



City of Palo Alto

City Council Staff Report

(ID # 4462)

Report Type: Action Items

Meeting Date: 4/29/2014

Summary Title: El Camino Real Sidewalk Ordinance

Title: Public Hearing - Council Adoption of an Ordinance Modifying: (1) Chapter 18.16 of the Palo Alto Municipal Code (PAMC) to: (a) Address Sidewalk Width and Building Setbacks (Setback and “Build-to” Line Standards, and Context Based Design Criteria) Along El Camino Real, and (b) Reduce the Allowable Floor Area Ratio on CN Zoned Sites Where Dwelling Units are Permitted at 20 Units Per Acre; and (2) PAMC Chapter 18.04 to Adjust the Definition of Lot Area and Add a Definition for “Effective Sidewalk”. Environmental Assessment: Exempt from the provisions of CEQA per Section 15305 (Minor Alterations in Land Use Limitations) (THIS ITEM WAS CONTINUED BY COUNCIL MOTION ON APRIL 21, 2014 TO JUNE 2, 2014)

From: City Manager

Lead Department: Planning and Community Environment

Recommendation

On April 21, Council continued this item to the June 2, 2014 Council meeting. This report, prepared for the April 29, 2014 Council meeting, is being provided in advance to allow Council an additional month of review.

Staff recommends that Council take one of the following actions:

- (1) Adopt the proposed ordinance included as Attachment A,
- (2) Defer adoption of the ordinance until the issues it addresses can be reviewed in a broader context during the Comprehensive Plan Update, as recommended by the Planning and Transportation Commission (PTC), or
- (3) Adopt a modified ordinance reflecting the Architectural Review Board (ARB)’s recommendation to omit changes to density (Floor Area Ratio or “FAR”) and permit effective sidewalk widths of nine feet where appropriate in front of retail uses.

Executive Summary

In April 2013, the City Council requested that staff work with the PTC to prepare a draft

ordinance(s) for its consideration that would increase sidewalk widths along major thoroughfares in the City. In January 2014, the City Council also requested that staff work on an ordinance to reduce the FAR for a limited number of sites that are zoned Neighborhood Commercial (CN) *and* allow for residential densities of 20 dwelling units per acre due to their listing on the housing inventory. This FAR change was envisioned as a way to encourage smaller dwelling unit sizes.

Because Palo Alto's major thoroughfares are not homogeneous, and there is no "one size fits all" approach that can be used to address sidewalk widths City-wide, Staff approached this task by focusing first on El Camino Real. The attached draft ordinance would modify development standards in Palo Alto Municipal Code (PAMC) Chapters 18.16 and 18.04, making a number of adjustments aimed at increasing the effective sidewalk width along El Camino Real. The ordinance would also reduce the FAR of 32 properties that are zoned Commercial Neighborhood (CN) if the owners choose to build out at residential densities of 20 units per acre rather than 15 units per acre.

Staff has received input from property owners and others over the last several months, and the Architectural Review Board (ARB) and the PTC have each considered the draft ordinance on multiple occasions and provided their recommendations. The community input and the recommendations are briefly described in this report and documented further in the attachments.

Background

In April 2013, the Council gave direction to staff following discussion of a Council Colleagues' memo regarding sidewalk widths. The Council's direction was for the staff, ARB, and PTC to "review sidewalks widths and how buildings address the street with a focus on El Camino Real... and return to Council with suggested zoning amendments that implement the vision expressed in the Grand Boulevard Plan, and revise the South El Camino Guidelines and zoning as appropriate to make them consistent with this vision." The Council's direction also requested that other thoroughfares "be addressed in this context, as Staff feels is appropriate at this time."

In July, 2013, the Planning and Transportation Commission (PTC) and the Architectural Review Board (ARB) met to jointly study the sidewalk width issue and highlighted areas for further discussion or subcommittee work. The Council's meeting minutes and Colleagues' Memo were included as attachments to the July 31, 2013 PTC/ARB meeting document, and are available at <http://www.cityofpaloalto.org/civicax/filebank/documents/35274>. Other attachments include a list of El Camino Real projects constructed between 2003-2010, lane configurations from the 2003 El Camino Real Master Schematic Design Plan, the Grand Boulevard Initiative (GBI) vision and principles, Bike Plan sections, and more.

On January 13, 2014, Council approved a housing density increase from 15 to 20 units per acre for CN-zoned housing opportunity sites identified in the Housing Element. This action

implemented a program in the City's Housing Element and responded to a provision in State law stating that sites meeting a "default density" of 20 dwelling units per acre are "deemed appropriate to accommodate" low income housing. However the Council was concerned about the change, and adopted a motion requesting staff and the PTC to consider reducing the FAR so as to achieve smaller unit sizes. The Council motion also requested consideration of the retail proportion of the FAR, including ground floor retail requirements.

Staff began work on a draft ordinance in early 2014 and quickly realized that addressing sidewalk widths along all major thoroughfares would be infeasible, because conditions along the thoroughfares vary so greatly. As a result, the draft ordinance and community discussions have focused on El Camino Real. Staff also realized that increasing the FAR requirement for ground floor retail use along El Camino Real (as implied in the Council's January 2014 motion) would be infeasible if new projects are required to meet the City's current parking standards.

On February 20 and March 20, 2014, the ARB conducted public hearings to discuss staff's draft ordinance and the issues involved. On February 26 and April 9, 2014, the PTC conducted hearings on this topic. Minutes from these meetings are attached, along with the staff report from the April 9, 2014 PTC meeting. The ARB and PTC's recommendations are included in the Discussion section below.

Discussion

The discussion below provides a brief summary of major provisions of the ordinance, a summary of the ARB and Planning Commission recommendations, and a brief summary of the community input to date.

Ordinance Summary

The attached draft ordinance would modify Palo Alto Municipal Code (PAMC) Chapter 18.16, Neighborhood, Community and Services Commercial Districts, Sections 18.60.060 (Tables 3 and 4) and 18.60.090 (Context-Based Design Criteria), and Chapter 18.04, Definitions.

The modifications would add a definition of effective sidewalk width (PAMC Section 18.04.030, item #50) and modify the development standards for front yard setbacks (18.16.060(a) and (b)) in an attempt to achieve greater effective sidewalk widths for properties fronting on ECR. The new front yard setback standards would apply to new development along the corridor (i.e. existing buildings would not be affected), and provide for flexibility based on context, including "land use, adjacent and nearby properties, existing building setbacks, proposed or adjacent building design, lot size and similar consideration." In other words, the City could impose setbacks up to 10 feet on new development in order to achieve an effective sidewalk width of 18 feet if appropriate. However, where there are adjacent buildings with different setbacks, extremely small lots, or other site conditions that warrant lesser setbacks, the City could require setbacks of only 4 feet, for an effective sidewalk width of 12 feet. The current code requires an effective sidewalk of 12 feet.

It should also be noted that the standards cannot and do not require the dedication of land for sidewalk purposes, only that a setback be provided. As an “effective sidewalk,” the setback could include furnishings, plantings (including street trees), and building columns supporting upper floors of the building, provided the recessed/shaded area provides “a comfortable clear width for pedestrian access.” The City would review the design of the setback in conjunction with the rest of the building. Also, the ordinance would modify the definition of “lot area (PAMC Section 18.04.030, item #85) such that greater setbacks would not result in a smaller lot size for purposes of calculating FAR.

The draft ordinance would also modify the “build-to-line” development standard that requires all new development to have a percentage of its building frontage along the line. (The intent of this “build to line” is to encourage pedestrian-oriented development and avoid surface parking lots in front of the buildings; it also creates what urban designers call a consistent “street wall” that helps to define the edge of a wide boulevard like ECR.) The modifications would eliminate the build-to requirement for frontages not on El Camino Real, clarify that Stanford Shopping Center and Town and Country Center properties are not subject to the requirement, add a build-to requirement for frontages along ECR that are zoned Community Commercial (CC and CC2), and allow flexibility so that the requirement can be met by upper floors when the ground floor is set back. Several of these changes are intended to eliminate the need for Design Enhancement Exceptions (DEE), whereby applicants request relief from the build-to-line standard.

Finally, as indicated earlier, the ordinance would affect the building density (FAR) of properties that are zoned CN and allowed residential densities of 20 dwelling units per acre because of their inclusion in the City’s inventory of housing sites. Specifically, the ordinance would give property owners of these sites along ECR the option of building at 15 du/ac and a residential FAR of 0.5:1 (total FAR of 1.0:1) or building at 20 du/ac and a residential density of 0.4 (total FAR of 0.8:1).

ARB & PTC Recommendations

On April 9, 2014, the PTC recommended that Council *not* adopt the proposed ordinance, and instead, incorporate the discussion of sidewalk width, with building height and density, and other development standards, as part of the Our Palo Alto (Comprehensive Plan) discussion, to realize the Grand Boulevard Initiative. The staff report and minutes for the April 9, 2014 PTC meeting are attached (Attachment E). Minutes and the staff report for the February 26, 2014 PTC meeting are also attached (Attachment D).

On March 20, 2014, the ARB recommended that Council adopt a modified ordinance, eliminating the floor area reduction provision of the ordinance for new developments proposing 20 units per acre on CN-zoned sites in the housing inventory, and modifying the minimum setback requirement to allow a minimum nine foot effective sidewalk for ground floor retail uses on small lots, under specific conditions. The March 20, 2014 ARB meeting minutes are attached (Attachment F), as are minutes from the ARB meeting of February 20,

2014 (Attachment G).

Community Input

On April 1, 2014, staff conducted an outreach meeting with affected El Camino Real property owners and business owners. Correspondence from these owners is provided within the public correspondence in Attachment C. The ARB and PTC also heard from property owners and others raising a number of concerns including, but not limited to, the following:

- Concerns that the decrease in FAR for CN zoned properties in the housing inventory will make affordable housing infeasible;
- Concerns that increasing setbacks will make redevelopment of small parcels infeasible, potentially forcing lot consolidation;
- Concerns that increasing setbacks will harm the viability of retail uses along ECR;
- Concerns that increasing setbacks could be considered a “taking” of property;
- Concerns that ECR will never be a hospitable place for pedestrians;
- Suggestions that the requirement for greater setbacks be paired with additional height or relaxed requirements for ground floor retail.

Observations & Next Steps

Throughout the process of developing the draft ordinance, staff has observed a general lack of information and understanding about the Grand Boulevard Initiative and how Palo Alto’s local ordinances do or don’t respond to that regional vision. This represents an opportunity that can be seized by the Comprehensive Plan update process, or in a separate endeavor. As a first step, staff has arranged a public presentation and discussion with the PTC about the Grand Boulevard Initiative at their meeting of May 14, 2014. The following is a link to the video section of the Grand Boulevard Initiative web site, for people who are unable to attend the presentation: <http://www.grandboulevard.net/library/videos.html>.

Even if our vision for ECR were clear, the ARB and PTC’s recommendation indicate that some find it difficult to consider one building standard like setbacks or “build-to” lines in the absence of a broader analysis of other building standards, parcel sizes, and land uses. A comprehensive code review like this would be resource-intensive, however staff would welcome the City Council’s identification of this as an important next step after the Comprehensive Plan Update, as well as Councils’ direction on any intermediate next steps.

Resource Impact

The proposed ordinance affects development standards and would not require an expenditure of City funds.

Environmental Review

The proposed ordinance would make minor adjustments to existing development standards and is considered exempt from the provisions of CEQA per CEQA Guidelines Section 15305 (Class 5, Minor Alterations in Land Use Limitations).

Attachments:

- Attachment A: Ordinance (PDF)
- Attachment B: PAHC letter to PTC re CN district changes (PDF)
- Attachment C: Public Correspondence (PDF)
- Attachment D: PTC Staff Report and Minutes of February 26, 2014 (PDF)
- Attachment E: PTC Staff Report and Draft Minutes of April 9, 2014 (PDF)
- Attachment F: ARB Minutes of March 20, 2014 (DOC)
- Attachment G: ARB Meeting Item 4 on 2 20 14 (DOC)

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Sections 18.04.030 (Definitions) and 18.16.060 (Development Standards for CN, CC, and CS Districts) and 18.60.090 (Context-Based Design Criteria of Title 18 (Zoning) of the Palo Alto Municipal Code To Modify the Build To Requirements, Encourage Wider Sidewalks and Decrease FAR on CN Sites Where Dwelling Units Are Permitted to Exceed 15 Units Per Acre

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings.

A. Recently new developments have been built, particularly along El Camino and Alma Street, that are inconsistent with local and regional visions for vibrant boulevards.

B. Recent developments have generated consternation in the community and a strong negative reaction by members of the public as to how close the buildings are to the street, how they loom over the roadway and how the buildings turn their backs on the public right of way due to inadequate setbacks and building articulation and openings to reduce the building mass.

C. The Grand Boulevard Initiative, a vision developed by cities and agencies along El Camino Real, recommends an 18-foot sidewalk width. Palo Alto currently has a 12-foot “effective sidewalk” width requirement for new buildings

D. As new developments are occurring on El Camino Boulevard there is a unique opportunity to redefine the existing streetscape in order to bring it closer in line with Comprehensive Plan polices and the Grand Boulevard Initiative.

E. Improving the walkability of this corridor with strong, interesting, appealing building frontage furthers the goals of both the Comprehensive Plan and the Grand Boulevard Initiative

F. The Grand Boulevard Initiative and El Camino Real Guidelines encourage “reinforcement of the importance and definition of the street with front-placed buildings that provide a presence in scale with El Camino Real.”

SECTION 2. Section 18.040.030 Definitions (a)(50) (reserved) and (a)(85) (Lot Area) of Title 18 (Zoning) of the Palo Alto Municipal Code are hereby amended to read as follows:

(50) “Effective Sidewalk Width” means the width from face of curb (facing the street) to building face at the ground floor level, inclusive of furnishings, plantings (including street trees), and building columns (as long as such columns are set back at least nine feet from the curb) where the ground floor wall plane is set back significantly from the curb to provide recessed/shaded sidewalk area,

with the intent to provide a comfortable clear width for pedestrian access. Effective sidewalk width shall not include special bulbouts for purposes of transit stops, street trees or bicycle parking.

(85) "Lot area" means the area of a lot measured horizontally between bounding lot lines, but excluding any portion of a flag lot providing access to a street and lying between a front lot line and the street, and excluding any portion of a lot within the lines of any natural watercourse, river, stream, creek, waterway, channel, or flood control or drainage easement and excluding any portion of a lot within a public or private street right-of-way whether acquired in fee, easement, or otherwise. However, any private property area dedicated to and accepted by the City for public use as a sidewalk shall be included in lot area.

SECTION 3. Section 18.16.060 (Development Standards for CN, CC, and CS Districts) of Title 18 (Zoning) of the Palo Alto Municipal Code is hereby amended to read as follows:

18.16.060 Development Standards

(a) Exclusively Non-Residential Uses

Table 3 specifies the development standards for exclusively non-residential uses and alterations to non-residential uses or structures in the CN, CC, CC(2) and CS districts. These developments shall be designed and constructed in compliance with the following requirements and the context-based design criteria outlined in Section 18.16.090, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and community environment, pursuant to Section 18.76.020.

TABLE 3
EXCLUSIVELY NON-RESIDENTIAL DEVELOPMENT STANDARDS

	CN	CC	CC(2)	CS	Subject to regulations in Section
Minimum Site Specifications					
Site Area (ft ²)	None Required				
Site Width (ft)					
Site Depth (ft)					
Minimum Setbacks					
Front Yard (ft) <u>for properties not on El Camino Real</u>	0–10' to create an 8'–12' effective sidewalk width, depending on context	None Required (8)	0 – 10' to create an 8' – 12' effective sidewalk width, depending on	0 – 10' to create an 8' – 12' effective sidewalk width, depending on context	<i>Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code</i>

	CN	CC	CC(2)	CS	Subject to regulations in Section
	(1), (2), (8)		context (1), (2), (8)	(1), (2), (8)	
<u>Front Yard (ft) for properties fronting El Camino Real</u>	<u>4-10' from property line to the ground floor main building wall to create a 12'-18' effective sidewalk, depending on context; upper floors may have a zero setback, depending on context (1),(2),(8)</u>	<u>4-10' from property line to the ground floor main building wall to create a 12'-18' effective sidewalk, depending on context; upper floors may have a zero setback, depending on context (1),(2),(8)</u>	<u>4-10' from property line to the ground floor main building wall to create a 12'-18' effective sidewalk, depending on context; upper floors may have a zero setback, depending on context (1),(2),(8)</u>	<u>4-10' from property line to the ground floor main building wall to create a 12'-18' effective sidewalk, depending on context; upper floors may have a zero setback, depending on context (1),(2),(8)</u>	
Rear Yard (ft)	None required				
Interior Side Yard (ft)					
Street Side Yard (ft)	20' ⁽²⁾	None required			
Minimum Yard (ft) for lot lines abutting or opposite residential districts or residential PC districts	10' ⁽²⁾	10' ⁽²⁾	10' ⁽²⁾	10' ⁽²⁾	
<u>Build-To-Lines (applicable to properties facing El Camino Real only)</u>	<ul style="list-style-type: none"> • <u>Minimum of 50% of frontage build to setback⁽⁷⁾</u> • <u>Minimum of 33% of side street built to setback⁽⁷⁾</u> • <u>Wall % can be via upper floors where the ground floor is set back farther</u> 				

	CN	CC	CC(2)	CS	Subject to regulations in Section
<u>Stanford Shopping Center and Town and Country Center properties are not subject to the buil-to-line standard.</u>		<ul style="list-style-type: none"> Front wall can be placed within a range of 0-10' from property line (8' – 18' from curb) Wall % based on Context Based Design Criteria and site context including land use, adjacent and nearby building context, lot size, building design and similar considerations 			
Minimum setbacks from alleys for structures other than public parking garages (ft) ⁽³⁾					
Corner lots, from rear lot line on the alley			8'		
Corner lots, from side lot line on the alley			None		
All lots other than corner lots			20'		
Maximum Site Coverage	50%	None Required			
Maximum Height (ft)					
Standard		50'	37' ⁽⁴⁾	50'	
Within 150 ft. of a residential district (other than an RM-40 or PC zone) abutting or located within 50 feet of the site	25' and 2 stories	35'	35'	35'	
Maximum Floor Area Ratio (FAR)	0.4:1		2.0:1	0.4:1	18.18.060(e)
Maximum Floor Area Ratio (FAR) for Hotels	N/A	- (5)	2.0:1	2.0:1	18.18.060(d)
Daylight Plane for lot lines abutting one or more residential zone districts other than an RM-40 or PC zone					
Initial Height at side or	- (6)	- (6)	- (6)	- (6)	

	CN	CC	CC(2)	CS	Subject to regulations in Section
rear lot line (ft)					
Slope	- (6)	- (6)	- (6)	- (6)	
<p>(1) No parking or loading space, whether required or optional, shall be located in the first 10 feet adjoining the street property line of any required yard.</p> <p>(2) Any minimum front, street side, or interior yard shall be planted and maintained as a landscaped screen excluding areas required for access to the site. A solid wall or fence between 5 and 8 feet in height shall be constructed along any common interior lot line. Front yards of El Camino Real fronting properties are not subject to the landscaped screening requirement.</p> <p>(3) No setback from an alley is required for a public parking garage.</p> <p>(4) As measured to the peak of the roof or the top of a parapet; penthouses and equipment enclosures may exceed this height limit by a maximum of five feet, but shall be limited to an area equal to no more than ten percent of the site area and shall not intrude into the daylight plane.</p> <p>(5) See additional regulations in subsection (e) of this Section 18.16.050.</p> <p>(6) The initial height and slope shall be identical to those of the most restrictive residential zone abutting the site line in question.</p> <p>(7) Twenty-five-foot wide driveway access permitted regardless of building frontage. build-to requirement does not apply to CC district.</p> <p>(8) A 12 foot sidewalk width is required along El Camino Real frontage. For purposes of front yard setback, context shall include the property's land use, adjacent and nearby properties' existing building setbacks, proposed or adjacent building design, lot size and similar considerations.</p>					

(b) Mixed Uses

Table 4 specifies the development standards for new residential mixed use developments. These developments shall be designed and constructed in compliance with the following requirements and the context-based design criteria outlined in Section 18.16.090, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and community environment, pursuant to Section 18.76.020.

TABLE 4
MIXED USE DEVELOPMENT STANDARDS

	CN	CC	CC(2)	CS	Subject to regulations in:
Minimum Site Specifications					
Site Area (ft²)					
Site Width (ft)	None required				
Site Depth (ft)					

	CN	CC	C C(2)	CS	Subject to regulations in:
Minimum Setbacks					<i>Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code may apply</i>
Front Yard (ft) <u>for properties not on El Camino Real</u>	0' – 10' to create an 8' – 12' effective sidewalk width, depending on context ⁽⁸⁾⁽¹⁰⁾	None Required	0' – 10' to create an 8' – 12' effective sidewalk width, depending on context ⁽⁸⁾⁽¹⁰⁾	0' – 10' to create an 8' – 12' effective sidewalk width, depending on context ⁽⁸⁾⁽¹⁰⁾	

	CN	CC	C C(2)	CS	Subject to regulations in:
<u>Front Yard (ft) for properties fronting El Camino Real</u>	<u>4-10' from property line to the ground floor main building wall to create a 12'-18' effective sidewalk, depending on context; upper floors may have a zero setback, depending on context (8),(10)</u>	<u>4-10' from property line to the ground floor main building wall to create a 12'-18' effective sidewalk, depending on context; upper floors may have a zero setback, depending on context (8),(10)</u>	<u>4-10' from property line to the ground floor main building wall to create a 12'-18' effective sidewalk, depending on context; upper floors may have a zero setback, depending on context (8),(10)</u>	<u>4-10' from property line to the ground floor main building wall to create a 12'-18' effective sidewalk, depending on context; upper floors may have a zero setback, depending on context (8),(10)</u>	
Rear Yard (ft)	10' for residential portion; no requirement for commercial portion				
Rear Yard abutting residential zone district (ft)	10'				
Interior Side Yard if abutting residential zone district (ft)	10'				
Street Side Yard (ft)	5'				
Build-To-Lines <u>(applicable to El Camino Real properties only)</u>	<ul style="list-style-type: none"> • Minimum of 50% of frontage built to setback ⁽¹⁾ • <u>Minimum of</u> 33% of side street built to setback⁽¹⁾ • <u>Wall % can be via upper floors where the ground floor is set back farther</u> 				

	CN	CC	C C(2)	CS	Subject to regulations in:
	<ul style="list-style-type: none"> • <u>Front wall can be placed within a range of 0-10' from property line (8' – 18' from curb)</u> • <u>Wall % based on Context Based Design Criteria and site context including land use, adjacent building context, lot size and building design</u> 				
Permitted Setback Encroachments	Balconies, awnings, porches, stairways, and similar elements may extend up to 6' into the setback. Cornices, eaves, fireplaces, and similar architectural features (excluding flat or continuous walls or enclosures of interior space) may extend up to 4' into the front and rear setbacks and up to 3' into interior side setbacks				
Maximum Site Coverage	50%	50%	100%	50%	
Landscape/Open Space Coverage	35%	30%	20%	30%	
Usable Open Space	200 sq ft per unit for 5 or fewer units ⁽²⁾ , 150 sq ft per unit for 6 units or more ⁽²⁾				
Maximum Height (ft)					
Standard	35' ⁽⁴⁾	50'	37'	50'	
Within 150 ft. of a residential zone district (other than an RM-40 or PC zone) abutting or located within 50 feet of the site	35'	35' ⁽⁵⁾	35' ⁽⁵⁾	35' ⁽⁵⁾	
Daylight Plane for lot lines abutting one or more residential zoning districts	Daylight plane height and slope shall be identical to those of the most restrictive residential zoning district abutting the lot line				
Residential Density (net) ⁽³⁾	15 or 20 ⁽⁹⁾	See sub-section (e) below	30	30	
Maximum Residential Floor Area Ratio (FAR)	0.5:1 ⁽⁴⁾		0.6:1	0.6:1	
Maximum Nonresidential Floor Area Ratio (FAR)	0.4:1		2.0:1	0.4:1	
Total Mixed Use Floor Area Ratio (FAR)	0.9:1 ⁽⁴⁾		2.0:1	1.0:1	
Minimum Mixed Use Ground Floor Commercial FAR ⁽⁶⁾	0.15:1		0.15:1 0.25:1 ⁽⁷⁾	0.15:1	
Parking	See Chapters 18.52 and 18.54 (Parking)				18.52, 18.54

	CN	CC	CC(2)	CS	Subject to regulations in:
<p>(1) Twenty-five-foot <u>wide</u> driveway access permitted regardless of <u>building</u> frontage build to requirement does not apply to CC district</p> <p>(2) Required usable open space: (1) may be any combination of private and common open spaces; (2) does not need to be located on the ground (but rooftop gardens are not included as open space); (3) minimum private open space dimension six feet; and (4) minimum common open space dimension twelve feet.</p> <p>(3) Residential density shall be computed based upon the total site area, irrespective of the percent of the site devoted to commercial use.</p> <p>(4) For CN sites on El Camino Real, height may increase to a maximum of 40 feet and the FAR may increase to a maximum of 1.0:1 (0.5:1 for nonresidential, 0.5:1 for residential).</p> <p>(5) For sites abutting an RM-40 zoned residential district or a residential Planned Community (PC) district, maximum height may be increased to 50 feet.</p> <p>(6) Ground floor commercial uses generally include retail, personal services, hotels and eating and drinking establishments. Office uses may be included only to the extent they are permitted in ground floor regulations.</p> <p>(7) If located in the California Avenue Parking Assessment District.</p> <p>(8) A 12 foot sidewalk width is required along El Camino Real frontage. For purposes of front yard setback, context shall mean the property's land use, adjacent and nearby properties' existing building setbacks, proposed or adjacent building design, lot size and similar considerations.</p> <p>(9) Residential densities up to 20 units/acre only on Housing Inventory Sites identified in the 2007-2014 Housing Element. Notwithstanding note 4, for any CN zoned site listed on the City's housing inventory that elects to exceed the standard 15 dwelling units per acre, the Maximum Residential Floor Area (FAR) shall be 0.4:1, the Maximum Non-Residential Floor Area Ratio (FAR) shall be 0.4:1 and the Total Mixed Use Floor Area (FAR) shall not exceed 0.8:1.</p> <p>(10) <u>No parking or loading space, whether required or optional, shall be located in the first 10 feet adjoining the street property line of any required yard.</u></p>					

(1) Residential and nonresidential mixed use projects shall be subject to site and design review in accord with Chapter 18.30(G), except that mixed use projects with four or fewer residential units shall only require review and approval by the architectural review board.

(2) Nonresidential uses that involve the use or storage of hazardous materials in excess of the exempt quantities prescribed in Title 15 of the Municipal Code, including but not limited to dry cleaning plants and auto repair, are prohibited in a mixed use development with residential uses.

(3) Residential mixed use development is prohibited on any site designated with an Automobile Dealership (AD) Combining District overlay.

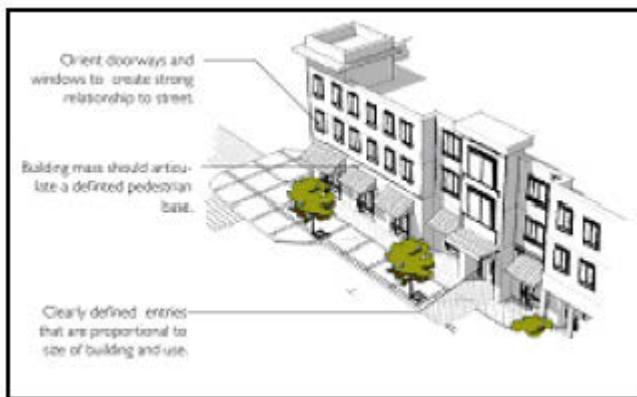
SECTION 4. Section PAMC Sections 18.16.090 (b) (2) (H), (b) (3) (E) and (b) (3) (F) (Context Based Design Criteria) of Title 18 (Zoning) of the Palo Alto Municipal Code are hereby amended to read as follows:

(2) Street Building Facades

Street facades shall be designed to provide a strong relationship with the sidewalk and the street(s), to create an environment that supports and encourages pedestrian activity through design elements such as:

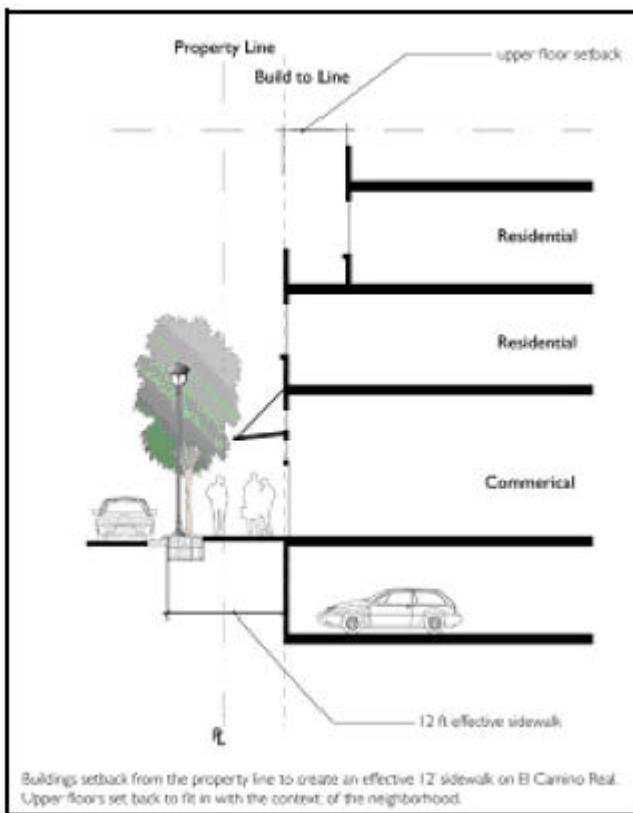
A. Placement and orientation of doorways, windows, and landscape elements to create strong, direct relationships with the street ([Figure 2-1](#));

 **Figure 2-1**



B. Facades that include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass ([Figure 2-2](#));

 **Figure 2-2 (*dimensions to be amended prior to Council*)**



C. Entries that are clearly defined features of front facades, and that have a scale that is in proportion to the size and type of the building and number of units being accessed; larger buildings should have a more prominent building entrance, while maintaining a pedestrian scale;

D. Residential units and storefronts that have a presence on the street and are not walled-off or oriented exclusively inward;

E. Elements that signal habitation such as entrances, stairs, porches, bays and balconies that are visible to people on the street;

F. All exposed sides of a building designed with the same level of care and integrity;

G. Reinforcing the definition and importance of the street with building mass; and

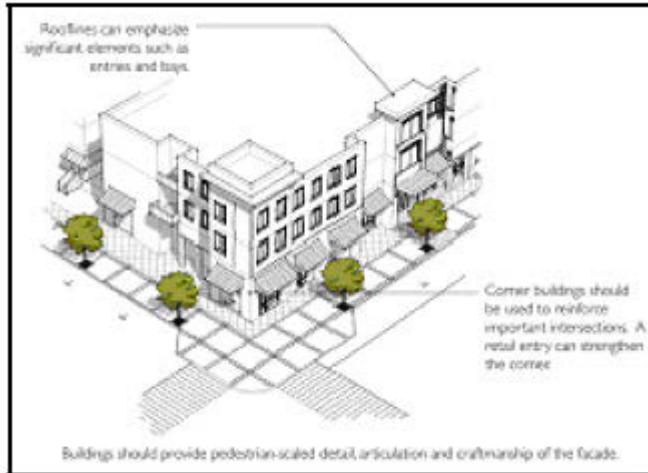
H. Upper floors set back to fit in with the context of the neighborhood. The ground floor may be set back farther than the upper floors when a greater first floor setback is established to provide a wider sidewalk.

