



Planning & Transportation Commission Action Agenda: July 13, 2022

Virtual Meeting
6:00 PM

Call to Order / Roll Call

Approximately 6:04 pm

Chair Lauing called to order the Planning & Transportation Commission meeting for July 13, 2022 and requested Roll Call.

Vinh Mr. Nguyen, Deputy City Clerk gave roll call and established there was a quorum.

Chair Lauing, Commissioner Reckdahl, Commissioner Hechtman, Commissioner Chang, Commissioner Roohparvar and Vice Chair Summa were present. Commissioner Templeton was absent.

1. Adoption of a Resolution Authorizing Use of Teleconferencing for Planning and Transportation Commission Meetings During Covid-19 State of Emergency

Chair Lauing noted there are five Commissioners in Chambers and one Commissioner hybrid.

MOTION

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1 Commissioner Chang motioned to adopt the resolution authorizing the teleconferencing for the
2 Planning and Transportation Commission regular meeting during the COVID State of
3 Emergency.

4

5 SECOND

6

7 Commissioner Reckdahl Seconded the motion.

8

9 PUBLIC SPEAKER

10

11 Mr. Aram James, public speaker provided comment to the benefits of allowing remote public
12 participation during the meetings.

13

14 VOTE

15

16 Mr. Nguyen noted Commissioner Templeton was absent and the motion carried 6-0-1.

17

18 MOTION #1 PASSED 6 (Hechtman, Lauing, Reckdahl, Chang, Roohparvar, Summa,) – 0 -
19 1(Templeton Absent).

20

21 **Commission Action:** Motion by Chang, seconded by Reckdahl. Motion Passed 6-0-1.

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1 Rachael Tanner, Assistant Director provided directions on how members of the public can join
2 the hybrid meeting as well as how to provide written and/or spoken public comments and
3 conducted the roll call vote and announce all Commissioners were present.

4

5 **Oral Communications**

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

7

8 Aram James provided public comment regarding political questions he feels are important for
9 potential candidates to answer about various topics.

10

11 **Agenda Changes, Additions and Deletions**

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

13

14 Chair Lauing asked if there are any agenda changes, additions, or deletions.

15 No changes were communicated.

16

17 **City Official Reports**

18

19 1. Directors Report, Meeting Schedule and Assignments

20

21 Chair Lauing commented on the impending departure of Assistant Director Tanner from her
22 role within the Department of Transportation and expressed the Commission's appreciation for

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1 her knowledge and the value of her service in Palo Alto, wishing her well in her future
2 endeavors.

3
4 Assistant Director Tanner stated it has been a pleasure and honor working with the members of
5 the Planning and Transportation Commission and very much appreciated what they have
6 brought to the department and how respectful each Commissioner is to each other and
7 members of staff. In addition, the first Council meeting on August 1, 2022, City Council has on
8 their Agenda the map of 1033 Amarillo which the Commission had previously discussed. Staff
9 will keep the PTC liaison informed if that schedule changes.

10
11 Mr. Rafael Rius, Senior Engineer, reported Phase III of the Charleston/Arastradero project
12 continues to progress with one noteworthy delay of the traffic signal at Charleston and Louis
13 and Montrose due to lead times and limited materials procurement. The expected time of
14 installation is during the fall. The traffic signal repairs on the pedestrian island improvements
15 for the northeast corner of Alma and Meadow are due to be completed the week of July 13th,
16 2022. A bronze plaque was mounted at the new Adobe creek crossing in memory of Benjamin
17 Lefkowitz and was unveiled during a ceremony on July 12th.

18

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1 Chair Lauing commented the Commission would like for staff to work on setting up the study
2 session, which is a top priority in the Work Plan, to investigate some of the danger areas around
3 Palo Alto.

4

5 Mr. Rius replied he had already mentioned that request to his supervisor and staff will be
6 working on a strategy for the Commission.

7

8 **Action Items**

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

11

12 3. PUBLIC HEARING/LEGISLATIVE: Review and Discuss Potential Ordinance Changes
13 to Palo Alto Municipal Code Chapter 18.09, Accessory and Junior Accessory
14 Dwelling Units. Environmental Assessment: Exempt from the provisions of the
15 California Environmental Quality Act (CEQA) pursuant to Public Resources Code
16 Section 21080.17 and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and
17 15305

18

19 Mr. Garret Sauls, Planner, provided a presentation about the status of the changes of the ADU
20 ordinance update which included a review of former Commission discussions from February
21 and May meetings in 2021 and the direction provided from Palo Alto City Council in 2020.
22 Additionally, Mr. Sauls included information about a letter received from HCD in December of
23 2021 in which HCD identified twelve items within the Municipal Code for Palo Alto potentially in
24 conflict with State Law. Staff met with HCD in February of 2022 and responded to HCD's letter
25 following the meeting with no reply since then from HCD. In the efforts of keeping on track with

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1 the Ordinance update schedule, staff's recommendation for this item is to receive Commission
2 feedback on current proposed ordinance changes specific to the ADU and JADU changes.
3 Chair Lauing reminded the Commission this is not a final draft to be approved or not approved,
4 the purpose of this Hearing is for the PTC to provide staff feedback and recommendations for
5 changes of the language used for proposed changes made to date.

6

7 PUBLIC COMMENTS

8

9 Mr. Randy Popp, resident and architect on the ADU Task Force, provided public comments
10 requesting the Commission make every effort to work through as much of the drafted updates
11 they can having not yet received a response to their questions from HCD. Noting several clients
12 are anxiously awaiting results on below grade structures, privacy, noise producing equipment,
13 garages and porches and patios as related to ADU counted floor areas.

