels, both owners are responsible for any burdens there may be.
4 Fee owner refers to the type of ownership and is the typical form of ownership that one would
5 encounter.

6 Commissioner Lauing summarized that both parcels listed on the Parcel Map are responsible.

7 Ms. Tanner interjected that Staff may not have the answer at this time. She emphasized that
8 this is a new development and Staff will need time to review the new findings.

9 Mr. Yang agreed with Ms. Tanner that Staff will know more with further analysis and can
10 provide the answers in an amended Staff report.

11 Commissioner Lauing concurred that because there is new information, the item should be
12 continued to a future meeting.

13 Chair Hechtman asked whether Staff will present recommendations based on the new findings
14 in the next Staff report.

15 Mr. Yang answered yes.

16 Chair Hechtman wanted to know when Staff would be bringing the item back to the
17 Commission with the new findings.

18 Ms. Tanner suggested that the Commission continue the matter to the November 10, 2021
19 meeting.

20 Mr. Yang agreed that November 10, 2021, is the likely timeframe.

21 Mr. Hammond announced that November 10, 2021 works for the applicant team. He requested
22 that public comment be reopened on the matter at the November 10, 2021 meeting.

23 Chair Hechtman agreed with that suggestion and encouraged everyone to submit written
24 comments in advance of the meeting.

25 MOTION

26 Commissioner Lauing moved the continuance of the item to the November 10, 2021 meeting.

27 SECOND

-
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1 Vice-Chair Roohparvar seconded.

2 VOTE

3 Mr. Nguyen conducted a roll call vote and announced that the motion passed 5-0.

4 MOTION PASSED 5(Chang, Hechtman, Lauing, Roohparvar, Templeton) -0-2(Alcheck and
5 Summa absent)

6 Chair Hechtman appreciated Staff's work on bringing forward the new findings.

7 **Commission Action:** Motion by Lauing, seconded by Roohparvar. Pass 5-0 (Alcheck, Summa
8 absent)

9 **Approval of Minutes**

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

11 4. September 8, 2021 Draft PTC Meeting Minutes

12 Chair Hechtman requested a motion to approve the September 8, 2021, draft meeting minutes
13 as amended.

14 MOTION

15 Commissioner Lauing moved to approve the minutes.

16 SECOND

17 Vice-Chair Roohparvar seconded.

18 VOTE

19 Mr. Vinh Nguyen, Admin Associate III, called the roll call vote. He announced that the motion
20 passed 5-0.

21 MOTION PASSED 5(Chang, Hechtman, Lauing, Templeton, Roohparvar) -0-2(Alcheck and
22 Summa absent)

23 **Commission Action:** Motion by Lauing, seconded by Roohparvar. Pass 5-0 (Alcheck, Summa
24 absent)

25 **Committee Items**

26 Commissioner Lauing reported that the Housing Element Committee is now meeting twice a
27 month because the deadlines were moved up. He shared that there is very good participation.

28 Ms. Rachael Tanner, Assistant Director, commented that Council did review the North Ventura
29 Coordinated Area Plan (NVCAP) and gave Staff direction. They generally aligned with

-
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- 1 Alternative One with some carve-outs. Staff will be coming back in December of 2021 to Council
- 2 to ensure that Staff understands Council's direction.

3 **Commissioner Questions, Comments or Announcements**

- 4 Commissioner Lauing wanted to better understand what the electrification streamlining item is
- 5 for the October 27, 2021 meeting.

- 6 Ms. Rachael Tanner, Assistant Director, predicted that would be the only item on the agenda.
- 7 She did not believe the item will be long and the item will be looking at concepts on how to
- 8 reduce the review time for electrification permits.

- 9 Chair Hechtman asked if there is an update on the 101 bike bridge.

- 10 Ms. Tanner disclosed that she missed the last Infrastructure Committee meeting, but would
- 11 reach out and see what the plans are for the bridge.

- 12 Chair Hechtman adjourned the meeting.

13 **Adjournment**

- 14 8:40 pm

-
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Planning & Transportation Commission Action Agenda: October 13, 2021

Virtual Meeting
6:00 PM

Call to Order / Roll Call

Approximately 6:03 pm

Chair Hechtman: Thank you. Welcome everyone to this October 13th regular meeting of the Planning and Transportation Commission. Mr. Nguyen, will you roll the tape?

[An automated voice recording begins to play disclosing Zoom procedures.]

Chair Hechtman: Mr. Nguyen, please conduct the roll call.

Mr. Vinh Nguyen, Admin Associate III: Chair Hechtman?

Chair Hechtman: Present.

Mr. Nguyen: Vice-Chair Roohparvar?

Vice-Chair Roohparvar: Present.

Mr. Nguyen: Commissioner Alcheck is absent. Commissioner Chang is absent. Commissioner Lauing?

Commissioner Lauing: Present.

Mr. Nguyen: Commissioner Summa is absent. Commissioner Templeton?

Commissioner Templeton: Here.

Mr. Nguyen: We have a quorum. Thank you.

Chair Hechtman: Thank you. We are now moving on to oral communications.

Oral Communications

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

-
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1 Chair Hechtman: This section is for the public to speak to on items not on tonight's agenda. So,
2 if you have something to tell us that is not on tonight's agenda. Please raise your hand if you
3 wish to speak. On the Zoom App, there is a raise hand button on the bottom of your screen. If
4 you are dialing in from a phone, press *9. Mr. Nguyen, are there any public speakers for oral
5 communication?
6

7 Mr. Vinh Nguyen, Admin Associate III: Chair Hechtman, we currently do not have any speakers.
8

9 Chair Hechtman: With that being so, we will move next to agenda changes, additions and
10 deletions.

11 **Agenda Changes, Additions and Deletions**

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

13 Chair Hechtman: Commissioners, any of you have any of those? Seeing none, I will make one
14 note. Commissioner Chang is currently absent but is expected to join us at approximately 7
15 o'clock. So, our first agenda item tonight is a study session which is scheduled 6:15 to 7:00 and
16 then we have a public hearing on 985 Channing starting at 7:00. I expect the study session may
17 take longer than 45-minutes though it may be less since there are only four Commissioner to
18 talk about it. But if Commissioner Chang arrives at 7:00 and it appears that we have a lot still to
19 talk about on the study session, I'm going to pause it and move us to Item Three so we can hear
20 that pretty close to 7 o'clock.
21

22 On the other hand, if we somehow finish the study session before 7 o'clock and Commissioner
23 Chang is not yet with us, I'm inclined to take a break, at least till 7:00, and see if she arrives, so,
24 that she can hear all parts of that public hearing and participate.
25

26 We'll move now to City official reports. Ms. Tanner, do you have a report for us?

27 **City Official Reports**

28 1. Directors Report, Meeting Schedule and Assignments

29 Ms. Rachael Tanner, Assistant Director: Yes, thank you, Chair Hechtman. Good evening
30 Commissioners. Good to be with you all this evening; just a few reports. Really just want to
31 focus on what's coming and what's recently passed at the City Council.
32

33 A notable item is the Objective Standard which you all reviewed and the ARB, Architectural
34 Review Board, spent many, many meetings on. The Council did discuss that at their last
35 meeting, which was not this past Monday but last week. This Monday City Council is canceled
36 due to the holiday and they did continue that item until October 25th. And then we do plan that
37 there will be a third Objective Standards hearing. It's not sure what time that will be but the
38 first two meetings were structured as a chance for Council to give some direction, any initial
39 feedback on the project, and overall kind of what they're thinking. The first section and the first

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1 meeting focused on the Objective Standards and Design Criteria which was, in particular, the
2 ARB's purview. The second hearing which will be on the 25th is intended to focus on the
3 legislative actions and that's what you all heard. So, that might be, for example, the Housing
4 Incentive Program. Is that to remain a legislative or does it become something that if a project
5 meets the standards of the project, it automatically applies. So, that's intended to be the focus
6 on the 25th and then either later this year or early next year we would return to Council again
7 so something to keep watching.

8
9 The October 25th meeting overall is intended to be... I mean that is primarily focused on land
10 use items. We'll have two pre-screenings for the City Council on two different proposed
11 developments, the Objective Standards, and we also will have the Q1 Quarterly Financial
12 Report; which is essentially not a Planning and Development Services Item but is certainly
13 timely and something that I'm sure is of interest to many folks in the City.

14
15 And then at next week's City Council meeting which is on the 18th. I just want to pull up that
16 agenda. I believe that we have one item which is the update of Commercial Linkage Fee. A
17 feasibility study and propose adoption of increasing the fee for... that is paid to for affordable
18 housing from commercial development. So, a fee that is assessed on commercial development
19 that supports affordable housing. That's not an item that the Commission heard. It's going
20 straight to the Council as part of their direction that they gave to us to come back this year with
21 a potential update to that fee if the study indicated that the fee could be updated.

22
23 And just generally other City news, at the end of September, which I think is... we haven't met I
24 don't believe since the end of September although we're part way through October. The
25 Council did vote to continue to remove hearings for Boards and Commissions till January 2022.
26 So, the City Council in November will begin hybrid meetings and we'll begin to see how those
27 unfold and how those take place and they did want to make a decision about Boards and
28 Commissions in January. I think we're all hoping that vaccinations continue to increase, that
29 young people can get vaccinated, that the Delta Variant does resurge over the holidays, and
30 perhaps that we may even be able to return to meetings in person without face coverings. But
31 that of course, that still may be something that is in place at the time we return. So, we will
32 continue to keep you updated as we have any more information about in-person hearings.
33 Which again, we'll watch City Council and see how they're able to pull it off and then model out
34 hearings after theirs.

35
36 With that said, I'm available for any questions if the Commissioners have any.

37
38 Chair Hechtman: Commissioners, any questions of Staff? Alright, thank you, Ms. Tanner. We will
39 move now to our Agenda Item Number Two.

40

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1 **Study Session**

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

3 2. Study Session to Review 2021 State Legislation Related to Planning and Housing

4 Chair Hechtman: A study session to review the 2021 state legislation related to planning and
5 housing. Who will present us with the Staff report, Ms. Tanner?

6
7 Ms. Rachael Tanner, Assistant Director: We have Sheldon Ah sing and I want to take a moment
8 just to introduce him to you all as this is his first hearing before you as a Staff member with the
9 City of Palo Alto. Sheldon comes to us with over 20-years of professional experience in both
10 current and long-range planning throughout California and in the public and private sector.
11 Most recently he was a consultant for M Group and worked with the City in that capacity for
12 about 7-years. So, we're very familiar with his work, his work ethic, and the quality that he
13 brings to the work and so we're very, very happy to have him here. He is a principle planner in
14 our long-range planning division and that group works primarily on policies, on area plans, and
15 things that like that. So, we're very, very excited to have Sheldon here and so I hope you will
16 join me in welcoming him to our team and we're glad to have him here. So, go ahead Sheldon
17 and we're happy to have your presentation.

18
19 Mr. Sheldon Ah Sing, Planner: Thank you for an introduction, and good evening. So, this is a
20 study session review, let's bring up the slide here. Ok, there we go. So, this is a study session
21 review of some key housing and planning-related bills. And we wanted to highlight that those
22 that would affect our work program, the way we conduct business, and those that would likely
23 require code amendments. So, we're still analyzing these new laws and strategizing a way to
24 implement them.

25
26 In this past session, there were many bills that passed and focused on housing, production,
27 streamlining the process, and some of those bills clarified existing laws, as well as October 10th,
28 was the final day that the Governor had to either sign or veto bills.

29
30 So, we wanted to highlight four most relevant bills that would likely require any code changes.
31 And the first one is SB 8 and that's a clarification to SB 330 as well as the extension of the
32 Housing Crisis Act. SB 9 is the two-family units in single-family zones. You probably heard the
33 most about that one. SB 10 is a tool more than a mandate, is to streamline Zoning Amendments
34 to allow more housing near transit, and then SB 478 is the Minimum Floor Area Ratio.

35
36 So, first off with SB 330, this is the Housing Crisis Act of 2019. A little background on that as SB 8
37 clarifies this Act. Requires housing development project to be subject only to the ordinance,
38 policies, and standards that are adopted and in effect when a preliminary application is
39 submitted. The Act defines housing development projects to mean a use that's consisting of
40 residential units only, mixed-use developments that are consisting of residential and non-

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1 residential uses with at least 2/3s of square footage designated for residential use, and also
2 transitional and supportive housing. So, what this bills does is it extends the sunset of this Act
3 by 5-years to January 1st, 2030. It also expands upon the definition of what a housing
4 development project is for the purposes of the Act to include both discretionary and non-
5 discretionary ministerial projects. SB also applies the HCA, the Housing Crisis Act, to... for the
6 construction of single dwelling units. So, therefore, single dwelling units could now submit pre-
7 applications to free Zoning Laws and also may be subject to the non-net loss provision in the
8 Code. This also clarifies that appeals and public meetings related to Density Bonuses Law are
9 now counted for the purposes of the five hearing limit. So, Staff will need to continue to
10 implement this law and any changes that we need to do will be forthcoming in Code
11 Amendments.

12
13 So, SB 9, that's the one again that we've probably heard the most of that applies to single-
14 family zones and these are R-1 Districts as well as our RE. That's Residential Estates and we do
15 also have some single-family in our OS Zones. So, there are two components of this. One is it
16 allows a second unit on a parcel, so that's two units on a parcel. It also allows for a single-family
17 lot to be split, so essentially you could have two parcels on the first lot and two parcels on a
18 second lot. So, you'd have four parcels... four units that is on what was formally just one single-
19 family on one lot.