(3) Massing and Setbacks

Buildings shall be designed to minimize massing and conform to proper setbacks through elements such as:

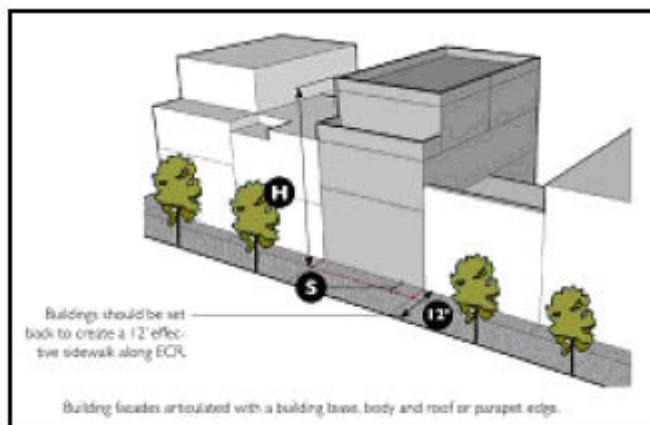
- A. Rooflines that emphasize and accentuate significant elements of the building such as entries, bays, and balconies ([Figure 3-1](#));
- B. Design with articulation, setbacks, and materials that minimize massing, break down the scale of buildings, and provide visual interest ([Figure 3-1](#));
- C. Corner buildings that incorporate special features to reinforce important intersections and create buildings of unique architectural merit and varied styles ([Figure 3-1](#));

Figure 3-1 (*dimensions to be amended prior to Council*)



- D. Building facades articulated with a building base, body and roof or parapet edge ([Figure 3-2](#));

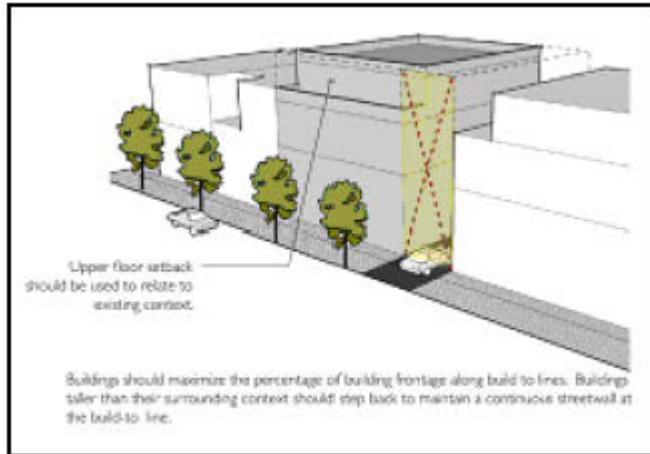
Figure 3-2 (*dimensions to be amended following Council action*)



- E. Buildings set back from the property line to create an effective 12'-18' sidewalk on El Camino Real, 8'-12' elsewhere ([Figure 3-4](#)). The width of the sidewalk shall be dependent on context including property's land use, adjacent and nearby properties' existing building

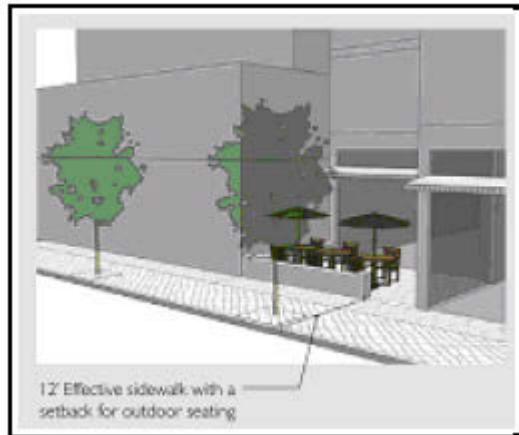
setbacks, proposed or adjacent and nearby building design, lot size and similar considerations.
The comfortable pedestrian clear width can be designed in a “meandering” fashion.

Figure 3-3 (*dimensions to be amended following Council action*)



F. A majority of the building frontage located within 0 to 10' of the street property line at the setback line ([Figure 3-3](#)) along El Camino Real. Properties subject to a special setback shall follow that setback. On El Camino Real, placement of building frontage shall be based on context including property's land use, adjacent and nearby properties' existing building setbacks, proposed or adjacent and nearby building design, lot size and similar considerations.

Figure 3-4 (*dimensions to be amended following Council action*)



G. No side setback for midblock properties, allowing for a continuous street facade, except when abutting low density residential ([Figure 3-3](#)).

SECTION 5. CEQA. This action is categorically exempt (per Section 15305 (Class 5) of the CEQA Guidelines) from the provisions of CEQA as they comprise minor alterations to land use limitations and can be seen to have no significant environmental impacts.

SECTION 6. Severability. If any provision, clause, sentence or paragraph of this ordinance, or the application to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 7. Effective Date. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

APPROVED AS TO FORM:

Senior Assistant City Attorney

Mayor

APPROVED:

City Manager

Director of Planning & Community Environment



725 Alma Street • Palo Alto, CA 94301 • (650) 321-9709 • Fax (650) 321-4341

April 7, 2014

Dear PTC Commissioners:

On January 13, 2014, the Council adopted an ordinance increasing density from 15 to 20 units per acre for certain CN zoned parcels. Affordable housing development on these parcels will be more financially feasible now that the acquisition and development costs can be spread across a higher number of units. The Council's action will have a positive impact on affordable housing development along El Camino. However, the proposed reduction in residential FAR on these parcels will undermine the benefits of the density increase. *The 20% drop in residential FAR to 0.4:1.0 will have the unintended consequence of reducing the number of affordable units that can be developed along El Camino Real.*

Neighboring jurisdictions have recently increased the FAR along El Camino in preparation for future growth. Mountain View has eliminated density maximums for parcels along El Camino and has instead raised its FAR to 1.85:1.0, effectively motivating developers to build a higher number of smaller units. If Palo Alto's goal is to encourage the development of smaller units along El Camino, a change in FAR and density similar to that of Mountain View's could achieve this goal.

Market forces will continue to drive what types of units a developer, affordable or market-rate, will choose to build. Regulatory changes can have a positive impact on these decisions. However, affordable housing developments are already driven to build smaller units by the need to keep costs low. A reduction in residential FAR for CN zoned parcels along El Camino may not have a major impact on market-rate development, but it will have negative, unintended consequences for affordable housing development along the El Camino corridor.

We ask you to please consider the negative impact the FAR reduction will have on affordable housing development and to delete footnote (9) in Table 4, 18.16.060. Please feel free to contact me with any questions at cgonzalez@paloaltohousingcorp.org or (650) 321-9709.

Sincerely,

Candice Gonzalez
Executive Director
Palo Alto Housing Corporation

Ellner, Robin

From: Linnea Wickstrom <ljwickstrom@comcast.net>
Sent: Thursday, April 10, 2014 5:45 PM
To: Planning Commission
Subject: Dump "Build-to-line"

Commissioners,

Though I was unable to attend the April 9th meeting, I hope you will approve the proposed ordinance requiring building set-backs of at least 15 feet. 18 feet would be better.

Arcades, pillars would be fine. We live with the consequences of build-to-line every day down in south Palo Alto. It's ugly and uninviting, even to vehicle traffic. And the sidewalks themselves, already at the curb rather than set off by a planting strip, are so narrow and full of impediments such as signs, transformers, and streetlight posts that two can't even walk abreast along El Camino down here.

Hoping for some room for people walking, or even just going to a bus,
Linnea Wickstrom
450 Monroe Drive
Palo Alto

THE LEAGUE
OF WOMEN VOTERS
75 Years in PALO ALTO



4-9-14
FOR THE PTC MEETING.

3921 E. Bayshore Rd., SUITE 209 • PALO ALTO, CALIFORNIA 94303 • 650/903-0600 • www.lwpaloalto.org

April 4, 2014

Planning and Transportation Commission
250 Hamilton Ave
Palo Alto, CA 94301

RE: Floor area ratio; Amend Chapter 18.16 of the Palo Alto Municipal code table 4 footnote #9 to reduce the allowable Floor Area Ratio on CN zoned sites where dwelling units are permitted @ 20 units per acre.

Dear Chairman Michael and Commissioners,

The League of Women Voters of Palo Alto believes increasing the density of housing along the El Camino transit corridor is wise to increase our supply of housing and ultimately improve the environment by encouraging the use of mass transit. Thus, we were glad to see the increased density for the housing inventory sites identified in the Housing Element 2007-2014 approved by City Council last January.

However, the League does not support the current proposal to reduce the FAR for the residential units in the designated CN sites along El Camino from 0.5 to 0.4 per acre. By increasing the density to 20 units per acre while not changing the FAR, the size of potential units has already been reduced. As there is no minimum density requirement, a market rate developer can put in as few units as the market will allow, but a non-profit affordable housing developer is required by funding mechanisms, such as tax credit requirements, to build for a greater density. In addition, affordable housing developers are often required to provide other amenities such as community rooms to create a welcoming environment for residents. This eats into the available square footage available for the unit itself. Furthermore this change would limit the types of housing that could be built.

The LWV of Palo Alto believes that placing denser housing along transportation corridors is good for the environment and our transportation systems as well as for the people who reside in those residences. However, please do not create further barriers to the development of affordable housing along this corridor. Please do not reduce the FAR for residential units where dwelling units are permitted at 20 units per acre.

Sincerely,

A handwritten signature in black ink that reads "Mary Alice Thornton".

Mary Alice Thornton, President
League of Women Voters of Palo Alto



725 Alma Street • Palo Alto, CA 94301 • (650) 321-9709 • Fax (650) 321-4341

April 7, 2014

Dear PTC Commissioners:

On January 13, 2014, the Council adopted an ordinance increasing density from 15 to 20 units per acre for certain CN zoned parcels. Affordable housing development on these parcels will be more financially feasible now that the acquisition and development costs can be spread across a higher number of units. The Council's action will have a positive impact on affordable housing development along El Camino. However, the proposed reduction in residential FAR on these parcels will undermine the benefits of the density increase. *The 20% drop in residential FAR to 0.4:1.0 will have the unintended consequence of reducing the number of affordable units that can be developed along El Camino Real.*

Neighboring jurisdictions have recently increased the FAR along El Camino in preparation for future growth. Mountain View has eliminated density maximums for parcels along El Camino and has instead raised its FAR to 1.85:1.0, effectively motivating developers to build a higher number of smaller units. If Palo Alto's goal is to encourage the development of smaller units along El Camino, a change in FAR and density similar to that of Mountain View's could achieve this goal.

Market forces will continue to drive what types of units a developer, affordable or market-rate, will choose to build. Regulatory changes can have a positive impact on these decisions. However, affordable housing developments are already driven to build smaller units by the need to keep costs low. A reduction in residential FAR for CN zoned parcels along El Camino may not have a major impact on market-rate development, but it will have negative, unintended consequences for affordable housing development along the El Camino corridor.

We ask you to please consider the negative impact the FAR reduction will have on affordable housing development and to delete footnote (9) in Table 4, 18.16.060. Please feel free to contact me with any questions at cgonzalez@paloaltohousingcorp.org or (650) 321-9709.

Sincerely,

Candice Gonzalez
Executive Director
Palo Alto Housing Corporation



City of Palo Alto

(ID # 4448)

Planning & Transportation Commission Staff Report

Report Type:

Meeting Date: 2/26/2014

Summary Title: Code Changes: CC, CS and CN Zones Build-To Line; FAR limit on CN housing inventory sites; and Lot Ar

Title: Review and Recommendation of an Ordinance modifying: (1) Chapters 18.16 and 18.60 of the Palo Alto Municipal Code (PAMC) to (a) address building setbacks (the “build-to” line standard) in the CN and CS District and (b) reduce the allowable Floor Area Ratio on CN zoned sites where dwelling units are permitted at 20 units per acre; and (2) PAMC Chapter 18.04 to adjust the definition of Lot Area in order to encourage wider sidewalks.

From: Amy French, Chief Planning Official

Lead Department: Planning & Community Environment

Recommendation

Staff recommends that the Planning and Transportation Commission (PTC) review and discuss the concepts for a draft ordinance (Attachment A):

- (1) Addressing the build-to-line requirement for sites within the CN and CS zone districts found in Palo Alto Municipal Code (PAMC) Chapter 18.16, Section 18.60.060, to clarify that:
 - a. Buildings may be placed farther back than: (a) the required 12 feet from the curb along El Camino Real and (b) the required 8 feet from the curb along other thoroughfares; and
 - b. To allow more flexibility in how much of the front building wall must be located at the setback line, with respect to the rules for building wall filling 50% (particularly, as applied to large parcels with potentially long building walls at the setback line).
- (2) Addressing the Context Based Design Criteria Considerations and Findings found in PAMC Section 18.60.090 (b), item (2) Street Building Facades, to modify sub-item (H)

upper floor placement, and item (3) Massing and Setbacks, to modify sub-items (E) and (F); specifically:

- a. (2)(H): currently calls for upper floors set back to fit in with the context of the neighborhood; *add that the ground floor may be set back farther than the upper floors when a greater first floor setback is established to provide a wider sidewalk;*
- b. (3)(E): currently calls for a 12 foot sidewalk width on El Camino Real and an 8 feet sidewalk width elsewhere; *to note that an increased width may be appropriate based on context, given a desired sidewalk width range of '12-18 feet on El Camino and 8 to 12 feet elsewhere'; and*
- c. (3)(F): currently calls for a majority of the building frontage located (exactly) at the front and side setback lines (to achieve a continuous street façade at the build-to-line); *to build in flexibility based upon context, so that the majority of the front building wall is placed within (specified setback such as 20 feet) of the front property line (unless subject to special setback).*

(3) Reducing the allowable Floor Area Ratio on CN zoned sites where dwelling units are permitted at 20 units per acre, also in Section 18.60.060 of Chapter 18.16; and

(4) Modifying the definition of lot area, in PAMC Chapter 18.04, Section 18.04.030, to encourage provision of wider sidewalks.

Executive Summary

The Planning and Transportation Commission is asked to provide feedback on the key elements of a draft ordinance that would impact front building setbacks, the design review criteria, allowable floor area and lot size definition for properties located within certain commercial corridors of Palo Alto. Staff anticipates this discussion will take place over two meetings. In the first meeting, staff requests the PTC to provide feedback on the key design issues identified in numbers 1 and 2 above. In the second meeting, staff will bring back a more refined ordinance based on feedback received by the PTC. These changes would primarily affect certain properties in the Commercial Neighborhood and Commercial Service zoning districts. This draft ordinance is a result of several separate, but related Council actions. In addition, the Architectural Review Board and Planning and Transportation Commission have had related discussions over the last several years. A summary of these past meetings and other details can be found in this report. A version of this ordinance will be ultimately considered for approval by the Council.

Background

City Council Direction on Sidewalks

On April 15, 2013, Council gave direction to staff following discussion of a Council Colleagues' Memo regarding sidewalk widths. The Colleagues' Memo and discussion describe several issues, including:

- Buildings "turning their backs" on public rights of way due to inadequate setbacks and lack of building articulation and openings that would better reduce building mass;
- Right of way width at 12 feet (the required "effective sidewalk" setback, i.e. from curb face to building face) is not wide enough; and
- Grand Boulevard Initiative recommended 18 feet sidewalk inclusive of an eight foot wide walking zone, a four-foot wide "spill out" zone (adjacent to the building face), and a six-foot wide "amenity" zone. The link to the Grand Boulevard Initiative is <http://www.grandboulevard.net>

Council voted unanimously, as follows: "Staff, the PTC and ARB (shall) review sidewalk widths and how buildings address the street, with a focus on El Camino Real and with reference to Grand Boulevard Design Guidelines, and return to Council with suggested zoning amendments that implement the vision expressed in the Grand Boulevard Plan, and revise the South El Camino Real Guidelines and zoning as appropriate to make them consistent with this vision. Other major thoroughfares, including but not limited to Alma, Downtown, California Avenue and Charleston should be addressed in this context, as staff feels is appropriate at this time."

City Council Direction on Floor Area

On January 13, 2014, Council took action to implement a program in the 2007-14 Housing Element to increase the allowable density on Housing Inventory sites in the CN zone from 15 to 20 units. As part of this action, Council directed staff to also examine a modest corresponding reduction of overall floor area ratio (FAR) for those CN-zoned housing sites appearing on the Housing Inventory. (This affects approximately 32 CN zoned sites on El Camino). One of these sites is 3339 ECR, which is zoned both CS and CN but included in the 32 CN zoned sites.)

As a secondary issue, Council directed staff to also study reducing FAR on all CN and CS parcels. The total number of CN zoned parcels is 135, including CN, CN(GF)(P), CN(L) and CN(R) parcels as well as property parcels not including "air parcel condominiums." The total number of CS zoned parcels in Palo Alto is 149, including CS, CS(H), CS (AD), CS (AS1), CS(D), and CS(L) parcels as well as property parcels not including "air parcel condominiums." Given the extensive noticing and outreach involved on this secondary issue, staff will examine this on a separate track.

Joint Planning & Transportation Commission and ARB Meeting (2013)

On July 31, 2013, the Planning and Transportation Commission (PTC) and Architectural Review Board (ARB) jointly studied the sidewalk width issue and highlighted areas for further discussion or joint subcommittee work. The report for the PTC/ARB joint meeting stated, “the purpose of this session is to study the issue and highlight areas for further discussion or joint subcommittee work, before staff returns with proposal(s) for consideration by both bodies separately or in a second joint meeting.” The staff report and attachments prepared for the July 31, 2013 joint retreat of the Architectural Review Board (ARB) and PTC and meeting minutes are available at <http://www.cityofpaloalto.org/civicax/filebank/documents/35274>

ARB's 2012 through 2014 Efforts

ARB retreats were held in May 2013 and March 2012, and a study session was held in November 2010, following Council direction for staff to revise certain aspects of the South El Camino Real Design Guidelines. At that time, Council gave authorization for limited consultant use and specifically suggested consideration of the following:

- setbacks for different streets,
- land uses,
- height step backs,
- break-up building length, and
- Retail frontage.

In addition, following the ARB/PTC joint meeting, the ARB had divided into two teams to study El Camino Real development. The goal was to understand actual conditions and study the potential for greater building setbacks and sidewalk widths, with respect to the nodes and corridors cited in the South El Camino Real Design Guidelines. The ARB met on January 30, 2014, to present their findings, and discuss the effort to bring forth this ordinance.

On February 20, 2014, the ARB held a noticed public hearing. There was one public speaker who commented on sidewalk use and floor area ratio. The attached draft ordinance was provided at places. The ARB provided comments on five concepts/questions asked in the report. A member of the ARB will attend the Commission meeting to convey a summary of the ARB's discussion, answer questions, and then bring back guidance from the PTC to refine the concepts for a final version of the ordinance. Staff has briefly summarized the February 20th discussion below.

Sidewalk Width: The ARB supports a 9 to 15-foot sidewalk width (curb to building). The nine-foot sidewalk would be for retail uses with display windows. The ARB cited that a 15-foot wide sidewalk along El Camino Real was recommended in the rail corridor study, and the 15-foot

setback required in the South of Forest Area plan for mixed use buildings in the RT zone district. The 15 foot wide section provided by consultant Bruce Fukuji (previously shared in the July 31, 2013 PTC/ARB report) was referenced. The ARB does not support a requirement for a continuous width of 18 feet along El Camino Real, given that it is a highway, though the board acknowledged that in certain locations, a much deeper sidewalk is nice (citing the plaza at Café Barrone in Menlo Park). The ARB suggested the City retain a consultant to provide visual examples of sidewalks and concepts for amenities to enliven the area in front of buildings. The ARB noted that visual aids would help Council act on an ordinance.

Lot Area Definition: The ARB supports the proposed lot area definition change to allow applicants to provide additional sidewalk width on private property and not deduct the area removed from private use from the lot area available for calculating building square footage. However, the ARB does not consider this an incentive (only *additional* floor area would be an incentive).

Variables for Criteria on Wider Sidewalks: The ARB suggests including land use among the criteria – to determine on a project by project basis whether additional sidewalk width is needed – allowing discretion for ARB determination. A building's land use and front wall articulation would affect how far back a building would be located. A building with ground floor retail with display retail windows can be located closer to the sidewalk, whereas retail with a big, windowless wall (Alma Plaza mixed use building was cited) should be located farther from street, with more landscaping. A building with office or residential use at the ground floor would also be better located farther back from the sidewalk, with additional planting.

Building Front Wall: The ARB suggested the City either remove the build-to-line requirement and allow the ARB to determine appropriate setback in each case, or retain the build-to-line requirement and allow exceptions for different land uses. The ARB is in favor of encouraging or allowing building overhangs on upper floors extending to the build-to-line to meet the 50% building frontage requirement, and allowing the ground floor to be set back further to provide a wider sidewalk. The ARB also noted there is a height relationship that should be included in the discussion.

Street Trees: Street trees should be encouraged as part of sidewalk landscaping.

Although the ARB is not required by the Municipal Code to recommend changes to the Municipal Code, it is appropriate in this case given these past ARB discussions about sidewalk width and street setbacks, and about the El Camino Real Design Guidelines Update.

El Camino Real Development and DEEs for Relief from Build-To-Line

At the July 31, 2013 ARB/PTC meeting, staff presented photos and a list of El Camino Real (ECR) properties redeveloped since the South El Camino Real Guidelines were in effect, constructed

2002-2013 (Attachment D). There have been several Design Enhancement Exceptions (DEE) requested and approved since the 2005 Zoning Code update, to allow a greater setback than the Build to Line regulation prescribed or to allow less than the required percentage of building placed at the build-to-line. The Build-to-Line regulations of Chapter 18.16 followed the recommendations of the 2002 SECRDG. There were other DEEs requested and approved for mixed use projects (some are listed in Attachment D) to encroach into a 25 foot setback requirement in place prior to the 2005 Zoning Code Update but following the 2002 SECRDG publication.

Approved ECR projects that weren't constructed prior to 2013 and therefore not on the list include:

- 1845 ECR (mixed use on small lot; build-to-line DEE, and DEE for smaller-than-minimum ground floor retail area (.06 where .15 required))
- 711 ECR (The Clemente Hotel – met build-to line),
- 180 ECR (Bloomingdales – CC zone where no build-to-line requirement),
- 180 ECR (Flemings Steakhouse – CC zone where no build-to-line requirement),
- 2209 ECR (mixed-use on small corner lot – met build-to-line), and
- 3159 ECR (mixed-use – build-to-line DEE for side street, ECR met build-to-line).

Recently proposed major projects include 2500 El Camino Real (Mayfield DA mixed use, not in the CN or CS zone), 3225 El Camino Real (preliminary ARB only to date, for a mixed-use project on the Foot Locker site), and 3877 ECR (preliminary ARB only to date, for a mixed-use project on the former Compadres site).

Below are other projects that were not located along El Camino Real but, due to the properties' location in CN or CS zone, requested DEEs for relief from the build-to-line requirement to achieve greater front setbacks:

- 2995 Middlefield Road (CN zone, yoga center, constructed), and
- 441 Page Mill Road (CS(D) zone, Site and Design Review application on file)

Discussion

Background on “Build To” Lines

- South El Camino Real Design Guidelines (SECRDG)

The Build-to line concept was first introduced in the SECRDG, and then incorporated into the development standards tables in Chapter 18.16. According to the SECRDG, “buildings should be built up to the sidewalk to reinforce the definition and importance of the street; the building mass/façade is built up to the setback line continuously, except for articulation such as doorways, recessed window bays, small plazas, driveways and small parking areas to the sides of buildings.” The guidelines note that in node areas, a minimum of 75% of the frontage must be comprised of building mass built up to the build-to/setback line, and in corridor areas, a minimum of 50% of the frontage must be comprised of building mass built up to the build-to/setback line. The guidelines further describe that, on corner parcels in nodes, 50% of side street property frontage should have building mass at setback line, and corner parcels corridors, building mass for 1/3 the property frontage located at the setback.

- Chapter 18.16 Tables 3 and 4

In Chapter 18.16, this guideline was translated into code requirement for building mass along 50% of frontage at the build-to-line (zero to ten feet) and 33% of the side street frontage to be building mass located at the setback line (Tables 3 note 7 and Table 4 note 1 cite that the build-to-line is not applicable to CC district properties). Some properties were able to achieve a 75% of frontage building mass along El Camino Real per the SECRDG, beyond the minimum 50% of frontage building mass. Some properties along other arterials, Middlefield and El Camino Real, were not able to achieve the 50% requirement, and DEEs were requested in those cases.

Draft Ordinance Approach

The Development Standards for CN and CS zones are contained in Tables 3 and 4 of Chapter 18.16 (Attachment A).a

Build-To Line

There are two approaches for addressing Council’s direction to re-examine sidewalk widths and buildings facing the street:

- (1) Eliminate the build-to line requirement, which is required for all CN and CS zoned parcels, and address potential consequences deletion of build-to line requirement could bring up by adjusting the context based criteria, or otherwise modify this, or
- (2) Rename the build-to-line requirement “maximum front setback” and cite a specific distance such as 10 feet from property line (unless specific lengths of a roadway would benefit from a wider sidewalk, or where there is a special setback, typically 24 feet wide); along with this concept, a concept for placement of a percentage of the ‘building frontage’ within the first 10 feet of the property’s depth. The concept is that, if a 19’ sidewalk width is desired on El Camino Real in certain, specified segments, but the

existing right of way width is only 9 feet, a percentage (50 to 75%) of the building wall would need to be placed at the 10 foot setback line.

Staff favors the second approach because having some building frontage is good urban design, complies with the Grand Boulevard initiative and is an important policy design principle of the South El Camino Real Design Guidelines (SECRDG).

In addition, staff recommends amending Section 18.16 to provide additional flexibility in achieving the original design principles while encouraging wider sidewalk widths in certain areas and avoiding the strict application of build to lines on wider lots. The majority of the building would still be ideally located within the first 20 feet of the property to avoid “missing teeth” even if the build-to-line requirement were eliminated. The possible changes to 18.16.090 are:

- (b)(2)H: add “except where a greater first floor setback is provided for a wider sidewalk”. Criteria suggests upper floor be set back for context; however, along El Camino and other arterials, particularly for small parcels, suggest first floor could have a greater setback for a wider sidewalk and second floor could overhang (still within private property though) to recapture lost floor area – and shade/weather cover for pedestrians.
- (b)(3)E: “12 to 17 foot sidewalk on El Camino Real, and 8 to 12 feet elsewhere pursuant to context”. Provides a minimum width and a width range for ARB flexibility based on context.

(3)F: A majority of the building frontage located (strike) “at the setback line” (and replace with) “within 20 feet of the front property line unless the property is subject to a special setback”. Staff note on this was: The intent was to not have “missing teeth” along the ECR frontage – but the teeth should not have to all be in the same plane; should allow building to be primarily forward on the lot. Feedback is needed on whether 20 feet is the correct width.

Lot Area

With certain projects, property owners have cooperated with the City in dedicating additional sidewalk right of way. However, with smaller lots and increasing legal constraints on cities' abilities to require dedications, staff anticipates these voluntary dedications will become more difficult. Therefore, staff is recommending an incentive based program to encourage voluntary sidewalk dedications. Staff is recommending modifying the Lot Area definition found in Chapter 18.04, to clarify that greater building setbacks provided to increase the public right of way will not reduce the lot area for the purpose of calculating allowable floor area.

Additional Issues

Actual Conditions

Additional study of actual conditions, setback potential and sidewalk sections along major thoroughfares may be needed related to additional code modifications prescribing sidewalk width and setbacks for properties within the City also zoned CN, CC and CS. It will be helpful to have a study of amenities within the “effective sidewalk width”.

One source to reference for past sidewalk width concepts is the Downtown Urban Design Guide, where there are ‘desirable streetscape examples’ for different land uses and transitions between the uses. It may be helpful to have studies for each El Camino Real ‘segment’ and those of other CS and CN zoned commercial arterials, such as Middlefield, San Antonio, and Alma.

Setbacks by Land Use

As to building setbacks, the ARB had previously discussed differing ground floor setbacks per Land Use type (e.g. face of building for hotel or residential use on the ground floor must be set back 25 feet from curb, versus face of building for retail storefront at 15 feet from curb). The study of building form will need further discussion, as greater ground floor setbacks would have a relationship to upper floor setbacks and incentivizing different land uses. For this, staff will be discussing an additional consultant effort and citizen participation in upcoming outreach meetings.

