



CITY OF
**PALO
ALTO**

Planning & Transportation Commission Action Agenda: August 31, 2022

Council Chambers & Zoom
6:00 PM

6 Call to Order / Roll Call

7 6:00 pm

8 Madina Klicheva, Administrative Assistant, conducted the roll call and announced all
9 Commissioners were present with the exception of Vice Chair Summa and Commissioner
10 Roohparvar who were absent.

11 Amy French, Chief Planning Official, read aloud protocols and procedures for hybrid meetings.

12 Oral Communications

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

14 Chair Lauing invited members of the public to provide comments on items not on the agenda;
15 seeing none he moved to agenda changes, additions and deletions.

16 Agenda Changes, Additions and Deletions

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

18 Amy French, Chief Planning Official, reported there were no proposed changes from Staff.

19 City Official Reports

20 1. Directors Report, Meeting Schedule and Assignments

21 Amy French, Chief Planning Official, reported on August 22, 2022, the City Council moved to
22 support the proposed Housing Element goals, policies and programs with modifications. Council
23 supported the upzoning of the Research, Office, Limited Manufacturing (ROLM) and General
24 Manufacturing (GM) districts near west Bayshore to 90-dwelling units per acre. They also
25 supported expanding the Housing Incentive Program (HIP) for west Bayshore Road to allow for
26 higher density. Next steps in the Housing Element update was to develop the draft document
27 which was predicated to be available for review in the fall of 2022. The target date for Council
28 adoption of the Housing Element was June of 2023. The Interim Fire Arms Ordinance was

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1 adopted by the Council on August 1, 2022 and Staff was preparing a permanent ordinance for
2 the Planning and Transportation Commission (PTC) to consider soon. Scheduled for the
3 September 14, 2022 PTC meet was a HomeKey project for land use designation and other
4 items. Soon the Council will consider three Planned Home Zonings (PHZ) as well as a permanent
5 ordinance for parklets.

6 Rafael Rius, Senior Engineer, announced Staff will be bringing forward a report on high incident
7 locations within the City, the On Demand Transit Service contract and Municipal Code clean-ups
8 in October. As part of the Charleston/Arastradero Corridor project, Staff was able to move up
9 the turn-on dates for several of the intersection.

10 Commissioner Hechtman requested that Staff provide details about what Council meetings he
11 must attend as the PTC liaison to the Council.

12 Commissioner Templeton inquired about the incident that happened at the intersection of Los
13 Robles Avenue and El Camino Real.

14 Mr. Rius acknowledged the correspondence sent by Commissioner Templeton but noted that
15 Staff had not received a police report about the incident.

16 Commissioner Templeton asked what the City was doing to make El Camino Real safer for
17 bicyclists and pedestrians. She acknowledged that El Camino Real was governed by the State of
18 California but noted that other jurisdictions were working with the State to make the road
19 safer.

20 Mr. Rius confirmed that the City of Mountain View, Santa Clara County and other cities have
21 taken over maintenance from the State for portions of El Camino Real. The State planned to
22 repave Palo Alto's portion of El Camino Real and the City was pushing for them to use high
23 visibly crosswalks and other safety elements.

24 Commissioner Templeton mentioned that the State was not going to repave Palo Alto's portion
25 until the year 2023. She requested an update on what the City was planning to do to ensure
26 bicycle and pedestrian safety is a high priority.

27 Chair Laung asked for more details about the on-demand shuttle service.

28 Mr. Rius commented there were no further details at this time.

29 **Action Items**

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

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1 2. PUBLIC HEARING / QUASI-JUDICIAL. 575 Los Trancos [21PLN00196]:
2 Recommendation for Approval of a Major Site and Design Application for the
3 Construction of a new 7,245 San Francisco Single-Family Residence With a new 895 sf
4 Accessory Dwelling Unit and Associated Site Improvements, Including a Swimming
5 Pool, on a 5.38-Acre Site. Zoning District: Open Space (OS). Environmental
6 Assessment: A Draft Mitigated Negative Declaration was Circulated for Public
7 Comment on August 17, 2022 and Ends on September 16, 2022. For More
8 Information Contact the Project Planner at Emily.Foley@cityofpaloalto.org

9 Emily Foley, Planner, presented the item to the Commission. The proposal was to place a 7,245
10 square foot house and 895 square foot accessory dwelling unit (ADU) on a vacant 5.38 acre
11 parcel. The property was located adjacent to Trancos Creek and the Town of Portola Valley. The
12 proposal met the zoning requirements for Floor Area and lot coverage. The project required a
13 Major Site and Design review because the parcel was located in the OS zoning district. The
14 project had gone through the California Environmental Quality Act (CEQA) process and an Initial
15 Study/Mitigated Negative Declaration was prepared. If approved by the PTC, the project will be
16 placed on the Council's Consent Calendar. The project also complied with the existing
17 Streamside Open Space (SOS) and OS requirements. The site indicated that the proposed
18 residences were to be located on a flat portion of the parcel and all of the existing trees were to
19 remain on the site. The general form of the proposed house was one-story with a small two-
20 story section. The site will be screened by the existing landscaping. The PTC must make its
21 recommendation based on the Site and Design Review Permit objectives listed in the Palo Alto
22 Municipal Code (PAMC) 18.30(G).060 and PAMC 18.28.070(p). The Initial Study/Mitigated
23 Negative Declaration identified potentially affected environmental factors for air quality,
24 biological resources, geology/soils, hydrology/water quality and cultural resources. Pre-
25 construction and construction mitigation measures (MM) were proposed to reduce those
26 impacts. Staff recommended PTC recommend approval of the proposed Site and Design Review
27 to the City Council based on the objectives and Objective Standards Design Criteria, subject to
28 conditions of approval.