20
21 So, we need to consider these ministerial when certain standards are met and so for instance,
22 for a two-family standard, the law has a minimum 800-square foot for each unit. It also has a
23 minimum setback and rear inside of 4-feet. When considering any demolition of existing units,
24 it cannot occur if there's a designated historic property or if there are tenants that have lived
25 there for the past 3-years. And there's some other criteria as well and those are listed in the
26 attachment of the Staff report.

27
28 So, in considering your urban lot split, some other standards there is when splitting a lot. You
29 have to keep at least a 60/42 lot split of the area and the minimum lot size can be no fewer
30 than 1,200-square feet. Now we can require access to the public right of way. So, with a lot split
31 is completed then you can't further split that lot. So, we can't do any serial splits down the road
32 as well as when considering that, using the lot split and then adding the two units. The
33 maximum number of units you can have is four units.

34
35 So, one of the things that we are considering are that the standards be... that these units be
36 subject to Objective Standards. We do have some in place already like setback and height, but
37 we would want to consider adding some additional ones. And then as the slide has said, there's
38 no short-term rentals that would be allowed for these units.

39

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1 So, we're in the process of strategizing the changes that need to be made to the code. We are
2 expecting to develop an urgency ordinance that would come first and then follow up with a
3 permanent ordinance.

4
5 So, to sum [note – summarize] the discussion about ADUs and how this sort of corresponds
6 with SB 9 and so wanted to just summarize what you can do with an existing ADU law. So, you
7 can do one junior accessory dwelling unit and one accessory dwelling unit on a lot with a single-
8 family home and you have up to two detached ADUs on properties with multi-family dwellings.
9 So, we do define multi-family dwelling units as three units. It's unclear whether a two-family
10 use would be considered multi-family under the state ADU law so we'll further follow up with
11 that. The maximum size of ADU, depending upon you're following the state law or local codes,
12 between 800-square feet and 1,000-square feet. The minimum size would be 150-square feet.
13 We do have height limits of 16-feet in R-1 Zone. The RE and OS are taller than that and then
14 ADUs, they may not be sold separately from the primary unit. So, with the other SB 9 law, those
15 units could be sold separately.

16
17 SB 10, this is, unlike the other laws that we're presenting today, it's a tool and not a mandate.
18 So, this is an option to allow Cities to adopt an ordinance to up zone parcels up to 10 units. So,
19 this would need to comply with the City's height requirements, it needs to be in a transit-rich
20 area, and the ordinance itself is not subject to CEQA but the follow-up units that would or
21 projects would be subject to CEQA. So, unless we receive direction otherwise, we would
22 acknowledge that this is a tool and that we could use it. But we're not considering this as part
23 of our work plan going forward.

24
25 The other law of note is SB 478 and this has to do with the Minimum Floor Area Ratio. So, this
26 would apply to projects in the multi-family and mixed-use zones. That includes our RM and also
27 some commercial districts as well as some industrial districts that allow residential mixed-use
28 projects and residential projects. It's a minimum FAR for projects between three and seven
29 units would be 1.0 and then the minimum FAR for projects between eight and 10 units would
30 be 1.25. So, a lot of these zones today have an existing FAR is the maximum would be .4, .6,
31 depending upon the zoning district and the characteristics of the project. The local agencies
32 cannot preclude FAR because of lot coverage or minimum lot size standards. So, this is
33 something defiantly we would need to consider making Code changes to and we are again
34 working on those as part of the package to go forward.

35
36 Some other notable bills that do affect how we conduct business going forward. AB 215 has to
37 do with Housing Element violations and the state has more enforcement authority for local
38 agency violations and increases the public review for Housing Elements. The time that's needed
39 there for that.

40

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1 Then there's AB 537, this is with wireless telecommunications and this provides more
2 consistency with federal law when reviewing wireless applications. We are in the process of
3 coming forward... coming back from where we left off in February of last year for Wireless
4 Telecommunications Ordinance. So, you'll see something later this year regarding any updates.

5
6 With AB 602 with the Impact Fee Nexus Study, this revised requirements for Impact Fee Nexus
7 Studies such as the fee being based on square footage instead of by unit, and the review of the
8 fee is conducted every 8-years. So, that's, again, just state law that we'd have to follow.

9
10 AB 787 has to do with a converted affordable housing units. This authorizes local agencies to
11 receive credits towards RHNA for the conversion of above-moderate income units and
12 moderate-income units.

13
14 And then AB 1466 has to do with discriminatory restrictions. Requires title companies, when
15 involved with recording certain documents, to identify unlawfully restrictive covenants and
16 then record a modification document.

17
18 Then AB [note – SB?] 56... 556 had to do with wireless facilities although past the legislator...
19 legislation, the Governor did veto that bill. So, it's possible that could come back if the legislator
20 were to override that.

21
22 So again, we would implement these bills as necessary and then I think there were a number of
23 other bills that we did include. But if you have any questions about those we'd be happy to go
24 in more deep about those.

25
26 So next steps really is just review the adopted legislation, determine the appropriate follow-up
27 Staff actions. We're starting to do that now. Again, we mentioned that we'll be coming in with
28 an urgency ordinance and then a permanent ordinance. We maybe have to update some of our
29 checklists and so forth to make sure that we're following state law. And then we'll come back to
30 this Commission with a recommendation to the Council with those. Have any questions, we're
31 happy to answer them for you. Thank you.

32
33 Chair Hechtman: Alright, thank you, Staff. Commissioners, are there questions of Staff?
34 Commissioner... Vice-Chair Roohparvar.

35
36 Vice-Chair Roohparvar: Thank you for your... welcome, for officially being on Staff and with Palo
37 Alto. We're excited to have you. I've defiantly seen your work and appreciated it. I had a couple
38 questions.

39

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1 What do you... do you have a sense of what the anticipated uptake would be in Palo Alto
2 specifically for SB 8, 9, and 478? The three that you flagged up front. Do you anticipate seeing a
3 lot of applications, not a lot? Is this going to impact us or no, because we don't anticipate being
4 able to do lot splits, or we don't anticipate being able... there being enough space on current
5 lots to put a second unit? Do you have any sort of sense?
6

7 Mr. Ah Sing: I think we certainly had a number of inquires about the law and just from my
8 conversations with some of the current planning Staff about it. But we did include in our Staff
9 report the Turner Center and kind of what they thought about it. I mean I think it's not
10 necessarily going to be opening the flood gates but it certainly will be an opportunity for people
11 that are maybe motivated to do something. So, I think it's hard to say whether it's going to be a
12 lot but I don't think it's going to be a maybe as much as some people would fear.
13

14 Vice-Chair Roohparvar: Or maybe it's not just other jurisdictions. How do we compare to other
15 jurisdictions? Do you have any sort of (interrupted)
16

17 Mr. Ah Sing: I don't. I mean we could (interrupted)
18

19 Vice-Chair Roohparvar: No, it's (interrupted)
20

21 Mr. Ah Sing: I mean it's so fresh (interrupted)
22

23 Vice-Chair Roohparvar: I thought [unintelligible] if you might know.
24

25 Mr. Ah Sing: [unintelligible] these meetings monthly where different jurisdictions get together
26 and we're really just kind of scrambling trying to understand. Grappling with some of these
27 issues with ADUs for instance and the applicability of it. But I don't think we kind of drill down
28 to how this... how many would come in necessarily.
29

30 Vice-Chair Roohparvar: OK and then have we made a... and this might have been... I just can't
31 remember. Have we made a decision on with SB 9 after the lot splits which allow two and two.
32 Are we also allowing ADUs on there? I know it's discretionary up to the City whether they want
33 to allow it. Has that decision been made or is there current Code that addresses what we're
34 going to do because I know different jurisdictions are doing different things?
35

36 Mr. Ah Sing: I think we certainly have been discussing it and maybe City Attorney can chime in a
37 little bit on where we're going with that.
38

39 Ms. Tanner: Well, yeah, it will a decision that the Council will need to make certainly with the
40 Interim Ordinance and then certainly with PTC recommendation for the permanent. So, we

-
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1 don't know what Council will decide on that. We may approach it with a more cautious
2 beginning which would just say to not have the ADUs with the lot splits, but certainly, Council
3 could decide to do differently or change its mind over time as the law is in place.

4
5 Vice-Chair Roohparvar: Great. I have two more questions, Sheldon. For 787, what do you...
6 could you clarify the RHNA credit? Would it... so there's an existing unit and then you convert it
7 to affordable? I mean wouldn't it just count as one or is its double credit? Could you just... I
8 know you touched on it really quickly. Can you explain that a bit more?

9
10 Mr. Ah Sing: Yeah, I think I'd have to look at it a little bit closer but I think it just has to do with
11 how the different income levels are broken down and you get credit for those different income
12 levels.

13
14 Vice-Chair Roohparvar: Got it.

15
16 Ms. Tanner: And I would add that part of it is that... I don't think it's necessarily related directly
17 to this but for example, there's a new state agency that actually engages in the purchase of
18 existing unit for providing long-term affordability. So, for example, if that agency were to
19 purchase a home or a building really. They do multi-family building in Palo Alto and now it's
20 going from being market rate to affordable. That would count as a new affordable unit for the
21 purposes of RHNA. Even though it's an existing unit but now its income-restricted whereas
22 before it was market-rate.

23
24 Vice-Chair Roohparvar: Got it. That's really helpful, that clarifies it, and then one last question.
25 When do you anticipate the urgency ordinance being brought forth to be able to capture these?

26
27 Ms. Tanner: Right now, we have December 6 as our date to bring it to Council. And Council's
28 last meeting this year will be December 13th so it will be one week prior.

29
30 Vice-Chair Roohparvar: Great, thank you so much.

31
32 Chair Hechtman: Commissioner Lauing.

33
34 Commissioner Lauing: Yes, a few questions on all of these and I guess we'll just talk about all of
35 them at once. So, on SB 8, I think you said Sheldon that we don't have to make any adjustments
36 but the Staff report said... well, that we do but the Staff report said no local ordinance is
37 necessary.

38
39 Mr. Albert Yang, Assistant Attorney: I'll jump in quickly. So, I think SB 8 itself technically doesn't
40 require that we adopt something, but the fact that it's extending some of these process... these

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1 protections and processes in the Housing Crisis Act to single dwelling units. It's something that
2 we might want to look through our Code and see if there's anything that we need to update in
3 response to that.

4

5 Commissioner Lauing: OK, so we'll probably do something but it's not as urgent as the others. Is
6 that a fair conclusion?

7

8 Mr. Yang: I think we'll be aiming to include any changes in the urgency ordinance that goes to
9 the Council in December. But this is something more where we have to do some digging as
10 opposed the change is kind of jumping out at us what we'll need to.

11

12 Commissioner Lauing: OK and then on SB 9, thanks for mentioning the minimum size lot. So, if I
13 understand this correctly, if your lot is 4 x1,200, 4,800, you can build four units. Is that right?

14

15 Mr. Yang: So, actually, you only need to have a 2,400-square foot lot to build four units. You
16 would split that lot into two 1,200-square foot lots and then you'd be able to build two units on
17 each of those resulting lots.

18

19 Commissioner Lauing: Oh, OK. Yeah, we'll have to see how that pays out with setbacks and
20 access to the street and things like that. And then another thing that you want to look at on the
21 ADU issue is sometimes chicken and egg. The ADU might be there first and then what do you do
22 to the added units versus if the units go in and then later somebody wants an ADU. So, that has
23 to be looked at from both directions.

24

25 I didn't quite understand what you said in the third paragraph or second paragraph from the
26 bottom where you talked about PTC might want to... and ARB might want to pursue
27 Development Standards to ensure resulting units align with Palo Alto preferences. Is that
28 something that we would tee up or that Council would send to us?

29

30 Ms. Tanner: I think the idea and I'll take this Sheldon and then if you have something to add. Is
31 that part of what we can do with SB 9 as a City is have Design Criteria and Objective Standards.
32 There are some limitations which I think just to review it because I think it kind of touches on
33 your last question Commissioner Lauing. The minimum lot size of the beginning lot is 2,400, it
34 can be subdivided and the resulting lots need to be roughly equal. They can be a 40/60 split so
35 they don't have to be... each doesn't have to be exactly 1,200-square feet and then there are
36 some dimensional requirements such as the minimum setback from the sides and rear is 4-feet.
37 So, those are kind of the parameters and then the state has said otherwise it's subject to local
38 Design Criteria that we can set. And so that is something that we have the ability to do. We're
39 going to do as I think a good but thorough job as quickly as we can going to December. But

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1 there certainly will be more I would imagine that with the ARB's help. We could add and shape
2 those criteria as we develop a more long-term ordinance. So, I hope that answers that question.

3
4 Commissioner Lauing: Yeah, that was really good clarification. Let's see, turn the page, you
5 already answered that one. On SB 10, off the cuff, can you do any recollection of the definition
6 of transit-rich area or urban infill site? I'm sure it's in the law.

7
8 Mr. Ah Sing: Let's see if I can find it but (interrupted)

9
10 Ms. Tanner: Yeah, it is defined in the law, so Sheldon can look that up, and I think that part of it
11 is the frequency of the transit service is a part of that definition. And then urban infill, we can
12 look at that too. That may be related to definitions also in CEQA but I'm not sure so Sheldon can
13 get that for us.