At the recent retreat, ARB members noted that a 12-foot sidewalk width is still desirable where fronting uses (such as hotels) do not warrant a sidewalk greater than 12 feet, but that they are studying the possibilities for 16 foot, 17 foot and 19 foot wide sidewalks. The Grand Boulevard Initiative concept is 18 feet from curb to building face.

Second Floor Overhang Concept

At the retreat, the ARB noted the concept of a first floor greater setback and a second floor overhang which could compensate for lost ground floor area, as well as expanding the range of sidewalk width. The ARB discussed the concept of the upper floor(s) extending forward when ground floor front wall is set farther back, in order to help developers to provide sidewalks wider than the required 12 feet. A suggestion was made to add an ARB finding regarding the interface between building and curb and requiring a minimum ‘clear width’ for walking (where the clear width need not be straight but could meander).

Street Trees

The ARB expressed concern about location of trees at the curb line conflicting with Caltrans requirements for clearance, and suggested looking at rectangular tree grates (sized 4 feet by 8 feet) to encourage tree growth. Conflicts between street trees and utility easements can also be problematic to achieving vertical landscaping within the effective sidewalk width; Public Works policy considers trees to be structures when utility easements are involved, and do not allow trees to be installed in those locations due to maintenance issues.

Outreach and Further Study

Staff is considering holding outreach meetings, inviting property owners in particular, the week of March 1, 2014.

Timeline

February 20, 2014: ARB public hearing to discuss and refine code change concepts

February 26, 2014: PTC public hearing of draft ordinance

March 1-5: Outreach Meetings, CN and CS property owners

March 6, 2014: ARB follow-up meeting as needed regarding sidewalk width

March 12, 2014: PTC follow-up meeting as needed

March 17-27, 2014: Additional discussions with property owners

April 21, 2014: City Council first reading

May 5, 2014: City Council second reading

Resource Impact

No consultant was used to develop concepts for this draft ordinance. Consultant use is anticipated for further study of increasing sidewalk width requirements throughout in Palo Alto.

Environmental Review

Environmental Assessment: Exempt from the provisions of CEQA per section 15305.

Attachments:

- Attachment A: Draft Ordinance (DOCX)
- Attachment B: February 20, 2014 ARB staff report (PDF)

**Planning and Transportation Commission
Verbatim Minutes
February 26, 2014**

EXCERPT

Planning and Transportation Commission review of a Draft Ordinance modifying - (1) Chapter 18.16 of the Palo Alto Municipal Code (PAMC) to (a) address building setbacks (the "build-to" line standard and context-based design criteria) in the CN and CS District and (b) reduce the allowable Floor Area Ratio on CN zoned sites where dwelling units are permitted at 20 units per acre; and (2) PAMC Chapter 18.04 to adjust the definition of Lot Area in order to encourage wider sidewalks. Environmental Assessment: Exempt from the provisions of CEQA per section 15305. (Amy French – amy.french@cityofpaloalto.org)

Acting Chair Keller: So the next agenda item is Agenda Item Number 3 and this is for the Planning and Transportation Commission (PTC) review of a draft ordinance modifying Chapter 18.16 of the Palo Alto Municipal Code (PAMC) to (a) address building setbacks (the "build-to" line standard and context-based design criteria) in the CN and CS District and (b) reduce the allowable Floor Area Ratio (FAR) on CN zoned sites where dwelling units are permitted at 20 units per acre; and (2) PAMC Chapter 18.04 to adjust the definition of Lot Area to encourage wider sidewalks. So do we have, by the way I don't see any comments for the members of the public so if you want to speak on that please submit a card and let's start out with a staff report.

Aaron Aknin, Assistant Director: Thank you and good evening once again. I will give a short intro and then turn it over to our Chief Planning Official. This item is here before you tonight as a result of a couple different Council actions and directions that almost went back, one of them went back almost a year ago. The first one had to do, it was a colleagues' memo related to sidewalk width on El Camino that had somewhat of a more expanded definition of what they would like to do, but the main point of it was to take a look and increase sidewalk widths along the El Camino.

The second part of it and you'll see all the separate motions in here, another more immediate need is related to the Housing Element and places that were on, properties that were on our housing inventory list. We took those from a 15 unit per acre to a 20 unit per acre and that was approved as part of our Housing Element process. After that approval the Council looked, asked us to look into reducing FAR on those sites. As we are going through this process we realized that there was a number of other things that could be done to make the code more sound and we included some of those. For tonight's action though staff, and Amy will go more into this, would like the end result to be a Planning Commission recommendation on at least and specifically focused on the El Camino aspects of it and FAR reduction aspects of it. And what we would propose is that later this month, potentially later this month or in late March we have a joint meeting with the Architectural Review Board (ARB). The ARB also reviewed these ordinances and had a number of good suggestions. They also suggested that the Planning Commission and the ARB meet. So staff concurs that's a good idea; however, given the Council direction related to the El Camino sidewalk and as well as the FAR reduction we would like to see some type of recommendation specifically related to that to the Council tonight to come out of the Commission and then we could later talk about other nuances of the code at a later meeting. So I'll turn it over to our Chief Planning Official.

1
2 Amy French, Chief Planning Official: Thank you. Amy French, Chief Planning Official. So you've
3 read the agenda, which correctly notes that it's Chapter 18.16 of the PAMC that we are going to
4 address tonight as well as Chapter 18.04. There was a bit of a typo on the attached ordinance,
5 Attachment A; just wanted to call that out.

6
7 So what we, Aaron covered what the Council had done recently about the housing, so that's
8 covered. The reduction, a modest reduction of FAR on those CN zoned housing sites and there
9 are approximately 32 of those sites along El Camino Real. As far as the sidewalk width the
10 Council's concern was how buildings address the street. Some of that is dealt with already in
11 the context based design criteria, which was derived from the El Camino Real Design
12 Guidelines. So that is actually in the zoning code once again.

13 The vision that was being looked at with the Grand Boulevard was an eight foot walking zone, a
14 six foot amenity zone, and then they had an additional four feet as a spill out area. So what
15 that would have required an 18 foot sidewalk would be a 10 foot setback on the private
16 property, the building to the right of way and so that's the question that the ARB has been
17 wrestling with, looking at the various options there. And then of course at some point revising
18 the South El Camino Real Guidelines to be consistent with the zoning that we're kind of trying
19 to focus on here is to get the low hanging fruit, which we think is the sidewalk width; the build
20 to line, kind of address that head on.

21
22 The Council had noted something about other thoroughfares in their Motion back in April. And
23 those other thoroughfares are not CN and CS zoned the exception of Charleston Road, so we
24 believe that further study is needed and perhaps outreach that those other streets have some
25 different characters than El Camino Real and different, it's not necessarily a regional roadway as
26 is the El Camino Real. So again we're focused on CN and CS districts. The Chapter 18.16 does
27 also have the CC district, which is a zone that is also on California Avenue. But again we're
28 pretty much focused on sidewalk width on El Camino and addressing the building setback as
29 well as the definition of lot area. And the reason we have the definition of lot area is because
30 lot area has an impact on how much floor area can be in a building. Ok so we just are focused
31 on that tonight as well and that's in 18.04 in the attachment.

32
33 So looking at the slide I have up there the floor area, the proposal is a .8 FAR for mixed-use
34 and that would be .4 residential and .4 non-residential. Those are for those housing sites
35 where they propose a greater than 15 development units per acre. Ok, so then the sidewalk
36 and building frontage the ordinance our goals here are again, increase the El Camino Real
37 sidewalk width beyond what's required now, which is 12 feet. Twelve feet is currently required,
38 which requires the property owners to set their buildings back and provide sidewalk basically
39 four feet onto their private property. That's what currently is required. We wanted to clarify or
40 modify the build to line requirements. This is the requirement that says you have to put 50
41 percent of your building right there at the zero setback or whatever setback to make that
42 twelve foot effective sidewalk.

43
44 And so again we feel that we will have additional study at a later date for other thoroughfares
45 besides the El Camino Real. The El Camino Real is really the focus, that's where we started and
46 the Council did acknowledge that that's the focus at this time. Again effective sidewalk width is
47 not a definition in Chapter 10.04. It is described and illustrated in the context based guidelines
48 in Chapter 18.16, but one concept is to actually formally put a definition of that that would say
49 it's from curb to building face and it's inclusive of plantings and furnishings. That's what we
50 have been dealing with as effective sidewalk width. The other definition change is lot area.

1 Again it's to say that if they do dedicate their private property, and we're talking about more
2 than four feet at this point, that that area would not be deducted from what they're calling lot
3 area for the purpose of calculating how much floor area they can put on their site at whatever
4 floor. Ok, and then one question is, is that something the lot area that we want to consider
5 broadening to other zones beyond the CS and CN? So CD, in other words, we have some
6 projects downtown where they did make a wider, a setback and that is walkable. Perhaps that
7 lot area definition we can use that in beyond El Camino.

8
9 The next one, the build to standard, it's the build to line and there was discussion about
10 possibly eliminating that standard, but what we want to still preserve is some kind of
11 presentation to the street that doesn't involve too much back and forth from building to building
12 with those setbacks. So what is the appropriate setback? This is what the ARB's been
13 wrestling with. Is it worth having a build to line and having exceptions such as we've been
14 seeing coming through the process exceptions for allowing greater setback or are there other
15 things we can do? So there are special factors such as land use and lot size that the ARB is
16 looking at. When you have a very large parcel you're going to have a longer building wall and
17 so that's a consideration.

18
19 So then the concept of do you do a build to line standard or do you do an average setback?
20 This is a concept. One phrase that could be considered is where there's let's say on El Camino
21 put it out there 15 feet if you do a 15 foot effective sidewalk on El Camino then that would
22 mean you're going to place the building front wall at 7 feet from the front property line. Seven
23 feet of private property dedicated plus the eight feet right of way that's currently there.
24 The other concept is again going back to that build to line and what are we trying to achieve,
25 consideration of a maximum setback. Are you going to have buildings setback farther than 10
26 feet from the front? That would be an 18 foot. There are places along El Camino that make
27 sense to have a city center, a kind of a Cafe Borrone effect with plazas, etcetera. So how far
28 back do we want that to go? And what's the concern about placing it farther forward? One of
29 those concerns is parking. Well, there's a context based guideline that says don't put parking in
30 front of the building. So we've already got that in our zoning code, that says don't put parking
31 in front of the building, but there are circumstances where that might be a place that it has to
32 go from a feasibility standpoint. So, but any case we could consider adding to the tables, Table
33 3 and 4, something about parking is prohibited in the front yard or something along those lines
34 like it says in the context based design criteria, which is what I have up next.

35
36 The concept of the upper floors, currently the context based design criteria says the upper
37 floors shall be setback. Well, there might be a place where we want to have the first floor
38 setback to allow for the walking and then the upper floors set forward; the colonnade effect,
39 the arcade. We might want to have some flexibility for that and I have an example here in
40 Redwood City. The measurement from the curb to the columns is nine in some places to the
41 white columns and then it goes back a bit further in the distance there to 10 or 11 feet and
42 then the front wall of the building beyond that arcade is about I believe 19 feet. There are
43 some opportunities there to consider some flexibility. Ok? This is then the context based
44 criteria that talks about we had started to approach it as a range. When we discussed the
45 range with the ARB their recommendation came back as a 9 foot to 15 foot range. Ok? So if
46 we're thinking of nine feet on thoroughfares elsewhere what we have is eight feet required now
47 other than El Camino in the CN/CS and we have a 12 foot required now. ARB's recommending
48 take that to 15 rather than going to 18 feet as in the Grand Boulevard, ok? And then the other
49 concept is an average building frontage. So thinking about you have this seven feet. If you're
50 going to do fifteen feet then the seven feet from the property line to the building could that be

1 an average setback rather than 50 percent of the building has to be at the seven feet. You
2 might look at it that way.

3
4 One thing I should say about 15 feet. It was discussed at the joint meeting back in July with
5 ARB and Planning Commission. It is, has been employed elsewhere. One place is the Rail
6 Corridor Study. Another place is the South of Forest Avenue (SOFA) RT zone that's near
7 downtown here. And then also Menlo Park has a 15 foot standard that they've implemented
8 with their Specific Plan. So that concludes the presentation. There's some pocket slides in the
9 back if anyone needs additional information. We've got some other images, maybe I'll roll to
10 those and let those hang around. Again here's the Grand Boulevard and here's a concept for 15
11 feet that our consultant had generated some time before. Now Randy Popp is here to present
12 as well the ARB's discussion and we're here for questions.

13
14 Acting Chair Keller: Do you want to add anything to that Board Member Popp, ARB Board
15 Member Popp?

16
17 Randy Popp, ARB Board Member: Good evening, Randy Popp here representing the ARB. First
18 I want to thank the Council for pushing this issue. I think it's important for us to be discussing
19 this and Amy you've done a great job, you and your staff articulating the specifics of our
20 discussion here. I do want to reiterate a couple of the major points.

21
22 First of all in terms of the width that 9 to 15 foot dimension that Amy has illustrated for you is
23 really a range. We really like to see that as a range. And the goal here would be to allow
24 flexibility and to promote a varied character in the environment along the El Camino corridor.
25 This idea that 15 feet is nervous about creating a number, right? A very specific number that
26 everybody feels like they need to hold to. Each project is different. We looked at the entire
27 length of El Camino, we studied the different lot sizes, different lot dimensions; there is no one
28 size fits all solution here. And so it's important to have some flexibility for design. And this idea
29 that at very wide lots, the Menlo Center is a great example of this in Menlo Park where Cafe
30 Borrone exists, that places really can recess to a greater degree and still promote fantastic life
31 right at the street front with a building that still has some nice presence. And with that we
32 think that it is critical that we engage a consultant to develop some diagrammatic examples of
33 suggestions in a number of different situations for different lot sizes, different usable widths,
34 placement of accessories and plantings, etcetera so that people really understand clearly the
35 intent and then can launch from that point.

36 In regard to the lot area where we are suggesting that the sidewalk width be extended over
37 private property it's important to understand that the ARB felt strongly that there be no
38 reduction in FAR, but we did not see this in any way as an incentive. We felt that this was
39 really just maintaining the rights of people and again we're trying to encourage here is the right
40 kind of redevelopment and get people to take down the buildings that are unpleasant and don't
41 meet the standards that we're trying to achieve and encourage the right kind of growth. So
42 we're not suggesting adding area, but we certainly are suggesting that there be a way to
43 maintain all of the rights that you would have even with the extension of the sidewalk width.

44
45 In regard to the build to line and I think the big question here is why a variance in the build to
46 line and I don't mean a variance in the wrong sense of the word here, variability in the build to
47 line. This is what the ARB is for. We can look at each individual project. We can look at them
48 as they come, we can study this, we can evaluate whether people have got the right amount of
49 building frontage close mass far away tiered back, whatever the solutions are, but on a project

1 by project basis. And again the idea here is to promote some varied character along this
2 corridor.

3
4 The last thing that I want to just quickly address is the inclusion of a discussion about trees.
5 And one of the things that are very clear in my discussions with Dave Dockter and certainly as
6 you drive along El Camino you can see this. The location of trees relative to a curb is really
7 critical, particularly with respect for the building's placement in terms of the canopy. And if the
8 building is too close to the trees the canopy cannot grow properly. It gets misshapen. We hold
9 the buildings back in the right way at the right places, get the right rhythm it really can be an
10 elegant boulevard and it will really help to further this concept of something magnificent as you
11 cruise through Palo Alto. Again, this is something that we all felt should very much be a part of
12 the diagrams the consultant develops. Quick summary, if you have other questions I'll hang
13 around for a little while here if there are any other questions I can answer. Thank you.
14

15 Acting Chair Keller: Thank you very much. And we have one speaker from the public. Since we
16 don't have many people here you'll have five minutes.
17

18 Acting Vice-Chair Tanaka: Herb Borock.
19

20 Herb Borock: Good evening Acting Chair Keller and Commissioners. On the question of the
21 sidewalk setback first I mean I don't believe that the objections that we've heard from the
22 community about a number of projects are primarily due to the amount of floor area and the
23 decisions that the Council has made to allow that amount of floor area to fit on a site and the
24 real problem that needs to be addressed are the decisions that the Council's made both in
25 adopting Planned Community (PC) zone districts in some cases and in the past the problem of
26 changing what can be built on a site in a particular zone district both in terms of its allowable
27 floor area and its setbacks. Fifteen years ago staff reports from the Planning Division had
28 histories of how we got to where we are, but the previous City Manager felt that that shouldn't
29 be there, all you should get essentially would be a sentence saying what would happen if you
30 voted yes or you voted no on a proposal. And that's essentially the culture that we have now.
31

32 In terms of trying to find the proper setback on a State Highway, El Camino, as if it's going to
33 be a place that people are going to be spending lots of time walking along I don't think reflects
34 either what El Camino Real is now or what it can possibly be in the future. There's also a
35 question which was discussed at the ARB of the difference between a public sidewalk and a
36 wide area that can be appropriated for private use by businesses. A number of years ago at
37 the start of a Council vacation the administrator in the Planning Department whose skills are in
38 utility resource planning, he, that's where he works now, sent out an interpretation that was
39 signed by the then Director of Planning Mr. Emslie that said they changed their interpretation,
40 people can put tables and chairs on the sidewalks on University Avenue essentially at will,
41 completely ignoring the past policy that if they are increasing the number of seating that they
42 have then that has to be reflected in payments for parking. And so now we don't have as wide
43 a sidewalk we used to have on University Avenue because they're occupied by tables and
44 chairs. So a number of members of the ARB when they were talking about a 9 to 15 foot
45 sidewalk were talking about a 9 to 15 foot sidewalk so that a portion of it could be occupied by
46 the private business. It's called a sidewalk and as Council Member Rosenbaum indicated when
47 people were talking about the sit-lie ordinance, it's not a place for sitting and laying it's a place
48 for walking. It's not a place for business to take place; it's a place for people to walk. If you
49 really want a wide enough sidewalk to get that kind of feel where people would want to walk on
50 it.

1 In regard to the other part of the proposal from Council on the amount of floor area for sites on
2 El Camino that are reflected in the Housing Inventory Sites for the requirement for meeting the
3 State's Housing Density Bonus Law, under that law because of the size of the City that we have
4 we have to have sites with a minimum density of 20 units per acre and we have some sites that
5 are 15 units maximum. And so we had to agree to make those 20, but when that proposal was
6 approved by the Department of Housing and Community Development (HCD) in California it
7 was based upon what the current zoning regulations are for those sites. So there are two
8 things: one I don't know if you can do it at all, the second is maybe the only way you can do it
9 is if you reduce the FAR for everything in those zone districts so that when a developer comes
10 in and wants to take advantage of the incentives and concessions that include increasing the
11 floor area by a certain amount, I believe the Council finally agreed the maximum was 25
12 percent, they get the ability to use that bonus. But by saying first that we get approval from
13 the State to get a certain site approved for a bonus and then say we're taking away the base,
14 I'm not sure that that's even legal. Thank you.

15
16 Acting Chair Keller: Thank you. So let's bring that back to the Commission. Who wants to lead
17 us off? Commissioner Alcheck.

18
19 Commissioner Alcheck: I think this is an extraordinary idea the Grand Boulevard. It's a vision
20 that I have a hard time visualizing because maybe the fact that I grew up in this neighborhood,
21 I grew up in Los Altos. Maybe just having grown up off the El Camino it's just hard to imagine
22 it any other way that it is. And my, when I think of El Camino it does not bring any sort of
23 warm and fuzzy feelings. It's just... so the notion that the City is sort of considering something
24 much more visionary I think is awesome and I have a lot of faith in the direction that we have
25 received from the ARB being specialists in the field of architecture.

26
27 With regard to sort of providing the flexibility of a range of setbacks that allow that hopefully
28 will help us avoid something that's too monotonous it's hard to imagine what's the hotel, is it
29 the Plaza? The Crown Plaza on El Camino? It's sort of hard to imagine, you see that hotel it's
30 so set back and has this huge parking lot. Last time we had this meeting we talked about how
31 a lot of sites aren't even that deep. So if we create this setback what are we doing to these
32 lots? Are we destroying their sort of feasibility because we're making them too narrow or
33 whatever? Too shallow, thank you. You can see that without a very well-articulated plan,
34 there's not ever going to be a visionary result for the Grand Boulevard. You're going to have
35 hotels with 400 car parking lots and they're just distant. I don't know what the, do we have a
36 name for the site on the corner of Page Mill that has like a movie theatre in it and it's a bunch
37 of office buildings?

38
39 Ms. French: That's Palo Alto Square, 3000 El Camino.

40
41 Commissioner Alcheck: Ok, so Palo Alto Square is another sort of site that just seems so
42 inaccessible from the street and then right across the street is sort of a retail front. It just
43 seems so opposite. You would want your, I would hope that this boulevard plan would
44 articulate an opportunity for people to really create a uniform sort of feel on the El Camino that
45 encouraged walkable retail. I mean it's hard to imagine, but who knows? El Camino could be
46 like a monorail one day and we're all walking off of it, right? And it's the only place to put that
47 monorail and so everybody's sort of accessing it. We have no idea, but it's certainly, it's
48 suffered from I guess a lack of vision. And so I like the idea of creating a framework that is
49 both suggestive but flexible. Not, it's hard to imagine that we know the right answer right now
50 for the whole, the whole street. And so I like the idea of there being sort of a range of

1 setbacks that sort of create maybe spaces where you can walk underneath an overhang. That
2 actually seems like an excellent idea, the arcade. You see a lot of that in sort of major
3 metropolitan, I shouldn't say major, in metropolitan areas in Europe where they sort of focus a
4 lot more on the notion of walkable boulevards if you will. And we sort of don't, we have them
5 as main streets, but they seem to have them everywhere. So this sort of notion that you have
6 the arcade as one option and then the plaza as another potential option I think that's great.
7 And so I think having a Cafe Borrone style, what did you call it? The Palo Alto Plaza, that's
8 what that property is called?
9

10 Ms. French: The Palo Alto Square is the movie theatre.
11

12 Commissioner Alcheck: So I know this, so it's, I mean just this notion of having plazas next to
13 arcades sounds fantastic because it's a diversity of approaches and so especially since this is,
14 this is a hard to envision vision I would support the idea that we created a flexibility in the
15 approach, but still articulated this notion of yeah, this needs to be walkable and this needs to,
16 there needs to be much more space than we normally require from... in our building code on
17 the sidewalk.
18

19 I think that's an interesting idea the idea of sort of the FAR, the area you're taking away you're
20 going to allow somewhere else in the building. I'm a really strong advocate for height. I think
21 we have a very negative view about it and we have, we have there are limitations that sort of
22 guide us in our approach to height whether it's our current restrictions or daylight planes and I
23 think we should explore flexibility there too on the Grand Boulevard especially since you're
24 talking about taking something away. So I like this.
25

26 Acting Chair Keller: Why don't we do Commissioner King next?
27

28 Commissioner King: Ok, thank you for the report. So I guess I'm just I'm trying to, the agenda
29 item seems there's a little bit of a license to ramble in here and maybe that's what we're
30 supposed to do. There's not a goal, we're not supposed to try and draft any, we're not trying
31 to draft any wording ordinance, we're just supposed to give you feedback, is that our goal?
32 And fairly limited to El Camino Real?
33

34 Ms. French: Feedback is great. We do have a draft ordinance that could be tweaked if there
35 was some kind of straw poll to provide guidance for the next step that we could come back
36 with.
37

38 Commissioner King: Ok, so at a minimum though you're just looking for how, our response to
39 these, the items that you've delineated here restricted to El Camino Real?
40

41 Mr. Aknin: I would like to add that if you did have a recommendation that you would like to
42 make related to the El Camino specifically and a recommendation related to the FAR reductions
43 we would like that because we would at least like to take that portion of the ordinance on to
44 the Council as soon as possible and then bring back the other points for further discussion with
45 the Planning Commission as well as the ARB.
46

47 Commissioner King: Ok and it seems it just in my mind a bit of a challenge. One, we're not a
48 design, you know, as Commissioner Alcheck mentioned really ARB are the ones who are the
49 design experts. So I would, I if you said, "Oh, Carl, please write us up an ordinance right now,"
50 I would feel that that is over my head. So I'm going to limit myself. Now Commissioner Keller

1 he might be the man to do that, but in any event so I'm going to limit myself to just addressing
2 and asking some questions.

3
4 So and when I will, I'll just go right to kind of down the list. One of the things that is an
5 interesting thing about the, I totally understand and in concept agree with the fact that if the
6 building developers agree to widen the sidewalk at the expense of their lot line or setting back
7 their building and therefore they're giving up space there that we would allow the same FAR.
8 However, on the other hand as you do see then if that same once the building is developed and
9 now the lessee is in there and then they say, "Oh, and we want to put tables out here," then
10 they're effectively getting an enhancement. I know there's somewhere in here I couldn't find
11 the wording again, but we're not looking to give them an enhancement, but in fact by default or
12 in practice it could be an enhancement. Then they're going to take back that floor area so
13 they'll both get the FAR created by maintaining the lot size and then they're going to take back
14 that sidewalk area for commercial use. And so maybe if you want to address that now, one
15 how is that, am I missing something? It seems... and then two, if in fact that is a risk, how do
16 we handle that? Do we say, "Oh, we're going to count obviously exterior space," well, actually
17 I'm not a restaurateur, I don't know. Is it more favorable per square foot? Do they make more
18 money by having outdoor seating for that amount of space or is it less favorable? And so then
19 is there a way we use an adder or subtractor for that space outside relative to the interior FAR?
20

21 Mr. Aknin: So I wouldn't even take, I mean my opinion we wouldn't even take it to the financial
22 analysis standpoint. I think is, do we want outdoor dining is something that we want as a
23 community? As far as we incorporate into our land use decisions or is it something that we
24 don't want? I think outdoor dining in a climate like Palo Alto is a pretty popular thing and even
25 though restaurants might be making additional revenue related to that, still it is a, it seems to
26 be a pretty popular amenity for Palo Alto residents as well as people who visit Palo Alto to eat.
27 So I think in general if our policies encourage that that would be consistent with what people
28 have wanted to see in the past.

29
30 Commissioner King: Well and I, ok, so there are the commercial profitability and numbers
31 aspects, but then there's also the ok, well every one of those tables is going to when we're
32 talking about transit, parking is an issue, every one of those tables that's seated outside in an
33 area that we're calling, that we're adding to the base FAR is another car that's coming in and
34 parking. I mean it's also dollars to the community, but that we obviously don't have unlimited,
35 give people unlimited FAR so it seems to me that you're going to both add people, parking
36 there, and then the FAR that's being retained for the building itself, the interior portion, that's
37 filled with people. And so you're really adding more load to the transportation systems at a
38 minimum. Again I'm not sure about your point, the fairness of it's something we want to
39 encourage, but you are giving a bonus to the developer relative to having lot lines at the street
40 where they currently are or the sidewalk and you're then adding traffic, people traffic, which in
41 general is car traffic. Am I missing something?

42
43 Mr. Aknin: No, I think you're, yeah, I think you have some good points there. I think the
44 overall traffic impact of tables I guess it depends how big it is, right? I mean if you have a few
45 tables out there there's not going to be a huge traffic impact. If you have something like Cafe
46 Borrone where there's dozens of tables out there there's going to be a larger traffic impact. But
47 I think that's something that we'd probably have to look at independently as part of the overall
48 development approval process, but I hear you what your point is on that.

49
50 Commissioner King: Ok.

1 Ms. French: Can I add something as well? So if it's truly right of way, dedicated right of way
2 there's a process that requires an encroachment permit. We also have the ARB process for
3 looking at the style of tables they're putting out there to make sure they're up to City
4 standards. The other thing is, we find a lot of times the seasonal when it's sunny folks may be
5 sitting outside. In the winter or rainy they go inside. So it's sometimes of the year you'll have
6 seating in both areas, maybe it's a really popular restaurant, but, we've been having this 12
7 foot setback for years now where they're dedicated, they have a 4 foot additional sidewalk and
8 so we haven't found it to be a problem with the 4 feet. So an additional three feet on top of
9 that I don't know that it's, we haven't seen a lot of seating. We'd like to see seating. I think
10 it's in our context space guideline that that's encouraged to enliven the street, vibrant retail.
11 That's part of the vibrant retail.

12
13 Commissioner King: Got it. Ok, well I would just say I have concern that then we're, because
14 basically we're saying thank you for the sidewalk, for increasing the sidewalk for the benefit of
15 the public and so for that we're allowing you to maintain your FAR in the interior spaces and
16 then they're saying, "Oh, that's great," and then they're taking that sidewalk back for their
17 private uses. And it may be great and vibrant, but I just, I'm seeing that the, I have concerns
18 about that.

19
20 Ms. French: The other thing about that, we wouldn't have permanent covering over that so it
21 would not be considered lot area or lot coverage or FAR.

22
23 Commissioner King: Well and that's my exact point. Is that they, but they use it for commercial
24 generation of revenues, it really is a public space. Just as we've had this issue with some of the
25 PC's where they are public spaces, but during lunch hour or when they want to seat people for
26 dinner they're not public spaces and so I, I just have a real concern over that. So we can move
27 on, we can discuss it as it moves down the road, but that is a concern.

28
29 Mr. Aknin: The one thing I would add to that is what cities typically do, the cities all up and
30 down the, actually cities all over the country, is they would issue some type of encroachment
31 permit to go within that area if it was considered public right of way then there would be some
32 charge associated with that encroachment permit as well as conditions or performance
33 standards that that restaurant would have to make. So that's kind of the typical industry
34 standard of the way that you do it. I mean obviously we see sidewalk dining everywhere in the
35 country and that's a typical process that someone would go through.

36
37 Commissioner King: Ok, but I will add the natives with the pitchforks and torches are on
38 parking and growth, appropriate or not or not liking growth is that we are really adding, we're
39 growing where currently the FAR's do not support growing. And as a sidelight and I know I'm,
40 should be out of time here, I'm stuck on one subject is if we really believe we're this green city
41 and that we want to support environmental stewardship all those outdoor restaurants they, I
42 mean you could not have a cartoon more showing global warming than having those heaters
43 that just heat the outdoors. I mean that is the definition of global warming, having a heater
44 trying to heat the outdoor ambient environment. And so I'm not going to tackle that, but I do
45 have concerns. I don't know if anybody's done any math on hey, just how much what is that
46 the equivalent of miles driven all our outdoor restaurants, which is becoming more and more
47 common.