14

15 COMMISSION COMMENTS

16

17 Commissioner Roohparvar questioned if most ADUs requesting permits are modular built, if
18 the City has been approving helical pile foundations and if the City has considered preapproval
19 programs like the ones being used in Santa Fe, Oakland, LA and San Diego, and what the
20 current turn-around-time is for approving ADU permits.

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Mr. Sauls replied to Commissioner Roohparvar’s questions stating staff has been seeing a fair amount of modular ADU applications, however, wouldn’t say they hold a majority. He is not aware of any specific conflicts related to foundations but that is more in the jurisdiction of the building department, not the planning department. The City had initially received SB2 funding which was directed towards other aspects of the Housing Element. Mr. Sauls would have to get back to Commissioner Roohparvar regarding the current turn-around-time for ADU permit approval. Currently there is an internal process which estimates roughly a two week turn-around which is dependent upon applicant response times and resubmittal of Planning document requests.

Assistant Director Tanner commented the State provides Statute which limits maximum approval days for the permit approval process.

Commissioner Chang commented it might be beneficial to review the items under Item D, Incentives for affordable ADUs, after the rest of the items presented as that particular discussion could potentially be long. For the purpose of getting through as much as they can, the Commission might consider moving that item to a parking lot to be reviewed later.

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1 Mr. Sauls explained the difference between the ADU scenarios listed in Tables One which are
2 regulated under government Code Section 65852.2E and Table Two ADUs that have additional
3 regulations and requirements past the basic code requirements of a four-foot setback, sixteen-
4 foot height and eight-hundred square feet.

5
6 Commissioner Chang supports staff's recommendation to proceed with the ordinance update
7 with the small changes and then wait to adjust any proposals base on the HCD response once
8 received.

9
10 Chair Lauing began the discussion on basements and inquired if staff would be showing the
11 ordinance on screen as they discuss the changes and felt it would be better if the Commission
12 and staff move through the information in the packet prior to wordsmithing the ordinance.

13
14 Commissioner Hechtman commented regarding basements, he cannot think of any good
15 reason to impose a limitation on an ADU that is not imposed on the primary residence.

16 Additionally, if the City constrains the size of an ADU, it could potentially limit the number of
17 bedrooms that can be added to Palo Alto's housing stock.

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1 Assistant Director Tanner commented from a previous PTC discussion one of the concerns with
2 not allowing below grade space as being part of the gross floor area of an ADU was to
3 potentially protect tree room systems by a developer building a larger above ground ADU.

4
5 Mr. Sauls stated it was a policy adopted by City Council in 2017 that any sort of basement
6 proposed for an ADU that these spaces below grade would count towards maximum size of that
7 unit.

8
9 Mr. Yang provided an explanation between floor area and gross floor area as Palo Alto
10 regulates it and the concept of the overall size of an ADU as State Law does limit the maximum
11 size of many ADUs at twelve hundred square feet. Even if ordinance says it won't count as gross
12 floor area, it should count towards the maximum size of ADU.

13
14 Commissioner Roohparvar said she supports the below grade area should count and inquired if
15 exterior fixtures such as HVAC which encroaches into the four-foot setback count, at which
16 point does the four-foot setback begin from the ADU, outside the HVAC fixture or from the
17 drop of the eave. Mr. Sauls replied the four-foot setback begins at the wall of the unit not the
18 eave and an HVAC unit falls under noise producing equipment which also has a four-foot
19 setback limitation even if it's attached to the ADU.

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1 Commissioner Chang requested Mr. Sauls speak about what Mr. Popp had talked about in his
2 public comment regarding basements and State law and what the City can and cannot control.

3

4 Mr. Sauls explained that Mr. Popp was referring to the units within Table One of Municipal
5 Code which relates to the 65852.2E subdivision units where the State Law is fairly broad with
6 setback, square footage, and height limits and the City can't necessarily restrict those types of
7 units to be developed. However, when units go beyond those provisions, units listed under
8 Table Two, that is where the City does have the authority to regulate it further. Specifically,
9 having a basement fully underneath grade, sunken partially underneath grade could be built
10 within those spaces. Some of the issues that were initially highlighted during the adoption of
11 the ordinance were concerns related to privacy and second floor spaces or second floor
12 equivalent loft type spaces and how the City is able to provide additional protections for those.
13 If the unit goes up to 16 feet, that limits the space to a loft type area and not a whole floor
14 level. The difference from having a loft versus a whole floor level is that people don't
15 necessarily occupy the loft in the same way that they might occupy an entire second floor. To
16 some extent that would provide some additional protection in privacy to limit how often or
17 how long people may be spending up in those spaces through a bit of that restriction, where a
18 partially sunken space will effectively provide for that two-story area.

19

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1 Commissioner Chang commented that based on Mr. Sauls explanation she leans towards the
2 left most diagram on packet page 16 which requires a full basement to be underground in order
3 to protect privacy.

4
5 Vice-Chair Summa confirmed the ordinance implies that new basements cannot negatively
6 impact protected trees on the lot and questioned if the City currently allows basements under
7 ADUs. Mr. Sauls responded the ADU units under Table Two do not currently permit basements.

8
9 Vice-Chair Summa explained she is not a fan of basements because of ground water issues
10 however believes if other people can have basements ADUs should also be allowed. There is a
11 concern for protecting trees but understands the Tree ordinance covers that issue. In addition
12 Vice-Chair Summa believes it is appropriate to count basements as floor areas for ADUs
13 because of the ADU size limitations regulated by State Law.