14
15 Commissioner Lauing: Yeah, agree, we don't have to wait on that now. Just FYI, I could not get
16 that link to work on the Turner Center. It was broken even then I meticulously put in every
17 character as opposed to clicking on it so something's wrong there.

18
19 And then also on SB... on 478, that last bullet point, proposed lot size, etc. Are there any
20 restrictions or comments at all on parking in 478? I get it, if you don't have that in your hand,
21 we don't have to wait for it but just. It sounds like you don't so let's not take that much time.

22
23 Mr. Ah Sing: I don't have that one but I can refer you to the other question that you had about
24 the transit-rich. That's actually in the Packet on the bottom of Page 19. Number five and then
25 the next Page, number six talks about urban infill site.

26
27 Commissioner Lauing: Oh great, it's the same as before.

28
29 Ms. Tanner: And I'm not sure... go ahead Albert, sorry.

30
31 Mr. Yang: Oh, I can answer the question on 478. It does not address parking. So, it's just saying,
32 you know, here's the minimum FAR that you have to allow if you've got a development of these
33 many units.

34
35 Commissioner Lauing: So, it just doesn't address it at all?

36
37 Mr. Yang: No.

38
39 Commissioner Lauing: OK, that's all for me. Thank you.

40

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1 Chair Hechtman: Thank you, Commissioner Lauing, and welcome Commissioner Chang. We are
2 in our study session. We've had the Staff report and now we're taking questions of
3 Commissioners of Staff on these new bills. So, Commissioner Templeton or Commissioner
4 Chang, do either of you have questions of Staff before we take public comment?
5

6 Commissioner Templeton: I don't have questions. I just wanted to say how much I appreciate
7 the presentation. I knew there was a lot of stuff going on in Sacramento and a lot of
8 information and misinformation about it. So, it's actually a really handy guide. I think this is
9 absolutely wonderful. Thank you for doing that.
10

11 Chair Hechtman: Alright, before we move to public comment, let me just ask... point out a
12 couple of issues I think related to SB 9 to check my understanding. So, one thing that is
13 interesting to me about SB 9 is when it's talking about two units on a site. These new two units
14 you can build on a site, I initially was thinking well OK, you're building two units on a site with
15 single-family zoning. We're talking about a duplex but that's not necessarily so, is it? These can
16 be two detached structures on the same parcel. Is that right?
17

18 Mr. Yang: That's correct.
19

20 Mr. Ah Sing: That is correct. Yeah, they could be side by side, they could be on top, yeah.
21

22 Chair Hechtman: Alright, so in that sense, when you look at traditional single-family zoning. Just
23 like today, we can have our home and a separate detached ADU. Another example of two
24 unattached structures on the same parcel. Is that right?
25

26 Mr. Ah Sing: Seems about right what you're describing, yes.
27

28 Chair Hechtman: Alright, then it seems like the rule... well, the number of structures that you
29 can have on a parcel looks like it might be affected by whether or not you engage in the
30 ministerial lot split you're allowed. So, let's just look at an existing parcel first that is not doing
31 the lot split. So, under SB 9, single-family parcel and let's just say it's vacant. So, we don't have
32 to deal with tenants and housing replacement issues. Under SB 9 I can build two separate
33 residential structures, correct?
34

35 Mr. Ah Sing: That's correct.
36

37 Chair Hechtman: Alright and do we yet have an understanding... if I do that, do we yet have an
38 understanding on that parcel which now has two residential structures, how many, if any, ADUs
39 and JADUs I could build associated with those dwelling units?
40

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1 Mr. Yang: So, that's an interesting question. I don't think we have a definitive answer yet and so
2 this is all on a single parcel that hasn't been split and it comes down to this. There are a bunch
3 of different avenues that the state ADU law takes for guaranteeing your right to build an ADU.
4 And several of them either are predicated on there being an existing or proposed single-family
5 use. So, if you've got two structures on this parcel, it's no longer single-family use. It's a two-
6 family use, right? So, I think those avenues to develop an ADU are for closed. But there are also
7 some... there's also a couple limited provisions in the state ADU law for ADUs on parcels with
8 multi-family dwellings and that term isn't defined. So, it's possible under state ADU law we get
9 guidance that a two-family use is a multi-family dwelling. So, they fall under that category of
10 what kind of ADUs you can build, but a lot of the rules that we have on ADUs are for parcels
11 with a single-family home. And once you've built your second structure under SB 9, that's not
12 the case anymore.

13
14 But if you... you could say take a parcel, split it under SB 9, build one single-family home on
15 each, and then you'd be entitled to an ADU and a JADU on each. Because you'd have a single-
16 family home on each parcel.

17
18 Chair Hechtman: Well, let me... let's follow up on that. I think it's Item 15 on the... in the Staff
19 report that talks about the state can't require the City to allow more than two units on a parcel.
20 So, in the lots... so, I understand the City of Palo Alto would have the discretion to say in their
21 legislation we're going to allow in the lot split a single-family home, an ADU, and a JADU which I
22 think would be three units. But the City would also be within its discretion and consistent with
23 state law to say when you have done the lot split, you can have a maximum of two units.
24 Whether you want those to be two single-family homes on that subdivided parcel or a home
25 and an ADU or a home and a JADU. It's got to add up to two.

26
27 Mr. Yang: Yes, this is an inconsistency between SB 9 and the ADU law that we'll have to take a
28 closer look to see kind of which one is going to rule the day.

29
30 Chair Hechtman: So, my sense from this dialog is right now we have some uncertainty with
31 these brand new laws and how they will interface with the ordinances that City Council will
32 adopt on what the maximum density of parcels that utilize SB 9 will be. So, I think that's as far
33 as we can go right now.

34
35 Mr. Yang: I think that's right.

36
37 Chair Hechtman: Commissioner Chang, did I incite a question in your mind?

38
39 Commissioner Chang: No, I was just getting caught up. Sorry about having to come late. So, I
40 had a question looking at SB 9 that it's saying that a parcel needs to be at least 2,400-square

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1 feet. But we have parcels in Palo Alto that are 10,000-square feet or larger and so it says that
2 each one can be split into two. Then do we envision that it's possible for each those two, let's
3 say it's 10,000 and they're each 5,000, to then be further split? So, you could end up with... is
4 there anything... maybe I didn't read this carefully enough. But is there anything that prevents
5 multiple steps of application of SB 9 that would really subdivide a larger lot into many smaller
6 lots?

7
8 Mr. Ah Sing: Yes, Commissioner Chang, yes there is provision in law that would preclude that
9 from happening. So, you can only split the single-family lot once.

10
11 Commissioner Chang: Thank you.

12
13 Chair Hechtman: Alright, other Commissioner questions of Staff? Seeing none I will open the
14 floor for public comment. Please raise your hand if you wish to speak on this agenda item. On
15 the Zoom App, there is a raise hand button on the bottom of your screen. If you are dialing in
16 from a phone press *9. Mr. Nguyen, are there any public speakers for this study session item?

17
18 Mr. Vinh Nguyen, Admin Associate III: Chair Hechtman, we currently do not have any speakers
19 for this item.

20
21 Chair Hechtman: Alright, then let me bring it back to the Commission. Since there are no public
22 comments, any further comments, not necessarily questions of Staff, but comments that any of
23 the Commissioners want to make about these changes in state law and the actions that the City
24 is going to need to take to address them? Mr. Hammond, I see your hand up.

25
26 Mr. Steven Hammond: If I may just make a public comment. I happen to do some of this as a
27 living and without being too presumptuous (interrupted)

28
29 Ms. Tanner: Can I just pause just for procedural note? It's ok if Mr. Hammond wants to make a
30 public comment but we would want to do the timer, correct on that? I mean if he's speaking as
31 a member of the public I just want to make sure I'm understanding.

32
33 Chair Hechtman: Let me clarify, because he was here as a panelist I was expecting that he was
34 either a consultant or a member of Staff. That doesn't (interrupted)

35
36 Ms. Tanner: He's here for the other item. The Item Three and so it's ok if... I mean so in some
37 ways if he wants to make a comment as a member of the public. That's totally I think within his
38 rights but I just want to make sure it happening properly.

39

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1 Chair Hechtman: OK, so thank you for the clarification and yeah, I think that's fine. Mr.
2 Hammond, if you'd like to speak to this item, what I'd like to do is reopen the public comment
3 and give you the opportunity to do it in the right setting.

4
5 Mr. Hammond: Certainly.

6
7 Chair Hechtman: OK, so we now have your 3-minute clock up Mr. Hammond. Please proceed.

8
9 Mr. Hammond: Thank you, Commissioners. Without any intent to be presumptuous or to make
10 any legal conclusions, I note that there was a question about whether an ADU could be
11 constructed in the context of the lot splits that have been under discussion. And I would
12 suggest to Staff that a good place to start to better understand this... the ability of the local
13 agency to restrict ADUs after a lot split would be to look to Government Code 68552.21
14 Subsection F. Again, that's 68552.21 Subsection F which reads in relevant part notwithstanding
15 Section 6852.2, a local agency shall not be required to permit an accessory dwelling unit or
16 junior accessory dwelling unit on parcels that use both the authority contained within this
17 section and the authority contained in Section 66411.7. That was my only comment. Thank you
18 very much.

19
20 Chair Hechtman: Thank you, Mr. Hammond. Since I have public comment open, Mr. Nguyen are
21 there any other speakers for public comment?

22
23 Mr. Nguyen: Chair Hechtman, we do not have any other speakers.

24
25 Chair Hechtman: OK, then we will close public comment. Bring it back to the Commission for
26 any comments or observations that they'd like to make regarding the housing-related
27 legislation.

28
29 I don't see any Commissioner hands so I will just note that this is some far-reaching legislation
30 that the state has adopted and placed on our doorstep. It can have some significant...
31 potentially significant effects in Palo Alto and it's clearly planning-related. And so, as a member
32 of the PTC, I would love to see the legislation that we adopt come through the Planning
33 Commission. Here, however, these laws will take effect January 1st. Today's October 13th.
34 Council ends their year I think on December 13th and there's not time to bring us the urgency
35 ordinance. Realistically I think Staff is going to be working up until just about December 6th to
36 get it ready to take to the Council. And so, I acknowledge in this situation there's really no
37 choice but to take this urgency ordinance straight to Council and by-pass the PTC. And in the
38 longer-term legislation that comes back hopefully next spring, we'll get our chance to comment
39 and refine that.

40

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1 But I just want to note that wherever possible, these things should come through the PTC and
2 so if we were talking about this for example, at our first meeting in September on September
3 8th. I would be pushing to find a way to get us an opportunity, even if it was a special meeting
4 for us to look at this and comment on it before it went to Council. But here I don't think there's
5 time to do that so and I appreciate the hard work Staff has ahead of it in the next seven weeks
6 to get this ready for Council. That was the only comment I wanted to make.

7
8 Any other Commissioners have anything to say? Any Staff comments before I conclude this
9 study session item?

10

11 Ms. Tanner: The only comment I wanted to make which was in response to Commissioner
12 Chang. Even though you may have not thought this but just to be clear. You know, lot splits will
13 still be allowed under other circumstances. So, we're not necessarily throwing out any of our
14 other local procedures to accommodate SB 9. What we're proposing probably is to have a
15 subsection that just focuses on if a property owner chooses to avail themselves to SB 9. Here
16 are the rules for that and then lot splits that we sometimes might see a Parcel Map with
17 Exceptions etc. That path will still be open for other types of splitting up of properties and the
18 discretion that the Commission and the Council have to review and opine on those types of
19 splits.

20

21 Chair Hechtman: [unintelligible] related to the lot split, Commissioner Chang had brought up
22 this hypothetical about the 10,000-square foot lot. I don't know if Palo Alto has any 5,000-
23 square foot lot zoning but if we did, theoretically, you could use our Subdivision Ordinance to
24 take your 10,000-square foot lot and subdivide it into two 5,000s and then I believe, and Staff
25 can correct me if I'm wrong, with those two 5,000-square foot lots, then on each of those, you
26 could apply your SB 9 lot split.

27

28 Mr. Yang: So, that's actually not possible for one individual to do because the law says in
29 addition to not being able to do serial splits. You can't do adjacent splits if you're acting in
30 concert. You know, both owners are acting in concert. So, if you're the same person, you'd be
31 acting in concert with yourself.

32

33 If you sold them to two separate individuals that were totally unrelated. Then they could
34 potentially split each lot in the future but it's not one... a way that for one person or entity to do
35 that.

36

37 Chair Hechtman: And the other problem with that, of course, is that one of the requirements
38 for the lot split is that the sub-divider has to commit in some sort of recorded declaration as
39 near as I can tell to reside in one of the four units on the split lot for a period of 3-years. So, you

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1 couldn't do that if you had these two 5-acre lots that were each split creating a total of 8 units.
2 So, that's another reason it wouldn't work. Alright, so thank you for that clarification, Mr. Yang.

3
4 Alright, well so thank you very much Staff for the informative presentation and the answers to
5 many questions. We will look forward to seeing your urgency ordinance move forward to
6 Council and to having these issues come back to us in the spring. With that, I'll conclude the
7 study session item and I will move us to Action Item Number Three.