48
49 Acting Chair Keller: Can I, before you address that I think Board Member Popp wanted to
50 address some of your issues with respect to the issue of setback.

1 Board Member Popp: Thank you so much for the opportunity. Commissioner King I think the
2 thing that I wanted to just mention, first of all I think your points are great about FAR and what
3 that means to a developer. I don't want to get into the aspects of the finances of it. ARB is
4 about character and quality. And in regard to that what I would describe is that this 15 foot
5 goal for setback is really an aesthetic goal. And it can incorporate objects such as tables and
6 chairs and all these things, but our intent really is to get the building face, the mass of the
7 building away from the street in a way that gives you a visual sense of a certain width as you
8 move down this boulevard. And having street life, and having chairs and tables, and having
9 whatever might occur out there is part and parcel of what will make that character and the
10 interest really vibrant in that street. And so I would certainly leave it to you guys to figure out
11 how we manage the financial benefits of what that might be and what a developer might get
12 from that, but I can tell you that the ARB is very much in favor of maintaining a certain width.
13 It's very usable, but that additional couple of feet, few feet, whatever it might be that might
14 give space for tables and chairs could be terrifically valuable to the public overall in terms of
15 how that space feels. Thank you.

16
17 Acting Chair Keller: Thank you. Commissioner King you wanted to... you want to address the
18 question that you had already?

19
20 Commissioner King: Yeah, so I guess my feedback would be I would say that you don't give
21 them the extra. I see it I say, well you get to retain rights to that strip of sidewalk for your
22 commercial uses with your building, but you do not get the, but it counts as FAR that you're
23 not, it's still, because it is useful space for the building. So I don't know exactly how that would
24 translate into the draft, but I don't think I see it that they're getting an enhancement when we
25 may not want that.

26
27 Ms. French: I would weigh in on that. Just land use could be a critical piece of this, is a critical
28 piece. We're just looking at it as if it's all restaurants, but when you have a 15 foot requirement
29 let's say and you have an office there, which is allowed in the CS zone. If you have personal
30 services something like that, you're not going to have people going out and drying their
31 pedicure in front in the chairs.

32
33 Commissioner King: So in that case I would say that it's tied to whether the public has full 24
34 hour access subject to curfews or whatever there are, 24 hour access to that space, the
35 additional sidewalk space or whether the business has the right to use that for their commercial
36 purposes. Ok. Thanks, and then I'll just take another minute just to flip through the other
37 items.

38
39 So in general I think it's great to have the flexibility. Obviously we've all seen the buildings
40 people don't like when they're the unintended consequences of this; the buildings moved up to
41 the front has happened so I'm fully in favor of the general concept. And then what are you
42 trying regarding then the FAR change? So you've presented some things that look like dropping
43 it to .8. What do you want from us? To me that sounds like a good idea. I think the general
44 idea is we're allowing more units, but then we want them to be smaller residential units is the
45 goal. And so I'm in general favor of that.

46
47 Mr. Aknin: That's correct. So I mean that's what we would like your Motion to move forward
48 with that portion of it.

49
50 Commissioner King: Ok.

1 Mr. Aknin: Eventually, not right now.

2

3 Commissioner King: Understood. Ok, ok, well then I'm done and will look forward to someone

4 else who might want to craft the Motion. Thank you.

5

6 Acting Chair Keller: Acting Vice-Chair Tanaka.

7

8 Acting Vice-Chair Tanaka: Ok, so in general I like what I see here. I think supporting the Grand

9 Boulevard makes a lot of sense and I think in general I think this is headed in the right

10 direction. So I think I head that there are 32 projects affected or could be affected? Maybe

11 you could clarify?

12

13 Ms. French: That's with, sorry, CN housing site's FAR reduction. That's specific to that piece of

14 the ordinance. The others, you know there are many more sites on El Camino that would be

15 affected by the sidewalk width and build to line.

16

17 Acting Vice-Chair Tanaka: Ok, and will all of these projects that will be affected are they going

18 to be notified or will the property owners like, you know, be alerted as to some of these things

19 going on?

20

21 Ms. French: I'll let Assistant Director Aknin address the Housing Element piece with the floor

22 area. I know that it was stated in the Council meeting that that was a direction and I imagine

23 that those housing sites property owners were very much aware of that process.

24

25 Mr. Aknin: We'll notify any of those property owners before the Council meeting.

26

27 Acting Vice-Chair Tanaka: Ok, that makes sense. I think it's important that they know. Ok, and

28 then my other point here is I think there's many ways to accomplish what's being done here.

29 I've heard Acting Chair Keller also mention that perhaps one way of doing this also is to say,

30 "Well, there's no parking in front" and so I guess I'm just thinking about the mechanics and

31 what is the best ways in terms of mechanics to vote on something like this. I was wondering if

32 staff had some thoughts about the pros and cons of different ways of accomplishing this, this

33 goal?

34

35 Ms. French: Sure. In the context based guidelines currently there's a statement about this. It's

36 called, one of the guidelines, I think it's Guideline 6 is parking design. And so this is the place

37 where and it's in the zoning code so it is a pretty much a requirement. It's a context based

38 design criteria and I'm looking for the quote from there, but it is a legitimate way of providing

39 direction to applicants to state that we don't have parking lots in front of buildings per the

40 context based guidelines. We do provide these guidelines to applicants prior to them coming

41 into the process. It could be strengthened with an out and out prohibition in the table, Tables 3

42 and 4, if that's a desire to make it crystal clear, but the context based guidelines do provide

43 some flexibility on this point. It talks about feasibility. There might be a situation where, there

44 might be a situation with a historic building or something where it's an existing parking lot out

45 front. I don't know. There's some potential need for flexibility there, but the majority of cases

46 especially a new building we would want to look to have the parking in the rear and we've done

47 that with all of the projects that have come through since the adoption of the El Camino Real

48 Guidelines is to have that condition.

49

50 Acting Vice-Chair Tanaka: Ok, thank you.

Acting Chair Keller: Thank you. So first of all thank you to the Council for referring this to us and to the staff and to the ARB for having analyzed the issues and also for our joint meeting where we discussed these and were able to consider the issues. So the first thing I want to talk about is the FAR. So firstly, it does make sense from my point of view not to penalize the developers who have essentially had that land and then they're giving that setback to the City that their land area for the purposes of counting FAR should include the area that they're dedicating to the City. And I think that that is a reasonable general rule because I think that there have been people who have, developers who have avoided dedicating additional land to the City for that or for example some of the special setbacks on the sides of streets in downtown because of the loss of FAR and I think that that is a fairness issue. But there's a wrinkle here that hasn't come up and that wrinkle has to do with arcades. So when you have a setback and then you have an arcade, which means you sort of come out from that setback further forward and then what happens is they decide to put tables under that arcade you lose a lot of the visual sense of the space because it's taken up by people and tables. Now that may be a good thing and may be a bad thing, but in some sense what it addresses is the issue of if you have arcades and you're contemplating the ability of having tables then the issue of how open that is and how high the arcade is, is it a one story arcade, is it a two story arcade depending on the height of the building? That may appropriately address the issue and still give that open feel even if there are tables in there, but essentially if you have tables in there the effective sidewalk width, the logical effective sidewalk width is somewhat narrowed with an arcade and tables. So it's that interaction that I'm mostly concerned about.

Ms. French: I'll jump in there. With the Redwood City example I think that's what the ARB was commenting on. If you have a range on El Camino of 9 to 15 feet that's a perfect example. You still have the 9 foot walkable between the curb and the columns and then you have another in that case it was 19 feet back to the front wall under that arcade. So there could be reasons to have less than 15 feet let's say if it's a situation such as the arcade.

Acting Chair Keller: Yeah, particularly if the arcade is sufficiently open and attractive and has a high enough or whatever so that you actually have the visual thing there. Ok the next thing I'm going to on a roll here with respect to FAR I think that there's something ironic about reducing the FAR for CN zone for 20 when 20 dwelling units per acre is allowed and not reducing it for the situation when 15 dwelling units per acre is allowed. And it seems to me in general that the limit to how many dwelling units you can put in is primarily FAR and parking. And that's the first thing.

The second thing about that is that when you have the increase for the Housing Bonus Density Law that will affect situations that are in the Housing Inventory Element as well as not in the Housing Inventory List. And so it seems to me that in either case there should be a reduction. So I would be in favor of applying the CN reduction across the board and having that when it comes back to us noticed appropriately so that that change could be made particularly since the bonus applies on either case, so I'm not sure that the bonus only applies in El Camino 20. I'm wondering if staff has any comment about that?

Mr. Aknin: I mean at this point I would say we would stick to our original recommendation because that was the direction given to us by the City Council. I think it makes sense because there was additional incentive given for the, on the Housing Inventory and we needed something to balance that. We haven't analyzed what the potential impact could be for more widespread look at that and we probably want additional community outreach before it happens

1 as well as additional Council input. But right now we're focused on what the Council direction
2 was and that was specifically related to the houses, the properties in the Housing Inventory.
3

4 Acting Chair Keller: I think that's fair enough. I just wanted to point that out. And when this
5 comes back to us we could also look at the CS zone. And when we look at the CS zone for
6 hotels we might also want to incorporate some of the degree of retail in hotels. I think that
7 some of the hotels that have been along El Camino you get a hotel, you get no retail, it sort of
8 doesn't enliven the street in that way and so if we had for example if the hotel had a restaurant
9 and that restaurant was open to the public that would be fine. But if the hotel doesn't have a
10 restaurant and there's nothing open to the public it's sort of deadens the street. So I think that
11 that's not helpful.
12

13 So then there was a discussion about the nature of the setback on El Camino Real. And so I'm
14 going to suggest first of all the idea that we don't have a build to requirement and that instead
15 there's an explicit limit that you have no parking in front. So we have a setback requirement I
16 want to talk about in a moment, but in terms of the build to requirement essentially the if
17 there's no parking allowed there if the developer wants to set it back further and the developer
18 has a reason for doing that it's, then let them. Economically the desire for most developers is
19 to push it as far to the street as they can because of how they can fit the massing in the
20 building. So essentially if the developer has an aesthetic, a good reason for not having the
21 building come up to the sidewalk we shouldn't require a Design Enhancement Exception (DEE)
22 or require a variance. It's a reasonable thing and I think that it actually adds visual interest to
23 El Camino to actually have more varying frontage and it allows for planting more trees and
24 things like that. So I would suggest eliminating the build to line and replacing that with an
25 explicit prohibition against parking in the front of the building. And I'm wondering if staff can
26 comment and then ARB Member Popp can comment on that and then if we can have a straw
27 poll among the Commission?
28

29 Ms. French: Yeah, I'm happy to. I mean I, conceptually the concept I understand it. There
30 may be a case where we want to consider a maximum setback, I don't know. It hasn't been
31 fully studied that way, but I understand the concept. And our ARB member is here and I know
32 you've said perhaps there's a reason to weigh in, so.
33

34 Board Member Popp: Yeah, tough discussion, right? Whether we should force someone to
35 meet a certain criteria when there's such a wide variety in choices and lots and options for what
36 people might build, and it's hard to predict what would be right and would fit all of these
37 different sites. But again I think this is an area where the ARB comes into play and it's our role
38 to help assess whether buildings are placed properly on the site. Is the setback enough? Is it
39 too much? Is the building massing appropriate? The thing we want to avoid is this concept of
40 missing teeth. Right, that as you drive down El Camino there's some big gap that just looks
41 wrong.
42

43 I want to be clear in saying that and I'll carefully use this as an example, right? We, this is not
44 us and it's not what we want to be, but if you look at something like the Champs-Élysées, right,
45 where there's this incredibly consistent pattern of building after building and these beautiful
46 wide sidewalks and people strolling and dining happening outside, it's elegant and it's
47 wonderful, but it's not what we're trying to achieve here. Right? There are these visions for
48 what Grand Boulevards might be and again I want to really reinforce the ARB's position that
49 variation and really high quality character are what we're trying to achieve here. And the
50 variability that might be present in treating one site differently than another, again this idea

1 that we should get a consultant to come and put together some concepts for different types of
2 sites so that people have an idea about what we are looking for so that when they come
3 forward with a proposal they have the best chance of success and they've got the best
4 guidance that we can give them and then they bring it forward and we have a discussion and
5 we take these one at a time as they come.

6
7 Acting Chair Keller: So to operationalize the question from my point of view does the build to
8 line help you or hinder you? And if we got rid of that and replaced it with a parking, no parking
9 requirement, which I assume people would do anyway, they wouldn't put parking in the front
10 and the reason I'm doing that is so that you don't set the building back and put parking in the
11 front so that has to go with it. I'm wondering whether your normal process of having a good
12 design review whether that would be satisfactory in that environment.

13
14 Board Member Popp: So there are five of us. I would tell you my opinion since I don't have all
15 the others here to speak for it and feel free to chime in if you recall something from the hearing
16 that I don't remember clearly, but I think there are two separate issues. And requiring no
17 parking in the front setback can be one issue and a second issue can be whether or not we
18 have a build to line. And I welcome your discussion and your thoughts about that, but again
19 my opinion here is that it's important to try to describe some goals and to promote variation
20 within the guidelines so that people can come forward with the best possible concept for each
21 individual site. And completely eliminating the guidelines makes for a tough discussion in my
22 opinion. It makes it hard for us to talk to an applicant about what is or is not appropriate.

23
24 Design is subjective and even within the Board we have agreement and disagreement about
25 these types of things. I think that the expectation I have is that there is some range of
26 appropriate build to line and whether it's an average or whether it's some forward some
27 backward a certain number that we try and give I'd rather the DEE's or these other devices that
28 people come forward for an exception are the really the exception and not the rule. What's
29 happening now is that every project that we're looking at is coming forward with some type of
30 a DEE because it just doesn't work. Perhaps someone from staff can remind me, 3159 El
31 Camino?

32
33 Ms. French: Yes.

34
35 Board Member Popp: Is the Equinox site?

36
37 Ms. French: Yes.

38
39 Board Member Popp: And this is, I want to just bring this forward as a, what I consider to be a
40 very nice example of thoughtful design and careful planning and a successful project moving
41 through the process. 3159 El Camino is the Equinox site and they had done a very elegant job
42 of holding the building back, creating a portion that approaches the street so it holds the street
43 edge nicely, that there's an arcade area where it's appropriate and where the uses really
44 encourage that within the buildings. So I think there's an idea that there's a restaurant in there
45 and there are spaces that do all these things, but there are nodes along El Camino where these
46 types of things are appropriate and there are places where you just wouldn't want to have that.
47 And so giving some guidance about what is appropriate is very valid in my opinion.

48
49 Acting Chair Keller: Ok, thank you.

1 Board Member Popp: Thank you.

2

3 Acting Chair Keller: Does any staff also want to weigh in?

4

5 Ms. French: Well I was just checking my notes about what was said at the ARB to confirm what

6 Randy said. So the ARB did kind of discuss either deleting the build to requirement and just

7 allowing the ARB to determine the appropriate setback and percentage at the front in each case

8 because we have different land uses and large and small lots so to acknowledge that and make

9 that a valid choice or retain the build to line requirement and then have reasons why exceptions

10 to that are allowed. Again, different land uses. If you have a hotel for instance or residential

11 then that's a reason to not come forward and to have more landscaping between the sidewalk

12 and the building or a building that has less articulation because of the use, less retail display

13 windows, that building could go back further. So you could get a little bit more specific if you

14 wanted or again you could just leave it up to the ARB to make that judgment on a case to case

15 basis. I think the main thing is the missing teeth and making sure that we're still holding that

16 building line and not having to go through a DEE per se each time somebody wants to do

17 something less than right at the setback line or for percentage of the building frontage. I mean

18 that's where we get into some trouble.

19

20 Acting Chair Keller: So perhaps, when would this come back to us and would there be an

21 opportunity for the ARB to have a meeting in between (interrupted)

22

23 Ms. French: Yes.

24

25 Acting Chair Keller: So that they could review and sort of add feedback to this potential?

26

27 Ms. French: We are looking at March 26th if that works for all to have some kind of a, if a joint

28 meeting is desired. I know and Aaron had said and our Director is asking that we kind of move

29 forward and maybe some other things get talked about, but that's kind of in reserve as a joint

30 meeting if needed. The ARB is planning on meeting next on March 20th to hopefully bring back

31 what the PTC had to say about it and have another discussion at the ARB on March 20th.

32

33 Acting Chair Keller: Well I don't want to push this too far forward, but I'm wondering if the ARB

34 meets on March 20th would there be an opportunity from that to incorporate things for our

35 meeting on the 26th?

36

37 Ms. French: Sure, the noticing process is still in the same chapters. We tweak things certain

38 ways. I think the only thing that's, if there's something that comes up at the ARB on the 20th

39 and we need to do some sort of outreach we might want to get some cards out and notices for

40 something like that.

41

42 Acting Chair Keller: And also I'm not, this is separate from the issue of what the setback would

43 be because we'd have, in other words there's a setback and the build to line so I'm suggesting

44 replacing the build to line by parking in front of the building. So I'm wondering and any

45 Commissioner want to weigh in quickly on the issue of whether to replace, whether to eliminate

46 the set, the build to line, give the discussion to the ARB, but have the proviso that you can't

47 have parking in the setback area? Commissioner King.

1 Commissioner King: Yea, thank you. Based on Board Member Popp's comments I hesitate to
2 and the reading of the minutes from their meeting, I hesitate to flip that back over without a
3 more thorough understanding, which I do not possess.

4
5 Acting Chair Keller: Commissioner Alcheck?

6
7 Commissioner Alcheck: Yeah, no I don't think that I would support that. At least not one at the
8 expense of the other and I want to add another thing. Another sort of element here, which is
9 that and it's too bad Director Gitelman isn't here because there's this sidewalk in Napa that's
10 boulevard like that's associated with a new development that they did sort of in the I guess
11 southern quadrant of Napa like just when you're coming in across the little river. God, I don't
12 know anything about Napa. But anyway there's this little sidewalk and they have when Board
13 Member Popp was talking about sort of the use of the sidewalk and how it's not really about the
14 commercial or financial sort of viability of the sidewalk and which tenants are likely to use it or
15 which tenants are not likely to use it because people don't necessarily build space specific for
16 service or retail when they're doing ground floor service and retail they sort of they build it for
17 all comers, right? But anyway, in this sort of notion there's this section of sidewalk in Napa
18 where they have this floor sculpture and it's essentially the cha-cha-cha dance, like the
19 footwork of the cha-cha-cha dance on the sidewalk right in the middle of your walking area.
20 And so like the one foot is 1 and there's 2 and there's 3 and there's 4, 5, 6, 7, 8, 9, 10, and
21 then the person that faces you they're feet are also like that. So if you both step on foot space
22 and you get, you all get what I'm saying? Anyways, my point is I was sitting at a restaurant
23 like right next to that and I swear to you for the whole hour and 15 minutes that I was at this
24 restaurant not a single group that walked past this foot thing didn't try it. Right? So you see all
25 these people are doing this and I thought like, God, you know whoever thought of that they will
26 never know how appreciated; how profound an impact they had on my dinner. Because it was
27 just, it was amazing. And it was, it did create life on a street.

28
29 I will argue that there is no life on El Camino. I've never walked down El Camino, ever. I don't
30 think I've ever parked on El Camino. One time maybe I stopped at Mike's Bikes and even that
31 was sort of scary because I couldn't get out of my car. It is not what it, it certainly not what it
32 could be and I don't think we're going to get there by being too restrictive because it'll just sort
33 of discourage maybe the thoughtful development we'd like to see. So I think the notion of
34 increasing flexibility certainly we don't, not every single part of our El Camino, Palo Alto's El
35 Camino has to be walkable, right? There should be, we should be focusing on the low hanging
36 fruit. There should be, I'm fully confident that the ARB will be able to identify the right projects
37 that you know what? We really want to see more X from you. We think that this setback
38 should be a little farther back because you're right next to X and Y and Z and this is starting to
39 look like a nice little walkable area and we should encourage that in the redevelopment. And I
40 think that's really the key; encouraging redevelopment of assets there that are no longer
41 appealing. So, so again I don't think I would support the notion of just eliminating the build to
42 line and then having or the setback, I guess it's the maximum? I think that having the, having
43 a setback range is more effective at articulating the vision idea than solely saying we don't want
44 parking in the front.

45
46 And I want to say one other thing. I'm hoping that the ARB will handle the issues related to the
47 height of the arcades and the depth of the arcades and we won't really ever deal with it. And I
48 think we shouldn't consider the use of this is sort of in response to Commissioner King's
49 comments. I'm not sure really we should be weighing into consideration whether a potential
50 tenant would use outdoor space into whether the developer who's investing a tremendous

1 amount of money into rehabilitating an asset or even reinvesting, redeveloping an asset. We've
2 all had conversations about encouraging ground floor retail, ground floor service, ground floor
3 restaurants and the like and I think you're talking about a decision that they would have to
4 make so far in advance about how they would use their floor area that you would be maybe
5 encouraging people to shy away from restaurants because immediately if there was a potential
6 for using space for tables they'd be like "No, no, no, no restaurants. We'll just be retail here
7 because we want that space on the fifth floor." And so every time we create sort of a... they
8 are going to find a way to make, to get the space they want and it may be, the result may be
9 no restaurants for a quarter mile and maybe that's something we didn't really want because the
10 dollar per square foot of the space is so valuable that they're just saying no to it. So it's
11 important.

12
13 Acting Chair Keller: Thank you. Acting Vice-Chair Tanaka do you want to weigh in?

14
15 Acting Vice-Chair Tanaka: Sure. I think a lot of interesting points by my fellow Commissioners.
16 I also I'm not sure about the proposal. I think it would be good to get the ARB's take on it, but
17 I did have some other thoughts. It's been awhile since I've been at the Champs-Élysées in
18 Paris, but last time I went there it was kind of like a freeway in the middle. I mean there's like
19 a lot of cars, it's not like very slow moving traffic, it's a fairly wide boulevard and so I was
20 thinking at least car wise it's not that different from El Camino except that El Camino's a lot
21 shabbier, not nearly as exciting, some serious redevelopment probably should happen. I also
22 don't have many fond memories walking along El Camino. But I for one would love to see
23 something grand like that. A true Grand Boulevard. Something that people would walk down
24 and go "Wow." I don't know if it's possible and we're pretty far from that right now, but I think
25 having things that help facilitate that is actually a good thing.

26
27 Because I've been thinking also like when I drive down El Camino and it's kind of surprising
28 there's still like vacant lots or there's still places where there's incredible underutilization of
29 actual land and so I think Commissioner Alcheck is right that we do need to encourage or have
30 things to encourage redevelopment. I think that's probably one of the biggest issues on El
31 Camino, but I think generally I still like what this, direction where this, you know trying to have
32 wider sidewalks, trying to make it more walkable, but I do think we should, you know we are a
33 fairly high end city and I think we should have higher sights and I don't think it's unreasonable
34 for us to try to shoot for Champs-Élysées. I think that's something that we should try to do.
35 Thanks.

36
37 Acting Chair Keller: Thank you. I'm just going to encourage the ARB to think about this issue
38 and weigh in at your next meeting and see which way makes sense and whether an approach
39 like this would increase your flexibility or cause more problems than would otherwise be. This
40 is separate from the issue of setbacks and I am, I would actually at least for El Camino like to
41 be a little bit more directive and suggest something along the lines of a minimum setback from
42 the curb of being 12 feet, arcades being allowed within that setback, and an average setback
43 from the curb being in a range 15 feet to something maybe a little more than that depending
44 on the nature of that. And obviously the average setback only counts where you have building.
45 If you have a driveway the average setback is not to the rear, that space doesn't count. And so
46 I'm wondering if Board Member Popp would like to weigh in on that notion? We're trying to
47 make it worth your while to actually have come to the meeting.

48
49 Board Member Popp: No, it's good. I'm glad I showed up. So specifically you're looking for
50 some feedback about the idea of average setback?

1 Acting Chair Keller: The idea of a minimum setback at an average that's somewhat greater than
2 that and realize that that could be modified by virtue of the arcade.

3
4 Board Member Popp: So I would say squarely minimum setback, yes. Right, important to say
5 we need at least X square feet in some cases, might go up to 15 feet is what we're suggesting,
6 maybe even more. I think again the issue here is that there are so many different types of
7 sites along El Camino. Staff was great, they produced all these maps for us and we were able
8 to look at all these things. We each took different sections and studied. There's no one size
9 fits all certainly and I really I don't think even establishing an average setback would be
10 beneficial. I think that's too restrictive. I think what we need to do is really take this side by
11 side, state some goals, identify some concepts, and say tell us what is right for this site and we
12 provide feedback as the ARB to help assess whether or not it's appropriate in its context.

13
14 Acting Chair Keller: If you had the tool of being able to deal with minimum setback and a
15 minimum average setback and in terms of flexibility on that as an alternative to a fixed build to
16 line, would that be helpful?

17
18 Board Member Popp: Yes, I think it would.

19
20 Acting Chair Keller: So maybe that's something to consider in the mix?

21
22 Board Member Popp: Yeah, absolutely. And I'll give as an example we were just presented with
23 one of the sites along Alma where currently there's a special setback along Alma. There's these
24 garages that are in the front setback right now. Really the very first building has come forward.
25 Say we want to knock down that old decrepit thing and build a new building that was
26 completely within the envelope of what's allowed in zoning, but the ARB pushed back on the
27 applicant and said it's about the context and although by right you should be allowed to have
28 this height and this certain setback and build it the way you described it, it's just not right
29 because you're the first one out of the gate. And if there were others around you this would be
30 a perfectly compatible and appropriate solution, but because there aren't others that are
31 developed yet it's challenging for us to move it forward. And I think that's exactly the case
32 here as well where there, the hope is that these unpleasant structures that are along El Camino
33 come down and we get buildings that are farther back and we get sidewalks that are pleasant.
34 It becomes this really nice space and all of a sudden it becomes some place that you would
35 want to go for a walk or you'd feel safe parking your car and getting out, but until we get a
36 momentum about this I think we're going to need some flexibility in order to incorporate these
37 projects in and around other things that are there. We're not going to just start out with the
38 accelerator at 100 miles an hour. We need to ramp up into this a little bit.

39
40 Acting Chair Keller: Thank you. I hope we don't accelerate to 100 miles an hour on a 35 mile
41 an hour street limit street, sorry.

42
43 Board Member Popp: Point taken.

44
45 Acting Chair Keller: Anybody else want to weigh in on anything else? Yes.

46
47 Ms. French: Could I just because if I might you did say minimum setback of 12 feet. In our
48 Tables 3 and 4 there is a minimum setback and the way it's phrased is zero to ten feet. If you
49 put it at zero that's when you're trying to, you're right at the, you're doing the eight foot right
50 at the property line. If you're doing the 10 feet that's going to be 18 feet, ok, really. So if

1 you're looking at a 12 foot effective sidewalk requirement, which is currently what we have on
2 El Camino, that's really a four foot setback from the front property line to the building rather
3 than a 12 foot setback. You know its terminology.

4
5 Acting Chair Keller: Thank you. I'm really referring to a 12 foot effective sidewalk width and a
6 setback appropriately related to that. Thanks for the correction. Anybody else on the
7 Commission wish to weigh in before? Yes, Commissioner Alcheck.

8
9 Commissioner Alcheck: Do we, I'm just curious do we know what the Champs-Élysées setback
10 is? Just out of curiosity? Because I was in Paris like maybe a year and a half ago and I thought
11 it felt like 50 feet.

12
13 Ms. French: You know I think this is kind of funny I guess. I heard at the July 31st meeting I
14 thought I heard Eduardo say he was going to do his research on the Champs-Élysées. I don't
15 know if that happened. Does anyone know if he went and did the research? Because he's not
16 here. Yeah, we can look that up and be ready at the next meeting.

17
18 Commissioner Alcheck: I'm, I'm looking at pictures from my trip so you know, but I mean I,
19 we're far away from (interrupted)

20
21 Ms. French: Must be a dimension.

22
23 Commissioner Alcheck: I feel like the size of El Camino is the setback on the Champs-Élysées it
24 was, you could literally have a marching band stand next to each other and still be on the
25 sidewalk, but it would be interesting in my opinion and I think we said this last time. I think I
26 said this last time, but I'm not 100 percent sure to see what other cities are doing and what
27 they're in this context especially since this Grand Boulevard is actually not just our idea. I think
28 there are other cities on the El Camino that are contemplating this. So I'm almost positive I
29 made this point last time, I'll have to go through the notes, but I feel like it would be very
30 informative to sort of see what are they doing in Redwood City about this, in Mountain View,
31 and then what do others, what's happening in Brooklyn and in Tel Aviv and how do they
32 compare to this idea?

33
34 Acting Chair Keller: Commissioner King.

35
36 Commissioner King: Thank you. Yes, so I did have a question of staff and Board Member Popp.
37 What input have the local practicing design development professionals had into these changes?
38 Have you spoken to them, do they feel this would make things easier, better, harder, more
39 expensive?

40
41 Ms. French: Randy Popp's here representing the ARB and certainly this conversation has been
42 going on for a while in retreats and such and Randy's connected with other architects and as
43 are the ARB so I'm sure there's been some informal conversations, but we have not had any
44 formal outreach outside of the retreats and public hearings that we've had to date.