14
15 Chair Lauing confirmed under bullet point one staff didn't want it in the four-foot ADU/JADU
16 setback was for physical reasons such as ground water. Mr. Sauls replied the four-foot setback
17 was to mirror the setback for the second unit. Chair asked the height of the building in the left
18 image of Attachment C, page 16. Mr. Sauls stated the height of level one above the grade level
19 basement was ten-feet and seven-inches. In response to Chair Lauing's question if there were
20 downsides to that height, Mr. Sauls replied by requiring the basement to be fully below grade,

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1 more often than not it would likely prevent second floor levels at a four-foot setback and may
2 preserve the privacy of neighbors.

3

4 Commissioner Reckdahl asked why the distinction was made between habitable basements
5 and all basements in the last bullet. Mr. Sauls stated for Table Two units, no below grade
6 construction would be permitted to occur. Creating habitable space is what staff would assume
7 people would be doing if they are building underneath, rather than trying to store equipment
8 or any other aspect of towards the unit and wanted to identify what the expected height for
9 the habitable space would be. In addition, the fire escape rules are the same for an ADU as a
10 primary house and window wells or any sort of patios also apply to the four-foot setback. Mr.
11 Sauls would check if the same setback and fire escape window wells applied to uninhabitable
12 basements.

13

14 Commissioner Reckdahl expressed he is concerned that in the bullet with partially below grade
15 basements, it could lead to people putting in a six and a half foot below grade basement, put an
16 illegal bedroom down there and they won't be safe and doesn't seem the point in making the
17 distinction between habitable and non-habitable basements. Mr. Sauls said the language could
18 be changed if that is the direction of PTC.

19

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1 Commissioner Roohparvar agreed with Commissioner Reckdahl's point and questioned if decks
2 attached to ADUs count toward the gross floor area, and if the cause privacy issues. Mr. Sauls
3 explained decks count towards the lot coverage and in the privacy section of ordinance code it
4 specifies if there's any sort of deck, there needs to be a five-foot-six-inch-tall screen wall at that
5 level allowing privacy protection for adjacent properties, and similar metric is applied in
6 individual review program to rear balconies.

7

8 Commissioner Hechtman questioned if there are exemptions of ADUs from the tree protection
9 ordinance.

10

11 Assistant Director Tanner explained where the tree ordinance and State Law would butt, staff
12 would have to allow at least an eight-hundred square foot ADU. The City would encourage an
13 applicant to move or reconfigure an ADU so that it was not disturbing a tree root but at a
14 certain point, if you had a lot that couldn't accommodate it anywhere else or the tree roots
15 were very expansive the City would have to permit the ADU even if it would damage or
16 potentially damage the tree.

17

18 Mr. Yang confirmed that stating none of the regulations under Table Two can operate to
19 preclude an eight-hundred-foot ADU, if compliance with the tree ordinance would keep an
20 applicant from building an 800-foot ADU, then State Law would prevail.

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Commissioner Hechtman inquired if State law has an overall twelve-hundred square foot maximum for ADUs, and do Table Two ADUs have an eight-hundred square foot max. Mr. Sauls answered Table Two ADUs have a nine-hundred and one-thousand square foot max, it's not required that twelve-hundred square feet is allowed, which is why the City adopted the nine-hundred square foot maximum, and a thousand square foot maximum for a two-bedroom unit.

Mr. Yang commented if the City states that basements don't count towards gross floor area but consider one thousand square foot maximum or nine-hundred square foot maximum to be based on gross floor area, there should be very clear ordinance language about that.

Mr. Sauls confirmed for Commissioner Hechtman that the City currently doesn't allow basements for Table Two ADUs, but have to allow them if requested, for Table One ADUs and the City has yet to see an application for a Table One ADU that included a basement.

Assistant Director Tanner commented the City has been approached by people requesting below grade ADU, or a partially below grade but it was some time ago.

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1 Chair Lauing suggested moving on to the next topic. Upon Commissioner Chang's comment
2 looking for PTC agreement, Chair stated if agreement wasn't met, the item could be moved to
3 the parking lot.

4
5 Commissioner Hechtman expressed a concern with passing conceptual changes to ordinance
6 without seeing the ordinance as it is currently written.

7
8 Chair Lauing stated if the PTC gets through the changes tonight, they can then go back and
9 review the ordinance, make a recommendation. There won't be a vote that can't be amended
10 once the ordinance is reviewed if PTC believes they are out of sync. In summary, Chair
11 commented Commissioner Reckdahl recommended basements at seven feet are required to be
12 habitable and it could not be storage at six and a half feet.

13
14 Commissioner Hechtman commented he is supportive of that concept but also liked Mr. Sauls
15 conceptual idea of adding language that a Table Two ADU basement space counts whether or
16 not it is habitable.

17
18 Mr. Yang clarified under Table Two, the City has the ability to adopt additional regulations, but
19 still have to find space on the lot for an eight-hundred square foot ADU with four-foot setbacks,
20 and sixteen-feet of height. Often that doesn't mean a basement is required, but sometimes, it

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1 might if the rest of the lot is too constrained. Conceivably there could be a situation where the
2 City would have to allow under a basement Table Two so that they could reach eight-hundred
3 square feet.

4
5 Assistant Director Tanner commented the city is not being inundated with ADU applications
6 looking to build basements, likely because of the cost to build the basement.

7
8 Commissioner Hechtman inquired what is the standard depth of foundations in reference to
9 root disturbance and once a root system has been cut into, does that automatically damage a
10 tree.

11
12 Vice-Chair Summa replied to Commissioner Hechtman it depends on the tree, some root
13 systems are close to grade and others go very deep.