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
13 3. PUBLIC HEARING / QUASI-JUDICIAL. 985 Channing Avenue [21PLN-00167]: Request
14 for Public Hearing of a Preliminary Parcel Map to remove a recorded height
15 restriction on the underlying Parcel Map. Environmental Assessment: Exempt from
16 the provisions of the California Environmental Quality Act (CEQA) in accordance with
17 Guideline Section 15315 (Minor Land Divisions). Zoning District: R-1 (Single Family
18 Residential).

19 Chair Hechtman: A public hearing/quasi-judicial, 985 Channing Avenue. It's File Number 21PLN-
20 00167. Request for public hearing of a Preliminary Parcel Map to remove a recorded height
21 restriction on the underlying Parcel Map. Let's see, the environmental assessment is exempt
22 from the provisions of CEQA in accordance with Guideline Section 15315. The Zoning District is
23 R-1, single-family residential. May we have a Staff report, please?

24
25 Ms. Rachael Tanner, Assistant Director: Great. We'll have a Staff report from Mr. Garrett Sauls
26 and then we'll have a presentation also from the applicant as well. Mr. Sauls?

27
28 Mr. Garrett Sauls, Planner: Alright, so go ahead and sharing my screen now. Can you let me
29 know if you can see it? Ok, thank you.

30
31 Ms. Tanner: We can see it, yes.

32
33 Mr. Sauls: Alright.

34
35 Ms. Tanner: There it goes.

36
37 Mr. Sauls: Thank you. Sorry, my compute seems to be acting a little slow today so it might take
38 a second. Alright, so as Assistant Director Tanner mentioned, this is an application for a
39 Preliminary Parcel Map for 985 Channing Avenue. So, to give a bit of context about the location
40 of the property, it's located within the Crescent Park neighborhood. It is an existing property

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1 that has an existing single-story, single-family home, that is surrounded by R-1 lots with a
2 mixture of one- and two-story homes.

3
4 The reason that this project is before the PTC today primarily stems from [unintelligible] that
5 occurred back in the 1980s. So, at... prior to the creation of the parcel for 985 Channing, it have
6 actually been one lot designed at 991 Channing Avenue. At that time, in 1980, that lot had been
7 split into two which were deigned 991 Channing Avenue and then created 985 Channing
8 Avenue, the subject parcel. At that time, when the PTC and City Council has approved the
9 Parcel Map for the application. There were additional conditions that were placed on the
10 structure or on the property and on the Parcel Map specifically that limited the height of all
11 structures to not exceed 13-feet in height. That no two-story be developed on the site and then
12 the Variances including, but not limiting to, fence exceptions were to be allowed on the
13 property. At the time, the City's Zoning Code allowed for single-family homes to be build up to
14 35-feet tall and did not include any privacy provisions which have since then been stilled into
15 the City's Individual Review process and guidelines. That the City review for new two-story
16 homes.

17
18 So, this project had come to the City as a result of a new two-story home where the applicant
19 had not been aware at the time that this was an actual limitation on the property. And so,
20 through that review process, the public had been... had made some of the adjacent neighbors,
21 who will be speaking tonight, made it aware to Staff that this limitation existed on a parcel. And
22 that was communicated to the application and since then, Staff has had communication with
23 the applicant about what would be the process in order to remove that limitation.

24
25 And so, one of the ways in conversations with the City's surveyor was that in order to record or
26 in order to eliminate some of these limitations on this Parcel Map. A new Preliminary Parcel
27 Map would need to be recorded and given that that initial conditions or those initial conditions
28 had been imposed by City Council and PTC. The decision-making bodies would need to
29 effectively rescind those previous limits in order for that to go forward. Rather than follow the
30 standard process which is the Director would make a decision. That project would need to be or
31 that decision would need to be appealed and then continue through the PTC and City Council
32 process. So, the applicant would be looking, if this were to be approved, to propose a new two-
33 story home on the site. In addition to a new ADU on the site as well. That project would go
34 through the IR process and would be reviewed in accordance with our IR Guidelines policies.

35
36 So, some additional things to keep in mind that I've already highlighted is that the limitations
37 that are imposed on this property are actually fairly unique. Staff and doing research for this
38 property... for this application wasn't able to find any other incidences in the City where they
39 had applied height limits specific to other properties through a Parcel... Prelim Parcel Map
40 process. There was one instance that Staff had found that a commercial property at 3350 West

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1 Bayshore where the City Council, as a part of the recommendation process, limited through a
2 similar means the amount of floor area that could be developed on the site. But other than
3 that, Staff has not able to been... Staff was unable to find any other instances where this similar
4 kind of policy has been applied to a single-family home or a single-family lot.

5
6 Under those standards at the time, there were no actually identified... there's no distinguishing
7 factors between what's considered a substandard lot and how that can be developed. Back
8 when this subdivision was initially established, lots were still considered to be substandard if
9 they were not meeting the standard 60 x 100 dimension... foot dimension which is still in
10 practice today. But in 1998, when the City updated its Code, it had included substandard Design
11 Standards for properties. And under those standards, the City had identified that properties
12 which fell underneath a certain dimension and size category would be limited to 17-foot in
13 height and also be limited to a one-story structure. So, following the policies that had been
14 changed over the last couple of years, even under today's substandard rules. This lot by its size
15 and dimension would still be allowed to have a two-story home.

16
17 And so, as a result of that, Staff's recommendation is that the... we would... that the PTC would
18 be recommending to City Council to remove the height limitations that have been imposed on
19 the property as identified in the findings in Attachment B and the Conditions of Approval in
20 Attachment C. And that concludes my presentation.

21
22 Chair Hechtman: Thank you, Mr. Sauls. Commissioner questions of Staff before we go to the
23 applicant presentation and public comment? I see no questions from Commissioners so let's
24 open the public hearing and we start with our applicant who will have up to 10-minutes.
25 Welcome.

26
27 Ms. Shelley Farrell: Hello, can everyone hear me OK? Hi, my name's Shelley Farrell and I'm here
28 with the project owners, Frank and Grace Dunlap, and their attorney Steve Hammond. Thank
29 you for being here tonight.

30
31 This Preliminary Parcel Map application seeks to remove the three existing Parcel Map
32 conditions that were placed on 985 Channing because the current property owners would like
33 the same property development rights enjoyed by their neighbors. I'm asking the Commission
34 to eliminate all three of the conditions. Next slide. I can't see the slides by the way.

35
36 [note – female speaker:] Neither can I.

37
38 Chair Hechtman: No.

39
40 Vice-Chair Roohparvar: I can't either.

-
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Ms. Farrell: Garrett, do you have the slides?

Ms. Tanner: Let's pause the time.

Mr. Sauls: Yeah.

Ms. Farrell: Can we restart the clock?

Mr. Sauls: I can go ahead and share the... share that presentation. Give me a second.

Ms. Farrell: Sorry, I just dove right into it.

Chair Hechtman: I don't think we realized until you wanted the next slide that you... there were no [unintelligible].

Ms. Farrell: I was warned 10-minutes, like be fast.

Mr. Sauls: OK, let me go ahead and share my screen real quick. OK, can you see my screen?

Ms. Farrell: Yeah, I think... you can probably (interrupted)

Chair Hechtman: I can see it.

Ms. Farrell: You can show them one at a time. There you go. OK, so I already explained that. You can advance to the next slide, please. This an expert from the Parcel Map that was... that established 985 Channing when it was subdivided from 991 Channing in 1980. The three existing parcel conditions are circled in red in the lower right-hand corner. The conditions you see here block a second-story addition doesn't allow a Variance of any kind and limit all structures to a maximum height of 13-feet. Next slide.

We would like the Council to support removing these conditions because the conditions are out of character and not consistent with local ordinances that guide the development of similarly situated lots. The unique height conditions are redundant and no longer necessarily because a Single-Family Individual Review was implemented in 2001. The Single-Family Individual Review is methodical and well-developed process that was put into place in an effort to provide uniformity and preservation of the Palo Alto aesthetic while explicitly encourage two-story additions. The Dunlap's plan includes a creation of a new ADU and a vertical expansion is needed to accommodate their primary residence and this unit. The City of Palo Alto and State of California needs more affordable housing. The neighbors who oppose the application enjoy

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1 vertical additions that they seek to deny Dunlaps. Disallowing a Variance of any kind in
2 perpetuity prevents the City of Palo Alto from making balanced decisions based on
3 circumstances of the time. Continuing to enforce three arbitrary and severe conditions is not
4 good policy. We need uniform rules. Next slide.

5
6 The Dunlap's property is located at 983 Channing which is near the intersection of Channing
7 and Lincoln. Next slide. 985 Channing is located in the Boyce Addition which is part of the R-1
8 District. Lot types, shapes, sizes vary greatly in this neighborhood. This diagram identifies
9 standard, substandard, flag, and undersized lots that exist here. Next slide. Another study of
10 this same area shows where two home... two-story homes are located now. Two-story buildings
11 occupy 63 of the 104 lots you see shaded in pink here. The predominant character of dwellings
12 that exist in this neighborhood is two-story. Next slide.

13
14 The Palo Alto Municipal Code specifically contemplates the height for all zoning districts. Here's
15 a copy of the Zoning Map on the right. This plan is a foundation that the Planning Code is built
16 on. The R-1 District which you see highlighted in yellow allows a maximum building height of
17 30- to 33-feet on standard and other size lots in this zone. Next slide.

18
19 These high parameters are easily discovered on the City of Palo Alto Property Information
20 website. For example, if you search for 985 Channing Avenue, you will find this parcel report
21 that includes the zoning, lot size, lot type, and maximum building height. The information
22 circled in red clearly states that... next slide... 985 Channing is situated in R-1 District. The lot is
23 not substandard, it's undersized. The image you see here is part of a recent site survey that
24 confirms the lot is 5, 246-square feet which is 28-square feet larger than the lot area currently
25 on record. But the maximum building height allowed on this property is much lower than the
26 30- to 33-feet that is normally allowed. Next slide. 985 Channing is not substandard, but it is
27 treated worse than one. The column on the right represents the maximum building height
28 allowed on Dunlap's property. The existing conditions say that their building cannot exceed 13-
29 feet in height. That's less than half of what is typically allowed a standard or an undersized lot
30 of this size in this location. Next slide.

31
32 We're requesting to remove the existing parcel conditions to put 985 Channing in parity with
33 its neighbors. Since these conditions were created in 1980, there is now an ordinance and
34 thorough review process; the Single-Family Individual Review. The whole purpose of this SFIR is
35 to test potential developments against a sophisticated and comprehensive set of standards that
36 this Palo Alto Municipal Code has put into place. To preserve the character of neighborhoods
37 and foster consideration between neighborhoods when there are concerns about massing,
38 scale, privacy, and the streetscape. The first SFIR was put into place in 2001 and it was updated
39 again in 2004, 2005, and again last year. Next slide.

40

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1 This indicates that the rules are not fixed. This indicates that the Planning Commission and City
2 Council continue to revise the SFIR in effort to provide uniformity and ensure two-story
3 additions are compatible with existing neighborhoods. Vote to remove existing parcel
4 conditions and the Dunlop's have a chance to enjoy the same property rights and development
5 opportunities as the individuals who oppose this application. Next slide.

6
7 Neighbors who oppose this application reside in homes that exceed one story in height. The
8 Weagers have contested any development on 985 Channing for 41-years. The abutting
9 neighbor to the north who also resides on an undersized lot permitted a second story in 2003.
10 There is no justification for this disparate treatment. Next slide.

11
12 This is just a photo of the abutting neighbor to the north, 911 Lincoln. Next slide. This is a photo
13 of the neighbors to the west, 985 [note – 975?] Channing. Next slide.

14
15 We're requesting to remove the conditions because Dunlap's plan includes the create of a new
16 ADU. Removing the existing height conditions would make it possible to accommodate their
17 main residences and a new 800-square foot ADU on this lot. A new ADU will increase the
18 housing supply and help Palo Alto meet the RHNA requirement. New legislation, such as SB 9
19 and SB 10, make it clear that developing single-family lots in this manner is the future of
20 California. We need housing. Next, please.

21
22 We want the Planning and Transportation Commissioner to support removing all three of
23 existing Parcel Map conditions. Removing the conditions will not harm neighbors.
24 Circumstances have changes. The SFIR is in place to evaluate the appropriateness of second-
25 story additions. State and local laws are in place to guide the introduction of density through
26 new ADUs. Variances should be allowed per the discretion of the Palo Alto Planning
27 Department. These are good and fair policies that should supersede the arbitrary conditions.
28 Please vote to remove all three existing parcel conditions because they promote inequity
29 between neighbors and there's no reason for disparate treatment. Thank you.

30
31 Chair Hechtman: Thank you. Is there... does that conclude the applicant's presentation? You do
32 have a couple more minutes. You mentioned you had some other people with you.

33
34 Ms. Farrell: Steve, did you want to talk about any of the findings?