45
46 Mr. Aknin: The one thing I would add is that regionally there have been a lot of architects and
47 developers engaged in the Grand Boulevard principles not necessarily in Palo Alto, but
48 throughout the peninsula. And I think what developers want more than anything is certainty.
49 So to the extent that we can provide certainly through this ordinance because there isn't much

1 certainty right now in Palo Alto given the current dynamic, as much as we could work through
2 these issues and provide some certainty in our code I think it would be looked upon favorably.
3

4 Commissioner King: And so you're saying that this provides more certainty than currently exists.
5 Is that correct?
6

7 Mr. Aknin: Correct, yes because right now we have the Council direction that has gone forward
8 and hasn't reached a conclusion yet.
9

10 Commissioner King: I understand. So it may be, ok. So it may be more uncertain than existing
11 ordinance, but it's more certain than what the, the fact that there's in play right now so they
12 don't like the fact that it's in play (interrupted)
13

14 Mr. Aknin: Correct.
15

16 Commissioner King: They want a faster resolution, but it may end up providing less flexibility to
17 them.
18

19 Mr. Aknin: Yeah, even if I think even something that provides a little less flexibility in the end
20 but certain is better than something that's uncertain.
21

22 Commissioner King: Got it. Ok, thank you.
23

24 Board Member Popp: The fact that we're presented with the choice to evaluate a DEE time and
25 time and time again is very challenging. As an architect who has done projects like this I can
26 tell you that when you are not clear you get to, it's a gating item in your project and you cannot
27 move forward until you get the yes that you need to get or the no so you know which way to
28 go and it can come at enormous cost just enormous cost to have to wait like that on a project.
29 So anything we can do to streamline the process and to remove unknowns and barriers in the
30 approvals is helpful not just to applicants, but also to those of us who are tasked with reviewing
31 the projects.
32

33 Commissioner King: And then I'll ask a general question. When you described the situation
34 which the applicant came to you with a project which was on paper met all of our criteria and
35 yet they, the ARB said, "Well yeah it does, but we don't want to approve that." I assume you
36 have the power to actually tell them they can't build that building even though it fits our
37 criteria? Is that correct?
38

39 Board Member Popp: And I'm going to ask staff to clarify this for me, but my understanding is
40 that we make a recommendation to the Planning Director and the Director issues direction to
41 the applicant in regard to approval or not.
42

43 Ms. French: I think in this case they're and I don't want to get too far into it because if for
44 instance they ask for a variance to allow something in the special setback because the context
45 is that way, that could potentially come to the Planning Commission. So you could end up
46 getting involved with that one, so (interrupted)
47

48 Commissioner King: Ok, yeah let's just we'll cancel that.
49

50 Ms. French: Yeah.

1 Commissioner King: Cara will smile when I cancel that I'm sure. Ok, great. Thank you. That's
2 all, the only questions I had.
3

4 Acting Chair Keller: Acting Vice-Chair Tanaka do you want to add anything? So I'm going to
5 close by basically suggesting something to think about. And so firstly what's interesting about
6 this is that we were specifically directed by the City Council to make El Camino wider and a
7 greater effective sidewalk. And I'm not convinced that the ordinance as presented to us does
8 that because it could be a 12 foot sidewalk, effective sidewalk and it appears that that could
9 satisfy the ordinance. And so effectively I'm not sure I see an actual change in what is
10 required, per se. Because it does give a range of 12 to 18 foot and 12 foot is within that range
11 and 12 foot is what we require now. So it doesn't necessarily create that.
12

13 So what I would suggest that we consider as an alternative and I'm not here to make this a
14 Motion, but I'd like the ARB to consider it is first of all a minimum setback from the curb of 12
15 feet. Secondly, an average, a minimum average setback from the curb of 15 feet, sorry, an
16 average setback from the curb of a range of 15 to 18 feet, no build to line requirement and no
17 parking in front of the building. So that's something to play with. And by having an average
18 setback in the range of 15 to 18 feet, that basically does provide the effectiveness of something
19 close enough to the sidewalk to be usable. It also gives a minimum of; since the minimum of
20 the average is 15 feet it means that you do effectively have the buildings further back by at
21 least 3 feet on the average. I would exclude from that calculation places where there is no
22 building, so for example a driveway or whatever to the back doesn't count. So an average
23 setback from the curb, an average setback from the curb, average effective sidewalk width of
24 being at least 15, between 15 and 18 feet. I'm just suggesting that as a way of dealing with
25 the issue. And if there's no, are there any other comments about that? Commissioner King.
26

27 Commissioner King: Are you asking for comments on your specific comment or? Oh, no I do
28 not.
29

30 Acting Vice-Chair Keller: Any other comments people wish to add before I guess we'll need a
31 Motion. But is there any other comments before we make a Motion?
32

33 Commissioner King: Well that's sort of my question, the Motion. So in staff's goal if we were to
34 say we move to recommend to Council Items 1 through 4, is that the direction you're hoping
35 for?
36

37 Ms. French: Well it's certainly a direction. I think again we've identified that we are going back
38 to ARB on the 20th. We heard Acting Chair Keller's request and that's what the ARB was
39 requesting to get some guidance, some alternatives perhaps to the ordinance and then the next
40 meeting that we see you for we would; we could capture this in a revised draft ordinance as an
41 alternative. Yeah, certainly if you wanted to do a straw poll on what you wanted to see with
42 respect to this ordinance you could do that.
43

44 Commissioner King: Ok. So what I'm hearing is it's not really that helpful. You're certainly not
45 going to go home mad if we don't refer this, these items as written here to Council?
46

47 Mr. Aknin: No, we wouldn't go home mad. What we were hoping for... yes, we have thick skin.
48 I think in general what we were looking for coming into here was some type of Motion related
49 to Numbers 1 through 4 that's specifically about El Camino Real. So we would say move
50 forward, you know, the Motion, move forward as staff's recommended for Motions 1 through 4

1 as they relate to El Camino Real because we had a broader scope initially. Now if there is
2 something, for instance Acting Chair Keller's recommendations that could slightly modify these,
3 that would be fine as well too. But we would like 1 through 4 moved forward as specifically and
4 specifically focused on El Camino. There's no huge heartbreak if it doesn't happen, we could
5 have another follow-up meeting, but that's what we would like to see.

6
7 Commissioner King: Ok. Well I will so move that we move, recommend to Council and we're
8 not actually asking for action because we don't have an ordinance, correct? So we're just
9 review or...

10
11 Mr. Aknin: There is an ordinance.

12
13 Ms. French: Attachment A, but it needs some cleaning that ordinance that's there. So it's as to
14 be modified, but the concept of going wider than 12 feet, perhaps the 15 feet as a target if
15 that's what I'm hearing. We'd like to have ARB look at one more time.

16
17 Cara Silver, Senior Assistant City Attorney: If I could clarify? The ordinance is there for
18 guidance in case you wanted to get into more detail. I think at this point it's more helpful for
19 staff to just have the guiding principles and then we will go back to the ordinance to
20 incorporate your guiding principles and move it on to the Council.

21
22 MOTION

23
24 Commissioner King: Ok so a Motion could be to support staff in further advancement of these
25 items as they relate as Items 1 through 4 as they relate to, specifically to the El Camino Real
26 corridor. Ok. And then I would add for discussion that I would ask relative to Item 4 that we
27 ask staff for further study as to whether the additional sidewalk width provided by applicants
28 shall be dedicated for public use or whether applicant may retain for private or restricted use
29 that sidewalk area.

30
31 Acting Chair Keller: So is that your Motion? Or?

32
33 Commissioner King: That is my Motion.

34
35 Acting Chair Keller: So can you get, I have to write it down so you're basically moving staff
36 recommendation? Your microphone.

37
38 Commissioner King: Supporting staff's further study of Items 1 through 4 specific to their
39 application in the El Camino Real corridor. And then I'm adding that we ask staff for the rider
40 on there that I mentioned.

41
42 Acting Chair Keller: And could you give me the wording of that?

43
44 Commissioner King: Yep. That we ask staff for further study as to whether the additional
45 sidewalk width provided by applicants shall be dedicated for public use or whether it may be
46 retained for private or restricted use by the applicant.

47
48 Acting Chair Keller: Ok. If you could say it a little slower, I've got to write this down because
49 I've got to give it to the staff tomorrow morning. So ask staff for further study of?

1 Commissioner King: As to whether the additional sidewalk.

2 Acting Chair Keller: As to whether the additional...

3 Commissioner King: Sidewalk width provided.

4 Acting Chair Keller: Sidewalk width provided.

5 Commissioner King: By applicants shall be dedicated for public use or may be retained for
6 private or restricted use by the applicant.

7 Acting Chair Keller: Or can be retained for private use by applicant?

8 Commissioner King: May be, yeah, may be retained for private or restricted use by the
9 applicant.

10 SECOND

11 Acting Chair Keller: Ok, I'll second that. Ok. Do you want to speak to your Motion?

12 Commissioner King: No.

13 FRIENDLY AMENDMENT #1

14 Acting Chair Keller: Ok. Hold on a second. I'd like to make a friendly amendment if I may?
15 And the friendly amendment is to add to this to ask the staff and ARB to consider the potential
16 for a combination of minimum setback and average setback so that's the first amendment.

17 FRIENDLY AMENDMENT #1 ACCEPTED

18 Commissioner King: I accept that.

19 FRIENDLY AMENDMENT #2

20 Acting Chair Keller: And the second friendly amendment I have to offer is that the ARB consider
21 whether in conjunction with that consideration there's a potential for eliminating the build to
22 requirement provided that there's no parking in front of the building.

23 FRIENDLY AMENDMENT #2 ACCEPTED

24 Commissioner King: I accept that.

25 Acting Chair Keller: Ok. So I think we've beat this to death enough. Are there any other
26 amendments? Commissioner Alcheck.

27 FRIENDLY AMENDMENT #3

28 Commissioner Alcheck: I think it wasn't really present in our discussion here today, but I don't
29 think you can have a conversation about setback for many of the parcels on El Camino without
30 having a discussion about height and I think my friendly amendment would be to suggest that
31 staff also add a concept related to increasing height in conjunction, increasing the flexibility

1 with respect to height in conjunction with these "range" of setbacks. I know we talked a little
2 bit about floor area and sort of reallocating that, but I think it would also make sense to talk
3 about height and so that's my friendly amendment.

4

5 FRIENDLY AMENDMENT #3 FAILED

6

7 Commissioner King: I'm going to reject that, not because I think it's necessarily a bad idea, but
8 because I would like to use this opportunity as a straw poll to see if we want to incorporate
9 that.

10

11 Commissioner Alcheck: Sure.

12

13 Commissioner King: Ok. So let's consider it an unfriendly amendment.

14

15 UNFRIENDLY AMENDMENT #1, SECOND

16

17 Acting Chair Keller: Ok, that's considered an unfriendly amendment. Does anybody with to
18 second that unfriendly amendment? So we have an amendment by Commissioner Alcheck,
19 second by Commissioner, by Acting Vice-Chair Tanaka. And could you give me the wording of
20 your?

21

22 Commissioner Alcheck: Yeah, I mean this is all sort of loose. We're just suggesting the further
23 study of concepts. So it would be adding the concept of increasing height to the suggested...
24 look, they're going to build an ordinance out of these idea concepts. So one of the concepts is
25 the setback. The second concept would be increased height as a result of increased setback.

26

27 Acting Chair Keller: So let me ask a clarifying question to your motion?

28

29 Commissioner Alcheck: I think any specificity that you're looking for here is going to be lost on
30 me because the whole point is, is that what we're really asking them to do is spend some more
31 time thinking about something?

32

33 Acting Chair Keller: Well let me ask my question and then you can figure out whether it will be
34 lost on you. I don't think so. My question is whether your intention is to initiate a study of
35 height that will take place in the next month before this new ordinance comes back to us or
36 whether your idea of initiating a study on height is of longer term and not as part of this rush
37 ordinance that we were asked to for this Council?

38

39 Commissioner Alcheck: So let me put it to you this way. If I asked the staff to look into the
40 setbacks that other cities along El Camino are considering with respect to the Grand Boulevard
41 and what other Grand Boulevard locales are considering would you feel uninformed if you didn't
42 also know what the height limits were in those areas? Wouldn't you feel like you were literally
43 looking at just one half of an equation? So my point is, is that this is such an integral part of
44 the discussion, the height, that to not have a bullet, to not have one of our approaches to this
45 Grand Boulevard include flexibility with respect to height needs to be addressed.

46

47 Acting Chair Keller: So you're suggesting that a consideration of height be made within this
48 ordinance in this cycle?

49

50 Commissioner Alcheck: I'm saying (interrupted)

1 Acting Chair Keller: That's what I'm trying to clarify.

2
3 Commissioner Alcheck: Absolutely.

4
5 Acting Chair Keller: I think the staff wants to under, I think the staff needs to know whether
6 your intention is to consider height with respect to the cycle we're going to have this come back
7 to us in a month or so or whether your initiating a long (interrupted)

8
9 Commissioner Alcheck: No. I'm... look, I'm perfectly... I think we've had a number of
10 discussions about the Grand Boulevard that if City Council reviewed our minutes they would be
11 very well informed about what we think. So I'm not suggesting they come back to us. I'm
12 suggesting that they add that concept to the discussion and take it to the, I'm very comfortable
13 sending this right back up. We were asked to sort of increase the sidewalk. These are some
14 ways to accomplish that and I think the discussion that we've had has been informed. And so
15 (interrupted)

16
17 Acting Chair Keller: Can I ask (interrupted)

18
19 Commissioner Alcheck: I'm going to support the Motion, but I would have been more
20 supportive of a Motion that just sort of pushed this process along. They are going to go back to
21 the ARB for sort of a consult, but I don't think they need to come back to us, but (interrupted)

22
23 Acting Chair Keller: Well let me ask this of staff. Is it the expectation, your expectation that
24 after the ordinance is drafted, after the ARB that this does come back to the Commission?

25
26 Ms. French: Yes, I think we, you know, certainly what's in front of us today has some additional
27 changes so ideally we get the final product that we think is going to Council to you so for your
28 full vote. And it would be nice to have the rest of the Commission (interrupted)

29
30 Mr. Aknin: Well, actually I'll add one correction to that. We, what we're asking for now is we
31 would clean up as directed by you and we would bring the ordinance to the Council without
32 checking back to the Planning Commission. However, there's these greater issues, which I
33 definitely think we need to address like height, like a number of other urban design type issues
34 that we need to work through thru our entire code, actually not our entire code, but specifically
35 focused portions of our code that we do need to come back to the Commission as well as the
36 ARB with other the next few months. But for this one specific ordinance we weren't intending
37 to come back to you.

38
39 Commissioner Alcheck: Just to clarify my position I would've supported a Motion more sincerely
40 that moved this process along, but since we're sort of asking for a lot more study I'm tacking on
41 this notion that height be considered. But if there was a way for me to propose a Motion that
42 moved this process to the ARB for their tweaking of this, the issue that's in front of us and then
43 to the City Council for sort of a discussion of how they want to make this a reality and then in
44 theory a second Motion that brought these topics up to us for further study session I would
45 support that more than, but I don't want to fight this the majority here. So.

46
47 Acting Chair Keller: So, what I'm trying, ok, what I understand that you're saying is that, correct
48 me if I'm wrong, I think you're saying the height should be considered by the ARB in their
49 review process? Or what are you suggesting? What is the text of your amendment?

1 Commissioner Alcheck: I would suggest that concepts be developed related to increasing height
2 as a result of increasing setbacks.

3
4 Acting Chair Keller: And is there a timeframe? I mean is this something that you're expecting to
5 be in the ordinance in a month from now?

6
7 Commissioner Alcheck: I'm not amending a Motion.

8
9 Acting Chair Keller: No, I don't (interrupted)

10
11 Commissioner Alcheck: I don't know.

12
13 Acting Chair Keller: I think it's interesting to say are you expecting this to come back when this
14 goes before us and goes to Council?

15
16 Commissioner Alcheck: I didn't, I was hopeful that we would be able to have a Motion that
17 went straight... I was hopeful that we would be able to move this process along, but since my
18 sense is that the mover has suggested that he would like to hear more on the topics that he
19 requested further study, which I think was the way he started his Motion I am suggesting that
20 we add this topic for further study to the topics he's asking for further study on. So the
21 assumption here is that the mover and seconder have, would like this to come before us at
22 least one more time before the ordinance is designed. My personal opinion is the ordinance
23 just be moved along, but since we're going it looks like the route of further study the timeframe
24 is the same timeframe that our mover and our seconder need for further study of all these
25 topics.

26
27 Mr. Aknin: Through the Chair?

28
29 Acting Chair Keller: Yeah.

30
31 Mr. Aknin: One question. I did not understand your Motion to say come back to us again
32 before we go to the Council. Is that what you were saying?

33
34 Commissioner King: Well, (interrupted)

35
36 Mr. Aknin: That wasn't the staff's recommendation so.

37
38 Commissioner King: Yeah and this is why humans speak to each other because there's
39 sometimes lack of clarity. So I used the words "further study," which I fully understand that
40 Commissioner Alcheck took to mean, took the words for what they say. In reality upon
41 reflection I realize what I really meant was for discussion as you move this forward.

42
43 Mr. Aknin: Ok, that's what I was thinking.

44
45 Commissioner King: That I would not want it to get to Council without having people discuss,
46 "Hey, how are we going to treat this?" because I believe this is an important consideration. I'm
47 not saying I don't know what the right answers is, but I think it's important consideration that
48 people think through the topic which I have (interrupted)

1 Mr. Aknin: We would put further analysis in for and a recommendation in before we went to
2 Council.

3
4 Acting Chair Keller: So then I take your Motion as that. You're recommending that this not
5 come back to the PTC, but that perhaps we be told about it at the next meeting as to what the,
6 what was decided for the ARB?

7
8 Commissioner King: Exactly.

9
10 Mr. Aknin: And we're going to have a joint meeting with the ARB and the PTC coming up and I
11 think these greater issues are something that we have to talk about during that meeting.

12
13 Acting Chair Keller: Thank you. So I'm not going to support the unfriendly amendment
14 precisely because I don't think it should be in this quick process for going to the Council. And I
15 (interrupted)

16
17 Commissioner Alcheck: Are you still seconding the Motion as it is now? Is that how you
18 (interrupted)

19
20 Acting Chair Keller: I seconded the original Motion.

21
22 Commissioner Alcheck: But are you, as...

23
24 Acting Chair Keller: I'm, there's an amendment on the floor, it's an unfriendly amendment
25 (interrupted)

26
27 Commissioner Alcheck: No, I know, but the Motion was sort of re-clarified so are you still in
28 support of that?

29
30 Acting Chair Keller: I'm fine with the Motion as it is stated. That it's not coming back. Ok,
31 that's fine. In any event what I'm saying is that I don't think that the consideration
32 (interrupted)

33
34 UNFRIENDLY AMENDMENT #1 WITHDRAWN

35
36 Commissioner Alcheck: I'm withdrawing my amendment though because...

37
38 Acting Chair Keller: Ok, you're withdrawing your amendment?

39
40 Commissioner Alcheck: Yeah, because now the discussion isn't coming back to us in which case
41 I'm pretty sure they're going to have that discussion anyway. So I'm withdrawing the
42 amendment because I have full faith that the ARB and the City Council will have a discussion
43 about height when they talk about this so I'm withdrawing that Motion.

44
45 Acting Chair Keller: Ok. I'll actually (interrupted)

46
47 Commissioner Alcheck: Amendment, sorry.

48
49 Acting Chair Keller: Thank you. I'll actually indicate that I think that a discussion about
50 increasing heights in this City is a larger discussion that should not be put as part of this

1 ordinance and if there's a consideration of height it needs to be a broad based discussion not
2 buried in a Motion, not buried in an ordinance that's really a quick fix. So I would not support
3 that moving forward. So I don't agree with that and I'm not sure if anybody else wants to
4 weigh in?

5
6 Commissioner Alcheck: It's withdrawn.
7

8 Acting Chair Keller: I'm just, I understand it's withdrawn, but since the idea has been presented
9 I'm indicating my disagreement with it. Anybody else wish to weigh in?
10

11 Ms. French: I'm going to weigh in because the ARB has already had a discussion about how
12 height should be a part of it so they would probably have that discussion again on the 20th.
13 You know whether that gets incorporated in this we haven't put it in here and we probably
14 won't; however, it's in the record that will go to the Council in the minutes so they will see
15 that's it's a consideration that is related to this. It is just isn't in the ordinance.
16

17 Acting Chair Keller: Great, thank you. Unless there's anything else? Any other comments?
18 Anybody? Then I'll call the question. All in favor of the Motion as amended, which is to move
19 the support staff in further study of the El Camino, the South El Camino Design Guidelines, is
20 that right? What's (interrupted)
21

22 Ms. French: That's an adjunct. That's a related project, but it's not this. This is the ordinance
23 going forward.
24

25 Acting Chair Keller: So we recommend that the PTC has reviewed and discussed the contents of
26 the draft ordinance and recommends points one through four as decided by, as indicated in the
27 staff report with the additional provisions of 1) ask staff for further study as to whether the
28 addition of sidewalk width provided by the applicant should be dedicated to public use or may
29 be returned for private or restricted use by the applicant; 2) consider the combination of
30 minimum setback and average setback as a way of accomplishing increased setbacks as desired
31 by the Council; and 3) consider the combination of eliminating build to lines and no parking in
32 the front as a way of accomplishing the goal along with that. Yes?
33

34 Commissioner King: I believe you missed the words specific to El Camino Real, items 1 through
35 4 specific to El Camino Real.
36

37 Acting Chair Keller: Items 1, 2, and 3 are specific to El Camino Real, yes.
38

39 Commissioner King: Ok. Ok.
40

41 Acting Chair Keller: Alright?
42

43 Commissioner King: Is that accurate for staff? And the word, you said the word "returned" by
44 the applicant relative to my addition, but it should be "retained." You may have just been
45 misreading it and will correct it, but it is will the sidewalk use be retained by the applicant.
46

47 Acting Chair Keller: Oh right. I wrote down retained. Thank you. Retained by the applicant.
48 Yes? What? Sure, go ahead. Commissioner Alcheck has a question of Cara.
49

1 Commissioner Alcheck: So I am just curious from your perspective is there a component of this
2 setback that's required? So let's say we increase the size of the setback. Does that have any
3 effect on the designation of that area of land as public or private?

4
5 Ms. Silver: It depends on how the ordinance is framed. If it's framed in terms of an effective
6 sidewalk width then it really doesn't matter if it's public or private. If we want to encourage an
7 actual public dedication of the private property for exclusive right of way use then of course it
8 becomes public property and there's some other related issues associated with requiring an
9 additional dedication of sidewalk for properties that already have a sidewalk in front of them.
10 So I think it is, I think it's an issue. It's certainly involved in the mix.

11
12 Commissioner Alcheck: Ok, I just I'm only asking that question because I think I'm a little bit
13 confused about your first addition to the set. And not, I actually don't even, I don't think it's
14 time well spent to sort of figure it out. I think I'm going to support the Motion, but I think it's a
15 little, I'm a little unclear what you're going for with your first addition, but we can talk about
16 that later.

17
18 Acting Chair Keller: Anything else? Ok, all in favor say aye (Aye). All opposed? The Motion
19 carries unanimously. Motion made by Commissioner King and seconded by Acting Vice-Chair,
20 Acting Chair Keller and with amendments.

21 MOTION PASSED (4-0-2, Chair Michael and Commissioner Martinez absent)

22
23
24 **Commission Action:** Motion by Commissioner King, second by Acting Chair Keller, as
25 amended by Acting Chair Keller with concurrence of Commissioner King to support staff
26 recommendation of the four items in the staff report with the following items relating to El
27 Camino Real, suggested for further study:

28

- 29 1. Whether the additional sidewalk width provided by the applicants shall be dedicated for
30 public use or may be retained for private or restricted use.
- 31 2. Consider the combination of minimum effective sidewalk width of 12 feet and a larger
32 average effective width of 15 to 18 feet should be adopted for El Camino Real (not
33 counting driveways, etc., where there is no building).
- 34 3. Consider the combination of #2 plus eliminating the build-to requirements and adding a
35 no-parking requirement in the front of buildings for El Camino Real.

36
37 Passed unanimously 4-2 with Chair Michael and Commissioner Martinez absent.



City of Palo Alto

(ID # 4565)

Planning & Transportation Commission Staff Report

Report Type:

Meeting Date: 4/9/2014

Summary Title: El Camino Real Sidewalk Ordinance

Title: Recommendation of a Draft Ordinance modifying: (1) Chapter 18.16 of the Palo Alto Municipal Code (PAMC) to (a) address sidewalk width and building setbacks (setback and “build-to” line standards, and context based design criteria) along El Camino Real, and (b) reduce the allowable Floor Area Ratio on CN zoned sites where dwelling units are permitted at 20 units per acre; and (2) PAMC Chapter 18.04 to adjust the definition of Lot Area and add a definition for “Effective Sidewalk”. Environmental Assessment: Exempt from the provisions of CEQA per section 15305 (Minor Alterations in Land Use Limitations).

From: Amy French, Chief Planning Official

Lead Department: Planning and Community Environment

Recommendation

Staff recommends that the Planning and Transportation Commission (PTC) review and recommend that Council adopt the draft ordinance (Attachment A) relating to setbacks for new buildings on El Camino Real and adjusting design review criteria to promote a more walkable and comfortable urban environment. The ordinance modifies Palo Alto Municipal Code (PAMC) Chapters 18.04 (Definitions) and 18.16 (Neighborhood, Community, and Service Commercial Districts (CN, CC, CS Zones), particularly for properties along El Camino Real.

Executive Summary

The Council has directed staff to evaluate the urban streetscape of all major thoroughfares. Staff is doing this in two phases. The first phase focuses on El Camino Boulevard. The draft ordinance focuses on properties fronting El Camino Real and synthesizes the comments received to date from the ARB and PTC. The ordinance addresses front building setbacks and sidewalk width, design review criteria, allowable floor area and definitions of lot size and effective sidewalk for properties located along El Camino Real in Palo Alto. The ordinance also deletes the current build-to requirement for non-El Camino Real fronting properties, and

deletes the 33% build to requirement for building faces of side streets that intersect with El Camino Real.

The second phase will be to study standards for building setbacks, heights and sidewalks, particularly buildings along other thoroughfares. The joint meeting of the ARB and PTC, originally noticed for March 26, 2014, was postponed due to the lack of a quorum. Staff will schedule the joint meeting to a date following the Council review of the draft ordinance to discuss these issues. The study session will also discuss the purpose of the existing special setbacks on those thoroughfares and possible incentives for public use of sidewalk across private property.

Contents of the current draft ordinance are summarized:

- **Effective Sidewalk Width:** The ordinance includes a definition for “Effective Sidewalk Width”. The definition would be placed in PAMC Section 18.04.030(a), using #50 (Reserved). The purpose is to ensure a common understanding of this phrase, currently described in the context based guidelines of PAMC 18.16.090, as the width between the face of curb to the building face, inclusive of furnishings and plantings. The building face is also the build-to-line. On El Camino Real, the build-to-line has been 12 feet from curb face to building face since adoption of the 2005 zoning code.

The definition clarifies that the ground floor building wall is the critical “building face” from which to measure the effective sidewalk width. The definition allows building columns of an arcade to be included in the width, as long as these columns are set back at least nine feet from the curb face. The definition also references a comfortable clear width for pedestrians.

- **Lot Area:** The ordinance amends PAMC Section 18.04.030(a) definition #85 “Lot Area” to state “any private property area dedicated to and accepted by the City for public use as a sidewalk, shall be included in lot area.” This change would allow for the calculation of allowable building floor area to be based upon the current size of the lot, even if sidewalk area is provided via dedication of private property for a public sidewalk.
- **Front Yard and Build-to-Line:** The ordinance amends these development standards and associated footnotes, found in Tables 3 and 4 of PAMC 18.16.060 Development Standards. These changes are designed to:
 - (1) eliminate the need for Design Enhancement Exception (DEE) requests for development that is setback from the current build-to-line, and

(2) allow the City to carefully consider, on a case by case basis, placement of building elements based on land use, adjacent and nearby building context, building design, lot size and modified context based design criteria.

(3) continue to “reinforce the importance and definition of the street with front-placed buildings that provide a presence in scale with El Camino Real” advocated by both the Grand Boulevard Initiative and the South El Camino Real Design Guidelines.

Front Yard:

The ordinance table now has a separate row with the front setback standard for El Camino Real properties. The setback requirement is stated as a range of “four to ten feet as measured from the property line to the ground floor building wall to create a 12’ to 18’ effective sidewalk width, depending on context”. The second statement is “upper floors may have a zero setback, depending on context”. The three footnotes related to this zoning standard confirm that:

- no parking is allowed in the first ten feet of property line,
- front yards on El Camino are not subject to the landscape screening requirement, and
- what is included in context, which is “land use, adjacent and nearby properties’ existing building setbacks, proposed or adjacent building design, lot size and similar considerations.”

Allowances Based on Context: The ordinance states the setback to the ground floor wall is a minimum four feet to ten feet. Staff added the phrase “depending on context” to allow for context-based consideration during the review process. The ARB would be able to recommend the desirable setback at both the ground floor and upper floors. The Director would be able to make a decision based upon this recommendation, on a case by case basis. Staff added a footnote (new Footnote #8) to both Tables to clarify what is meant by the term ‘context.’ Staff also added a new footnote (Footnote #10) on Table 4 to repeat the Table 3 footnote (existing Footnote #1) prohibiting parking and loading spaces on the first 10 feet of the property.

Build-to-Line: The ordinance modifies this standard to clarify its applicability only to El Camino Real fronting properties. This change involves:

- Implementing the build-to restriction on CC-zoned El Camino Real properties (approximately 33 properties);
- Lifting the restriction from *all* non-El Camino Real fronting properties in the CN and CS zones that have previously been subject to the build-to-line standard.

This includes lifting the restriction of 33% build-to-line on building frontages on side streets meeting El Camino Real;

- Clarifying that required 50% percentage of building frontage can:
 - a. Be located on upper floors if the ground floor is set back farther, and
 - b. Be within a placement range rather than all on one line, and
 - c. Be a flexible percentage, given context based design criteria and context including land use, adjacent and nearby building context, lot size and building design for each project.
- **Floor Area Ratio:** The ordinance amends Table 4, Footnote #9 to reduce the allowable Floor Area Ratio on CN zoned sites, where dwelling units are permitted at 20 units per acre, also in Section 18.16.060 of Chapter 18.16.
- **Context Based Design Criteria:** The ordinance amends PAMC Section 18.16.090, Context Based Design Criteria Considerations and Findings, (b), item (2), Street Building Facades, and item (3) Massing and Setbacks:
 - **upper floor placement, (2)(H):** This criteria currently calls for upper floors set back to fit in with the context of the neighborhood; *Amend to add that the ground floor may be set back farther than the upper floors when a greater first floor setback is established to provide a wider sidewalk;*
 - **building set back, (3)(E):** This criteria currently cites a 12 foot sidewalk width on El Camino Real and an 8 feet sidewalk width elsewhere; *Amend to note that an increased width may be appropriate depending on context, clarifying the meaning of context, and cite the effective sidewalk width range is now 12-18 feet on El Camino and 8 to 12 feet elsewhere;*
 - **majority of building frontage, (3)(F):** This criteria currently calls for a majority of the building frontage located (exactly) at the front and side setback lines (to achieve a continuous street façade at the build-to-line); *Amend to note placement within zero to ten feet of street property line on El Camino Real, and based on context, defining the meaning of context, and to reference the applicability of any special setback.*

Background

ARB Consideration

ARB Hearing March 20, 2014

The ARB report (without attachments) is provided as Attachment D. Written comments from the public, and draft action minutes are also provided as Attachment E.