14
15 Commissioner Reckdahl commented when building a house, and with constraints in the
16 basement due to tree roots and it sounds like it doesn't differ for ADUs and is uncomfortable
17 when it seems like there are two sets of rules.

18
19 Vice-Chair Summa inquired if the sixteen-foot height allowance could allow for higher ceilings if
20 for partially below grade units.

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Commissioner Chang explained there is a concern now that ADUs can be built within four feet of the property line, which creates a privacy concern for tall ADUs. The idea is that if you have the second, the middle picture with a full second floor, people could spend more time there, versus a loft configuration on the right most picture where basements are not allowed. If it's a loft, it's probably just sleeping space and the residents won't be spending a lot of time up there. In doing the first option on the left, the ADUs are going to be shorter. For that reason, Commissioner Chang prefers the left side option because of privacy for the neighbors.

Commissioner Reckdahl commented the option on the far right is worse for privacy. Assistant Director Tanner responded the option on the far right is mandatory and the City has to allow it.

Commissioner Reckdahl questioned if sixteen feet has to be allowed, does the City have to allow them to have a second story?

Mr. Yang commented theoretically you can't have a finished floor above a certain height, but he could see that being a rule that would have to frequently bend because it could lead to limitations that people can't reach the minimum square feet within that rule.

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1 Commissioner Reckdahl asked if second stories on ADUs are prohibited in neighborhoods that
2 have single story overlays. Assistant Director Tanner replied currently that is not the case.

3

4 Mr. Sauls commented that is part of the changes in the impacts that has occurred as a result of
5 State Law in 2020. In 2017 ADU law was expanded to provide for seventeen-foot-tall structures
6 at a six-foot setback. When local jurisdictions were further constrained to say they had to
7 provide a unit at a four-foot setback and at sixteen-foot height, a number of the issues that
8 staff raised to PTC and City Council were they're much more strict or specific language that says
9 cities have to do this. When they don't fall into that category of the city has to do a certain
10 thing, and it falls into this Table Two category of what the city still try to regulate. Staff was
11 trying to provide for additional options to provide for privacy protections. The single story
12 overlay is a local ordinance issue it's not a State issue, so to some extent the state law would
13 trump that. Currently under sixteen feet in height, an applicant could build a loft. A loft is not
14 considered a true second floor in a traditional sense. There's been this allowance to have these
15 as sixteen feet is a defined allowance that the State provides for.

16

17 Mr. Yang provided clarification that under Table Two one can't have a finished floor above a
18 certain height. That would effectively prevent lofts. That wouldn't keep anyone in a single-story
19 overlay from building an ADU from under Table One. The City doesn't get to add those
20 additional regulations even if there was a rule that said one can't have a finished floor above

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1 eight-feet, for example, or five-feet, if that prevented someone from building an eight-hundred
2 square foot ADU. The City would have to waive that rule.

3

4 Commissioner Hechtman commented he is supportive of the flexibility of the basement issues.

5

6 Chair Lauing asked if this was a topic that needs to be moved to the parking lot for the sake of
7 moving on.

8

9 Assistant Director Tanner provided a recap that for most of the four bullet points, there seems
10 to be general agreement to require basements to be habitable, or built to standards of
11 habitability, so that there isn't any unsafe dwelling after the fact, and the open question which
12 appears to not have agreement among the Commissioners is whether basements must be fully
13 below grade or if they can be partially below grade as well. Commissioner Reckdahl raised a
14 third potential topic related to whether or not the City can prevent second stories overall. And
15 by having no finished floors above eight feet above grade, or ten feet, whatever the decided
16 height would be allowed.

17

18 MOTION

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1 Commissioner Chang moved that PTC accept the staff recommendation for the four bullets on
2 packet page 16, with the addition that basement in Table Two can only be habitable
3 basements.

4

5 SECOND

6

7 Chair Lauing seconded the motion.

8

9 FRIENDLY AMENDMENT

10

11 Commissioner Hechtman suggested removing the work habitable on the fourth bullet, which
12 might bring PTC to a consensus.

13

14 Commissioner Chang and Chair Lauing accepted the Friendly amendment.

15

16 VOTE

17

18 Mr. Nguyen stated the motion carried 5-0 with one Commissioner Absent (Templeton) and one
19 Commissioner (Reckdahl) on recess.

20

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1 MOTION #1 PASSED 5 (Lauing, Hechtman, Summa, Chang, Roohparvar) – 0 – 2 (Reckdahl on
2 recess, Templeton Absent).

3
4
5 Commissioner Chang began the discussion on the noise producing equipment and maintaining
6 a side and underlying front setback and inquired the difference between the ADU requirement
7 and primary requirements and asked about the current noise ordinance language.

8
9 Mr. Sauls explained typically for a standard lot, there is a twenty-foot front yard setback and a
10 twenty-foot rear yard setback, and either a six or an eight-foot side yard setback. There can be
11 no noise producing equipment located within any of those areas. For an ADU, and then with a
12 corner lot, where you have a sixteen-foot street side setback, there is a provision to allow that
13 noise producing equipment to be within six-feet. Staff adopted to say that noise producing
14 equipment can also have a four-foot setback. Similar to an ADU, either on the side, the interior
15 side of the rear yard or street side yard. This change would say that provided its compliant with
16 the noise ordinance it no longer has a setback requirement, so it could be closer than four feet
17 to a property line. Current Palo Alto noise ordinance ambient noise levels that range from sixty
18 to sixty-five and seventy decibel (dB). In areas of high traffic, the ordinance allows for a six dB
19 increase over that ambient level so the maximum would be sixty-six at a property line. Most
20 noise producing equipment that we've been seeing for ADUs are between fifty and sixty
21 decibels.