35
36 Ms. Steven Hammond: Thank you so much, Shelley. That was an excellent presentation. I would
37 simply reiterate the fact that the Single-Family Individual Review for second-story additions and
38 I apologize. I think my video is off. Oh, looks like I can start it now. Here I go. That the Single-
39 Family Individual review for second-story additions really supersedes the need for these old,
40 blunt instruments. The Individual Review is narrowly tailored. It has been extensively developed

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1 over two decades now and it is uniquely formulated to preserve the unique character of the
2 Palo Alto neighbors. To promote construction compatible with the existing residential
3 neighborhoods. To encourage respect for surrounding context in which the residential
4 constructions and alterations take place and foster consideration of neighbors' concerns with
5 respect to privacy, scale, massing, and streetscape. The Individual Review is much more
6 narrowly tailored approach. A much more sophisticated approach to these over broad
7 restrictions and so these really are the special conditions and special circumstances and
8 conditions. What's changed is this SFIR and the enjoyment of the SFIR process really should be
9 considered a fundamental property right of the owner and equal treatment across similar
10 situated homes is an important property right and this is all very consistent with the policies of
11 Palo Alto. Specifically, the policy of Individual Review to encourage new two-story housing and
12 second-story additions (interrupted)

13

14 Chair Hechtman: Mr. Hammond, please conclude.

15

16 Mr. Hammond: In a way that balances and its... the diversity of the neighborhoods and is
17 consistent with the surrounding neighborhood character. Thank you.

18

19 Chair Hechtman: Thank you, applicant. So, we will now move to public comment. So, typically
20 here we allow each speaker 3-minutes. I have, reading the correspondence from neighbors, I
21 want to mention that we also provide an opportunity if people with aligned interest want to
22 combine their time, if there are five speakers present, they can combine into a unified
23 presentation of up to 10-minutes. And so, I don't know if any of the neighbors... if at least five
24 of the speakers want to avail themselves of that. I see... now I see two hands now. Mr. Nguyen,
25 you want to please call our public commenters?

26

27 Mr. Vinh Nguyen, Admin Associate III: Yes, our first speaker will be Jennifer, followed by Bev.

28

29 Chair Hechtman: Thank you, welcome.

30

31 Ms. Jennifer Acheson: This is Jennifer Acheson; can you hear me OK?

32

33 Mr. Nguyen: Yes, we can. Thank you.

34

35 Ms. Acheson: OK. We'd like to actually... hang on, just one second, don't start the clock yet,
36 please. We'd like to join video. I'm not sure how to do that here. Could you stop the clock until I
37 figure out this.

38

39 Chair Hechtman: The clock is stopped.

40

-
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1 Ms. Acheson: I don't know how to put Dr. Rugosa on. He's my client sitting next to me.

2

3 Mr. Nguyen: So, generally, public comments from the public can't turn on the video.

4

5 Ms. Acheson: I see.

6

7 Ms. Nguyen: But Chair, if you'd like, I can promote her to panelist if you want to give her the
8 ability to turn on her video.

9

10 Chair Hechtman: Certainly, sure.

11

12 Ms. Acheson: Do you want it or not necessarily?

13

14 Mr. David Rugosa: Doesn't matter.

15

16 Ms. Acheson: OK. Sorry, we'll just... we'll go ahead. I don't see how I can do that so we'll just go
17 ahead. Now restart the clock, please.

18

19 Mr. Nguyen: The clock is restarted, you may begin.

20

21 Mr. Rugosa: David Rugosa, I am the owner-occupant of 991 Channing since June of 1980.
22 Previously submitted statements by me in September 2020 and by attorney Jennifer Acheson in
23 December 2020 appear in the Addendum of the Staff report. A written version of these
24 comments was submitted today.

25

26 The legally recorded restrictions that are the focus of this meeting actually appear on my Parcel
27 Map. It is my Parcel Map that is subject to being gutted and I believe I should have substantial
28 standing in these proceedings.

29

30 The 1980 subdivision of the originally 11,000-square foot lot upon which my residences was
31 constructed in 1950, produced two residences in very close quarters. Along the 40-foot length
32 of each structure, there exists the most minimal at minimum 6-foot setback on each side.

33

34 I was hired of Stanford faculty in June of 1980, thus my first contact with the property as a
35 potential purchaser was after the Parcel Map restrictions were put in place. I can recall Bill Cox
36 the developer standing with me in the residence, showing me the plans for 985 Channing
37 structure being framed at the time and with emphasis showing me Parcel Map with restrictions.
38 As a potential purchaser, these restrictions were essential for the viability of my purchase and I
39 properly-regarded such as a guarantee of the future privacy, livability of my residence.

40

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1 In September 2020, a two-story renovation [unintelligible] 985 Channing was put out for
2 review. On September 23 Dr. Luftus informed Staff of the Parcel Map restrictions as did my
3 letter on September 25th. The Staff response was solely to refer to a process for removing those
4 restrictions. No accommodation for us.

5
6 I do not have a two-story structure. 991 Channing has two levels, one below ground unfinished,
7 and one slightly above ground residence rated is 1,860-square feet. Gutter height 12.5-feet,
8 consistent with a one-story structure. The two-story structure at 985 proposed in September
9 2020 would dominate, swamp, whatever word you'd like my much smaller structure. A rebuilt
10 of 985 Channing matching my gutter height and roof pitch along our border, I could not
11 describe as catastrophic. Full removal of the height restrictions would be. As a non-lawyer, I
12 describe the removal of these valuable, essential restrictions as an eminent domain taking
13 without compensation or advised, a better term, an inverse condemnation.

14
15 In purchasing my property 41-years ago, I relied on the height restrictions as legally recorded an
16 enforceable contract provisions. What contract or agreement with the City can be regarding as
17 viable if the City renege on such critical and clear legally recorded restrictions? Before taking
18 any action on this unprecedented application based on papers before you. I would beseech you
19 to physically visit the site at Channing. Stand in the minimal setback between the two
20 structures and visualize the planned construction at 985 submitted in 2020. You will be aghast.
21 Thank you very much.

22
23 Mr. Nguyen: Thank you for your comments. Our next speaker is Bev and then followed by
24 David. Bev, if you're there, you can unmute yourself and speak.

25
26 Ms. Bev Weager: Thank you. Jim and I have owned 975 Channing since 1965 and are very
27 established in our neighborhood. In 1980 when we learned 985 Channing, the house to our
28 eastside fence line, was to be build outside of Palo Alto Codes at the time. We spearheaded a
29 neighborhood campaign to restrict the home to height and other factors. Those legally placed
30 restrictions were upheld for 40-years. The Keedings [note – phonetics] were the original owners
31 and residents of the home at 985 Channing. They were aware of the restrictions placed on that
32 parcel and although they preferred a two-story home. They did not try to change the planning
33 regulations.

34
35 In 1989, the one-story home at 955 Channing on our westside fence line was raised and a new
36 two-story home was built to our disappointment. Our very narrow 40-foot parcel lot and home
37 were being encroached upon. In 1998, Michell Debard [note - phonetics] bought and resided at
38 985 Channing. He sold it in 2000 however after he was made aware of the restrictions imposed
39 on the parcel. In 1990 plant... 1999, Jim and I planned to construct a two-story on our own
40 house but found the regulations would not allow our building specs. Thus, we modified our

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1 plans and only building a small attic. We do not have a second story. We honored the rules and
2 regulations.

3
4 Early 2021, the Palo Alto City Council held their annual retreat. If you listened to that recording,
5 you will hear many members state they “should strive to ensure Palo Alto remains a great place
6 to live and to preserve the quality of life for all”. In addition to those remarks, preserving the
7 character of Palo Alto neighborhoods is one of the first items noted in the City’s IR Guidelines.
8 The character of our neighborhood is slowly eroding and our personal quality of life is being
9 infringed upon.

10
11 Until the time of the subdivision of parcel 991 Channing was, we enjoyed the unique character
12 of our immediate neighborhood. The spacing of lots and the charm of the surrounding homes.
13 Since that time, we feel the proximity of the newly built homes on either side of us is intrusive.
14 The existing homes at 955 and 985 Channing make us feel our space was invaded. Giving us less
15 natural sunlight from sunsets and sunrises. Each seems to occur at least 1-hour outside of their
16 actual times. We lost the comfortable feeling of single home ownership also. We feel like
17 apartment dwellers since we are so closed in on both sides already. If the current proposal of
18 lifting restrictions on 985 Channing is approved. We will lose the limited morning sunlight that
19 we see today. Our photos, which we submitted today, show how little the natural morning
20 sunlight is in our eastside facing window. Addition height placed on 985 Channing will still
21 hinder that sunlight. Just as 955 Channing showed us so many years ago. We will require our
22 lights and our heating system to make up for the wonderful natural light and heat that sunshine
23 normally offers. That happened to us in 1989 and we know it will happen again. As senior
24 citizens on fixed incomes, we will continue to feel the financial impacts.

25
26 We ask you to deny removing the long-standing restrictions set on 985 Channing for the
27 applicants. The Dunlap have never resided in 985 Channing so really have no feel for the
28 neighbor’s character. Their actions do not mirror the actions of the many resident owners
29 before them that respected and adhered to the zoning rules, regulations, and ordinances. So,
30 we ask that you keep our neighborhood as it is today and preserve our quality of life.

31
32 Mr. Nguyen: Thank you for your comments. Our next and final speaker is David.

33
34 Mr. David Loftus: Hi, David Loftus. Thank you to the PTC for allowing our voices to be heard and
35 thank you for the continuance of this matter from September 8th. The subdivision of 991
36 Channing Avenue to create a new parcel was indeed an unusual step because it allowed a new
37 house to be squeeze in among the long-existing older homes. More than 30-years after the last
38 adjacent house is built.

39

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1 All of the houses next door to 985 Channing were built in 1950 or before. 991 Channing was
2 built in 1948, 975 Channing in 1950, and 911 Lincoln in 1934. There was a neighborhood outcry
3 about this subdivision event back in 1980 which resulted in the decision by the PTC to place
4 parcel restrictions on 985 Channing. Including the height limit of 13-feet. In 1980, a house was
5 built at 985 Channing, but just a one-story house consistent with the rules.

6
7 The decision by the PTC 41-years ago to place restrictions was excellent because it took into
8 account the interest of the surrounding homeowners. The parcel restriction accomplished its
9 purpose and it has been working well ever since it was put in place.

10
11 Previous owners of 985 Channing have abided by the restrictions. Current owners should too.
12 We've owned our home, 911 Lincoln, for more than 30-years. We love it here and we are
13 dedicated to the neighborhood. When we added a second story to our home in 2005, we faced
14 many restrictions. We abided by those restrictions. We did not try to change the rules.

15
16 We appreciate that the applicants, Frank Dunlap and Peimin Lin, want to enlarge 985 Channing
17 for the benefit of their family. But the current rules need to be followed, including the height
18 limit of 13-feet. We expect the City of Palo Alto to support us and the other adjacent
19 homeowners and not try to change the rules.

20
21 Based on information provided to us by the City, there is no precedent for undoing parcel
22 restrictions of this type on a residential property. We say let's not start now. If the parcel
23 restrictions on 985 Channing are removed. It will pull the rug out from under the adjacent
24 homeowners who have benefited from the parcel restrictions for many years. If a second-story
25 is allowed to be built, it will further bulk up our local section of the neighborhood. Resulting in a
26 large structure that looms over our back yard and negatively impacts our view and our sense of
27 privacy.

28
29 We vehemently object to the removal of the long-standing parcel restrictions and we
30 vehemently object to the building of a second-story at 985 Channing Avenue. Signed David and
31 Juanita Loftus and boys.

32
33 Mr. Nguyen: Thank you for your comments. Chair Hechtman, that concludes public comments
34 for this item.

35
36 Chair Hechtman: Thank you. Under our process at the conclusion of a quasi-judicial public
37 comment, we allow the applicant the opportunity for rebuttal comments of up to 5-minutes.
38 You don't have to take advantage of that opportunity but I wanted to let you know you have
39 that ability and find out if you have concluding remarks. Ms. Farrell?

40

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1 Ms. Farrell: Oh, yeah, sorry I had to turn my microphone back on. I would say that any proposed
2 addition is going to go through a very thorough review process with the Planning Department
3 and adhere to all of the new ordinances regarding setback, daylight plan recognition, massing,
4 offsetting of windows to ensure privacy. So, the concerns of the neighbors will be addressed.
5 Any proposed development will also be shared with all neighbors within a 300-foot radius. So,
6 there will be a time for conversation back and forth if there are any very specific concerns that
7 need to be addressed in the design.

8
9 Chair Hechtman: Thank you. Thank you.

10
11 Mr. Hammond: This is Steve Hammond if I... I think we may have a minute or two left. If I may
12 speak?

13
14 Chair Hechtman: Sure.

15
16 Mr. Hammond: Commissioners, I certainly echo Shelley's with respect to the IR process and the
17 fact that these are modern times. And there's a modern mechanism to address the neighbor's
18 concerns and no one is suggesting otherwise. There have been some comments about the
19 legality of the changes, the remedy that the Dunlap's seek, and if there are concerns about
20 that. We're certainly willing to follow up with additional information that addresses those
21 concerns. As we sit here today, I'm quite confident that the... a removal and a new Parcel Map
22 that removes these restrictions would not be the type of property damage for public use that
23 would trigger an inverse condemnation claim or anything along those lines. But again, we're
24 certainly willing to address those issues of their concerns. That is all. Thank you very much, I
25 appreciate your consideration this evening.

26
27 Ms. Farrell: Thank you.

28
29 Chair Hechtman: Alright, thank you. I will now bring it back to the Commission for discussion
30 and ultimately a motion on a recommendation to the City Council. And so, we will start with
31 Commissioner Lauing. Let me... Commissioner Lauing, before you start, let me suggest that let's
32 each take no more than 5-minutes for preliminary set of comments. If you have more, we'll
33 come back around a second time.