29 Leonard Ng, LNAI Architecture, confirmed that the site was surrounded by groves of mature
30 Oak trees and the proposed project aimed to preserve the natural context. The home was
31 designed with flat roofs to reduce volume, height and bulk. The proposed location of the home
32 on the parcel was chosen because it was visually non-obtrusive and hidden from views. The
33 materials and colors chosen reflected the natural surroundings. The home was proposed to be
34 setback 100 feet from the property line along Los Trancos and the finished floor was 9- to 10
35 feet below Los Trancos. The neighbor at 805 Los Trancos, the closest neighbor to the project,
36 submitted a letter in support of the project. With respect to landscaping and trees, all 37
37 heritage trees would be protected and preserved as well as over 80 other trees. New
38 landscaping was proposed to be integrated into the existing landscaping in strategic locations

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1 with the use of native trees and plants. The new driveway was proposed to be located in the
2 exact location of the existing driveway.

3 Chair Lauing invited Commissioners to share disclosures.

4 Commissioner Reckdahl stated he visited the site.

5 Commissioner Hechtman expressed concern about the inconsistencies between the Staff report
6 and the findings with respect to the number of trees being preserved. He recommended that
7 the numbers be reviewed and corrected before the information was sent to the Council.

8 Ms. Foley confirmed the Packet would be revised with updated information before going to
9 Council.

10 Commissioner Hechtman mentioned there was mismatched information between the table in
11 the Staff report on Packet Page 16 and the Project Compliance slide in the presentation with
12 respect to impervious surface and Floor Area.

13 Ms. Foley confirmed the information in the Staff report was correct.

14 Commissioner Hechtman inquired if the 10 replacement trees were required or additional trees
15 the applicant wanted.

16 Ms. Foley answered she would have to review it further.

17 Commissioner Hechtman understood the proposed landscaping was for the pleasure of the
18 homeowner and not for screening. He inquired if Condition #11 was needed and if so, did it
19 relate to the 10 replacement trees. If Condition #11 was not necessary, he suggested it be
20 removed before the item was moved to the Council. He referenced Condition #27 and asked if
21 there was a sidewalk, curb and gutter at the site.

22 Ms. Foley clarified that Condition #27 pertained to the driveway approach but indicated that
23 the condition could be modified for the site.

24 Commissioner Hechtman encouraged Condition #27 to be modified. With respect to Section Six
25 on Packet Page 24, he asked if the approval length of two years and application expiration time
26 of one year were supposed to be the same.

27 Ms. French confirmed that Site and Design Permits were valid for two years.

28 Albert Yang, Assistant City Attorney, noted that Staff would double-check the timelines.

29 Chair Lauing asked if the applicant knew about the replacement tree provision.

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1 Mr. Ng believed that the proposed replacement trees were for the private use of the property
2 and the project was not proposing to remove any heritage trees.

3 Commissioner Chang mentioned on Page 36 of the Mitigated Negative Declaration (MND) that
4 there were inconsistencies in statements about the trees compared to the Packet.

5 Mr. Ng mentioned the arborist report surveyed the local area which included approximately 82
6 trees. All 37 heritage trees would be preserved, two dead trees would be removed as well as
7 three minor trees that had declining health. He emphasized that no protected trees would be
8 removed.

9 Commissioner Chang encouraged Staff to clarify the questions about trees before the item goes
10 to the Council. She shared on Packet Page 16 that the minimum size was 10 acres but the
11 existing site was less than that.

12 Ms. Foley explained that the minimum size applied to applications requesting to build a
13 subdivision.

14 Commissioner Chang indicated that the proposed grading for the site was 80 cubic yards but in
15 that MND it stated there was an additional 200 cubic yards for the pool.

16 Ms. Foley confirmed that was correct.

17 Commissioner Chang found that inconsistent and requested that Staff be more clear.

18 Ms. Foley clarified that the grading for only the foundation was put in the Staff report and that
19 will be revised to include grading for the pool.

20 Commissioner Chang asked how the MND will be enforced.

21 Ms. Foley indicated that the Mitigation and Monitoring Reporting Program (MMRP) will be
22 included in the Packet that will be sent to Council. The document explains in detail how the
23 MND is enforced.

24 Commissioner Chang wanted to know if all native riparian vegetation within 100 feet of the top
25 bank of Los Trancos Creek will be retained.

26 Mr. Ng believed it will all be retained.

27 Commissioner Chang asked how nighttime lighting was proposed and if there would be light
28 pollution from the interior lights of the house.

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1 Mr. Ng mentioned there will be minimal exterior lighting and those will be shielded. The
2 proposed landscaping will help shield the riparian corridor and creek from interior light
3 pollution.