22

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1 Commissioner Roohparvar questioned the ten-foot setback mentioned in the packet.

2

3 Mr. Sauls explained an ordinance provision allows a ten-foot setback for noise producing
4 equipment for a primary home, and the changes would basically be mirroring that, if PTC felt
5 for ADUs specifically, that there wasn't a need to have that mirroring, then staff could simply
6 say all the ADU standards are four-feet or put it to zero. Most noise producing equipment by its
7 nature would comply with the noise ordinance. For units on very constrained lots, to encourage
8 minor flexibility for development potential, this could be one provision the City could pursue.

9

10 Assistant Director Tanner commented the key is flexibility which allows more options of where
11 equipment can be located, how an ADU could be configured in relation to the main home or a
12 JADU etc.

13

14 Vice-Chair Summa expressed concern that with the City not having noise experts, it is
15 important to not allow residents in primary homes to be protected and put the noise producing
16 equipment closer to neighbors, particularly as equipment often gets louder over time and
17 usage.

18

19 Commissioner Chang echoed Vice-Chair Summa's concerns, and this could potentially inflict
20 costs on the neighbors.

-
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Chair Lauing inquired about the process for one of the constrained lots as used for example by Mr. Sauls and would it require a variance.

Assistant Director Tanner explained if a piece of equipment has a manufactures indication that it's below 55dba, the noise produced by the equipment for four away is basically going to be at or below even the ambient level of the neighborhood, thus making it no longer noise producing equipment. It would encourage people to select equipment that's quieter by design.

Commissioner Hechtman commented if we've got problems in the city with code enforcement, then PTC needs to talk more directly about that, rather than legislate so people can't possibly violate a code because they're too stringent, and believes this addition provides more flexibility.

Vice-Chair Summa questioned if there was no place for the noise producing equipment except in a place which was in violation of the code, could the State trump the code violation.

Assistant Director Tanner believes the State law really doesn't provide indication that things can encroach into the four-foot setback, except for existing non-conforming structures.

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1 Commissioner Reckdahl inquired if primary residences could put an HVAC in the setback and
2 expressed a concern with aging units becoming louder if they are not maintained correctly. Mr.
3 Sauls replied they cannot, the city has had the noise ordinance in effect for over a decade.
4 When they adopted the ADU requirements they were less stringent.

5
6 Mr. Sauls replied the original policy referenced the noise ordinance but one of the issues that
7 was raised by staff and the Task Force was if you have a unit that's at a four-foot setback and
8 the AC unit or your heat pump or other sort of noise producing equipment has to be twenty-
9 feet away from the property line, that could present some complications as it relates to site
10 development. The difference being most AC units for primary units are larger and louder than
11 units for ADUs.

12
13 MOTION

14
15 Commissioner Hechtman moved the moved the conceptual staff recommended direction
16 which is described in the first two paragraphs of Item two little i (ii) but not the third paragraph
17 which we are not taking up, noise issues related to the primary unit, referring only to the first
18 two paragraphs of Item 2.

19
20 SECOND

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Commissioner Roohparvar seconded the motion.

FRIENDLY AMENDMENT

Commissioner Chang suggested staff specify that this was equipment that was in line with what Assistant Director Tanner suggested which it is not noise producing equipment, or equipment below the fifty-five decibels.

Commissioner Hechtman expressed concern with locking in a specific noise dB while not knowing what the normal noise level is for the equipment which will lock in a different rule than every other property in Palo Alto

Commissioner Hechtman declined the Friendly Amendment.

VOTE

Mr. Nguyen stated the motion tied 5-3 with one Commissioner Absent (Templeton).

MOTION #2 Tied 3 (Reckdahl, Hechtman, Roohparvar) – 3 (Lauing, Summa, Chang) – 1 (Templeton Absent).

-
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BREAK 8:02 to 8:10 PM

Assistant Director Tanner commented she reached out to Commissioner Templeton who had indicated at the prior meeting she would be absent for this meeting and the next meeting as well.

Chair Lauing introduced Item 3 on Packet page 17, parking provided for attached ADU.

Commissioner Chang inquired if the attached garage in this item counts towards the ADU floor area. Mr. Sauls replied no, under the current ordinance, it would count towards the maximum size and floor area, however, the previous PTC discussion ended it with the majority of the Commissioners wanting to not include that towards the unit’s floor area and maximum size.

Commissioner Chang added further that if you put a doorway between the garage and the ADU, you are incentivizing people to convert it to another bedroom at a later point. That being said, she would prefer it to be like a carport or uncovered parking if it’s not going to have direct access to the unit.

-
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1 Mr. Sauls explained in earlier conversations PTC expressed a concern with a door access
2 between an ADU and primary unit is actually creating a larger structure that has the potential
3 to be turned into an ADU without going through proper permitting processes.

4
5 Commissioner Reckdahl commented this item comes back down to being two separate rules.
6 Primary houses count garages towards floor area. Mr. Sauls further explained any garage
7 whether attached or detached counts towards the floor area for the site, which effectively
8 counts against the floor area of the primary home.

9
10 Mr. Sauls confirmed for Commissioner Roohparvar that the garage for an ADU counts towards
11 the primary homes floor area. The provision before the PTC is today, is what was recommended
12 previously from the PTC, which was to say, we would not count that attached garage to the
13 ADU, towards the ADU's maximum floor area of maximum lot coverage. We would simply
14 count it towards the site's overall floor area and lot coverage limitations.

15
16 Assistant Director Tanner added part the idea was around encouraging replacement parking,
17 versus discouraging it.

18
19 Commissioner Chang inquired if there have been many permits wanting to connect garages to
20 the ADUs.