34
35 Commissioner Lauing: I was just going to ask that procedural question. If you wanted to do
36 actually just questions in the first round to kind of set up the question. So, obviously up to you,
37 just want to know what rules to follow.

38

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1 Chair Hechtman: Yeah, that's fine. Let's start with questions of Staff and then we can... after the
2 Commissioners have asked their questions then we can follow up with further discussion.
3 Commissioner Lauing, you want to lead off?
4

5 Commissioner Lauing: Yeah, thank you. So, to Staff, if you could just sort of take us back. None
6 of us were there in 1980 but the results are there here in a cornerstone of City Hall we have this
7 document. So, in 1980 this result came about in the ways that we've been told about. PTC and
8 Council voted to approve it and the restrictions were recorded in the site map and also in the
9 deed. Is that correct?
10

11 Mr. Sauls: My understanding is that it was on the Parcel Map. Not necessarily in any sort of
12 deed restriction.
13

14 Commissioner Lauing: OK but the Parcel Map is part... in parcel of any exchange of ownership of
15 the property. So, it would be both disclosed and understood by the seller and the buyer. And
16 just to confirm, there was no limitation in time, there was no sunset or anything like that. At the
17 time it was meant to go into perpetuity.
18

19 Mr. Sauls: Right, so in the supporting documents there's kind of a capture, as good or bad, as
20 limited as much as what we're able to really find unfortunately in our history. The conditions
21 were not identified to say this shall be this way for 10-, 15-, 20-years. It was simply a more
22 standard condition which is suppose to be kind of there forever until something changes it.
23

24 Commissioner Lauing: Right, so it's supposed to be there forever on that unit in that
25 neighborhood. So, having read the Packet a number of times over the last 2-two months since
26 it's come back to us. But so, what is your contention now as to why the Individual Review
27 Guidelines should actually even come into play on something that's already been documented
28 40-years ago? Knowing that they're there and we're all glad that they're there, but why do
29 these guidelines done in 2000 and something actually have any barring on this? I mean I think
30 that's kind of the first substantive point that we have to figure out.
31

32 Mr. Sauls: Right, so the number of the issues that were raised back in 1980 based on the history
33 of what we've been able to pull up where concerns related to privacy. Commissioners at the
34 time also highlighted are there means to establish privacy on the property or to ensure that
35 something like that would go forward. They also had discussed, at the time, was there a
36 potential to establish a single-story condition which as we now see was established as a part of
37 a condition for that map. And at the time, as indicated in the Staff report, the City's Zoning
38 Code for R-1 regulations was very minimal. It was almost about a page long where it is now, if
39 you were to try to print it out, it would probably be about 20 pages long or potentially more.
40 And since then, as a result of a lot of neighborhood or neighbor concerns related to privacy,

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1 massing, and impacts from new two-story homes through that semi-unregulated condition that
2 residents were experiencing. The City's residences and architect and Staff came together to
3 develop these Individual Review program or this Individual Review program specifically to try to
4 address those concerns.

5
6 You know, the issue obviously at this specific parcel is that no building has really made or able
7 to be developed on the site over 13-feet tall. So, they would not necessarily be able to even
8 potentially consider doing something that would be like a two-story home. So, the issue
9 primarily again is just related to whether those policies at the time were the appropriate
10 mechanism to try to limit what could be impacts from that? From a two-story home that at the
11 time had been potentially considered and whether or not the changes that have been adopted
12 since then are appropriate enough to protect against the concerns that neighbors certainly still
13 have and we experience all the time in that Individual Review process.

14
15 Commissioner Lauing: So, I don't want to put words in your mouth but it's sort of that the
16 problem was solved but this might be a better solution. I mean is that a way of understanding
17 Staff's position?

18
19 Mr. Sauls: Are you suggesting that the better solution would be to retain?

20
21 Commissioner Lauing: No, I'm saying that since the problem has already been solved. I think
22 Staff's position, as I'm understanding it, is that instead of using the new IR Guidelines that were
23 developed 20-years after the fact, might be a better way to solve the problem that was solved a
24 different way in 1980. Just trying to understand that kind of logic.

25
26 Ms. Tanner: I think that the... I don't know that we would say better or worse in that type of
27 subjective value. But certainly, that it would seem that some of the concerns, perhaps not all of
28 the concerns that neighbors express now, and that we can understand were expressed at the
29 time are addressed through the IR Guideline process. And so that if those concerns are there,
30 that perhaps they can be addressed through that process and then allow this home to have the
31 same Development Standards that the neighboring homes would be subject to where they to
32 want to build a second story.

33
34 Commissioner Lauing: Yeah, OK.

35
36 Ms. Tanner: Certainly, reasonable people can disagree with that and certainly can all see the
37 perspective that you shared and or like that this was here and thought it would be here in
38 perpetuity.

39

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1 Commissioner Lauing: OK, you got my questions answered. Thank you, that's all Chair Bart
2 [note – Chair Hechtman].

3
4 Chair Hechtman: Thank you. Vice-Chair Roohparvar, questions?

5
6 Vice-Chair Roohparvar: City Staff, can you give a brief overview as to what the IR process looks
7 like from a procedural standpoint. Not substantive like what the regulations are but I want to
8 better understand how many meetings do you have? Are neighbors involved? Is there
9 [unintelligible] into consideration? Can you just give a more of an understand as to how that
10 process works procedurally? How long does it takes?

11
12 Mr. Sauls: Sure, so when an application is submitted to the City. The project is noticed to
13 properties within a 150-foot radius of the subject site and within that, the Code technically says
14 that within 20... there's a 21-day period that residents have a time to provide comments for.
15 Staff has been more... historically Staff has been more lenient to receive comments at any time
16 and work with applicants and work with residents to [unintelligible] some of those concerns as
17 best as possible in the relationship to the policies that we have because they are guidelines.
18 They're not necessarily more strict applications of follow this section... follow the setback,
19 follow this daylight plan.

20
21 And so, to that extent, once someone submits those applications we would typically share
22 those public comments received with the applicant. We would provide our own comments to
23 the applicant as well about how that project conforms to the IR Guidelines. And when the
24 applicant resubmits, the requirement that we have is that they respond to those comments and
25 identify and modify the designs to demonstrate how they are better complying or better
26 conforming to the IR Guidelines.

27
28 Many projects have significant changes, some projects have minor changes. Projects from
29 applicants who repeatedly provide applications in the City have become familiar with what our
30 expectations are and familiar with proposing structures that are from the get-go more
31 consistent with the IR Guidelines than less.

32
33 Once we are able to make a decision on the project, we believe that Staff has done their review
34 and believe that it is consistent with the IR Guidelines. A decision would be rendered and that
35 decision letter would be sent out to residents within 150-foot radius. At that time that
36 application could be appealed and a Director's hearing could be called to discuss that item.
37 Once that Director's decision... Director's hearing is finished. That item can begin the appeal to
38 the PTC who would then make a recommendation to City Council based on the Director's
39 decision and Staff's input.

40

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1 Vice-Chair Roohparvar: Got it.

2

3 Mr. Sauls: And the applicant and resident concern (interrupted)

4

5 Vice-Chair Roohparvar: And quick clarify, the IR Guidelines are all subjective or a combo of
6 objective and subjective standards? Is it don't infringe on privacy or is it, you know, you need to
7 stay within X of the daylight plan?

8

9 Mr. Sauls: Right so it's some... it's a bit of both. So, there is subjectivity to how it is implemented
10 and so a lot of that discretion is discussed between the applicant and the Staff. And at times
11 also residents who are very interested and concerned about the impacts that the structure can
12 have. And so, there is a conversation that occurs between these groups where it's not
13 necessarily so ridged as again, follow this setback or follow this daylight plan generally. There
14 may be things where we say you need to maybe encourage when you're adjacent to a single-
15 story home. You need to give more space underneath the daylight plan to be considerate of
16 those structures and so those are things that we commonly review with these applications. To
17 push applications to be more or even more consistent with the IR Guidelines than what is
18 typically or may be considered as typically the case. Right? Where someone might say... say to
19 Staff, you know my application on its face complies with the base zone standards. That's not
20 necessarily the bare minimum that they have to meet and Staff oftentimes pushes applicants
21 further than that.

22

23 Vice-Chair Roohparvar: Got it, thank you.

24

25 Chair Hechtman: Commissioner Chang, questions.

26

27 Commissioner Chang: Thank you, Chair Hechtman. My question is... OK, on Packet Page 26 it
28 stated that the decision-making bodies that impose these restrictions need to be the body to
29 rescind them. And so, I'm wondering legally what are the criteria on which we are required to,
30 or are there any criteria where we're required to consider in deciding whether to continue or
31 rescind the restrictions? And I ask because there isn't a precedent specifically for this type of
32 restriction. I mean I understand that the process that has been laid out in our Packet is to go
33 through a standard... the standard consideration that we would do in terms of needing to make
34 findings for a Preliminary Parcel Map for a subdivision. But we're not subdividing this lot so I'm
35 wondering what the... what legal guidance in terms of what we should be considering?

36

37 Mr. Albert Yang, Assistant Attorney: So, I think as you mentioned Commissioner Chang, it...
38 what's presented in the Staff report are the typical findings that apply to a subdivision of a
39 property. And although we're not creating any new or different shaped lots in this process, the
40 question is still the same. So, presumably in 1980 the PTC or the Council were able to make the

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1 Findings that were required at the time based on the existence of these conditions. And so, the
2 question now is can you make the Findings that are presented to you without the conditions
3 and that's really the standard that's being asked of the PTC.

4
5 Commissioner Chang: OK, thank you. I mean I thought... that explains to me why we received
6 the Packet that we received but I still wonder, I mean is there any... like there's no... this is not
7 an analogist situation if that makes sense. We don't... is there any precedent at all for or
8 analogy that you can draw that kinds of explains why this makes sense? Because I'm just kind
9 of... the... and I wish we had... I mean I wish we had the Findings from before to understand
10 what those were. But if they weren't made in the same way then we can't reverse them in the
11 same way. I think... I understand your explanation but it still doesn't quite answer my question
12 but thank you.

13
14 Mr. Yang: I guess I could try to make... provide an analogy. So, let's say there were a Conditional
15 Use Permit that restricted the hours of certain operations to times where the noise that would
16 be created wouldn't be problematic. And then over the course of time, there was a change in
17 technology that eliminated that noise, right? So now perhaps like trucks are silent because
18 they're all-electric. So, your delivery trucks aren't making the same amount of noise. The... you
19 know, that holder of the CUP could come to the City and say I'd like a new CUP that doesn't
20 have that hours of operations restriction because the noise isn't an issue anymore. And then
21 the question before the PTC at that time would be can you make the CUP Findings that you
22 need to make without having that noise restriction in place?

23
24 Commissioner Chang: OK, thanks.

25
26 Chair Hechtman: Commissioner Templeton.

27
28 Commissioner Templeton: Hi, thank you and thank you to the applicants and the public
29 commenters for shining some additional light on this application. I'm going to ask Staff here to
30 do a little more work. Your presentation is extremely synced and possibly that may be some of
31 the consternation that the Commissioners are going through. We may need a little bit more
32 scaffolding in order to analyze this and come to an agreement. So, what I would ask is Staff, are
33 you able to project Packet Page 32? This is... sometimes in the past we have had a slide that will
34 summarize the Findings that are required but I didn't see that in the slide deck that was sent to
35 us nor in any pocket slides in that. But if you did have it in a slide, of course, that would be
36 acceptable as well.

37
38 Mr. Sauls: Sure, let me go ahead and pull up the Packet.

39

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1 Commissioner Templeton: So, the history... while you're doing that just let me opine a bit. The
2 history of this is all very interesting. Adds a lot of color to this discussion but I think that the way
3 I'm looking at it I appreciate what Mr. Yang just said. I think that's the right way to look at it, is
4 what is the situation now, and do we... have we made the Findings to address approval or
5 denial of the application? Because we can't go back and change time and we can't predict the
6 future. All we can do is analyze where we're at and what the ask is in front of us. And with
7 sympathies to the folks that have called in with concerns about future developments. We don't
8 have that in front of us. As a body, the PTC right now has in front of us an application to change
9 a Parcel Map and Findings that we must make in order to approve or deny that. Is that a correct
10 assessment, Mr. Sauls?

11
12 Mr. Sauls: Yeah and Mr. Yang may be able to answer this a little bit more too. But primarily,
13 what the Findings do is they almost ask to make reverse Finding. You know that they don't
14 necessarily create these issues because they're kind of set up more in this negative context of
15 saying it does create this [unintelligible], it does create this concern or it does create this
16 problem. So, what the Findings are trying to show is really that there are not going to be these
17 impacts to any of the adjacent properties. And certainly, that is, you've identified earlier, over
18 time things... impacts will change and many of the language... much of the language is very
19 squishy, right? You talk about general or specific or sorry, consistent with... that it's going to
20 create some sort of damage to the welfare of the general populist or anything like that. It's very
21 kind of vague and open-ended which, like Assistant Director Tanner had said earlier, rational
22 minds can disagree with. And so (interrupted)

23
24 Commissioner Templeton: So, are we evaluating hypothetical structures at this point or just
25 looking at these criteria? These seven criteria that are laid out.

26
27 Mr. Sauls: So, this specific application focuses on the boundaries of the parcel itself and the
28 limitations that have been placed on it. The subsequent application would focus on the impacts
29 to massing and privacy. That would be reviewed through the IR project.