4 Commissioner Chang inquired if “nighttime lighting” and shielding in the Stream Corridor
5 Protection Code 18.40.140 included interior lighting or only meant exterior lighting.

6 Mr. Yang requested additional time to review the Code.

7 Chair Lauing recommended Mr. Yang explore whether the OS criteria included specific
8 requirements for lighting.

9 Mr. Yang stated there are light and glare regulations for the OS district. The Code stated that
10 exterior lighting shall be low intensity and shielded from view.

11 Chair Lauing pressed if that was quantified.

12 Mr. Yang answered no.

13 Chair Lauing asked if the Commission could discuss what low-intensity light is.

14 Mr. Yang commented that the topic had a more specific understanding in practice that
15 professionals could help define.

16 Ms. French mentioned Staff and the Architectural Review Board (ARB) review foot candles and
17 spill over of light past the property. She share that the Code discussed interior light placement
18 to reduce night glare.

19 Chair Lauing commented that because there are not many residential projects located in OS
20 districts. The City must be rigid on the subject of light and light pollution and possibly clarify the
21 Code more.

22 Commissioner Reckdahl mentioned upon visiting the site, the site was well sheltered and the
23 flat portion of the site was the appropriate placement for a home. He expressed the proposed
24 home was very close to the stream and was also concerned about light pollution from interior
25 lights. He acknowledged that while the Code required only 20 feet from a riparian corridor. The
26 City’s Comprehensive Plan recommended that the distance be 150 feet. He agree that a setback
27 of 150 feet from the riparian corridor was not feasible for the project but the project neglected
28 to acknowledge the logic of why the Comprehensive Plan proposed 150 feet.

29 Ms. Foley commented that the Comprehensive Plan suggests changes for the Zoning Code but
30 the Zoning Code had not been updated. The project complied with the current Zoning Code
31 requirement of 20 feet.

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1 Mr. Yang concurred that the City can only apply the Code language that is adopted. With
2 respect to nighttime lighting, the Code did not limit it to exterior lights only and the PTC could
3 consider interior light impacts.

4 Ms. French added that in prior office building projects, the City has required automatic shades
5 to limit nighttime light and glare.

6 Commissioner Reckdahl wanted to know how the impervious coverage calculation was
7 determined and was the swimming pool considered impervious.

8 Ms. French stated the current Code considered swimming pools pervious.

9 Commissioner Reckdahl explained it was ideal to have water soaking into the ground and water
10 did not soak through a swimming pool. He stated it made no sense why the City considered
11 them pervious.

12 Chair Lauing invited the public to provide any comments they have about the item.

13 Madina Klicheva, Administrative Assistant, announced there were no public speakers.

14 Commissioner Hechtman admired the design of the home and its sensitivity to the surrounding
15 landscape. Also, the letter of support from the adjacent neighbor and their support for the
16 project. With respect to impervious surfaces, he understood why the City counted pools as
17 pervious surfaces because pools catch the rain and reduce runoff. He also agreed with
18 Commissioner Reckdahl's concern and suggested the City encourage projects to capture water
19 and reuse it in exchange for a reduction in their impervious calculation. He cautioned the
20 applicant on going to the maximum for impervious surfaces because it limited the homeowner
21 from building additional structures in the future. He predicted that the MND considered and
22 mitigated light and glare. In conclusion, he supported Staff's recommendation and could make
23 all the findings.

24 Commissioner Chang appreciated that the project was well screened and the letter of support
25 from the neighbors. She reemphasized her concern about the proximity to the creek with
26 respect to runoff impacts from the site and lighting. The MND did not clearly address interior
27 light pollution. She confessed she struggled with making the finding that the project complied
28 with the Comprehensive Plan due to the proximity of the structure to the creek.

29 Mr. Yang believed the project complied with the Comprehensive Plan regardless of the program
30 suggesting that structures be 150 feet away from a riparian corridor. The Comprehensive Plan
31 recommended the City explore updating the ordinance to 150 feet, not that it was required.

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1 Commissioner Chang noted there was no mention of housing in Streamside Open Space and
2 that appeared to be an oversight in the Code.

3 Mr. Yang inquired if the designation for the parcel was Streamside Open Space.

4 Ms. Foley confirmed that is correct and that the zoning was Open Space.

5 Commissioner Reckdahl echoed the comments about the design of the house. With that said,
6 he found the project to not be consistent with the spirit of the Comprehensive Plan and could
7 not support it.

8 Mr. Ng remarked the location of the home on the site was constrained by the existing heritage
9 trees along Los Trancos and the creek as well as constraints laterally by fire access limitations.
10 He explained the closest point to the creek was only a corner of the structure and the structure
11 did not run parallel to the creek. The structure at that corner pulled back in an L-shape and
12 contained solid walls that faced the creek.

13 Commissioner Chang requested Staff discuss the MND and lighting.

14 Ms. Foley noted on Page 15 of the MND it stated that lighting impacts were deemed as Less
15 Than Significant.

16 Commissioner Chang inquired if it addressed interior or exterior lighting.

17 Ms. Foley commented that it mentioned that interior lighting would be a potential source of
18 light and glare but the justification was that it would not be substantial.