-
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1

2 Mr. Sauls commented the two reasons it shouldn't be counted as the ADU's floor areas are
3 because if staff's concern there's a portion of a structure that's not built to living standards that
4 are then becoming something that is used as a living space. Which creates a lot of life safety
5 issues. Secondly, there is a threshold change between when a unit may or may not require
6 development impact fees. Where there's a threshold change of whether or not you're seven-
7 hundred-fifty feet or greater, you need to pay development impact fees and staff has seen
8 regular size units, as a result of State Law providing effectively eight-hundred square feet for
9 anyone to build anywhere.

10

11 Commissioner Reckdahl confirmed from Mr. Sauls that the City provides for an eight-hundred
12 square foot ADU.

13

14 Assistant Director Tanner commented counting the square footage of the garage incentivizes
15 building replacement parking if the existing garage was turned into an ADU, without the
16 property owner having to pay impact fees. The impact fees are not counted towards the
17 primary residence because it is not livable space.

18

19 MOTION

20

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1 Chair Lauing moved to support the staff recommendations of Item three, parking provided for
2 ADUs as written.

3

4 SECOND

5

6 Commissioner Chang seconded the motion.

7

8 VOTE

9

10 Mr. Nguyen stated the motion carries 6-0 with one Commissioner Absent.

11

12 MOTION #3 PASSED 6 (Lauing, Hechtman, Summa, Chang, Reckdahl, Roohparvar) – 0 – 1
13 (Templeton Absent).

14

15

16 Chair Lauing introduced the next item of privacy, which starts on the bottom of packet page 17
17 and carries over to page 18.

18

19 Commissioner Hechtman commented he liked the conceptual direction staff was taking on this
20 item and looked forward to reviewing the ordinance revisions.

21

22 MOTION

-
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Commissioner Chang motioned to move the staff recommendations for the privacy issues listed under little roman numeral four.

SECOND

Vice-Chair Summa seconded the motion.

VOTE.

Mr. Nguyen stated the motion carries 6-0 with one Commissioner Absent.

MOTION #4 PASSED 6 (Lauing, Hechtman, Summa, Chang, Reckdahl, Roohparvar) – 0 – 1 (Templeton Absent).

Mr. Sauls introduced the next two items involving auditing the fees taken for ADUs and found there were no ADUs that had been capped and requested if anyone listening had experienced that to please reach out to his office directly. The second item being a primary home constructing an ADU and it's placement on a corner lot with options shown in the diagram provided in the Packet. For ADUs from Table Two, the ADU on a corner lot can be setback ten-feet from the streetside and in turn the City will allow the primary home be moved from a

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1 setback of twenty-feet from the front side yard to sixteen feet which would in turn create a
2 more harmonious alignment on the property. From previous discussions PTC requested the
3 item be brought back as an affordable policy item which now shows under Item D.

4
5 Commissioner Reckdahl expressed concern over the possibility of someone building a large
6 mansion, putting in a mobile ADU to gain the extra setback encroachment and then remove the
7 ADU.

8
9 Assistant Director Tanner stated the City does not allow the removal of ADU, and in turn the
10 State would consider that a loss of units and prevents that as well.

11
12 Mr. Yang added there is a sunset of 2030 for the loss of units' part of the Housing Element. It
13 has already been determined in the next cycle the City will have stronger no loss of housing
14 units' policy.

15
16 Vice Chair Summa echoed Commissioner Reckdahl concerns regarding moving a mobile ADU
17 closer to the neighbor side and infringing upon the neighbors.

18
19 Assistant Director Tanner indicated staff has had conversations about being interested in
20 exploring this topic more on how to prevent anyone from gaming the system.

-
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MOTION

Vice-Chair Summa motioned to follow staff’s recommendation, see Corner Lot Incentives on Packet page 18, continuing to the top of Packet page 19.

SECOND

Commissioner Chang seconded the motion.

VOTE

Mr. Nguyen stated the motion carries 6-0 with one Commissioner Absent.

MOTION #5 PASSED 6 (Lauing, Hechtman, Summa, Chang, Reckdahl, Roohparvar) – 0 – 1 (Templeton Absent).

Chair Lauing indicated everyone agreed they would skip item D, and moved on to item E, Objectives Standards, the bottom of the second paragraph.

-
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1 Mr. Sauls explained Objective standards included in the definitions a new clarification that
2 primary unit, ADU and JADU doesn't count as multi-family, this would carry that through this
3 specific section as well to basically say the same thing, in the roman numeral one.

4

5 Commissioners were all in support of items one, two and three.

6

7 Commissioner Reckdahl inquired under item four if the City is allowed to require a bathroom in
8 a JADU.

9

10 Mr. Sauls stated State law requires standard sanitation facilities exist but not necessarily
11 require they have to exist within the unit. JADUs do require there be cooking facilities.

12

13 Assistant Director Tanner explained that part of the response they are waiting for from the
14 HCD is related to being able to require JADUs have bathrooms in the unit.

15

16 Mr. Yang provided comment saying State law specifically says that a JADU can have separate
17 sanitation facilities, or they can share sanitation facilities with the existing structure and
18 believes the City would not be able to require they have to have their own dedicated bathroom.

19 The same applied to having the bathroom on the same level.

20

-
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1 Mr. Sauls indicated there has been a twenty-five-fold increase in the last year and a half for
2 Junior ADUs submitted to the City, the challenge has been the majority are conversions of
3 existing spaces. It's a lot easier to accommodate same floor of existing spaces.

4
5 Commissioner Hechtman believes this item will end up self-regulating itself as most people
6 building JADUs for family members will not necessarily mind sharing bathroom space, however
7 most building JADUs to rent to strangers will likely be willing to spend the money to include its
8 own bathroom.