Four members of the public spoke during the hearing regarding the item; three spoke regarding the hardship of a setback increase. Several speakers expressed concern about smaller lots, noting that it may prompt the owners of small properties to sell their land to developers, who would then merge properties and make a larger building. One speaker stated concern about the loss of ground floor retail space located close to the sidewalk. One speaker stated that retail space on the second floor would not make up for the loss of ground floor space, and noted that it is hard for stores to retain business on El Camino Real. Speakers and several ARB members noted that, in many places, El Camino Real is not desirable for walking. The fourth speaker, from Palo Alto Housing Corporation, requested that Council consider retaining the existing FAR standard, or even increasing the maximum FAR for housing sites, citing concessions as a valued tool for affordable housing and use of this tool for FAR was not desirable.

The ARB provided the following input:

1. The ARB voted "not in favor" of the FAR reduction for CN zoned housing element listed sites with mixed use projects above 15 units per acre;
2. Effective sidewalk width definition: The ARB asked staff to clarify it is the "width from face of curb (facing the street) to building" and delete the word "structural" (referring to columns);
3. Build-to Lines, Table 3: The ARB asked staff to add to the fourth bullet "adjacent building and nearby context" and fix the inadvertent omission (add the fourth bullet from Table 4 build-to-lines standard that states, "front wall can be placed within a range of 0'-10' from property line (8' - 18' from face of curb)");

4. Clarify, in Table 3 Footnote #2, that the front yards of El Camino Real fronting properties are not subject to the landscaped screening requirement;
5. Add into the context based design criteria the concept of the "meandering" pedestrian clear width; and
6. Add a noted that Stanford Shopping Center and Town and Country Center properties are not subject to the build-to-line standard.

The attached ordinance incorporates the ARB's suggestions, though it does not specifically state that retail windows could be located as close as nine feet from the face of curb, which was the ARB's preference. The ordinance states that a minimum ground floor setback of four feet from El Camino Real property line is required, but that context consideration will be employed.

ARB Hearing February 20, 2014

The PTC staff report of February 26, 2014 (Attachment B) summarized the February 20th ARB public hearing. At that time, the ARB had expressed its preference for a minimum 9 foot effective sidewalk (distance from curb face to some building elements such as columns, or to the ground floor wall only if the ground floor land use were retail) and an effective setback range of 9 to 15 feet (from curb face to ground floor of building). The ARB cited some opportunities along El Camino Real for greater than a 15 feet setback, to achieve the Grand Boulevard Initiative concept of 18 feet from curb to building face. The ARB had noted it would be best to determine setback on a project by project basis, based on criteria such as land use, lot size, and building design.

Verbatim meeting minutes of both the February 20th (Attachment F) and March 20th ARB discussions will be transmitted to Council.

PTC Consideration

PTC Hearing February 26, 2014

The PTC held a public hearing and heard testimony from one individual and an ARB representative, and excerpt verbatim minutes were provided to the ARB and are attached (Attachment C). The PTC supported (on a 4-0-2 vote) staff's recommendation on staff report items one through three as relates to the El Camino Real corridor. The PTC asked staff to further study item 4, prior to presenting the ordinance to City Council, as to whether the additional sidewalk width provided on private property should be dedicated for public use or be retained for private/restricted use.

The PTC also asked that staff and the ARB consider:

- Eliminating the "build-to-line" standard;

- Establishing a minimum 12 foot setback (curb to building) along El Camino Real;
- Establishing an average setback of 15 to 18 feet (curb to building) along El Camino Real;
- Prohibiting parking facilities within the required front yard setback. The attached ordinance adds the parking and loading space prohibition within the first 10 feet of the property depth to the Mixed Use Projects Table (Table 4); this prohibition is already included as Footnote #1 of Table 3 (Nonresidential projects). Footnote 1 of Table 3 states,

“No parking or loading space, whether required or optional, shall be located in the first 10 feet adjoining the street property line of any required yard.”

Since the Council’s direction was to consider an 18 foot sidewalk/setback, and a 10 foot building setback would yield an 18 foot wide effective sidewalk (curb to building face), the current language in Table 3 already addresses this for non-residential projects (as does Context Based Guideline #6, requiring parking to be located behind buildings, below grade or where those options are not feasible, screened by landscaping, low walls, etc.)

The ARB representative informed the PTC that the ARB:

- Recommends an effective sidewalk width (curb to building face) ranging from 9 feet to 15 feet, with some opportunities along El Camino Real for greater than a 15 foot setback, based on criteria such as lot size, building design and land use;
- Believes a minimum 12 foot setback plus 15 foot average setback would be too restrictive;
- Supports the change to the lot area definition, so that no reduction in FAR results from the use of private property for increased sidewalk width (maintaining FAR rights);
- Supports eliminating the build-to-line, in favor of reviewing projects on a case by case basis to determine appropriate massing and setbacks;
- Supports “varied” and “high quality” character along El Camino Real, comprised of both aesthetic and street-life character.
- Acknowledges one size (one regulation) does not fit all land uses, and suggests use of a consultant to provide concepts for different sized sites;
- Encourages furthering the El Camino Real street tree canopy concept contained in the original El Camino Real Guidelines; to show on diagrams.

Community Outreach

Staff mailed notice cards to owners of properties fronting El Camino Real for this meeting; the cards also invited them to the April 1, 2014 outreach meeting. Staff also mailed notice cards for the March 20, 2014 ARB hearing. Newspaper and website notifications conveyed information regarding the ARB hearings of February 20 and March 20, and PTC hearings of February 26 and April 9. The City Council is tentatively scheduled to conduct a public hearing to review the ordinance on April 21, 2014. Notice cards will be mailed prior to that hearing as well.

At the April 1, 2014 meeting, the participating property owners stated the following concerns:

1. A number of owners suggested that small lot development is already restricted by abutting residential daylight plane and height restrictions, and by parking requirements, such that the loss of floor area at the front of buildings is difficult. One owner commented that all the rules combined do not make sense, and they have gotten tougher every year, making it difficult to develop along ECR.
2. These owners said the City will not get agreement on the sidewalk unless the owners get an agreement from the City to allow additional building height. They asked what the property owners are getting in return.
3. The property owners expressed concern that the ordinance encourages property owners to sell so that developers can buy several lots and combine them to build one large building. One owner asked whether a big developer is behind this effort.
4. Another owner raised the issue of the alley use, noting that the City has restricted access to parking lots behind buildings in the past.
5. The owners questioned how it will help if one owner redevelops with a 12-foot wide sidewalk and the adjacent properties don't, and asked how the city will get consistency.
6. One owner asked that the City not require mixed use when residential is proposed, but allow the development of residential-only projects on small lots with few redevelopment options.

Discussion

1. PTC Consideration Items and Staff Responses

- **Eliminate the Build-to-Line Standard.** This requirement currently applies to all CN and CS zoned parcels on the following streets (some of which have “special setbacks” of 24 feet to 30 feet):
 - Major thoroughfares: El Camino Real, Middlefield Road, San Antonio Avenue, California Avenue, Page Mill Road, and Embarcadero Road; and
 - Minor thoroughfares: *North to College Terrace/Cal Ave*: Wells, Encina, Park Blvd and Ave, Leland, Stanford, Oxford, College, Cambridge, Sherman, Grant, Sheridan; Park, Birch, Ash; *Cal-Ventura to southern end*: Pepper, Olive, Acacia, Portage, Hansen, Lambert, Fernando, Margarita, Matadero, Kendall, Wilton, Barron, Curtner, La Selva, Ventura, Los Robles, El Camino Way, West Meadow, Camino Court, James, Maybell, Arastradero, W. Charleston, Dinah’s Court, Monroe, Cesano, Leghorn

Staff Response: The Draft Ordinance (Attachment A) does delete the 50% build-to-line standard for streets other than El Camino Real, and does delete the 33% build-to-line standard for side streets intersecting El Camino Real.

The 50% wall build-to-line standard for El Camino Real would remain, altered to allow flexibility on a case by case basis, so that Design Enhancement Exceptions would not be needed. The build-to-line standard will now apply to the CC zoned properties on El Camino Real as well.

The proposal modifies the current standard by allowing flexibility, as follows:

- (1) The 50% of the building wall can be placed *within a range* of zero to ten feet from property line (which is 8 to 18 feet from face of curb) – rather than requiring all of the 50% wall area to be placed *in the same plane* 12 feet from the curb.
- (2) Upper floors can come up to the zero setback line, even if the ground floor is set back significantly to allow wider “effective sidewalk”; the upper floor walls are allowed to serve as the required ‘50% of building wall’ in those cases.
- (3) The 50% can be adjusted based on context based criteria and site context that is defined.

A joint PTC/ARB discussion following Council adoption of the El-Camino centric ordinance will be scheduled to address other thoroughfares and other related topics. The ARB is prepared to address the “missing teeth” concern during individual project reviews and any unintended consequences of the deletion of the build-to line standard on other thoroughfares

- **Implement a Combination of 12' Minimum Setback and 15' -18' Average Setback.**

Staff Response: The draft ordinance proposes a range of 12' to 18' setback from face of curb to the ground floor building wall. The existing code requires a 12' minimum setback from face of curb to building face on El Camino Real. The existing code language also treats this as the maximum setback for 50% of the building wall, via the build-to-line standard. Further, the existing context based design criteria state that upper floors should be set back further than the ground floor. Adding specificity and flexibility within the tables and context based design criteria for front setback and build-to-lines, per the draft ordinance, will help. The ordinance prescribes placement of 50% of the 'building frontage' within the first 10 feet of the property's depth rather than all along the 12 foot from curb line, and allows flexibility based on context (and defining context), including allowing the upper floor front walls to be placed forward of the ground floor front wall.

The concept for a 15'-18' Average Setback (from curb) combined with Minimum 12' Setback (from curb) is different than the concept of a specific percentage of the 'building frontage' placed within the first 10 feet of the property depth. With multiple story buildings, the current 50% standard is complex, but the "average" equation may be even more complex. The PTC asked for staff's analysis of pros and cons.

- **Pros:** Building front wall placement between 12 feet minimum and 15 feet on average, could have interesting urban-scale results for retail uses, but there would need to be flexibility based upon context.
- **Cons:** Office, hotel and residential uses with building walls at 12 feet minimum to 15 feet on average could be problematic. Office, hotel and residential uses along El Camino Real may be better placed at a minimum 15 foot or greater setback (three feet from the 12' wide sidewalk, to allow additional landscaping.) Ground floor retail uses employing display windows would benefit if these windows were located as close as possible to the right of way (which is currently eight feet wide). Given existing context and location in pedestrian nodes, the PTC may want to weigh in on the ARB's suggestion about placing retail display windows at a distance of nine feet from the face of curb, rather than the current requirement of 12 feet or the Grand Boulevard standard of 18 feet.
- **Question whether restaurant with outdoor seating could encroach on right of way without paying City.**

Staff Response: Under the proposed ordinance, it's likely that café and restaurant seating would occur on the private property portion of the "effective sidewalk." To extent it spilled over to the public right of way portion, the City has an existing encroachment permit system that allows for these types of uses. The ARB also discussed this issue and noted that this is the type of use that the City wants to promote on an active boulevard.

2. Consultant and Citizen Participation

The Downtown Urban Design Guide includes ‘desirable streetscape examples’ for different land uses and transitions between the uses. It may be helpful to have studies for each El Camino Real ‘segment’ (nodes/corridors) to determine where an 18 foot sidewalk is desirable. As Council directed, staff is to study other commercial arterials, such as Middlefield, San Antonio, and Alma. A consultant’s assistance to communicate different streetscape examples for those streets may be critical. A consultant could provide studies of building form and show ways to incentivize different land uses. As noted, staff will report verbally to the PTC as to the outcomes of the April 1, 2014 outreach meeting with the El Camino Real property owners.

3. Street Trees

The Council Colleagues memo contained a statement regarding street trees:

“It is worth noting that 8-foot sidewalks limit the species of trees to those with vertical growth and thus results in a smaller canopy that can be accommodated in areas with greater setbacks.”

The Urban Forestry Department has a standard condition of approval requiring a specific volume of soil to support the growth of street trees. Staff considered placing footnotes in the ordinance’s tables to reference a requirement for adequate soil volume, but did not do so because project approval conditions address this requirement.

The next iteration of zoning ordinance amendments will include sidewalk treatments focused on thoroughfares in all commercial zones. Staff can include a specification for rectangular tree grates (4 feet by 8 feet) to encourage robust street tree growth through the City, and other ideas that may be generated during outreach and with consultant assistance. Staff can add these ideas to the Context Based Design Criteria found in the commercial zone district chapters. In the case of Chapter 18.16 (addressing CS, CN and CC zones), staff could propose specificity in Context Based Design Criteria (b)(1), Pedestrian and Bicycle Environment, promoting pedestrian walkability through design elements. The criteria include Item C, which currently states, “Streetscape or pedestrian amenities that contribute to the areas streetscape environment such as street trees, bulb-outs, benches, landscape elements, and public art.”

4. Height

Staff will forward to Council the meeting minutes that capture the ARB and PTC discussions regarding the relationship to building height.

5. Public Use of Private Property

The draft ordinance does not require property owners to dedicate additional private property for sidewalk use. Given the small sizes of some of the properties along El Camino, the existing 8 foot sidewalk already in place, the relatively nominal impact that some of the projected new

development would have on sidewalks and other pedestrian amenities, and the evolving state of the law relating to dedications, staff does not recommend a dedication requirement be included in the ordinance. Instead, staff believes the streetscape concerns raised in the Colleague's Memo are largely due to the zero setback standards in the existing Zoning Code. To alleviate the feel of overpowering buildings located close to the curb, staff recommends implementing a front yard setback. This provides property owners with more development options for their property while creating the look and feel of a wider sidewalk.

Timeline (all dates are tentative)

April 1, 2014: Property owner meeting at Creekside Inn

April 9, 2014: PTC public hearing

April 21, 2014: City Council first reading

May 5, 2014: City Council second reading

Environmental Review

The proposed ordinance is considered "categorically exempt" from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Categorical Exemptions, Section 15305, or "Class 5, Minor Alterations in Land Use Limitations". Class 5 allows "changes that do not result in any changes in land use or density" to be considered categorically exempt from the requirement for the preparation of environmental documents, because the project is considered not to have a significant effect on the environment.

Attachments:

- Attachment A: Ordinance for 4 9 14 PTC (PDF)
- Attachment B: February 26, 2014 PTC without attachments (PDF)
- Attachment C: February 26, 2014 Excerpt minutes (DOC)
- Attachment D: ARB 3 20 14 without Attachments (PDF)
- Attachment E: 3 20 14 ARB action and comments (PDF)
- Attachment F: ARB excerpt Minutes of 2 20 14 (PDF)

**Planning and Transportation Commission
Draft Verbatim Minutes
April 9, 2014**

EXCERPT

Public Hearing:

Recommendation of a Draft Ordinance modifying: (1) Chapter 18.16 of the Palo Alto Municipal Code (PAMC) to (a) address sidewalk width and building setbacks (setback and “build-to” line standards, and context based design criteria) along El Camino Real, and (b) reduce the allowable Floor Area Ratio on CN zoned sites where dwelling units are permitted at 20 units per acre; and (2) PAMC Chapter 18.04 to adjust the definition of Lot Area and add a definition for “Effective Sidewalk”. Environmental Assessment: Exempt from the provisions of CEQA per section 15305

Acting Chair Keller: A public hearing, recommendation of a draft ordinance modifying Chapter 18.16 of the Palo Alto Municipal Code (PAMC) to address sidewalk width and building setbacks (setback and "build-to" line standards, and context based design criteria) along El Camino Real, and (b) to reduce the allowable Floor Area Ratio (FAR) on CN zoned sites where dwelling units are permitted at 20 units per acre; and (2) PAMC Chapter 18.04 to adjust the definition of Lot Area and add a definition for "Effective Sidewalk." So I'll open the public hearing. I guess we'll start with staff report.

Amy French, Chief Planning Official: Thank you Chair Keller. The last time we met with you on this item was February 26th at which time you suggested that staff visit with the Architectural Review Board (ARB) with a couple of concepts. We did that on March 20th. We also had an outreach meeting with some folks that we sent notice to. We had several folks show up, property owners along El Camino Real; had a good conversation. Tonight we have before you the ordinance that we are intending to take to Council. The intent of the ordinance is new buildings. I have a little background on the El Camino zoning and guidelines. I have a few images of buildings both constructed and approved. And I just want to clarify the focus of the ordinance is to allow for flexibility in the review of buildings coming forward along El Camino. This is a, the first phase of a two phased approach and we will be coming back to discuss other thoroughfares. We can also come back and discuss the issue of height in the future phase.

So let me go ahead and show you a few images. This first is the right of way of El Camino indicating that the existing sidewalks are eight feet wide. And many buildings are placed at eight feet wide. The existing buildings that are out there on El Camino can remain even though the sidewalk may not be a comfortable pedestrian width for several pedestrians. It is serviceable and the existing buildings can remain and be modified without chopping off a portion of the building to widen the sidewalk. I wanted to show you an image from back in the day before we had the South El Camino Real Guidelines. In the CN zone we used to require a 10 foot front yard as a landscape screen. So there was an 18 foot curb face to building wall back in the day. The El Camino Guidelines of 2002 they were not adopted by Council, but they were incorporated into the 2005 Zoning Code. The vision is a vibrant corridor with one or more distinct centers rather than a commercial strip that has been the history of El Camino. The goal is to have diverse uses and pedestrian nodes linked by corridors.

In 2002 the Design Guidelines were updated. We had a consultant; we had public meetings on this. That is the origin of the 12 foot effective sidewalk width that includes trees and planters. And it did make a note in those guidelines that we would like to see it wider than 12 feet and seating where appropriate. There were some other ideas about arcades, about a number of windows in the wall, ample amount of windows, and this concept of the build-to lines. As I said, the build-to lines and the effective sidewalk were concepts that were then incorporated into the 2005 Zoning Code and approved by Council. There was another document called the El Camino Real Master Schematic Design Plan and it highlighted some improvements in the right of way and that was brought to Council as well.

1 I have images of El Camino Real buildings that were constructed following those guidelines of 2002 and
2 the zoning code of 2005 where the effective sidewalk width and the build-to line was addressed. I'm
3 going to go through those now. The first is a Planned Community (PC) the Sunrise Assisted Living.
4 Considered a commercial use it is residential in nature and having a deeper setback makes sense for
5 ground floors and upper floors even that are residential along a busy corridor. You can see also in the
6 distance the building, that the sidewalk is not a straight shot. It adjusts going north. Here is the Arbor
7 Real project; again, residential, greater setback, and two trees an allee of trees providing a comfortable
8 experience for pedestrians. Again, ground floor residential. Here's a mixed-use project. We've had a
9 number of mixed-use projects over the last 10 or so years. Here is an example of a 12 foot effective
10 sidewalk width from curb face to building inclusive of the street trees. So in essence it's a front yard
11 setback of four feet from the property line to the building. Here's the Keys School; not too many
12 windows, the function of this did not support windows along the street. It's unfortunate to have no
13 windows along the street. We hope for that and you can see there are not a lot of street trees.
14

15 More recently we've had projects come though, mixed-use projects on small lots where the ground floor
16 is structured parking and a little lobby to get you up to the office and one residential unit above. Most
17 folks on small lots propose one residential unit because it only requires two parking spaces. Here's
18 another project approved recently, a mixed-use project with a bank on the bottom, office in the middle,
19 and some residential and again one residential unit. In this case you can see the allee was used to
20 achieve parking as well as the assessment district. Here's the project you all saw as a site and design.
21 In this project there was a request for a Design Enhancement Exception (DEE) on a side street to be
22 setback further than the build-to line. We are suggesting elimination of the build-to line for all other
23 streets except El Camino Real and then again we are suggesting flexibility in that line to be a range. This
24 shows the detail. They had a deeper setback to the ground floor wall and some columns that came out
25 here. The columns happen to be at the 12 foot line. I thought I'd point out there's a bicycle bulb out.
26 We would not really consider this as part of the effective sidewalk width. This is an aberration. We don't
27 see much of this, but that's something you may want to discuss. Here's a recently recommended by the
28 ARB a mixed-use project as well and we can see there's some pockets of deeper setback and glassy
29 walls.
30

31 When we met with ARB back in July of 2013 there was the concept of modified zoning and looking at the
32 right of way and considering where we're going to get this additional sidewalk. So we've started with the
33 zoning process and that's where we are today. I have bullets on what it means to be depending on
34 context. Again, this is something that ARB would be looking at. We have a quite a difference in uses
35 when there's a residential or hotel we expect that would be setback farther. When there's retail, nice to
36 have the storefront windows right up at the sidewalk so we can have a look in those windows. Lot size
37 makes a difference, large lots versus small lots.
38

39 Again, this is the draft ordinance with the key items. And I have some additional slides that you want to
40 see some additional images, I'm happy to show those. I will finish there and answer questions.
41

42 Acting Chair Keller: Do we have any clarifying questions from members of the Commission? Even though
43 I said I would do it in a different order I'm going to call a representative of the ARB now before the public
44 comment.
45

46 Randy Popp, Vice-Chair of the Architectural Review Board: Thank you very much for including me
47 tonight. I appreciated the conversation. Randy Popp representing the ARB today and I think what I
48 want to relay is that we didn't have much further discussion about the sidewalk setback as it were. We
49 talked briefly about the concepts that were brought forward here and I think the consensus within the
50 Board was that we really should stick with this idea of having a range of depths available, a minimum,
51 but a range beyond that. And the Board confirmed their commitment to individual project by project
52 context based evaluation as we go forward.
53

54 The one thing that I think the Board reacted strongly to and I guess I'm jumping forward here a little bit,
55 but in regard to the CN zone language change that was being proposed there was not any concern in
56 regard to the increase of density from 15 to 20 per acre, but we all felt it was, there was really not just a

1 unanimous but a very strong opinion that a reduction in FAR in conjunction with that was a real mistake
2 and that the expectation is that if we allow for greater number of units the FAR will of course just get
3 divided by that greater number of units we'll get smaller units anyway and to take a use which is so
4 important in our town and to limit them further from being able to provide what their mission is for us
5 would be a terrible mistake. And so I really wanted to bring forward the Board's opinion that we
6 encourage you not to support any reduction in FAR in the CN zone if a project takes advantage of the
7 increased density of 20 per acre. Thank you.
8

9 Acting Chair Keller: Thank you and we'll now switch to public comment. And you'll have three minutes
10 each.
11

12 Acting Vice-Chair Tanaka: The first speaker is Yatin Patel followed by Kamal Nair. Can, is Yatin here?
13

14 Yatin Patel: Good evening, my name is Yatin Patel. I'm a local real estate attorney and a hotelier and we
15 own a property on El Camino Real just south of Page Mill Road. So we did attend the town hall style
16 meeting about a week, week and a half ago and there was a lot of concern about sort of the impetus of
17 why we're going through this discussion, what's the impetus for wanting wider sidewalks along what
18 amounts to really a highway. El Camino Real is not necessarily, not really pedestrian friendly. There
19 aren't very many pedestrians walking up and down El Camino generally and a lot of the owners along El
20 Camino felt that for pedestrian friendly type things we've got California Avenue, we've got University
21 Avenue, we've got Midtown, that there are other places to sort of achieve this pedestrian, there are other
22 areas in Palo Alto that are pedestrian friendly certainly not the king's highway.
23

24 Specifically with respect to the proposed amendment there were several scenarios, I know it addresses
25 flexibility of depending on what use you have. There was some real concern about whether what
26 happens in the case if there's a fire and it burns your building down well now are you governed by the
27 new amendment because technically you're redeveloping or you may need to redevelop or are you still
28 grandfathered in? So these are some of the things that we didn't feel like were addressed.
29

30 The other thing is I think most people wanted to know again why are we going through this exercise? Is
31 it because there's a public clamoring for buildings not to be so close to the lot line in reaction to the
32 supermarket on Alma or is there some real some other reason why we're pushing for this? I personally
33 brought up the fact that if you've got one property that's redeveloping and the neighbor's not
34 redeveloping well then you might have an 18 foot sidewalk for maybe 50 feet and then when you get to
35 the next portion of the sidewalk well now you're going to have an 8 foot sidewalk. So the inconsistency
36 of, the potential inconsistency of the sidewalks even on the same block. So these are just some of the
37 concerns we don't feel I think the last point I know I'm supposed to sum up here, but the last point is
38 that a lot of owners felt like it amounts to...
39

40 Acting Chair Keller: You can finish your sentence.
41

42 Mr. Patel: Ok. A lot of owners felt that it amounted to a taking of their property. You know if they want
43 to sell in the future then they basically have to forfeit 10 feet if they're selling to a developer the
44 developer is going to take that in a factor and their property values may go down.
45

46 Acting Chair Keller: Thank you.
47

48 Acting Vice-Chair Tanaka: The next speaker is Kamal Nair followed by Ken Weng.
49

50 Acting Chair Keller: To save some time when your name is called as being next could you position
51 yourself over by the, behind the speaker so we can switch quickly? Thank you.
52

53 Kamal Nair: Good afternoon everyone, thank you for giving me the chance to address my concern. I am
54 at 3305 El Camino Real and I've been there since 1973. And I agree with Yatin because he says
55 everything that we all believe in and I think it's a wrong idea for us to give that now because if we do
56 now like what's going to happen to us in the future? We don't care about now, which makes sense, but

1 what about in the future? If we decide we want to sell it to the it will deplete the amount for our
2 property so I strongly believe that I don't support it and that's the way I feel about it because I think it's
3 going to hurt and the inconsistency is what I don't like: 18, 4, I mean it's going to look terrible. This is El
4 Camino. Nobody is going to walk on El Camino. I've been there since '73 and I don't see people walking
5 there. There are many areas where they can go to walk and I see it's just not going to help the property
6 owner. Thank you.
7

8 Acting Chair Keller: Thank you.
9

10 Acting Vice-Chair Tanaka: The next speaker is Ken Weng followed by Tracy May.
11

12 Ken Weng: Hi, my name is Ken Weng and I'm an owner of a property at 3700 El Camino Real. We have
13 lived in the area for more than 30 years and over the past 20 years we have looked into redeveloping our
14 property, but we faced numerous zoning each time. In the early 1990's our property was approved for a
15 sizeable office space plus eight residential units. Today it pencils out to be about 3,500 square feet of
16 retail space due to parking and other requirements.
17

18 I have many questions about properties on El Camino Real. Why are small retail businesses struggling
19 and not prospering? Why are the run down properties not being developed? Why are the developers not
20 buying up these properties? The truth is that the owners are trapped and holding properties with ever
21 restrictive land use. Now you ask us to make the sidewalk 18 feet comprising ten to twelve percent of
22 our 100 feet deep property. Parking lots need to be replaced in the back and we'll lose more space due
23 to layouts. The result is insignificant loss in useable footage and the value of the property. Why are
24 small property owners bearing the disproportionate burden of this change? The new larger buildings and
25 the construction all have less than 12 feet sidewalks. The Grand Boulevard will be full of six feet to eight
26 feet sidewalks for decades. Palo Alto City seems to be focused on larger development is obvious,
27 oblivious to small property owners. Cafe Borrone is often used as an example of an ideal development
28 the Grand Boulevard, but it's on a two acre lot with totally underground parking. Mountain View has
29 done a lot of economic analysis; they are increasing FAR beyond 1.85 and working on creative solution
30 for parking spaces. They realized having mixed-use on small lots does not make much sense. The small
31 properties face negative incentive development before redevelopment. Instead of putting more
32 restrictions I think we need to provide more positive incentives. Palo Alto can stand tall and help small
33 property owners on El Camino Real who have been suffering disproportionately zoning. We'd love to see
34 a lively El Camino Real, but 12 foot sidewalk is more than wide enough for small lots.
35

36 Here are some proposals that can help some of the El Camino Real properties; allow small lots to be
37 residential only and at a higher density and taller. Residential use has the most effective land use in
38 these traffic nodes. Allow shallow lots to have shallow sidewalks and reduce the rear setbacks. And
39 many alleys are totally underutilized.
40

41 Acting Chair Keller: Thank you. You can sum up, just (interrupted)
42

43 Mr. Weng: Ok, I'm almost done. Yes. Allow them to be used for parking access and allow them to be
44 setback to allow higher building to be built. The, I understand that we don't have a Grand Boulevard
45 Champs-Élysées like style, but guess how many years you take?
46

47 Acting Chair Keller: Thank you. Next speaker please? And who's up?
48

49 Tracy May: Hi, my name is (interrupted)
50

51 Acting Chair Keller: One second.
52

53 Acting Vice-Chair Tanaka: Sorry, Tracy May followed by Cary Davis.
54

55 Ms. May: Sorry. Hi, I'm Tracy May the property owner of 2080 El Camino Real in Palo Alto. I was born I
56 Palo Alto and raised in my dad's retail store on the El Camino where Barbeques Galore is located today. I

1 worked in my dad's store for over 30 years and I have a key knowledge of the pedestrian usage along
2 the El Camino Real from Stanford Avenue to Palo Alto, I mean to California Avenue from the early Sixties
3 to the present. No one walks the El Camino. They don't want to walk it back then or now. People walk
4 it only if they have to and only in short segments. Widening the El Camino Real sidewalks 15 to 18 feet
5 serves no useful purpose other than to restrict property owners' freedoms and rights of the use of their
6 own land forcing them to give the City free use for their sidewalks and devaluating the properties along
7 the El Camino Real.
8

9 People in Palo Alto don't want to walk or eat along a busy State highway because there are much nicer
10 places in town for these activities. Some businesses are so small that if they had to rebuild they would
11 have nothing left to build upon. Past and future restrictions have and will make it impossible for these
12 people to sell their properties. At the last meeting when these concerns were broached with staff,
13 owners were told repeatedly that these are challenges. I believe that staff is using the wrong verbiage.
14 A death sentence would be a more appropriate way to describe the owner's dilemma. Challenges can be
15 overcome. What is happening to these small businesses and property owners cannot be overcome. I
16 support the ARB's suggestion for exceptions to limit the sidewalk width to nine feet in front of retail
17 stores so these small businesses can maintain the visibility along the El Camino that is so vital to their
18 survival.
19

20 I am also reading for someone who can't come today their speech, Melissa Coudenhaw. As an owner of
21 the property at 3876 El Camino Real I do not support the City's proposition regarding setbacks and use of
22 private property to widen the sidewalks of El Camino. I find it absolutely unreasonable and absurd that
23 the City would try to take away private land that my family has struggled and worked for for years to
24 hold onto. This proposition does not only forcibly strip land from us property and business owners, but it
25 decreases our revenue directly by making business less visible for customers. Therefore, if the
26 proposition passes it will make it impossible for me to be able to afford to remodel my property. Thank
27 you very much.
28

29 Acting Chair Keller: Thank you.
30

31 Acting Vice-Chair Tanaka: The next speaker is Cary Davis followed by Brian Knudson.
32

33 Cary Davis: Good evening. I'd first like to speak for Mr. Hussein Boardbari who is the owner of the
34 location at 3880 El Camino and this is how it reads: I am outraged at the proposition of the City taking
35 my land and using it to widen the sidewalks of El Camino. The same land that I have worked my hands
36 to the bone for. Palo Alto property is valuable. The property is difficult to secure and finance as a small
37 business owner and resident of this beautiful City. Even if this proposition does not affect me in the near
38 future it will unjustly bring about excessive losses to those who have worked diligently to secure
39 properties like mine. I am a simple florist. The business is not all that profitable and in my old age of 60
40 years learning new trades is an arduous and bleak endeavor. I am in no way greedy and I have worked
41 for every dollar I have. I have worked 15 hours a day, seven days a week for longer than I can
42 remember. Securing this property has taken a toll on me and my family. It just does not seem fair for
43 the City to take away a part of all that I have to live on and also my children.
44

45 And this is from myself; I would just like to add my voice to those who have spoken this evening in
46 opposition to the proposed restrictions along El Camino Real. We who own properties derive our
47 livelihoods based on the square footage of our stores. Basically and fundamentally if you reduce the
48 amount of useable square footage of our properties you reduce the incomes derived from that lost
49 square footage. Furthermore, if you wish to sell our properties at some later time because of this
50 proposal it will reduce the property's value. I'm not a lawyer and I'm not familiar with the legalities of
51 this proposal, but my own basic innate sense of right and wrong tell me that legislation intended to seize
52 one's property for public use, in this case a sidewalk, without the owner's consent and without
53 compensation is patently and unarguably wrong. You can call it what you want, but this is what it boils
54 down to. A new proposal has been issued by the ARB establishing a nine foot sidewalk, which given the
55 nature of the businesses of this area makes real sense and has my wholehearted support.
56

1 Acting Chair Keller: Thank you.

2

3 Acting Vice-Chair Tanaka: The next speaker is Brian Knudson followed by Sal Giovannetto.

4

5 Brian Knudson: Hi, good evening. My name is Brian Knudson and I'm connected to 2082 El Camino Real.

6 My concern is the proposal to widen the sidewalk on the El Camino. In 2005 the sidewalk was increased

7 to a 12 foot. Now the proposal is asking for up to 18 feet. Based on context although there is flexibility

8 in the plan if it is codified I would have to assume up to 18 foot is possible. This would further limit your

9 ability to use your land to its full potential. Small properties are affected even more so. I believe it

10 would discourage property improvements if the City requires even more dedication of private property for

11 sidewalk. I feel a nine foot sidewalk can be practical, safe, and attractive. Thank you.