19 Commissioner Chang predicted the MND did not consider the riparian corridor.

20 Abe Leider, Rincon Consultants Inc, remarked the MND included a biology resource assessment
21 and it did not identify interior lighting as a significant impact.

22 Commissioner Chang wanted to see additional mitigation measures be established to limit
23 exterior and interior light pollution onto the riparian corridor.

24 Mr. Ng mentioned that automatic shades were planned for privacy control.

25 Mr. Leider asked when the comment period would close for the MND.

26 Ms. Foley approximated September 15, 2022.

27 Mr. Leider confirmed the recommendation for additional mitigations for lighting could be
28 addressed through conversations with Staff.

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1 Commissioner Templeton appreciated the applicant's due diligence and effort to incorporate
2 the structures into the existing landscaping without much disturbance.

3 MOTION #1

4 Chair Lauing concurred with Commissioner Templeton's comment. He summarized the PTC
5 could not provide a recommendation of approval to the Council without putting on the record
6 the concerns about lighting. He moved the PTC-approved 575 Los Trancos as is with the added
7 language that the Council review and potentially amend standards for indoor and outdoor
8 lighting in the OS Zone to ensure an appropriate level of lighting restrictions in the animal-
9 intensive nature area.

10 SECOND

11 Commissioner Chang seconded the motion and reconfirmed that she wanted to see the lighting
12 concerns be addressed. She was cautious about approving a motion that suggested that the
13 City amend an existing ordinance.

14 Commissioner Hechtman agreed that the item was not agendized to consider a change to an
15 existing City ordinance. He understood the motion requested two approvals from the Council.
16 One to amend the City's ordinance for Streamside Open Space and another to approve the Site
17 and Design application.

18 Chair Lauing answered yes.

19 Commissioner Hechtman summarized the application before the Commission conformed to the
20 currently required setback and the MND determined that light pollution was a Less Than
21 Significant impact. It was alright for Commissioners to say they were uncomfortable with
22 certain elements but the facts proved that the project was in compliance with the Code. He
23 cautioned the Commission about imprinting personal concerns onto the process.

24 Mr. Yang understood that Commissioner Hechtman was concerned that the motion went
25 beyond the bounds of what was noticed in the agenda. He stated the motion was broad,
26 provided general direction and did not violate the Brown Act.

27 Chair Lauing suggested splitting the two concepts out into separate motions.

28 Ms. French asked if the maker wanted to add a condition that the project use automatic
29 shades.

30 Chair Lauing did not believe the motion had to be that specific but was open to suggestions.

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1 Commissioner Chang suggested the motion include a Condition of Approval that nighttime
2 lighting is mitigated in some fashion; or that the Commission’s concern be noted in the
3 comments on the MND. She responded to Commissioner Hechtman that she believed there
4 was a Code issue because the Code specially stated that “nighttime lighting shall be directed
5 away from the riparian corridor of a stream”. She believed that was not specifically addressed
6 in the MND. The Code also stated that “the distance between nighttime lighting and the
7 riparian corridor of a stream should be maximized” and that was open to interpretation of what
8 maximized meant. She agreed that the project was in compliance with the PAMC but it was not
9 compliant with the City’s Comprehensive Plan which was a finding that had to be made.

10 Commissioner Templeton agreed the concerns about lighting and other elements should be
11 highlighted to the Council. That said, the applicant designed a structure that was very
12 harmonious with other uses and compatible with environmental and ecological objectives.

13 MOTION #1 RESTATED

14 Chair Lauing restated the motion was to approve the project as stated with the addition that
15 Council review and potentially amend standards for indoor and outdoor lighting in the OS Zone
16 to ensure appropriate levels of lighting restrictions in an animal-intensive nature area.

17 Commissioner Templeton believed an amendment to the standard for indoor and outdoor
18 lighting was out of scope, but by the nature of the conversation, the Commission already gave
19 those comments to Staff. She supported separating the two concepts into two motions.

20 Ms. French suggested an approach that required the applicant to submit more details for
21 exterior and interior lighting that satisfied Code Sections 18.40.140(3)(G) and Section 18.41.40
22 (4)(A).

23 Chair Lauing supported that approach.

24 Commissioner Hechtman agreed but also supported separating the two concepts into two
25 motions.

26 MOTION #1 WITHDRAWN

27 Chair Lauing withdrew his motion.

28 MOTION #2

29 Chair Lauing moved the Staff proposal for 575 Los Trancos with direction to Staff that the
30 applicant submit their proposal for light mitigation to address PAMC Section 18.40.140(3)(G)
31 and (4)(A).

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1 SECOND

2 Commissioner Chang seconded the motion.

3 Commissioner Templeton supported the motion.

4 Commissioner Reckdahl was uncomfortable about the inconsistencies between the Code and
5 the Comprehensive Plan with respect to the distance a structure must be from a riparian
6 corridor.

7 VOTE

8 Ms. Klicheva conducted a roll call vote and announced the motion passed 4-1 with two
9 Commissioners absent.

10 MOTION #2 PASSED 4(Chang, Hechtman, Lauing, Templeton) – 1(Reckdahl) -2 (Summa and
11 Roohparvar absent)

12 Commissioner Reckdahl believed it was feasible to have a home that protected the riparian
13 corridor and that was why he voted no.