30
31 Commissioner Templeton: Great, I think that's really important distinction because there's a lot
32 that we could be discussing and that has been brought up tonight. And we really need to bound
33 and have some structure to this discussion I think in order to move forward so I appreciate that
34 clarification.

35
36 OK so to keep to our time limit that the Chair has set, I'm not going to get into one through
37 seven but I appreciate you having it available for us to refer to as we go the next round.
38 Specifically, can be make the Findings, one through seven, that Staff had recommended. So, I'll
39 just leave it therefore now, thank you.

40

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1 Chair Hechtman: Thank you, Commissioner Templeton. So, Vice-Chair Roohparvar, I see your
2 hand up. Let me ask a few questions and then I will come back to you. Let's see the first
3 question and this ties into some... an earlier question from another Commissioner. But I heard
4 Mr. Rugosa during his comments express concern over the... a plan he had seen that was
5 submitted to the City for redevelopment of 985 Channing. That it sounds like involved a
6 proposed two-story house and an ADU. Mr. Sauls has... and I understood the same from the
7 Staff report but my impression from the Staff report is that that proposed development has not
8 yet been through the SFIR process. Is that right?

9
10 Mr. Sauls: Right so it was submitted and we provided our initial comment letter. But it has not
11 been resubmitted pending the decision and outcome of this project. So, it effectively is as what
12 is indicated in the Staff report, it's on hold pending this decision.

13
14 Chair Hechtman: OK and as you described the process in response to I think Vice-Chair
15 Roohparvar's question, the next step in the process, ignoring this issue that we're dealing with,
16 is the applicants for that IR would submit revised plans. And they may revise them a little, they
17 may revise them a lot, but the goal is that they revise them to address Staff comments. And
18 that process and the ability of the neighbors to review revised plans, none of that has
19 happened yet, right?

20
21 Mr. Sauls: That's correct.

22
23 Chair Hechtman: OK, alright, I also heard Ms. Weager who resides next door at 975 Channing
24 talk about a process regarding their home where at one point they had looked into developing
25 a second-story and it wasn't clear to me what happened, what dissuaded them that they ended
26 up doing I think as she described as a minor roof addition. And so, I was curious if Staff
27 happened to know if that property, 975 Channing, is a substandard parcel that would be subject
28 to the 17-foot limit for... well that's the question? I was trying to understand what the hiccup
29 was in their effort to develop a second story.

30
31 Mr. Sauls: So, looking at the parcel, there are certainly... there are multiple criteria that define
32 whether or not something is substandard. One that is either has a width or a depth that's less
33 than 50-feet in width or 83-feet in-depth and that it is less than 83 percent of the base R-1
34 Zoning requirements. And so, or the base zone districts requirements and so looking at the
35 parcel report. The property is less than 50-feet so I would meet that kind of first criteria but it is
36 not less than the 83 percent required based on that underlying zone district. So, while it may be
37 a more narrow lot, it does not preclude the applicant from proposing a two-story home. I can't
38 speak obviously to their personal interest in doing one or not at the time but looking into the
39 plans around the time. It is true they ended up doing an attic addition which kind of adds a
40 clear story space looking at the street view onto the project... onto the property. Kind of this

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1 sub-second-floor layer kind of on top of their structure but they did not propose a full two-story
2 home.

3
4 Chair Hechtman: OK, thank you for that clarification and one more question. This one is for you
5 Mr. Yang. Just this is maybe a question of form and not substance but the Subdivision Map Act
6 allows a map to be... that's been approved and recorded to be amended. For example, if we
7 had an easement on a... running through land on a map and decided the easement should be
8 located in a different place. We go through a Map Amendment process. Here it seems like the
9 approach that's being taken is to record a new Parcel Map and I'm just curious if there's a
10 reason that process was chosen instead of an amendment? Or is it... I mean it may be...
11 functionally I think it's the same, but I was curious as to why this particular vehicle was chosen.

12
13 Mr. Yang: I don't have a complete answer for that. I think that given the amount of interest we
14 had in this issue. We wanted to make sure that it went through a hearing process and was
15 decided upon by the City Council. And the process that we have laid out in our Code for that
16 was one of recording a new Parcel Map.

17
18 Chair Hechtman: Alright, those are my questions. Vice-Chair Roohparvar.

19
20 Vice-Chair Roohparvar: I had a similar question that touched on what you just said and
21 Commissioner Chang. I just want to make sure because it's now... now it's throwing me off. This
22 process is for approving a Parcel Map, it's for a subdivision, but the subdivision has already
23 happened and we don't have a project before us. So, it seems like we're using the wrong
24 mechanism but what the thrust of what Staff and the applicant are saying is that times have
25 changed. We've modernized and so we should take that into account and therefore approve it.
26 But we don't have a subdivision or a project before us. It's hey, approve the fact that we're
27 going to deal with in this other form through the IR process review. So, that's what's tripping
28 me up. I don't know if it's... I mean I think it's may be form over substance but it's... can you
29 shed some light on that a little bit more? Am I understanding this correctly?

30
31 Ms. Tanner: I'll ask Mr. Yang to join me in answering but I think part of it is just to even think
32 about what happens in the IR process. Those don't come before this Commission. This
33 Commission does not review or approve IR projects and so procedurally there's no project to
34 bring before you for approval in terms of approving a two-story home or reviewing that. That
35 has its own process and so. And likewise, we cannot accept and process an application for a
36 two-story home unless the Parcel Map is amended or in this case, a new Parcel Map is created
37 that allows... would allow a height that would allow a two-story home. And so, there's not a
38 mechanism to advance or even really consider that other application. And even if we did
39 consider it, it wouldn't come before this body for approval, and so I think Mr. Yang is just trying
40 to say if in the reverse Findings that must be made for a subdivision. Those were made at the

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1 time of this map being drawn and to go back through it. Basically, to reverse the decision which
2 is to remove that condition at this body and the Council would need to find that they cannot
3 make any of the reverse Findings based on the height. But the bodies may decide that these do
4 have adverse impacts, as outlined in those Findings, and that one of them is made and
5 therefore they cannot approve the new Parcel Map.

6
7 Vice-Chair Roohparvar: Yeah, no, I get the IR doesn't come before us but when I'm looking at
8 the Findings. It keeps talking about the proposed subdivision but we don't a proposed
9 subdivision. The subdivision has already happened. There's no proposed subdivision. It's just
10 one property that's already been subdivided. So, maybe I'm getting caught up on words, maybe
11 an amendment would have a better mechanism, but that's what's tripping me because we
12 don't have a proposed subdivision. OK, I'm good.

13
14 Mr. Yang: Right, so I guess I can jump in just briefly on this. So, our Code and the Map Act do
15 deal with amendments. They are primarily meant to deal with corrections of errors and kind of
16 minor issues. And so, there isn't a list of Findings having... that touches on the policy fit of
17 what's being proposed in the amendment process.

18
19 Whereas in this case, I understand that yes, we already have two parcels, but there's still this
20 question of, these two parcels were found not to have detrimental impacts when these
21 conditions were included. And the question that needs to be answered that's being asked right
22 now is will these same two parcels still not have detrimental impacts without those conditions?
23 And I know it's not exactly the same but it's a little bit... in my mind, it's somewhat like having a
24 one lot map for condominium purposes. You know you're really just creating one lot that's still
25 there. You're just saying I'm also going to be creating condominiums through the separate state
26 condominium process. So, I understand we're not drawing new lines but the... in Staff's view,
27 the questions that are being asked by the required Findings are still relevant.

28
29 Vice-Chair Roohparvar: Thank you.

30
31 Chair Hechtman: Commissioner Chang, before I call on you, let me just mention. Mr. Hammond,
32 I do see your hand up but the... but I won't be calling on you. The opportunity for public or
33 applicant to weigh in, absent a question from a Commissioner, has passed. So, I appreciate that
34 you have had something that you thought you could contribute on the legal issue but we're
35 going to keep it with the Commission. So, didn't want you arm to get tired. Alright,
36 Commissioner Chang.

37
38 Commissioner Chang: Commissioner... Chair Hechtman and Vice-Chair Roohparvar, I really,
39 really appreciate the questions that you're asking from a legal perspective because I think that's
40 what I was trying to get at. And what I would like to understand now from Mr. Yang is how

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1 would the... what would the requirements be that we follow for a Map Amendment process
2 differ from those of a subdivision process? In other words, with the subdivision and the
3 Preliminary Parcel Map, we have to have find... have certain Findings. What's the bar or the
4 threshold that we need to meet for a Map Amendment?
5

6 Mr. Yang: To be honest, there don't seem to be a set of clearly defined Findings that are
7 required for Map Amendments. In part, I think that's because the Map Act contemplates them
8 for what seems to be more technical errors, and while our Code does allow them for kind of a
9 broader range of issues. We don't define the Findings that are... that apply to those situations.

10

11 Commissioner Chang: Thank you.

12

13 Chair Hechtman: Commissioner Lauing, questions. It's 8 o'clock and what I was thinking if we
14 can get through the questions, then we're going to take a 10-minute break and come back to
15 further our deliberations. So, if you have more questions, lets ask them now. If you're ready to
16 start discussion, then I'd ask you wait till after the break. What's your pleasure?
17

17

18 Commissioner Lauing: We're on the same page. That's just what I was going to ask you because
19 I am ready to make some comments on what counsel said and Commissioners said. OK, very
20 good.

21

22 Mr. Yang: I do have just one addendum to what I... my response to Commissioner Chang just
23 now. You know, on further reflection, our Code says we'd have to make... we'd have to
24 determine that the map conforms to the provisions of the Subdivision Map Act. And I guess we
25 could read that to mean that we'd have to make the same Findings that you have to make for
26 any map. So, it would be essentially the same process.
27

27

28 Chair Hechtman: Alright, thank you, Mr. Yang. So, we are going to now take a 10-minute break.
29 I have 8:05, so we will resume at 8:15.

30

31 [The Commission took a 10-minute break]

32

33 Chair Hechtman: [note – video started mid-sentence] resume.

34

35 Ms. Tanner: Alright, great. I think that if it's OK with the Chair, I think that our attorney may
36 have some remarks, or Albert, would you like the Commission to deliberate before sharing
37 some of your concepts?
38

38

39 Mr. Yang: I think actually it would help if we as Staff just took a minute to discuss. Chair, if you
40 wouldn't mind if we could take another 2-minutes and come back?

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Chair Hechtman: Let us know when you're ready.

Ms. Tanner: Thank you.

[The Commission took a short break]

Commissioner Templeton: Meanwhile, if Commissioners didn't get a blanket and a warm beverage. I highly recommend it. It's really cold.

Commissioner Lauing: I used more energy and turned up the heat. I should have gotten the blanket.

Vice-Chair Roohparvar: Commissioner Chang has her blanket too. I love it.

Commissioner Lauing: I did big out the corduroys before this meeting though.

Commissioner Templeton: I had that thought myself, Ed. Alright, I think we're still recording though, right?

Commissioner Lauing: Yeah.

Commissioner Templeton: Alright.

Chair Hechtman: Well, then let the record reflect that I don't own corduroys.

Commissioner Templeton: So sorry to hear about that. You deserve some luxuries.

Chair Hechtman: I might have to look into that.

Vice-Chair Roohparvar: Chair Hechtman, did you change your background photo? Is that the most recent? Is the overpass done now?

Chair Hechtman: It's not, it's not. This is the one I put up after they added the missing link but they are still slowly, as near as I can tell, installing the railing. So, it's not open yet and perhaps at the end of the meeting tonight. Ms. Tanner may have an update for us.

Vice-Chair Roohparvar: Give us an update. That'd be great.

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1 Chair Hechtman: Since we have a minute, I will share with the Commission what I believe to be
2 kind of a this day in Palo Alto history thing. Not for today but coming up in November I believe
3 is the 100th anniversary of the construction of the transmission tower in the Baylands near the
4 Renzel marsh and ponds which was I think a 694-foot tall transmission tower. The first of its
5 kind on the west coast. It's near that white building you see sitting out in the middle of the
6 marsh which I think was called the... I want to say it was ITT building. There's actually... is that...
7 Ed's saying that's right.

8
9 Commissioner Lauing: Yep, yep.

10
11 Chair Hechtman: If you bike up to the, or walk up to the top of the Bixby Park on the part of the
12 trail that overlooks that building, there's actually a... some information about the building and
13 its history. So, it is a century ago this fall that that happened. So, and to my knowledge, it's one
14 the earliest examples of Palo Alto as a technological leader. I might get an email from some
15 member of our historical society if I've badly botched any of those facts.

16
17 Commissioner Templeton: That's pretty cool, Chair.

18
19 Commissioner Lauing: I think you should be proactive and research it and come back with the
20 real answer in case you screwed it up. When I was on the Parks Commission, we got a private
21 tour of that because it's all locked down and it's not good inside. It's been... before they locked
22 it down it had been vandalized and so on but it's just amazing the history there. During the war,
23 they did special things out there with some ancient-looking technology but you're right Bart, it
24 was technology. It was leading-edge, you know, in 1940. It was just amazing that that's just
25 sitting there. I walked over there the other day and I said you know that building doesn't look
26 too good but if you knew what was inside. You'd understand the historical value of it. It's pretty
27 cool.