9
10 Chair Lauing introduced Item 6, calculating Gross Floor Area (GFA).

11
12 Assistant Director Tanner explained this is part of why staff brought this forward to make sure
13 everyone was on the same page and doing math the same way.

14
15 Commissioner Chang commented measuring a thousandth of a inch can't really be
16 accomplished and felt it could be reduced in accuracy.

17
18 Mr. Sauls added calculations to the thousandth because that rounding factor can impact flat
19 ratios and thresholds that the City has adopted for land uses, development standards within
20 our City based on the type of land uses that we expect.

-
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Commissioner Roohparvar requested clarification on accessory building with a substantially open covered porch or patio and what that means.

Mr. Sauls responded it's both, you can have an uncovered porch that's greater than 30 inches, that would count towards lot coverage, so there's a weird threshold about floor area and lot coverage in the Municipal code that for some, when you look at each of those individual structures themselves and an enclosed shed versus a porch or a covered patio and how that applies to a primary buildings, we always look at a porch or patio usually as lost coverage, unless there's specific times when it might not be. There wasn't really that distinction in the Municipal Code for these specific types of structures which we've seen more often as of recently in the last five to ten years and so staff made an informed decision that if it didn't count as floor area for the main house, it shouldn't count as floor area for the shed, because the shed is a hundred-twenty square feet, now you're going to one-hundred-sixty or some other some odd number and this would just be codifying that. Municipal Code specifically says that we exempt accessory buildings that are hundred-twenty square feet or less from gross floor area. A hundred and twenty-one square foot structure or 120.0-whichever, would technically count towards gross floor area for the site. When you add for the other components of a building, for an uncovered patio, or even a covered patio, that traditionally are counted as lot coverage. When you have a hundred-twenty square foot shed, it's counted as lot coverage,

-
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1 but it's not counted as floor area. If you add on an uncovered porch or a covered porch, code
2 would technically say that should count towards gross floor area, which creates this weird
3 anomaly and you have components of a building that would otherwise not count as lot
4 coverage in every other situation. If it was a wholly enclosed square or block or rectangle, it
5 would make more massing and volume to the structure.

6
7 Assistant Director Tanner commented staff is trying to make a code that has some consistency
8 and some kind of reasonable sensibility of how these different types of accessory structures are
9 being measured relating to each other and this seemed like an opportunity as more accessory
10 structures are proposed.

11
12 Commissioner Reckdahl questioned staff's concerns with fixtures.

13
14 Mr. Sauls explained staff is seeing a lot more code enforcement cases where smaller structures
15 that have a half bathroom, there's a shower, and a toilet, and then staff receives a complaint
16 where an accessory building has been illegally converted into an ADU. Additionally, staff has
17 been working on other code enforcement cases where people have been proposing putting in a
18 washer and dryer, or more specific fixtures or appliances that are called out, in that potential
19 code change. Staff is we're trying to delineate what is allowed within those structures where
20 previously it was just related to plumbing fixtures.

-
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MOTION

Vice-Chair Summa moved to approve staff recommendation on E starting on Packet page 21, going to Packet page 27, 1-8.

SECOND

Commissioner Chang seconded the motion.

FRIENDLY AMENDMENT

Commissioner Hechtman suggested the word conceptual be added into the motion.

Vice-Chair Summa accepted the friendly amendment.

VOTE

Mr. Nguyen stated the motion carries 6-0 with one Commissioner Absent.

-
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1 MOTION #6 PASSED 6 (Lauing, Hechtman, Summa, Chang, Reckdahl, Roohparvar) – 0 – 1
2 (Templeton Absent).

3

4

5 Chair Lauing introduced the next item of incentives for affordable ADUs on Packet Page 19 and
6 stated there are two angles, one specifies doing anything for affordable ADUs differently,
7 making ADUs more affordable and secondly there are some of the things here that we should
8 just do for ADUs.

9

10 Commissioner Hechtman suggested talking about the ordinance changes, except for Item D,
11 affordable ADU program, segregate that, and then have the staff report affordable as its own
12 package.

13

14 Commissioner Hechtman stated he supplied a list of revisions to staff, made them available to
15 the other Commissioners and to the public and if anyone at the meeting had any questions
16 about any of the revisions, please bring them up for discussion. Adding he had a conversation
17 with Mr. Sauls and the outcome of that conversation he withdraws his suggested change to
18 Packet page 31 where he had wrote “or proposed” with a question mark and again on Packet
19 page 34, little (ii) he had suggested adding “attached”, and after talking to Mr. Sauls realized
20 that would defeat the purpose of the provision, and thus withdraws that comment. He said: I
21 do want to mention on that same page, item 4 is one of the items we discussed tonight, really,

-
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1 the corner lots. I think this is it, item 4 on Packet page 34 is the corner lots where Assistant
2 Director Tanner, when we were talking about that, Assistant Director Tanner said that staff
3 could consider some additional safeguards, and so I would like, I think that would be useful for
4 staff to do that in their processing of this. Commissioner Hechtman would like to discuss Packet
5 page 36, shared sanitation facilities. His concern is the last sentence under 18.09050 subpart B,
6 (iii). The language is quoted on Packet page 24 also believes the shared facilities at a minimum
7 should be toilet and sink. There has to be a shower available to the occupant of the JADU.

8
9 Commissioner Chang pointed out it's not it's an exact replica of the language on page 24,
10 because it's missing the piece that says, shall be located on the floor level. Staff just needs to
11 duplicate the language from Packet page 24 in B, roman numeral III, on Packet page 36, with
12 the addition of the comment that Commissioner Hechtman made. Additionally, Commissioner
13 Chang flagged that there are two parking lots issues, one being basements and then the noise
14 producing equipment.