14 MOTION #3

15 Chair Lauing moved that Staff review potential amendments for interior and outdoor lighting in
16 the OS Zone to ensure an appropriate level of lighting restrictions in this animal-intensive
17 nature area.

18 SECOND

19 Commissioner Chang seconded.

20 VOTE

21 Ms. Klicheva conducted a roll call vote and announced the motion passed 5-0-2.

22 MOTION #3 PASSED 5(Chang, Hechtman, Lauing, Reckdahl, Templeton) -0 -2(Summa and
23 Roohparvar absent)

24 **Commission Action:** Motion by Lauing, seconded by Chang. Motion passed 4-1-2 (Summa and
25 Roohparvar absent).

26 **Commission Action:** Motion by Lauing, seconded by Chang. Motion passed 5-0-2 (Summa and
27 Roohparvar absent)

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1 [The Commission took a 10-minute break]

2 3. PUBLIC HEARING / LEGISLATIVE. Recommendation of an Ordinance Amending Title 18
3 (Zoning) of the Palo Alto Municipal Code, Chapters 18.04 (Definitions), 18.16
4 (Neighborhood, Community, and Service Commercial (CN, CC and CS) Districts), 18.18
5 (Downtown Commercial (CD) Districts) and 18.30 (A) and (C) – the Retail and Ground
6 Floor Combining Districts to Update Definitions, Broaden Permissible Uses, Limit
7 Certain Uses and Update Thresholds for Conditional Use Permits for Some Land Uses
8 Throughout the City. Environmental Review: CEQA Exemption 15061(b)(3)

9 Sheldon Ah Sing, Principle Planner, stated that Staff recommended the PTC recommend the City
10 Council adopt an ordinance amending the Zoning Code for certain retail use definitions, limiting
11 certain uses and relaxing Conditional Use Permit (CUP) thresholds for certain uses. Also, to
12 recommend deferment of the Council’s referral to the PTC that was a part of the Council’s
13 previously adopted motion. During the Covid-19 Pandemic, Staff presented to Council several
14 strategies on how to help the economy. A temporary ordinance was proposed on December 14,
15 2022 to help streamline the process to fill vacant retail spaces. The second reading of the
16 ordinance was done on January 2021, March 2021 and the ordinance was adopted on April 12,
17 2021. The temporary ordinance was extended through to December 16, 2022. A consultant was
18 hired in 2022 and a draft report on best practices for retail recovery was being drafted. In the
19 temporary ordinance, there were several definitional changes for “eating and drinking”, “fitness
20 and exercise studio”, a new definition for “learning center” as well as an additional definition
21 for “drive-through”. The temporary ordinance also did not require a CUP for medical offices up
22 to 5,000 square feet except for California Avenue and University Avenue. No CUP requirement
23 for fitness and exercise studios up to 5,000 square feet except for along University Avenue,
24 California Avenue and Town & Country Village. Also, learning centers not be permitted along
25 University Avenue and nail salons or day spaces not be permitted along California Avenue. To
26 date, Staff had not received any new applications as a result of the temporary ordinance but
27 there was interest from medical offices and eat shops. Staff conducted public outreach on the
28 temporary ordinance that included outreach to property owners, email blasts to businesses,
29 newspaper advertisement and notifications. Staff proposed several ordinance amendments
30 that included maintaining the substantive changes from the temporary ordinance and making
31 them permanent. Also, to move regulations from footnotes to appropriate sections in the Code
32 as well as change the definition for “eating and drinking establishments” to “restaurants”. In a
33 previous motion, Council had requested that PTC consider the thresholds for gyms that are
34 greater than 1,800 square feet on University Avenue, California Avenue and at Town & Country.
35 Council also requested that PTC consider the occupancy limited for commercial recreation and
36 explore the best way to define restrictions for dining establishments. Staff had no input on the
37 referrals at the time of the presentation and believed the conversation would benefit from the
38 forthcoming work from the consultant. The next step was to present the proposal to City
39 Council on November 7, 2022, then adoption of the ordinance on November 21, 2022 and

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1 implementation on December 21, 2022. Staff will return to PTC later in the year during a study
2 session to discuss the consultant's work.

3 Chair Lauing summarized that Items A, C and F from Council's original motion were to be
4 reviewed by PTC and recommended for approval by Council. Items B, C and E were
5 recommended to differ until further notice.

6 Commissioner Chang asked if the Code would revert to its original language if the items differed
7 or did differ mean the temporary ordinance would be extended.

8 Mr. Ah Sing explained Item B of Council's motion is included in the draft ordinance but that
9 would be removed if Council agreed to differ it. The other items, occupancy limit and
10 restrictions on dining, were not included in the proposed ordinance.

11 Amy French, Chief Planning Official, restated that Commissioner Chang wanted to understand if
12 the Council could extend the ordinance in totality to provide more time for PTC to review all the
13 items at once.

14 Albert Yang, Assistant City Attorney, agreed the ordinance could be extended but Staff's
15 recommendation was to make some of the parts permanent.