28
29 Chair Hechtman: For members of the public and the applicant who are here, it's not typical for
30 us to take a prolonged break like this. But I hope you can appreciate that we're trying to get to
31 the right answer and the right process and with a kind of request that we don't handle often. It
32 takes a little more time to do it so we appreciate your patience.

33
34 Mr. Yang: Alright, thank you, everyone, for your patience, Chair, and Commission. As you just
35 mentioned, this isn't an application type or request that we encounter often. And we've
36 discovered in part as a result of the Commission's questions that there is actually an additional
37 set of Findings that should be applied to this situation. And so, we'll put them up now and just...
38 and so that you can see them but we would recommend a continuance of the item. So, that the
39 applicant and the public can both analyze it and speak to the additional Findings.

40

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1 So, here they are and this is something that applies to an Amending Map. The process is
2 largely... is basically exactly the same as the process we've followed but we just need to take
3 account of these additional Findings here. They are... first that there are changes in
4 circumstances which make any or all of the conditions of the map no longer appropriate or
5 necessary, that modifications do not impose any additional burden on the present owner of the
6 property, the modifications do not alter any right, title, or interest in the real property reflected
7 on the recorded map, and that the map is as modified conforms to the provisions of the
8 Subdivision Map Act and the Palo Alto Municipal Code Chapter 21.16. So (interrupted)

9
10 Ms. Tanner: If I could, I just want to recognize this is not our normal way of proceeding but we
11 did want to bring this to the Commission's attention as soon as we were aware of it and
12 certainly, to the applicant and those who are present. We do apologize for the oversight of this
13 little-used section of our Municipal Code that portends the possibility of amendments to Final
14 Maps.

15
16 We'll let the Commissioners take a look at it. I see folks studying it and you may have additional
17 questions regarding these Findings; or question or comments related to previous discussion.

18
19 Commissioner Templeton: Chair, may I ask a question of Staff?

20
21 Chair Hechtman: Commissioner Lauing has his hand up first. I'm going to find out if you have a
22 question of Staff Commissioner Lauing?

23
24 Commissioner Lauing: Yeah, I was just going to ask for clarification on couple of these things
25 but if Commissioner Templeton wants to go first. That's fine.

26
27 Commissioner Templeton: Thank you, Commissioner Lauing. I'll be very quick. I was just going
28 to ask Staff to please send this out. Even if it's a little in advance of the updated Packet if you
29 could just send this out to us to start looking at it. Thanks.

30
31 Ms. Tanner: Certainly.

32
33 Chair Hechtman: Commissioner Lauing.

34
35 Commissioner Lauing: A couple questions about this and then I want to make a comment on
36 what counsel just said. On Number Two, could you make sure we understand what that means,
37 burden on the present fee owner of the property?

38
39 Mr. Yang: That basically means burdens on the owner of the properties that are on the map. So,
40 in this case, that there are two parcels that have been created. It would be I think both of those

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1 owners would be relevant in terms of the burdens whether there are any new burdens and fee
2 owner just refers to the type of ownership. It means it's a lease or it's the typical form of
3 ownership that you would encounter.

4
5 Commissioner Lauing: So, if I understood you correctly, that's not just the applicant but the
6 other person that is impacted by the Parcel Map?

7
8 Mr. Yang: So, that is (interrupted)

9
10 Ms. Tanner: I just want to allow, Mr. Yang if you don't know the answer right now. I think that's
11 OK if you need some time to research it. But perhaps... I don't... honestly you don't know the
12 answer but I know that this is some new information that you are also trying to assess.

13
14 Mr. Yang: Yeah, I think that this is something that we'll have a more definite answer in an
15 amended Staff report. But typically, when you have a map, you have a single owner of the
16 property that is subdividing that land and so this provision refers just to a single owner.
17 Although this is something that is applicable to amended maps and, in this situation, we have
18 two owners of the properties that are shown on the map. So, it's something that we'll have to
19 look at. It's a good question.

20
21 Commissioner Lauing: So, under the circumstances and to make sure that this is the final
22 Findings. I would concur with the recommendation to continuous this if you need a motion on
23 that, Chair Hechtman.

24
25 Chair Hechtman: I may in just a moment but a couple of questions of Staff first. So, when Staff
26 brings this back, my anticipation is... just as you have in I think it's Attachment B to our current
27 Staff report, set forth the required negative Findings and Staff effort regarding each of those
28 Findings. My expectation is when this comes back, Staff would have worked through these four
29 Findings, including the issue that Commissioner Lauing brought up, and present us with Staff's
30 recommendations for each of those Findings. Is that the anticipation from Staff?

31
32 Ms. Tanner: Yes, Chair.

33
34 Mr. Yang: Yes.

35
36 Ms. Tanner: That's correct.

37
38 Chair Hechtman: Alright and does Staff have an idea of when it would be ready to come back to
39 us with the Findings presented sufficiently in advance of that for the applicant, the neighbors,
40 and Commissioners to review those things?

-
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Ms. Tanner: I would based on the progress of this hearing and considering there are both the applicant and concerned neighbors. We want to put this to our hearing in November with the idea that maybe we can publish something... provide some insight of course to the parties earlier. We can see what that would look like but I do think October or end of this month may be too soon. Just because we'll need to turn around that report and then folks will want to take time to look at it. So, that's my inclination but certainly open to other Staff thoughts about the timing and Mr. Yang's thoughts as well.

Mr. Yang: I'm in agreement. I think that November is the likely timeframe.

Chair Hechtman: November hearing is November 10th for the members of the public. Commissioner Laung, your hand is still up. Do you mean it to be?

Commissioner Laung: Nope, not unless you want me to make a motion?

Chair Hechtman: Well, let's see, I see Mr. Hammond's hand up and I'm interested in hearing from the applicant. I presume your motion is going to be to continue it to November 10th and I am interested in knowing in advance from the applicant if that's a date of availability for them? And so, I'm willing to recognize Mr. Hammond, not for any substantive discussion. You'll have an opportunity to respond to Findings once they're drafted, but rather on the availability of the applicant to a continued date of November 10th. Mr. Hammond, can you address that for us?

Mr. Hammond: I am available November 10th and let me just check to see. Mr. Dunlap is available November 10th and I believe that... I haven't from Shelley but I believe that November 10th would work and at the risk of encoring your wrath. I would... and it's probably not necessary, simply request that a continuance be done continued such that this... the public comment and applicant comment period is left open.

Chair Hechtman: That's a fair request Mr. Hammond and I was intending to do that. These new Findings need to be commented on by all interested parties. So, when we reconvene on this, I will be reopening both for the applicant and any other interested parties to make comments. And frankly, encourage everyone with an interest in this to send us written comments in advance so that we have more time to digest them. OK, Commissioner Chang, I think I saw your hand go up but then down. So, I'm going to ask Commissioner Laung if he would like to make a motion now?

MOTION

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1 Commissioner Lauing: I'd like to move continuance of this item to the November... excuse me...
2 to the November meeting.

3

4 SECOND

5

6 Vice-Chair Roohparvar: I'll second. Oh, go ahead.

7

8 VOTE

9

10 Chair Hechtman: Thank you, Vice-Chair Roohparvar. Any discussion from any Commissioners on
11 the motion? Seeing none, Mr. Nguyen will you conduct a roll call vote on the continuance?

12

13 Mr. Nguyen: Yes. Commissioner Alcheck is absent. Commissioner Chang?

14

15 Commissioner Chang: Yes.

16

17 Mr. Nguyen: Chair Hechtman?

18

19 Chair Hechtman: Yes.

20

21 Mr. Nguyen: Commissioner Lauing?

22

23 Commissioner Lauing: Yes.

24

25 Mr. Nguyen: Vice-Chair Roohparvar?

26

27 Vice-Chair Roohparvar: Yes.

28

29 Mr. Nguyen: Commissioner Summa is absent. Commissioner Templeton?

30

31 Commissioner Templeton: Yes.

32

33 Mr. Nguyen: OK, the motion carries 5-0 with two Commissioners absent.

34

35 MOTION PASSED 5(Chang, Hechtman, Lauing, Roohparvar, Templeton) -0-2(Alcheck and
36 Summa absent)

37

38 Chair Hechtman: Alright, alright, thank you, everyone, and particularly thank you to Staff. It's
39 more important obviously to get it right than to get it done. So, we're on the path to doing that
40 and so I appreciate Staff's quick work to find the section and give us a path forward.

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1
2 **Commission Action:** Motion by Lauing, Seconded by Roohparvar. Pass 5-0 (Alcheck and Summa
3 absent)

4 **Approval of Minutes**

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

6 4. September 8, 2021 Draft PTC Meeting Minutes

7 Chair Hechtman: So, we will now move to approval of minutes and I think we have is it the
8 September 8th minutes as modified for us tonight?

9

10 Mr. Steven Hammond: Thank you, Commissioners and Staff. Good night.

11

12 Chair Hechtman: Can I have a motion on the modified September 8th minutes, please? Please?

13

14 MOTION

15

16 Commissioner Lauing: Move to approve.

17

18 Chair Hechtman: Thank you. A second?

19

20 SECOND

21

22 Vice-Chair Roohparvar: I'll second.

23

24 VOTE

25

26 Chair Hechtman: Thank you, Vice-Chair Roohparvar. Mr. Nguyen, a roll call vote, please?

27

28 Mr. Vinh Nguyen, Admin Associate III: Commissioner Chang?

29

30 Commissioner Chang: Yes.

31

32 Mr. Nguyen: Chair Hechtman?

33

34 Chair Hechtman: Yes.

35

36 Mr. Nguyen: Commissioner Lauing?

37

38 Commissioner Lauing: Yes.

39

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1 Mr. Nguyen: Vice-Chair Roohparvar?

2

3 Vice-Chair Roohparvar: Yes.

4

5 Mr. Nguyen: Commissioner Templeton?

6

7 Commissioner Templeton: Yes.

8

9 Mr. Nguyen: The motion carries 5-0 with two Commissioners absent.

10

11 MOTION PASSED 5(Chang, Hechtman, Lauing, Roohparvar, Templeton) -0 -2(Alcheck and
12 Summa absent)

13 Chair Hechtman: Thank you.

14 **Commission Action:** Motion by Lauing, Seconded by Roohparvar. Pass 5-0 (Alcheck and Summa
15 absent)

16 **Committee Items**

17 Chair Hechtman: Committee items, any Commissioners with Committee items?

18

19 Commissioner Lauing: Yeah.

20

21 Chair Hechtman: Commissioner Lauing.

22

23 Commissioner Lauing: Yes, just want to give a brief update on the Housing Element Committee.
24 We are not doubling down. We're going to two meetings a month to accelerate the... kind of
25 the whole situation because there were some developments in state government where the
26 deadlines were moved more earlier. And so, we're obviously going to accommodate that and
27 otherwise, I think it's going quite well as I said last time. Very good participation and
28 increasingly good participation across the board from all members as it was intended. That's all.

29

30 Ms. Rachael Tanner, Assistant Director: I don't have a Committee item but I know
31 Commissioner Summa is not here. So, she may have normally reported on the NVCAP
32 occurrences and the Board... the Board? The Council did review the NVCAP and gave Staff
33 direction. Generally, aligned with Alternative One, which was for the lower development
34 alternative with some carve-outs for different things and we'll be coming back in December to
35 the Council. Just to ensure that we understood correctly what they chose because they kind of
36 chose different elements of some of the different alternatives and added a few requests for
37 some more information. So, we'll be going back to the Council in December on that item.

38

39 Chair Hechtman: Alright, thank you. Anything else under the Committee items?

-
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1 **Commissioner Questions, Comments or Announcements**

2 Chair Hechtman: How about Commissioner questions, comments, announcements or future
3 agenda items? Commissioner Lauing.

4
5 Commissioner Lauing: I just wanted to get some visibility on the October 27th item about
6 electrification streamlining. Do we think that's the only agenda item and is it long or short? Just
7 to kind of plan ahead.

8
9 Ms. Rachael Tanner, Assistant Director: It probably will be our only agenda item. We've been
10 trying to manage the calendar and things keep moving as they do. I don't know that it will be
11 particularly long. Just overall the idea is we're working primarily on electrification as it relates
12 to Building Permits. Not a lot of planning related to it and in particular, the City's working to try
13 to get more like EV chargers at homes, solar panels, you know things like that, and more
14 electricity instead of other things like gas. And so, trying to think about how we can reduce the
15 review time for those permits and particularly, can we get some of the planning review may be
16 done by the plan review Staff or the plan checkers versus planners. And so that's the idea that
17 we'll be bringing forward are some perhaps Code Amendments that might codify the plan
18 review requirements in different parts of our Code. And basically, just try to streamline those
19 applications, if that makes sense?

20
21 Commissioner Lauing: OK, thanks.

22
23 Chair Hechtman: Ms. Tanner, might you have any update on the structure above my head?

24
25 Ms. Tanner: You know, I don't know any update on that. I had to miss our last Infrastructure
26 Committee meeting but I can reach out and see what the plans are for the bridge.

27
28 Chair Hechtman: I have seen them... workers up there occasionally working on the railing which
29 it seems to be making progress but I'd appreciate it.

30
31 Ms. Tanner: Hopefully soon, that'd be nice.

32
33 Chair Hechtman: Alright, not seeing any additional hands from Commissioners. I will declare
34 this meeting adjourned. Thank you all.

35 **Adjournment**

36 8:40 pm

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