12

13 And I was also asked to read for Matthew Boardberry. He's out of town today. He owns the property at

14 3878 El Camino and he has asked me to read this on his behalf. And he says the City's proposal to widen

15 the sidewalk on El Camino using private property is ridiculous. I plan on remodeling the building at 3878

16 El Camino Real at some point and this proposition in the long run will cost me a fortune that I do not

17 have. I love this City and I would like to see wider sidewalks, but not by forcefully removing rights from

18 private property owners. Matthew Boardberry. Thank you.

19

20 Acting Chair Keller: Thank you.

21

22 Acting Vice-Chair Tanaka: The next speaker is Sal followed by Phyllis Cassel.

23

24 Sal Giovannetto: My name is Sal Giovannetto. I'm not a good speaker so and sometimes I'm a little be

25 hard when I talk, but let me tell you a little bit. I hear some people complain here about small lots. I am

26 here to complain with a lot of big lots. El Camino has always had bad zoning and that's why nobody, I

27 haven't built. I own those sites, I own two sites on both sides of El Camino about an acre and a half

28 each and they don't make sense at all to build the way the zoning was. Now the way they want to do

29 now is to seal forever that that will I never develop. So right now I have tenants and that's the only

30 people that you know rent on El Camino go from full massage to back massage to hand readers, car

31 repairs. So I think I agree with the Palo Alto Housing that if you really wanted somebody to do

32 something and build something you have to increase the floor ratio, you have to raise the density and the

33 ideal would be remove this commercial requirement on the first floor. Every tenant I have they don't get

34 in from El Camino, they get in from the back alley or they get in through another neighbors. Nobody

35 wants to get in.

36

37 I have an office building called the Tan Building. It's an office building which is located on El Camino and

38 the front doors are sealed. I've been owner of the building 10,000 square, 9,000 square feet or more

39 less, food store vacant since when I bought it seven years ago. No takers. So I think the only way the El

40 Camino can be valuable is allowed to put a housing, high density. As a matter of fact that's what you say

41 I read on the paper all this and the lot should be residential. On the other hand then you tell people no,

42 don't do, we want you to put commercial on the first floor. We want to limit your FAR. We want to

43 make sure you're setback. So it's not, it just doesn't make sense. So if you want a valuable El Camino

44 just allow higher density and maybe remove this commercial requirement on the first floor. Thank you

45 very much.

46

47 Acting Chair Keller: Thank you.

48

49 Acting Vice-Chair Tanaka: The next speaker is Phyllis Cassel followed by Ben Cintz.

50

51 Phyllis Cassel: Ok, I'm Phyllis Cassel and I'm speaking for the League of Women Voters of Palo Alto in

52 place of Mary Alice Thornton our President. The League of Women Voters of Palo Alto believes

53 increasing the density of housing along El Camino transit corridor is wise to increase the supply of

54 housing and ultimately improve the environment by encouraging the use of mass transit. Thus we were

55 glad to see the increased density for the Housing Inventory Sites identified in the Housing Element 2007

56 to 2014 approved by the City Council last January. However, the League does not support the current

1 proposal to reduce the FAR for the residential units in the designated CN sites along El Camino from 0.5
2 to 0.4 per acre. By increasing the density to 20 units per acre while not changing the FAR the size of
3 potential units has already been reduced. As there is no minimum density requirement a market rate
4 developer can put in as few units as the market will allow, noticed all the one residential units in the ones
5 that were done recently. Now I lost my place.

6
7 As there is no minimum density requirement the market rate developer can put in as few units as the
8 market will allow, but a nonprofit affordable housing developer is required by funding mechanisms such
9 as tax credit requirements to build for a greater density. In addition, affordable housing developers are
10 often required to provide other amenities such as community rooms to create a welcoming environment
11 for residents. This eats into the available square footage available for the unit itself. Furthermore this
12 change would limit the types of housing that could be built.

13
14 The League of Women Voters of Palo Alto believes that placing denser housing along transportation
15 corridors is good for the environment and our transportation systems as well as for the people who reside
16 in those units. Please do not create further barriers to the development of affordable housing along this
17 corridor. Please do not reduce the FAR for residential units where dwelling units are permitted at 20 per
18 acre. Thank you.

19
20 Acting Chair Keller: Thank you.

21
22 Acting Vice-Chair Tanaka: The next speaker is Ben Cintz followed by Simon Cintz.

23
24 Ben Cintz: Hi, my name is Ben Cintz. I live at 2823 Kipling Street in Palo Alto and my family owns two
25 properties on El Camino, one at 3885 El Camino the other at 3565 El Camino. And my brother will
26 address the particular properties and the history and so on. What I'd like to do is to say that I see this as
27 really involving two issues. One is that the build-to line requirement that the City has had, which has
28 resulted in reaction from the public because of large projects that have been built where that
29 requirement has been in place and I think of Miki's Market and some other large developments. I think
30 the build-to line removing the build-to line requirement makes sense. It makes sense for those large
31 properties where all of a sudden you have a big mass at the street. That's not an issue where you have
32 a 100 feet wide or a 50 foot wide piece of property, one that might be setback 8 feet, one that might be
33 setback 12 feet, it's not an issue for those small properties. So I see, I think it's a good idea to remove
34 the build-to line requirement, but I don't think it's a good idea to require a setback beyond that or to give
35 the implication that a setback is going to be required.

36
37 The second issue is this Grand Boulevard idea. And a lot of people have spoken about this and I've lived
38 in Palo Alto a good part of my life and I would agree with what they say. One doesn't go to El Camino
39 for a stroll. One goes to El Camino because one has a particular purpose of doing something and then
40 getting back on that highway and going to wherever they're going. And I think to use this Grand
41 Boulevard concept as a basis for action is only going to hurt the property owners in Palo Alto and force
42 them to sell to developers and I don't think the City wants to force people to sell their property to
43 developers in order for them to be able to build something here. Thank you very much.

44
45 Acting Chair Keller: Thank you.

46
47 Acting Vice-Chair Tanaka: The next speaker is Simon Cintz followed by our last speaker, which is Joseph.

48
49 Simon Cintz: Hello, my name is Simon Cintz. You just heard my brother. He and I very rarely agree on
50 anything because we're brothers of course, but in this case I do agree with what he has to say. I want to
51 talk a little bit about the history of the properties and whatever. One of our properties is located on El
52 Camino. You may be familiar with many people, it's called Kraft Mattress. They've been there for over
53 40 years now. There have been about three different owners over that 40 years. The one that's there
54 currently has been there for 20 some years. If you walk along that area you'll notice that these are all
55 small mom and pop businesses. These are how people make their livings. This is really important to
56 them and the changes that you folks are proposing are hurting these small businesses. They are not

1 going to move to Stanford Shopping Center, ok? El Camino is the environment they've been there.
2 They're there because they make money, ok? And why do they make money is because they serve the
3 people of Palo Alto, people of Palo Alto come in those businesses, Kraft Mattress in our case or auto
4 repair... El Camino is one of the few places in Palo Alto where you find a variety of things. I mean you
5 don't find that on University Avenue or California Avenue. There's a variety of businesses on El Camino
6 and the sorts of things you're proposing here are hurting the small businesses, are hurting the small
7 business owners, and they really have nowhere else to go.
8

9 And it, I was not able to attend the community meeting a few weeks ago, but I did get a copy of this
10 proposed ordinance here. It says findings and then lists various things like bicycling and consternation in
11 the community about, so on and so forth. The one finding that you didn't find is that businesses and
12 commercial property owners are concerned that these changes will negatively impact the viability of the
13 El Camino Business District. And you've heard all of these people yet that's not a finding. Maybe
14 because you didn't ask, ok? No one asked me. I didn't even find out about this until I got one of these
15 cards a month or so ago about the ARB meeting. Businesses in Palo Alto especially the ones on El
16 Camino really need the support of the Planning Commission and the City Council and they don't need
17 what you folks are proposing. Thank you.
18

19 Acting Chair Keller: Thank you, and our final speaker?
20

21 Acting Vice-Chair Tanaka: The final speaker is Joseph Rizza.
22

23 Joseph Rizza: Hi, my name is Joseph Rizza. I own the property at 3401 El Camino. It's on the corner of
24 Fernando, which is the, I guess the northernmost boarder of the Barron/Ventura node. I'm asking the
25 City to delay voting adopting and implementing the proposal for wider sidewalks until or at least until we
26 can discuss other changes within the codes for FAR for height restrictions and the like. Built in flexibility
27 is not an objective measurement, but a 9 foot sidewalk or a 12 or 18 foot sidewalk is an objective
28 measurement. I'm on the east side of El Camino and I have the alley that's about three or four blocks
29 long which severely limits the size of the lots. I am limited to about 70 feet of useable space, 80 feet is
30 the property line that goes into the alley. And taking up to 10 more feet from the property line for
31 setback should we, when we decide to improve the building will severely impact parking. We're not in a
32 parking district as are most of those projects that were shared with us earlier. And it just limits any uses
33 of the building especially if we have to have 50 percent frontage on El Camino. Accessing parking is not
34 congruent with setting the building back and requiring 50 percent of the setback.
35

36 So I'm asking to delay this and have the City Planning Department discuss with the building owners
37 there's a reason why these buildings have not been improved. Most of us have come to the City at one
38 point or another to improve these buildings only to get shut down and be told of the limitations that our
39 properties have. I have less than a quarter of an acre. So to be able to improve these buildings we want
40 to work with you to improve these buildings, not get further restrictions. Thank you.
41

42 Acting Chair Keller: Thank you. So first thank you to all the speakers and I'll return it back to staff. You
43 may wish to address some of the comments made by the speakers. Do you want us to ask you questions
44 or do you want to go ahead and address them on your own?
45

46 Ms. French: I mean I'm happy to answer questions. We were there both the Director Gitelman and
47 myself were at the outreach meeting. We heard the concerns. The ARB we heard that recommendation
48 for the nine feet. We had Council direction and so we're as asked by the Council we are coming back to
49 the Council with the recommendation that they directed us to do. They will be privy to all this, the
50 minutes, the discussion, and they can choose to delay adoption if they, if that's what they want to do for
51 further discussion, but we committed to a timeline getting it to them.
52

53 Acting Chair Keller: Great, so let's start off with a three minute session for each of us in terms of asking
54 any questions or and if we need to go a little longer let's just ask questions of staff and in particular if
55 you want to ask questions that may have been asked by members of the public that's fine. So who
56 wants to lead us off? Commissioner Alcheck.
57

1
2 Commissioner Alcheck: Ok. At our recent retreat we discussed being more efficient with our time and
3 specifically using our commentary to articulate our views clearly highlighting areas where we have
4 concerns quickly so that we can engage in more rounds with each other. So with that in mind I'm going
5 to do that.

6
7 During our February 26th meeting I shared my support for the Grand Boulevard Initiative. We should
8 have a grand vision for this thoroughfare. Our City is not the only city working on this. I think over 30
9 cities from San Jose to Daly City are attempting to grapple with the issues involved here and I would
10 argue that so far Redwood City has demonstrated the greatest level of competency with respect to this
11 initiative. And to be clear on my view the vision is not that residents from all over, from all corners of
12 Palo Alto will get in their cars and drive to El Camino and walk up and down the sidewalks. I think the
13 idea is to create a more inviting framework for a mixed-use residential development all along El Camino.
14 And the idea is that future residents of this area can enjoy a walkable retail and restaurant friendly
15 community.

16
17 I think the soul of this initiative is about increasing density. In fact, I think any effort to reduce the
18 potential of a lot's redevelopment is unacceptable and I feel like I'm being put in a very difficult position
19 here because I support this vision. I think that we have to articulate an ordinance that considers
20 increasing the FAR. Not keeping it the same, dramatically increasing it. I can't imagine a scenario and I
21 said this last time I think or I think I said it when we talked about the design guidelines, I don't
22 remember. There's just, we, I refuse, I'm and I say this to you guys directly; I refuse to support any
23 initiative where we increase the sidewalk space, we reduce the developable square footage on these lots
24 without dramatically increasing height. I think the idea is about redevelopment. With all due respect to
25 our palm readers and massage therapists and our car repair facilities I hope they continue to be
26 successful, but our goal here is to increase the walkable livability of this place. And I think we do that
27 with dramatic increases in density.

28
29 And I think we get greater density with greater height. And this should be a canyon. I think someone
30 described it as a canyon, not like a two-story or one-story Route 66 style thoroughfare. So I just want to
31 throw it out there. I have serious problems with the idea we don't have greater height allowances. I
32 know that the City said something like they're going to explore height increases at a later time. I think
33 that's a mistake and it's such a big mistake that I can't support this initiative without us considering
34 height increases and density increases so that all of these business owners come back to us and say, "I
35 think this is the greatest idea ever, I cannot wait to redevelop my property. It's going to have a florist on
36 the first floor and there will be six stories worth of awesome office space and retail and restaurants." Not
37 all restaurants have to be on the first floor by the way.

38
39 Acting Chair Keller: Before I go on to the next speaker I'll just ask a clarifying question about from the
40 City Attorney. And that is in terms of the notice for this meeting do we have scope to be able to address
41 the issues that Commissioner Alcheck brought up? In terms of the ordinance, would there be sufficient
42 notice for doing that?

43
44 Cara Silver, Senior Assistant City Attorney: Yes, Cara Silver, Senior Assistant City Attorney. You certainly
45 can talk about them in terms of an overall recommendation on further things to explore and as sort of
46 conditions or caveats to your recommendation, but we can't get into the particulars of drafting a Motion
47 without further notice to concerned property owners.

48
49 Acting Chair Keller: So the suggestions that Commissioner Alcheck he can make them as ideas, but we
50 can't put them in the formal ordinance that we recommend to the City Council?

51
52 Ms. Silver: Yes, that's correct.

53
54 Acting Chair Keller: Thank you. The next person anyone? Commissioner King, do you wish to go ahead?
55 Acting Vice-Chair Tanaka.

1 Acting Vice-Chair Tanaka: So I have a question for staff. So the way the draft is, the ordinance is drafted
2 right now can you walk through in terms of in your mind is there a loss of development for the property
3 owners or is this mitigated? And maybe you can explain either way.

4
5 Ms. French: Setting back a building further from the property line along El Camino can result in the loss
6 of ground floor retail space or other space that's forward towards the street. One of the factors is the
7 size of the lot. A larger lot might access from a side street let's say, might be able to use the
8 underground area for parking in which case there's more ground floor to extend that ground floor retail
9 area let's say farther back into the property. So I think it's a balancing act when there's a lot size
10 concern I think as these property owners are mentioning it's quite burdensome in a smaller property the
11 partial setting than in a large parcel. We've seen assemblage of parcels such as the Equinox
12 development where they can go underground or they can make use of the property size to not be as
13 affected. The City Attorney, the Assistant City Attorney may have other comments about that taking.

14
15 Ms. Silver: Yes, I don't in the answer to a question of whether this is considered a taking of property
16 rights, which would be legally compensable; the answer is no we don't think that is the case. This is a
17 development standard and so cities have well established powers to adopt development standards on
18 properties: setbacks and height limits and those types of things are very common development standards
19 that all cities impose. And of course it should be emphasized that this particular ordinance the way it's
20 drafted does not require property owners to dedicate that extra setback to the City to be used as a
21 sidewalk or right of way. It's framed in terms of a setback rather than a dedicated right of way.

22
23 Acting Vice-Chair Tanaka: Ok great, thank you. So for the cases of the smaller property owners how can
24 that in fact be mitigated? Because I think some of the property owners make a good point that this is
25 kind of a disincentive. So maybe can staff talk a little bit about how some of this is mitigated in this
26 ordinance, in this draft proposal?

27
28 Ms. French: Again, I think the flexibility provisions that we've placed in here I think do allow the ARB to
29 provide a recommendation as to allowing the building to be closer. Again, based on context which we
30 tried to give indications about what those types of things including land use, property size, and other
31 factors including nearby buildings and such. If it's a retail use having the building come farther forward
32 towards the sidewalk and not having it farther back probably makes sense on a smaller lot. And so I
33 think there is flexibility in the ordinance to allow for that. If it's an office use the second floor might be a
34 good place to put the office and that can come forward a bit as long as there's room for street trees to
35 grow. So if the ground floor is setback to allow comfortable walking and maybe some landscaping the
36 upper floor can come forward and maybe make up the difference at the second floor level for the floor
37 area not at the ground floor. Again, they get, the property owners do get squeezed because of parking
38 requirements. They've got to put it somewhere. So that's going to restrict what can go on the ground
39 floor anyway.

40
41 Acting Chair Keller: Commissioner King?

42
43 Commissioner King: Thank you. So let's see, regarding and I'm trying to follow here, I see on ARB their
44 recommendation did not go with the reduction in FAR and I'm trying to find that in the... a reference to
45 the changes that you made in the, so are we as the ordinance is written now are you saying we are
46 reducing the FAR? As it's proposed?

47
48 Ms. French: Correct. The provision on the CN zoned sites that allow per Council direction up to 20 units
49 per acre it's not a requirement to provide 20 units per acre, but it's an allowance for that if the property
50 owner so chooses to provide 20 units per acre then the floor area is reduced as the ordinance suggests
51 or states. If they choose to do a 15 unit per acre product the floor area is the same. It's a 1 to 1 along
52 El Camino.

53
54 Commissioner King: Remains the same as it is currently?

55
56 Ms. French: Correct.

1
2 Commissioner King: Ok. And so part of that goal I believe was to, the thought was the more studio if
3 you focus studio/one bedroom that then you're going to get less impact on the schools, probably more
4 people who use transportation. Do we believe that the market conditions would be such that those units
5 would be built smaller? I guess under the two scenarios, higher FAR or the lower proposed FAR and 20
6 units per acre, what do we think would happen with the type of units to be built?
7

8 Ms. French: Well we have had some feedback from the Palo Alto Housing Corporation (PAHC) that
9 believe that this is not a good idea as they've communicated because it's again a challenge to provide
10 more units and yet be further restricted with the floor area. So I guess that's a comment from an active
11 user of increasing density for affordable housing.
12

13 Commissioner King: Ok. And then I guess my other question is regarding this issue around smaller lot
14 sizes and the impacts on them. Have we done any, I mean for me it would be good to have concrete
15 numbers that oh on this and maybe take a real parcel and say currently this is what could be developed
16 on this small parcel under existing ordinance and with the new ordinance this is what would be, they
17 would be possible. So we'd have an understanding of the magnitude of the impact to small lot owners in
18 particular.
19

20 Ms. French: I can respond thorough the Chair. I think it's a good idea to show graphically, visually what
21 the ordinance would manifest in implementation.
22

23 Commissioner King: Ok, because I just if I understand that we believe legally we'd have the capacity to
24 make these changes, but there's also if I saw oh well some person's their development rights are going
25 to be cut by 50 percent in seeking our goal here, then I would be certainly less likely to vote for it if it
26 were a more nominal impact. And overall I understand the goal of the project and there were many
27 comments by particularly by the property owners that oh well nobody wants to walk El Camino Real and I
28 think an overarching goal here is to make it so that people would want to walk El Camino Real and so
29 there's a chicken and egg thing there. So I'm supportive that it would be better to be walkable, but I
30 want to understand better the impacts to those property owners. So, ok. Thank you.
31

32 Acting Chair Keller: Thank you, so a few questions. Firstly, if existing businesses are, if the existing small
33 businesses in a property and the property isn't redeveloped in other words the existing small businesses
34 can stay that's less likely to hurt the businesses then if the existing businesses of the property is
35 redeveloped or am I confused?
36

37 Ms. French: I think you're saying if the existing business stays they don't have to do anything. I mean
38 that's, and if they redevelop then they do have to do something.
39

40 Acting Chair Keller: The existing business has to move somewhere else, right?
41

42 Ms. French: Well...
43

44 Acting Chair Keller: Or close.
45

46 Ms. French: They don't have to move, but yeah if they redevelop the entire property and they're currently
47 at eight feet and they want to put an office there they will face coming forward to an ARB that takes a
48 look at the use, ground floor office let's say, and they may suggest that go farther back from the
49 sidewalk.
50

51 Acting Chair Keller: But I'm saying if you tear down the building and build a new building the existing
52 business has to go somewhere else.
53

54 Ms. French: Oh, I see what you're saying. I didn't get that. Yes, there's a time period for construction
55 where it's pretty hard to operate a business.
56

1 Acting Chair Keller: Right, so for existing businesses redevelopment doesn't help existing businesses. It
2 might help the new businesses that go in there, but not the existing businesses. The second thing is in
3 terms of walkable community, if we basically only build housing and don't build retail how does that help
4 a walkable community? Or maybe it doesn't.

5
6 Ms. French: Well there is housing on El Camino. Arbor Real is one such project and for better or for
7 worse it's there. There are trees on both sides of the sidewalk and I think the vegetation has grown in
8 nicely and I think it's no longer the poster child for something that's horrible. I think there is a possibility
9 that residential works in certain situations. We want to encourage to have ground floor commercial or
10 non-residential, but it's worth a discussion.

11
12 Acting Chair Keller: If we had more, if we had retail dispersed through El Camino then would, then for
13 the housing that's added would that increase its walkability or if we had 100 percent housing and no
14 retail would that improve its walkability?

15
16 Ms. French: I don't think we want 100 percent residential along El Camino. I don't think that would
17 improve walkability. No.

18
19 Acting Chair Keller: Thank you. Ok, so and in terms of transportation corridors the consideration is to the
20 extent that people live on El Camino, do we expect them to only use the transportation? Do we expect
21 people to be driving at all? I mean what; do you have an idea of what the mix is there?

22
23 Ms. French: We would hope that some would choose to use public transit and Bus Rapid Transit (BRT)
24 when that comes along. Maybe not so much bicycles along El Camino, but...we would hope that. We
25 wouldn't expect that everyone would choose to use transit.

26
27 Acting Chair Keller: But the BRT stations are at Downtown Transit Station, California Avenue,
28 Charleston/Arastradero, and those are the only BRT stations in the City. Is that right?

29
30 Ms. French: That's the plan. They don't exist today, but eventually.

31
32 Acting Chair Keller: At least the 522 stations. They're not going to plan on anymore I don't think.

33
34 Aaron Aknin, Assistant Director: Correct, well the Environmental Impact Report (EIR) is going to be
35 released soon so there's no determination made yet for the BRT. I think to your overall point though the
36 question isn't whether or not people are not going to drive. I think the overall goal is to have people
37 drive at a reduced rate because they're near different types of uses, they're near a corridor where there's
38 different options versus in single-family home neighborhoods there is no option except the car.

39
40 Acting Chair Keller: Great, thank you.

41
42 Mr. Aknin: I think that's the overall goal is reduce rates of auto ownership and driving, but not complete
43 elimination of it.

44
45 Acting Chair Keller: Thank you, and I'll ask one question of the City Attorney about that was brought up
46 about disaster replacement, because I don't think that was addressed. And if a building which is there
47 existing and presumably nonconforming with the new zoning were to be burned down or destroyed in an
48 earthquake could they rebuild the exact same building in the exact same space if they didn't add any
49 square footage and didn't change the footprint of the building, didn't change the everything? Can they
50 rebuild it exactly in the same place?

51
52 Ms. Silver: I'll defer to Amy on that one.

53
54 Ms. French: I have my finger on the pulse of the fire damage here in the code. We do have the
55 noncomplying facility replacement provision here. It talks about if the cost to replace or reconstruct a
56 noncomplying portion of the facility does not exceed 50 percent then the damaged portion may be

1 replaced or reconstructed. So if it's 50 percent of the building goes down in a fire they can build it back
2 to what it was. If the entire thing burns down then they get to keep the amount of, per this one section
3 they get to keep the amount of floor area that was there before, but they do need to follow the rules for
4 other, the other development standards such as height, setback, etcetera.

5
6 Acting Chair Keller: So I guess we'll go around in the same order. Commissioner Alcheck and why don't
7 we give people five minutes to have longer comments? Thank you.
8

9 Commissioner Alcheck: I know that you had suggested that to a certain extent these changes that I'm
10 mentioning can't be incorporated because of the way that notice was put out. I'm suggesting that
11 moving forward on this version would be imprudent because it lacks those fundamental components. So
12 I'm not suggesting that our recommendation tonight include a vast number of changes, I think our
13 recommendation should be this is not ready because it lacks... I think we should not recommend. I'm
14 seeing our City Attorney's face look quizzical, but my suggestion is that we don't recommend this draft
15 ordinance in its current form.
16

17 I want to say, I want to share with you guys I recently attended a three day conference that was for the
18 Planning Commissioners that was hosted by the California League of Cities and on the third day of the
19 conference the keynote for the closing session was this gentleman named Tony Seba of Stanford
20 University and his presentation was entitled "The Future of Transportation, Mega Transit Will Soon
21 Disrupt Public and Private Transportation." And I'm not going to, I can't articulate everything he said,
22 but the gist of it was that in 15 years this professor of Clean Technology and Entrepreneurship at
23 Stanford, the gist of it was in 15 years or in 15 years' time the market penetration for self-driving
24 automobiles will be overwhelming. So whether or not you believe that in 15 years' time you are actually
25 going to buy a self-driving car, I think sort of the point I'm trying to make is that Mr. Seba suggested that
26 self-driving cars could operate in lanes that were half the size of our current lanes. Our current lanes are
27 sort of twice the size of cars.
28

29 Now the point is that we are very inefficiently using our highway and road space and when I'm
30 suggesting these density increases and these height increases and people look around and they go how
31 the heck is this going to get parked and my lot's only X square feet and how could I possibly have a retail
32 space and six floors of mixed-use and be able to park it? We should, the point here is not to create an
33 environment where it's quid pro quo; well we took away some sidewalk space, but we gave them a little
34 more FAR. I think our goal here should be to encourage redevelopment. So we should be giving a lot
35 more than we're taking. Or we should be presenting an environment that is rich with opportunity versus
36 like some sort of fair trade space. I understand it's within our reign the issues of taking are really not
37 relevant, but I'm just trying to make this point that we should be encouraging the kind of redevelopment
38 we want as opposed to making it just as hard as it is now or less easy and I think it wouldn't be prudent
39 for us to make these decisions solely based on how we've been redeveloping these properties in the past.
40 I think we have to consider what the 15, these buildings that are going to get redeveloped all of these
41 owners who are considering redevelopment their buildings should hopefully last 60 to 50 to 60 years. I'm
42 hoping. Many of our buildings in the downtown are that age that is being considered for redevelopment.
43 So in 60 years I hope I just push a button and I get to work, but that's beside the point.
44

45 The point is that we need to encourage this redevelopment and the PAHC doesn't support some of these
46 components of this ordinance because it discourages housing. And I think that you heard Board Member
47 Popp suggest that that was a problem from the ARB's perspective. And I think we need to echo that we
48 have those concerns too and maybe we can't discuss amending the, I guess the recommended
49 ordinance, but I do think we could ask I do think our recommendation could encourage City Council to
50 consider amending it. And I do think our recommendation could encourage Planning to bring to City
51 Council changes, etcetera that are properly noticed. I don't, there's a part of me that doesn't believe that
52 the Planning Department is opposed to these ideas. I think that they're trying to achieve as much as
53 they can and I think I get the sense that they're trying to bite off small portions of this vision. So I would
54 encourage you guys to be more bold, but.
55

56 Acting Chair Keller: Commissioner, Acting Vice-Chair Tanaka do you want to be second as before?

Acting Vice-Chair Tanaka: Sure. I largely agree with Commissioner Alcheck. I think if I look at El Camino Real there's a lot of property there that could be redeveloping in terms of I'm not sure that it's the best use of land as it is today and so I think encouraging redevelopment is actually a good thing. I'm not sure we have the right notice to discuss all the issues, but I think having incentives to make it a better place is actually a good thing and we should try to encourage that.