16 Commissioner Hechtman understood that Council was interested in adopting a permanent
17 ordinance. He expressed concern that Council would bypass PTC's review if PTC suggested
18 extending the entire temporary ordinance.

19 Commissioner Reckdahl supported extending the temporary ordinance and then having all the
20 changes occur at one time.

21 Chair Lauing understood that if PTC recommended Items A, C and F be adopted. Then those
22 items would be the permanent ordinance.

23 Ms. French confirmed that this is correct.

24 Chair Lauing commented that Council had already decided to adopt Items A, C and F. If the
25 items were not adopted, he predicted Council would not approve a project that contradicted
26 those items.

27 Commissioner Templeton agreed that Council had already made a decision and was perplexed
28 why the items were in front of the PTC for discussion.

29 Mr. Yang confirmed that permanent ordinances are required to be reviewed by PTC before
30 adoption by the Council.

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1 Commissioner Reckdahl asked if the consultant will have new information for Items A, C and F.

2 Ms. French mentioned that the consultant's report was broad and was not tailored to the
3 specific items.

4 Commissioner Reckdahl believed that if no new information would come forward during the
5 study session with the consultant then the items should be made permanent.

6 Chair Lauing restated that PTC could not make any decision on Items B, D and E because there
7 was no new information.

8 Commissioner Chang was concerned about Item F and its implications. She requested more
9 details about the existing ordinance and what changes the temporary ordinance made to the
10 existing language.

11 Mr. Ah Sing explained the temporary ordinance expanded the threshold for medical office size
12 to 5,000 square feet City-wide.

13 Commissioner Chang could not support a City-wide expansion without understanding more
14 from the consultant.

15 Ms. French noted that without adoption smaller medical offices would be required to have a
16 CUP.

17 Chair Lauing found it odd there were restricted business uses proposed in Item A and Item C.
18 He suggested the ordinance allow a maximum amount instead of fully prohibiting the use on a
19 particular street. He invited members of the public to provide their comments.

20 Madina Klicheva, Administrative Assistant, announced there were no public speakers for the
21 item.

22 Commissioner Hechtman did not support a recommendation that Council extend the
23 temporary ordinance.

24 MOTION

25 Commissioner Chang moved that PTC recommend that Council extend the temporary
26 ordinance.

27 SECOND

28 Chair Lauing seconded.

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1 Commissioner Chang shared Chair Lauing’s concern about prohibiting specific business uses in
2 specific locations. She restated she needed more data on permissible medical sizes and making
3 that permanent City-wide.

4 Chair Lauing predicted that Council’s judgment may have changed post-pandemic about
5 prohibiting specific business uses.

6 Commissioner Hechtman agreed with the spirit of the motion but was concerned the Council
7 would adopt the ordinance without PTC having a more robust recommendation. He agreed
8 with the comments that there should be a maximum for specific business uses instead of full
9 prohibition.

10 Commissioner Reckdahl asked if there was any data on how many existing nail salons there are
11 and their square footage.

12 Commissioner Hechtman mentioned on Packet Page 47 it stated that there were currently eight
13 to 10 nail salons, beauty shops and spas located on California Avenue.

14 Commissioner Templeton agreed that to prohibit a specific use permanently was concerning
15 and instead there should be a maximum.

16 FRIENDLY AMENDMENT

17 Chair Lauing suggested the motion be modified to explain that PTC was interested in studying
18 an appropriate cap for specific business uses. Also, on Item F, PTC needed more data to justify
19 the size threshold for medical office.

20 Commissioner Chang accepted the amendment.

21 Commissioner Hechtman could support a motion that emphasized that if the Council was not
22 willing to extend the temporary ordinance then PTC will provide specific recommendations but
23 in the absence of information.

24 MOTION AMENDED

25 Commissioner Chang was not comfortable discussing a cap without more data. The motion was
26 amended to PTC’s primary recommendation is to continue the temporary ordinance in order to
27 have more data to make a more comprehensive evaluation of the items. The secondary
28 recommendation is that PTC moved that Item A and Item C be limited to no more than what
29 currently existed. For Item F, PTC recommended the language not be changed.

30 SECOND

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1 Chair Lauing reconfirmed his second but was concerned that Council had already expressed
2 that they wanted specific uses to be eliminated from specific streets.

3 Commissioner Reckdahl believed that Council did not want to eliminate the uses but that they
4 did not want to encourage more.

5 Commissioner Chang confessed she did not know what Council wanted.

6 Chair Lauing noted that Item A used the words “prohibit allowing” and Item C used “prohibit
7 expansion”.

8 Commissioner Templeton predicted that “prohibit allowing” was a mistake and that the
9 intention was not to eliminate services.

10 Chair Lauing explained the process would be natural attrition.

11 Ms. French clarified that Staff did not suggest eliminating specific uses on California Avenue.
12 Those items came up in Council’s deliberation. She noted that for Item C, none of those uses
13 currently exist.

14 Commissioner Chang remarked the language stated “prohibit expansion” which indicated those
15 uses existed.

16 Mr. Ah Sing confessed the discussion at Council was challenging to understand but he
17 understood Council meant an exception by using the words “prohibit expansion”.