15
16 Mr. Sauls commented the plan for the next hearing is for staff to come back with refined
17 language based on the conversation that happened tonight which could hopefully address
18 some of the issues or concerns that the PTC was raising for the specific things for the next
19 meeting so there will be some comparison.

20

-
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1 Commissioner Chang questioned Packet page 36, 18.90.050 A, where it says a JADU shall be
2 new construction attached to a proposed primary dwelling unit and wondered if it can be new
3 constructed attached to an existing primary dwelling. On Packet page 35... right at the very top.
4 Staff removed second-story egress window, we removed second story there and believes it's
5 pretty clear that it's removed because B already talks about windows on a second floor
6 however, wondered if it needs to be really clear and keep second story up at the very top of
7 Page 35... the latter part of B starting on Packet page 34.

8
9 Commissioner Hechtman suggested the use of a semicolon might fix the problem for that one.

10
11 Mr. Sauls replied staff will look at that and provide clarity so that it doesn't seem to be
12 precluded.

13
14 Chair Lauing suggested it might be helpful to have the definitions of ADU and JADU and
15 accessory buildings some where in the document and on Packet page 30, and at the beginning
16 under government code section that it provides certain units shall be approved not
17 withstanding State or Local regulations that may otherwise apply which discusses 1809.030
18 units exempt from generally applicable local regulations.

19

-
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 3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Mr. Yang stated in simplest terms, it means that if you propose an ADU that falls within this
2 section, it must be approved and if there's no other questions asked than you know, it meets
3 the requirements of this Table One.

4

5 Commissioners indicated missed item numbers and errors for typo clarifications.

6

7 MOTION

8

9 Commissioner Hechtman move that PTC recommend that staff when they return for the next
10 Planning and Transportation Commission hearing, bring forward a revised version of this Packet
11 of ordinance amendments that includes so many of the changes recommended in the packet
12 that he sent earlier in the week as staff feels appropriate and are beneficial, other than the
13 couple withdrawn today, but the motion does not include any changes that he may have made
14 to two sections that are in the parking lot and those are sections 18.09.040, which relates to
15 noise equipment and that is on Packet page 33 and 08.09.060 and that's our affordable ADU
16 program which is on Packet page 37.

17

18 Commissioner Chang added and basements which is on page 34.

19

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

1 Commissioner Hechtman added to his motion basements appearing on Packet page 34. PTC is
2 not expecting to see staff make revisions to that right now as those are three areas of the
3 ordinance code that PTC is reserving as unchanged for our next meeting.

4

5 SECOND

6

7 Commissioner Chang seconded the motion.

8

9 Commissioner Reckdahl noted on Packet page 38 an example of rounding says 123.456 shall be
10 rounded to 123.50 and should be 123.46. It appears to possibly be a typo.

11

12 VOTE

13

14 Mr. Nguyen stated the motion carries 6-0 with one Commissioner Absent.

15

16 MOTION #7 PASSED 6 (Lauing, Hechtman, Summa, Chang, Reckdahl, Roohparvar) – 0 – 1
17 (Templeton Absent).

18

19

20 Chair Lauing suggested a motion for continuance.

21

-
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1 MOTION

2

3 Vice-Chair Summa motioned to continue this to the next regular meeting of the Planning and
4 Transportation Commission.

5

6 Assistant Director Tanner stated that meeting is scheduled for August 10th.

7

8 SECOND

9

10 Commissioner Roohparvar seconded the motion.

11

12 VOTE

13

14 Mr. Nguyen stated the motion carries 6-0 with one Commissioner Absent.

15

16 MOTION #8 PASSED 6 (Lauing, Hechtman, Summa, Chang, Reckdahl, Roohparvar) – 0 – 1
17 (Templeton Absent).

18

19 **Commission Action:** Motion by Chang, seconded by Lauing. Motion Passed 5-0.

20 **Commission Action:** Motion by Hechtman, seconded by Roohparvar. Motion tied 3-3.

21 **Commission Action:** Motion by Lauing, seconded by Chang. Motion Passed 6-0.

22 **Commission Action:** Motion by Chang, seconded by Summa. Motion Passed 6-0.

23 **Commission Action:** Motion by Summa, seconded by Chang. Motion Passed 6-0.

24 **Commission Action:** Motion by Summa, seconded by Chang. Motion Passed 6-0.

-
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 **Commission Action:** Motion by Hechtman, seconded by Chang. Motion tied 6-0.
2 **Commission Action:** Motion by Summa, seconded by Roohparvar. Motion Passed 6-0.
3

4 Chair Lauing stated there are no minutes to approve.

5

6 **Committee Items**

7 None.

8 **Commissioner Questions, Comments or Announcements**

9

10 Chair Lauing requested Transportation return with the quote/unquote dangerous intersections
11 they've agreed to work on.

12

13 Assistant Director Tanner mentioned staff would communicate with the PTC Liaison for the City
14 Council meeting if their schedule changed. Currently the next City Council meeting is scheduled
15 for August 1, 2022.

16

-
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1 Commissioner Hechtman requested Mr. Yang find a way to enforce Assistant Director Tanner
2 being required to attend the next meeting for the remainder of this item (in jest). Chair Lauing
3 and Commissioner Hechtman both mentioned how invaluable Assistant Director Tanner's
4 work has been and thanked her for all she did.

5

6 Chair Lauing adjourned the meeting in honor of Assistant Director Tanner.

7 **Adjournment**

8 10:25 pm

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