18 MOTION AMENDED

19 Commissioner Chang stated PTC’s primary recommendation is to continue the temporary
20 ordinance in order to have more data to make a more comprehensive evaluation of the items.
21 PTC's secondary recommendation is that Item A be limited to no more than what currently
22 existed and explore a cap on the number of uses listed in Item C. With respect to Item F, PTC
23 recommends to continue the temporary ordinance.

24 Commissioner Hechtman asked what type of permit did the businesses listed in Item A need.

25 Ms. French confirmed that personal services were permitted use but currently, those
26 businesses could not be opened on California Avenue and University Avenue.

27 Commissioner Hechtman was concerned that enforcement of a cap would be infeasible
28 because personal services did not require a CUP. He noted that the old version of the ordinance
29 required a CUP for personal services and he supported that approach.

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1 MOTION AMENDED

2 Commissioner Chang moved that PTC's primary recommendation is to continue the temporary
3 ordinance in order to have more data to make a more comprehensive evaluation of the items.
4 PTC's secondary recommendation is that Item A be limited to no more than what currently
5 existed. With respect to Item C, PTC recommends exploring a cap on the number of uses
6 currently existing, requiring a CUP to operate the businesses listed in Item C and that the City
7 require a CUP to operate a new personal service if there are fewer than what currently exists.
8 With respect to Item F, PTC recommends to continue the temporary ordinance.

9 Commissioner Hechtman clarified that before the item goes to Council, Staff will count how
10 many existing businesses there are and that will be set as the cap for Item A and Item C.

11 Ms. French noted that if a personal service vacates a space and in less than 12 months a new
12 personal service rents the space. That was a new business but that business would be
13 grandfathered in because it came before the 12-month threshold was reached.

14 Commissioner Hechtman mentioned that prior to the temporary ordinance, those services
15 were required to have a CUP. He predicted that many existing personal services pre-dated the
16 pandemic and held CUPs.

17 Mr. Yang confirmed that the City does not have a provision that CUPs expire if they are not
18 used within a year.

19 Commissioner Hechtman inquired if the personal services listed in Item A only pertained to
20 ground floor spaces.

21 Ms. French clarified the ground floor combining districts applied to the downtown area and
22 Retail (R) district applied to California Avenue.

23 Commissioner Hechtman asked again if Item A only applied to the ground floor on California
24 Avenue.

25 Mr. Ah Sing confirmed that for the R District, Item A uses only applied to the ground floor.

26 Commissioner Hechtman found the uses listed in Item C not to be retail-like uses and supported
27 having them on the second floor but not on the ground floor. With respect to Item F, he read
28 that prior to the temporary ordinance, the ordinance read medical offices in the districts listed
29 required a CUP subject to Note Five.

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1 Mr. Ah Sing clarified that the requirement of a CUP was the original language and the
2 temporary ordinance language was Footnote Five. The original ordinance's threshold was
3 changed to 5,000 square feet and then Council provided carve-out situations in their motion.

4 Commissioner Hechtman asked before the temporary ordinance if a CUP was required for a
5 4,000 square foot medical office that did not front California Avenue or Midtown.

6 Mr. Yang asked for the Packet Page.

7 Ms. French answered Packet Page 55.

8 Mr. Yang confirmed that Footnote Five did not exist until the temporary ordinance was
9 adopted.

10 Commissioner Hechtman understood that Item F was proposing that all medical offices larger
11 than 5,000 square feet must have a CUP.

12 Mr. Ah Sing explained that the footnotes were moved into their respective combining districts,
13 R and Ground Floor (GF).

14 Commissioner Hechtman remarked that the R district applied to California Avenue and per
15 Packet Page 66 there was no size limitation for medical office.

16 Mr. Yang clarified any size limitations listed in the underlying zoning would apply. The proposal
17 was that a CUP is required, regardless of its size of it.

18 Chair Lauing remarked that per Commissioner Chang's comment if the provision becomes
19 permanent then the size of a medical office will be increased.

20 Commissioner Hechtman noted that on California Avenue, University Avenue and Midtown, all
21 medical offices will be required to have a CUP. That statement did not broaden the size because
22 all medical offices required a CUP.

23 Ms. French mentioned that the provision only applied to offices fronting those three streets.
24 Medical offices were permitted up to 5,000 square feet if they were located not on the ground
25 floor.

26 Commissioner Chang understood that if the temporary ordinance lapsed and the City reverted
27 to the old language. Then all medical offices will require a CUP. If the temporary ordinance
28 were to become permanent then all medical offices on the ground floor in the three districts
29 will be required to have a CUP. In all other locations, all medical offices under 5,000 square feet
30 would not be required to have a CUP and she could not support that threshold.

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1 Commissioner Hechtman asked what part of the city was Commissioner Chang concerned
2 about where retail would be adversely affected by a 4,000 square foot medical office that did
3 not hold a CUP.

4 Commissioner Chang noted there is retail on other streets that are covered under the City's
5 existing Retail Preservation Ordinance.

6 Commissioner Hechtman agreed with Commissioner Chang's point and supported not making
7 Item F permanent.

8 MOTION AMENDED

9 Commissioner Chang amended the motion that PTC's primary recommendation is to continue
10 the temporary ordinance in order to have more data to make a more comprehensive evaluation
11 of the items. PTC's secondary recommendation is that Item A be limited to no more than what
12 currently existed. With respect to Item C, PTC recommends exploring a cap on the number of
13 uses currently existing, requiring a CUP to operate the businesses listed in Item C and that the
14 City require a CUP to operate a new personal service if there are fewer than what currently
15 exists. With respect to Item F, PTC recommends that the City revert to the original ordinance.

16 Chair Lauing accepted the amendment.

17 Commissioner Hechtman identified areas for Staff to provide further clarity on. The first was on
18 Packet Page 55, the second and third land use box, he suggested the second box be removed.
19 On Packet Page 61, he suggested the second box be removed from the table. On Packet Page
20 66, Section 9, Item A (3), he understood the uses listed were only prohibited on the ground
21 floor.

22 Ms. French confirmed that is correct.

23 Commissioner Hechtman inquired if the motion should include a recommendation to differ
24 Items B, D and E.

25 MOTION AMENDED

26 Commissioner Chang moved that PTC's primary recommendation is to continue the temporary
27 ordinance in order to have more data to make a more comprehensive evaluation of the items.
28 PTC's secondary recommendation is that Item A be limited to no more than what currently
29 existed. With respect to Item C, PTC recommends exploring a cap on the number of uses
30 currently existing, requiring a CUP to operate the businesses listed in Item C and that the City
31 require a CUP to operate a new personal service if there are fewer than what currently exists.

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1 With respect to Item F, PTC recommends to continue the temporary ordinance. With respect to
2 Items B, D and E, PTC recommends adopting Staff’s recommendation to differ the items.

3 SECOND

4 Chair Lauing reconfirmed his second.

5 VOTE

6 Ms. Klicheva conducted a roll call vote and announced the motion passed 5-0 with Vice Chair
7 Summa and Commissioner Roohparvar absent.

8 MOTION PASSED 5(Lauing, Chang, Reckdahl, Hechtman, Templeton) -0 -2(Summa and
9 Roohparvar absent)

10 **Commission Action:** Motion by Chang, seconded by Lauing. Motion failed 5-0-2 (Summa and
11 Roohparvar absent).

12 **Approval of Minutes**

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

14 4. June 29, 2022 Draft Summary Meeting Minutes

15 MOTION

16 Commissioner Hechtman moved approval as revised.

17 SECOND

18 Commissioner Reckdahl seconded.

19 VOTE

20 Madina Klicheva, Administrative Assistant, conducted a roll call vote and announced the motion
21 passed 5-0 with Vice Chair Summa and Commissioner Roohparvar absent.

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

24 **Commission Action:** Motion by Hechtman, seconded by Reckdahl. Pass 5-0-2 (Summa and
25 Roohparvar absent)

26 5. July 13, 2022 Draft Verbatim Meeting Minutes

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1 MOTION

2 Commissioner Hechtman moved approval as revised.

3 SECOND

4 Commissioner Reckdahl seconded.

5 VOTE

6 Madina Klicheva, Administrative Assistant, conducted a roll call vote and announced the motion
7 passed 4-0 with Commissioner Templeton abstaining and Vice Chair Summa and Commissioner
8 Roohparvar absent.

9 MOTION PASSED 4(Chang, Hechtman, Lauing, Reckdahl) -0 -1 (Templeton abstain) -2 (Summa
10 and Roohparvar absent)

11 **Commission Action:** Motion by Hechtman, seconded by Reckdahl. Pass 4-0-1-2 ((Summa and
12 Roohparvar absent)

13 6. August 10, 2022 Draft Summary Meeting Minutes

14 Commissioner Hechtman expressed his gratitude to Mr. Ah Sing for his hard work on Item 3.

15 MOTION

16 Commissioner Hechtman moved approval as revised.

17 SECOND

18 Commissioner Reckdahl seconded.

19 VOTE

20 Madina Klicheva, Administrative Assistant, conducted a roll call vote and announced the motion
21 passed 4-0 with Commissioner Chang abstaining and Vice Chair Summa and Commissioner
22 Roohparvar absent.

23 MOTION PASSED 4(Hechtman, Lauing, Reckdahl, Templeton) -0 -1(Chang abstain) -2 (Summa
24 and Roohparvar absent)

25 **Commission Action:** Motion by Hechtman, seconded by Reckdahl. Pass 5-0-2 (Summa and
26 Roohparvar absent)

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1 Commissioner Hechtman inquired about the summary minutes for the July 13, 2022 meeting.

2 Ms. Klicheva confirmed there was an error on the agenda and the summary minutes should be
3 included. Due to the error, those minutes were to be placed on the September 2022 meeting.

4 **Committee Items**

5 None

6 **Commissioner Questions, Comments or Announcements**

7 Commissioner Hechtman mentioned the vegetation around the Renzel Marsh was growing over
8 the road and needed to be trimmed.

9 Amy French, Chief Planning Official, mentioned Staff planned to bring the retail study to the
10 September 28, 2022 PTC meeting.

11 **Adjournment**

12 9:58 pm

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