I think the goals of what this is trying to do in terms of having a wider sidewalk is actually very, is actually very important as well. And just because it's not walkable today doesn't mean it's not good to be walkable. I think it is in generally good and I think the future might be very different in terms of the importance of the car or maybe new technologies or new ways of transportation. So I largely agree with Commissioner Alcheck on this one.

Acting Chair Keller: Commissioner King.

Commissioner King: Thank you. Let's see, so this I definitely think this is one of the more complex issues that's come before us and I'm not an urban planner. I am only trying to apply the reasonable person tests and does it make sense to me? Right now the impacts are unclear to me of this. We're trying to solve an aesthetic problem, which is always a challenge because not everyone will agree on the problem and the solution. And then the part that I'm hesitant on moving forward is that the impacts are unclear and I think it would be helpful to have the two analyses I'd like to see fleshed out are: what are the impacts if you took three different lot sizes one at the small end of the range and again it would be ideal to see a real, an actual parcel if that's if we're allowed to do that, at the smallest end of the range, the largest end of the range, and a midsized parcel the median sized parcel and understand ok, here's what would happen if that property would be developed to its maximum today and then post ordinance. And then the other analysis I'd like to understand is and this won't be as clear, but is what really would happen particularly when you look at the non-affordable housing or not a PAHC type project, but a what would a developer build under the new increased density and then the two scenarios for the FARs. That would help me understand what we think is going to be the impact of making this change to reduce the FARs for a 20 unit per acre zoning parcel.

There's obviously an, I also think and this is not atypical that we didn't hear a lot early when it first came to us there weren't a lot of people here. Now it's reaching a phase where things are getting closer and so interested parties, affected parties are now raising their voices. I don't understand I don't follow all the logic; for instance, the part about people being forced to sell to developers. If they've got an existing use and an existing building then it seems to me that they won't be impacted by this so I don't quite follow that. I don't follow if people are making their living from their existing mom and pop buildings how this change will affect them. In fact I don't want to say it's the right thing, but if it makes development of that property less likely then they probably have more chance of staying there and certainly if they're on a lease. I mean I look down El Camino Real and I don't, I can't think of one single building that's been redeveloped and the owners of that building and of the existing business stayed in that building. I just I'm going down the Chipotle, the First Republic Bank, the State Farm, the dentist all of those someone new comes in and at much higher rents. So I'm not quite following the logic that this is going to put people, tear people out of their current use, mom and pop use. But I do understand that it would impact people's net worth and so maybe if you owned that lot and you're the mom and pop store in there now an you want to sell then that could impact your net worth, but I do not see how its impacting existing uses. To the contrary actually.

So I using my reasonable person test don't think or I'm not there to move this forward to Council and say that we should adopt this without further study and ideally further input from the community. I'm not sure of the best format or venue to open this up to continued discussion, but I would not move forward.

Hillary Gitelman, Director: Chair Keller if I could make a suggestion?

Acting Chair Keller: Sure.

1 Ms. Gitelman: You know I think the ARB set an example here that the Commission may wish to follow.
2 Obviously we could continue studying this as Commissioner King indicates, but we've been through a lot
3 of meetings on this already. I wonder if the Commission would consider a recommendation to Council
4 outlining those things that you would like changed. It means that Council could like if they accepted your
5 recommendation they couldn't adopt the ordinance on the spot, they'd have to direct us to go back and
6 make those changes. But for example the ARB articulated a recommendation to adopt, but with the
7 change to the nine foot sidewalk width and with the elimination of the reduction in FAR for those sites at
8 20 units to the acre. The Commission could similarly I think embrace the vision of the Grand Boulevard
9 and this idea of a walkable corridor and improving the mix of uses and the amount of pedestrian
10 amenities along the corridor and there's some good things in this ordinance that I think all of you agree
11 with the changes to the build-to line, the ability to be flexible in terms of setback based on lot size and
12 use, but perhaps the Commissioners could agree on those things that you don't like in the ordinance and
13 like the ARB recommend that those be deleted or amended. Just a suggestion.
14

15 MOTION
16

17 Acting Chair Keller: Thank you. So a couple things. So firstly I think that the issue of increasing height,
18 which is not something that I agreed with initially, is something that will require significantly more study.
19 And it is something that is not simply a zoning ordinance type thing. It is really an issue for the Our Palo
20 Alto process and we're going through this Our Palo Alto process that's essentially a two year process,
21 little bit less than two years now where we are figuring out how much we want Palo Alto to grow, where
22 and how and when. And so that's really the right venue for the decision of how high we should have the
23 buildings on El Camino Real, how much increased FAR we may wish to have on El Camino Real. This is
24 not the proper venue for that and we should not consider El Camino Real in that regard in isolation of
25 that discussion. So I would encourage us to defer that kind of discussion and wrap it into the Our Palo
26 Alto process.
27

28 The second thing is that because the minimum is currently 12 feet setback and the ordinance has a
29 minimum of 12 feet setback as proposed it is possible to build if the ARB agrees based on context and a
30 bunch of criteria it's possible to build more or less what is basically the existing zoning. The difference is
31 that there is a limitation that at 20 people, if a developer builds at 20 units per acre then there's a reduce
32 in the FAR allowable on CN zoned properties on the Housing Inventory. So firstly, I think that that is a,
33 that combination is a bad idea. And the reason the combination is a bad idea is because I think we want
34 to encourage smaller units in general. There have been a lot of big units being built in Palo Alto, but
35 there's a shortage of small units. And the demographics in Palo Alto says we're going to have more
36 seniors and we also have a lot of young people 20 and 30 something's without kids. We need housing
37 for them and smaller units provide housing for them. This is a disincentive to provide housing for these
38 smaller units. And therefore essentially what I'd like to see is the opposite.
39

40 The idea is that if you want to reduce FAR, reduce it across the board and not reduce it when you
41 increase the density. In fact, I think that the main requirements for density should be based on parking
42 and FAR and building envelope and things like that and people build whatever they make sense within
43 those requirements as opposed to simply saying ok we're going to have some arbitrary number of units
44 that you can require and I think that makes more sense because if somebody wants to build small units
45 and they can park it and they can fit it within the FAR God bless them from my point of view. We want
46 to encourage that not discourage that.
47

48 So I think we were directed with these changes essentially by the City Council and these changes came
49 from them. They started it in colleagues' memo. It was voted on the City Council to direct us to do this.
50 So I think that we should to the extent that we can make incremental changes to what we're being
51 proposed that's fine, but to the extent that we can move forward on this under the Council direction I
52 think that that is a good idea. In particular I have a few things that I think will be worthwhile clarifying.
53 One of those things clarifying was mentioned by staff and that is if you have a street bulb out for a BRT
54 or for example for tree or whatever that that should not be considered part of the effective sidewalk
55 width, because you really you want that space for something else. You don't really want the building
56 coming out to take away the space that's meant for BRT.

1 The second thing is that the staff narrative talks about removing the build-to setbacks on side streets;
2 however, that has not been removed from the ordinance. So on Pages 3 and 7 of the ordinance I would
3 suggest deleting that. And the third thing is that there's a difference in language for Table 3 on Page 3
4 and Table 3 on Page 7 with respect to on Page 3 it says "minimum yard for lot lines abutting opposite
5 residential districts or residential BC districts," and the language in Table 7 is different from that and I
6 would suggest conforming that language if that could be possible. And I'm not going to make that as
7 something in a Motion, but that's something I would suggest staff do before it goes to the Council.
8

9
10 So I am going to offer a Motion that we recommend to the City Council that they first adopt the
11 ordinance as proposed by staff with the two changes that we, that they ignore street bulb outs for the
12 purposes of transportation or street trees and second that we delete the provision for minimum of 32
13 percent of side street build-to setback on Tables 3 and 4. That's the first element. The second thing is
14 that further consideration of height and FAR be part of the Our Palo Alto process and be considered in
15 the evaluation of future growth plans for the City.
16

17 Ms. Gitelman: Just a question on the Motion. Was it your intention I was trying to follow your remarks,
18 was your intention to recommend against the reduction in FAR for the sites that are at 20 units to the
19 acre? Or that's something you want to put in that future study as well?
20

21 MOTION FAILED FOR LACK OF SECOND 22

23 Acting Chair Keller: I'm going to leave that there and I don't think any, I'm not sure if any of my fellow
24 Commissioners would suggest that or not, but to the extent that any of them want... I guess I will put
25 that in there. That also remove the reduction of the FAR on 20 units per acre and I guess I'll let my
26 remarks stand on the conditions on which I think that that makes sense. Do we have a second? We
27 have a Motion being offered by Commissioner Alcheck.
28

29 MOTION 30

31 Commissioner Alcheck: I would like to suggest that we recommend that City Council direct staff to
32 incorporate this sidewalk discussion into the greater discussion that revolves around I guess Our Palo Alto
33 and the height limit. And I guess that implies that we would be recommending that they don't adopt the
34 current draft ordinance. There was a... and I want to say that there's a, and the reason why I'm
35 suggesting this is because there's a part of me that doesn't believe that the City Council has the political
36 capital right now to have the sort of discussion that they need to on this issue. And I think that if we
37 incorporate it into the envelope of Our Palo Alto and allow it to be a part of a discussion that includes a
38 lot of changes it'll be a more complete process and potentially a more successful one.
39

40 And I guess while I have the mic real quick I want to add that there was sort of a median, medium point
41 here and many of these really small lots may get consolidated and it may be really difficult to look at a
42 particular parcel and go how would this ever get redeveloped if the sidewalk got increased and I lost
43 some floor area, but another developer may look at a series of four or five or six adjacent parcels and see
44 some much bigger opportunity. And so I think there's I think that this is a, this, I think when City Council
45 directed staff to go down this road it was a different political climate maybe. I don't know, but I think
46 this discussion should be broader and so my Motion is that we recommend that they don't adopt this
47 draft ordinance and alternative incorporate this discussion into a greater discussion related to issues like
48 height and density and potentially the Our Palo Alto Initiative.
49

50 Acting Chair Keller: Could you repeat that so I could get it down? So you recommend that not adopt the
51 draft ordinance and instead?
52

53 Commissioner Alcheck: Incorporate this discussion of the, I guess sidewalk size into a discussion that is
54 more multifaceted and includes height and density and potentially in the envelope of the Our Palo Alto
55 discussion. I don't know. I mean when we started this discussion it had to do with the Grand Boulevard

1 and we've gotten to this very specific component of it and ignored all the other factors that may or may
2 not have a huge impact on the Grand Boulevard success.

3 SECOND

4
5 Acting Chair Keller: Ok. Do we have a second? So second, Motion by Commissioner Alcheck second by
6 Acting Vice-Chair Tanaka. Commissioner Alcheck do you wish to speak to your Motion?

7
8 Commissioner Alcheck: I think I've done it justice.

9
10 Acting Chair Keller: Great. Commissioner, Vice-Chair, Acting Vice-Chair Alcheck, I mean Acting Vice-Chair
11 Tanaka. Sorry.

12
13 Acting Vice-Chair Tanaka: Thank you. I support this, I support it although for a different reason and my
14 reason is more just that I think the concept is right. I think Grand Boulevard concept is right, but I think
15 when City Council asked for this to be, to go forward I think in a sense they are asking for us to do
16 homework, right? I think they're asking for us to see well, what are the ramifications? They're not
17 blindly asking us to say, "Ok, do this." So I think there's some implications that are involved in this and I
18 think there's some important elements that still need to be considered to really make this thing complete.
19 So that's why I support this Motion as well. Thank you.

20
21 Acting Chair Keller: Thank you. Commissioner King do you wish to speak?

22
23 Commissioner King: Yes, but first I would like to ask a question of staff is that?

24
25 Acting Chair Keller: Sure.

26
27 Commissioner King: Am I wrong? Ok, so can you explain to me on the process so now the ARB has sent
28 along their recommendation to Council, correct? And so now we're being asked to do or that's staff's
29 proposal that we do the same. And so if now we say either we don't, we come to no Motion that we can
30 all support or a majority support or we move along with recommending to Council not to adopt the
31 ordinance as is the current Motion what will happen?

32
33 Ms. Gitelman: Well the Council will receive the recommendations and they will have the ability to either
34 adopt the ordinance or reject it and ask us to go back and change it.

35
36 Commissioner King: Ok, regardless if we pass no Motion tonight or if we pass Commissioner Alcheck's
37 Motion the ordinance would still go to Council for review?

38
39 Ms. Gitelman: I believe that's true, yes.

40
41 Commissioner King: Ok. Ok, alright then I'm, I, again I'm hesitant to support the ordinance as it stands
42 now and I'm not quite sure I don't have the information to even make a reasonable person proposals for
43 changes to that and so I think that and I apologize to staff because I know opening up a big discussion is
44 probably, I don't think that was on your work plan for this upcoming year so I apologize for the intent of
45 opening up more discussion, but I think that's the right thing to do in the big picture.

46
47 Acting Chair Keller: Ok, I'll reiterate that I think that we could have passed this ordinance and made
48 some improvement as directed by the City Council with some minor changes to it. I think that this
49 ordinance in and of itself would not that adversely affect property owners in particular especially if we
50 reduced the, if we eliminated the reduction in FAR then essentially it would be a design decision that we
51 give more flexibility to property owners in terms of the build-to and we also give more flexibility to the
52 ARB in terms of exactly how much setback that they would've allowed to have. I think that the also the
53 removal of build-to lines in the rest of the City is something that wasn't noticed and is actually a
54 considerable improvement there. I think the clarification of the fact that we're not allowing parking in the
55 setback on all properties and in fact that wasn't originally there, that was a clarification that was added to
56 the ordinance before it came back to us. I think that's an improvement that is not there. So there are a

1 number of things that merit this ordinance moving forward absent the larger discussion. And I think the
2 larger discussion should happen as part of the Our Palo Alto so I will not be supporting this ordinance
3 and I would encourage the City Council to go ahead and pass the ordinance according to the lines of my
4 Motion that failed to receive a second.

5
6 So with that if nobody else is speaking I'll call the question. Yes?
7

8 Ms. Gitelman: Could I just clarify the Motion so we make sure we have it correct? So the Commission's
9 Motion is to recommend the Council direct staff to incorporate the modification of sidewalk width and this
10 question of FAR for CN zoned parcels into a larger discussion of height and density in the context of the
11 Comp Plan Update and not adopt the current ordinance.

12
13 Commissioner Alcheck: You know I don't want to be really specific about height and density. I think my
14 goal there's so many components that you could possibly consider when you change the development or
15 redevelopment landscape: parking, build-to line, I mean the point is to incorporate this discussion into
16 a broader discussion of how we could encourage development along El Camino in an effort to realize the
17 Grand Boulevard Initiative. I don't want to say it's just about density and height. There are a lot of
18 factors that should be considered. I just think it needs to be put in the envelope. So I was using those
19 as an example.

20
21 Ms. Gitelman: Ok. Can I try again then? I want to make sure I get this right. So the recommendation is
22 that Council direct staff to incorporate the modification of sidewalk width and this change to the CN FAR
23 into a broader discussion of redevelopment along El Camino and the Grand Boulevard Initiative and not
24 adopt the current ordinance.

25
26 Acting Chair Keller: Can I clarify? And I assume that you're talking about a broader discussion as part of
27 the Our Palo Alto discussion is that what you're suggesting?

28
29 Commissioner Alcheck: Yeah, I feel like I made it worse.

30
31 Acting Chair Keller: Ok, can I try?

32
33 Commissioner Alcheck: Yeah. The idea is we're focusing on a very small piece of the redevelopment
34 options and I think we should look at the big picture. So we had residents say height should be
35 considered in conjunction with this change, right? As a sort of you're giving us something and taking
36 something away at the same time or you're affecting our redevelopment in one way but you're enhancing
37 it in another way. So I guess I would like to see I think my suggestion is that we reevaluate this idea in
38 a, within a conversation that deals with a larger number of options which we can't do now.

39
40 Acting Chair Keller: So may I try to put words in your mouth?

41
42 Commissioner Alcheck: Yeah.

43
44 Acting Chair Keller: By wording a Motion for you?

45
46 Commissioner Alcheck: Absolutely.

47
48 RESTATED MOTION

49
50 Acting Chair Keller: And see if you agree with it? So you recommend that the Council not adopt a draft
51 ordinance and instead incorporate this discussion of sidewalk depth or width with height and density and
52 other development standards as part of Our Palo Alto discussion to realize the Grand Boulevard Initiative.

53
54 Commissioner Alcheck: That's so beautiful.

1 Acting Chair Keller: Ok, actually I would prefer not applause and boos from the audience. Thank you. So
2 that, is that the Motion by the Maker? Is that the Motion accepted by the seconder? Ok so we have
3 affirmation on that. Any other questions before we move to a vote? Ok. Then all in favor say aye (Aye).
4 All opposed? So the Motion passes on a 3-1 vote with Commissioner Alcheck, Commissioner Acting Vice-
5 Chair Tanaka, and Commissioner King saying, voting yes, and Chair, Acting Chair Keller voting no and
6 Commissioner Chair Michael absent. Yes?

7
8 MOTION PASSED (3-1-1, Acting Chair Keller nay, Chair Michael absent)
9

10 Ms. Gitelman: Chair Keller if I can just make one remark? At the outset we said this was scheduled for
11 the Council on April 21st. Given the Commission's action this evening we may need another day or two to
12 prepare our staff report. So I'm going to suggest that it's more likely it will go to the Council on April
13 28th. We'll have to think about that and we'll be sure to let people know who have received notice and
14 who are here this evening.

15
16 Acting Chair Keller: Thank you very much. So we'll take a five minute break and then proceed with Item
17 2 on our agenda. Thank you all for people who attended, thank you, and participated.

18
19 **Commission Action:** Recommendation to Council to not adopt the draft Ordinance and to incorporate
20 sidewalk width with height, density and other development standards as a part of Our Palo Alto
21 discussion to realize the Grand Boulevard Initiative. Motion by Commissioner Alcheck, second by Acting
22 Vice-chair Tanaka, Motion passed 3-1-0 (Commissioner Alcheck, Commissioner King, Acting Vice-chair
23 Tanaka – Aye; Acting Chair Keller – Nay; Chair Michael – Absent)

24



ARCHITECTURAL REVIEW BOARD MINUTES

1
=====MEETINGS ARE CABLECAST LIVE ON GOVERNMENT ACCESS CHANNEL 26=====
2 This agenda is posted in accordance with Government Code Section 54954.2(a) or section 54956.
3
4

5 **Thursday, March 20, 2014,**
6 **Architectural Review Board Meeting**
7 **8:30 AM, Council Chambers**
8 **Excerpt Verbatim Minutes Item 3**
9

10
11 **ARB members present:** Chair Lee Lippert, Vice-chair Randy Popp, Board Members Alexander Lew,
12 Clare Malone Prichard, Robert Gooyer.
13

14 **Staff:** Amy French, Chief Planning Official; Russ Reich, Senior Planner; Diana Tamale, Administrative
15 Associate
16

17 **Public Hearing Item 3:**
18

19 **Review and Recommendation of a Draft Ordinance modifying:** (1) Chapter 18.16 of the Palo Alto
20 Municipal Code (PAMC) to (a) address sidewalk width and building setbacks (setback and "build-to" line
21 standards, and context based design criteria) along El Camino Real, and (b) reduce the allowable Floor
22 Area Ratio on CN zoned sites where dwelling units are permitted at 20 units per acre; and (2) PAMC
23 Chapter 18.04 to adjust the definition of Lot Area and add a definition for "Effective Sidewalk".
24

25 Chair Lippert: Ok, so I'm going to introduce the next project. It is review and recommendation of a Draft
26 Ordinance modifying (1) Chapter 18.16 of the Palo Alto Municipal Code (PAMC) to (a) address sidewalk
27 widths and building setbacks (setback and "build-to" line standards, and context based design criteria)
28 along El Camino Real, and (b) reduce the allowable Floor Area Ratio (FAR) on CN zoned sites where
29 dwelling units are permitted at 20 units per acre; and (2) PAMC Chapter 18.04 to adjust the definition of
30 Lot Area and add a definition for "Effective Sidewalk." Staff would like to introduce this item.
31

32 Amy French, Chief Planning Official: Yes, thank you. I see that the number of people in the chambers
33 has been reduced. I just wondered - I know I received some e-mails this week due to the notification
34 and I was a bit curious as to how many of the folks in the audience were here for this item as well. So
35 let me go ahead and start.
36

37 The City Council directed the staff, the Planning Commission, and Architectural Review Board (ARB) to
38 examine several items. One of them, the most recent direction, came in January of this year regarding
39 the FAR reduction on the CN zoned housing sites. The second direction was received almost a year ago
40 now regarding the sidewalk width and how buildings address the street, with a focus on El Camino Real
41 and with reference to the Grand Boulevard guidelines. We were directed to come back with zoning
42 ordinance amendments to implement the vision, and here we are.
43

44 This is an image of the Grand Boulevard Initiative that suggests that sidewalks be 18 feet wide from curb
45 to building face. The Council did mention other thoroughfares; however, there is a lot of discussion that
46 would go into other thoroughfares, which have different zoning. So the staff has focused initially on El
47 Camino Real and has adjusted the ordinance to focus on El Camino Real, which is zoned CN, CS, and CC.
48

1 The item about the FAR reduction - we have had a comment about that. Again this was directed by
2 Council to be a .8 to 1 FAR total for a mixed-use project on those housing sites where they're getting
3 additional dwelling units per acre. It should be noted that concessions, if it's an affordable housing
4 project, can be used to regain the residential FAR and concessions can be requested to regain the
5 commercial floor area, but it does require a pro forma analysis.

6
7 The sidewalk and building frontage - before you is an ordinance; the Planning and Transportation
8 Commission (PTC) did review a version of this ordinance that we have since modified. Therefore we are
9 going back to the Planning Commission on April 9th and would appreciate a representative from the ARB
10 attend that meeting as well. The ordinance in front of you does look at several things. This is the 12 feet
11 width on El Camino Real that currently exists in our code, the 12-foot effective sidewalk. But the way it is
12 written right now, folks that want to go farther back than that with their building need to come in with a
13 Design Enhancement Exception (DEE) request, and we want to stop that from having to be a process
14 that's needed to go farther back. We want to have flexibility based on the context. We've defined
15 context as inclusive of land use, lot size, building design, and adjacent conditions.

16
17 The effective sidewalk width - we've identified as being to the ground floor wall, and inclusive of supports
18 for upper story overhangs - would allow supports to come down as close as nine feet to the curb in order
19 to allow for an arcade effect. The lot area definition - we have added a clarification so that folks that do
20 choose to allow public access on their property will not be penalized as to the amount of lot area
21 considered for the FAR, for building size floor area on the site.

22
23 The PTC asked us to consider removing the build-to line altogether, which was an approach that staff had
24 considered initially. We have done so in this draft for elsewhere, because again we're concentrating on El
25 Camino and on El Camino, the goal of the build-to line is - we don't want to throw that baby out with the
26 bathwater for El Camino - we want to still see kind of a building presence on that very wide street, we
27 just want to have a little bit more flexibility built in. So to allow flexibility, again based on context based
28 design criteria, we've provided footnotes that clarify what all of that means.

29
30 Right now on El Camino there is basically a four-foot minimum setback for buildings, because the
31 sidewalk right of way for the right of way along El Camino is about eight feet from curb to property line.
32 So in essence, the existing zoning ordinance does call for a 4-foot wide setback from the property line, to
33 achieve that 12-foot effective sidewalk width. So what we're clarifying there is to say 4 feet to 10 feet
34 and that allows for a 12 to 18 foot effective sidewalk; again, to be evaluated case-by-case, based on
35 context. The ARB is the appropriate body, as you have clarified. This was an important part of this
36 effort, to understand that each land use, each building has a different circumstance.

37
38 The PTC had noted that they would like the ARB and staff to study the concept of a combined minimum
39 12-foot setback from curb to building and an average setback ranging from 15 to 18 feet. So this is
40 something that staff did look at. We did not end up with that, but we have the alternative
41 recommendation that we have in the ordinance. Again, Council had asked us to study 18 feet and we are
42 not saying 18 feet has to be provided.

43
44 Here is the image that our past consultant had shared with us. It shows a concept of two street trees to
45 green up the corridor on El Camino. And that shows a 15 to 18 foot concept including two trees. This is
46 not something that we've studied at length. I just wanted to again share that for those of us who have
47 seen this image before and those who haven't. Again, part of our effective sidewalk width definition has
48 a mention of a comfortable clear width for pedestrians to traverse the sidewalk. And I think that's a
49 concept that is an important one. We aren't putting a number on that. Again, we've heard from folks
50 and from the ARB, this is something you want to have - comfortable walking, two people passing each
51 other. It can meander based on the street trees and the placement of various furnishings and amenities.

52
53 Again, the ARB had said a 9 to 15 foot dimension, and we kind of pulled that into a concept to say the
54 arcade could be 9 feet. And this is based on this Redwood City example where, from the column here to
55 the curb is 9 feet, but then the front wall, the ground floor wall is set back something like 19 feet from
56 the curb. So this kind of illustrates that we can have flexibility to come closer than 12 feet.

1 The Planning Commission also suggested that we restrict parking in the front yard. Now the ordinance
2 already does that, for nonresidential buildings. So, for mixed-use buildings we now have that same note
3 apply - no parking in the first 10 feet of the property. The context based design guideline also talks
4 about parking located behind buildings as important, where feasible or screened by landscaping and low
5 walls, if not feasible to put behind the building. The context based criteria - a couple of items there to try
6 to clarify and be consistent. This allows a tool for the ARB, as well as clarification for applicants.
7

8
9 So City Assistant Attorney Cara Silver is here (sorry if I pronounced your title incorrectly) for questions as
10 well, as there's been some discussion and concern about takings and what are we doing here by
11 potentially having the sidewalk go to 18 feet, in some cases. And we can talk further about that.
12

13 Chair Lippert: Would you like to talk about takings?
14

15 Cara Silver, Senior Assistant City Attorney: Oh, I never turn down that opportunity. Cara Silver, Senior
16 Assistant City Attorney. Just wanted to introduce one of the legal concerns, with respect to this particular
17 ordinance, is that when you start to require property owners to dedicate additional property for right of
18 way or for sidewalk, you do get into the realm of possible takings. Court decisions have made it more
19 difficult for cities to require those types of what we used to consider standard dedications. And especially
20 in a case such as this, where there are already existing sidewalks in place, and the City wants to expand
21 those. In those situations, a court is going to look at that situation more strictly. So what we suggest,
22 and what we have incorporated into this ordinance is, instead of requiring a dedication of sidewalk, that
23 the ordinance be instead recast as an additional setback. So that's where we have introduced this
24 concept of an effective sidewalk. There is some flexibility built into it, as properties redevelop. One of the
25 questions we've received is, "does this ordinance take effect immediately?" Of course it does not require
26 the tear down of existing buildings in order to effectuate that new setback. But as buildings redevelop
27 what we want to do is encourage them to set their buildings back further in order to create sort of that
28 illusion of a wider sidewalk, and the definition of effective sidewalk then is incorporated into the
29 ordinance. So that's our basic concept on this ordinance. Thank you.
30

31 Chair Lippert: Thank you. Ok, I'm going to ask Board Member Popp, Vice-Chair Popp to just simply
32 report on the PTC meeting of February 26th.
33

34 Vice-Chair Popp: Very happy to do that and I'll just note that in the staff report they did an excellent job
35 of recapping kind of the major points of that discussion and I would say that actually it was an unusual
36 meeting in that way. It was much more of a discussion and I really appreciated that interaction. I did
37 relay what our comments were to the PTC. There was a bit of discussion in regard to the economic
38 benefit that applicants might receive from creating a wider sidewalk and yet retaining all of the FAR
39 inside their building. And the concept here is that you set your building back and you still get all the FAR,
40 but then you can put tables out on the sidewalk effectively increasing the size of your restaurant. That
41 might be something that would need to be studied. I think Amy did a great job of explaining to the PTC
42 that there is a process by which people have to apply to be able to use the street frontage in that way,
43 and so I think there is a methodology for regulating that, but I think there was some concern on their
44 part about the value of the economic benefit and what they might receive as a result of that. My
45 interaction about that was that that seemed like a good tradeoff to me. That if we can encourage people
46 to set their buildings back in the way that we're hoping to, and create life on the street, that does just
47 what we're trying to get to. So I was very much in favor of that in the discussion.
48

49 And I think the other thing I really tried to reinforce and to push forward was this idea that there really is
50 a varied character and the sense that we want something that is of high quality and that a one size fits
51 all really doesn't work. And the very clear point that that's exactly what this Board is charged with:
52 looking at projects on a case-by-case basis, and making a determination relative to immediate context in
53 regard to the appropriateness of the design.
54

55 I think there was some discussion about clear width, relative to furnishings and fixtures. And I do think
56 that, and I'll just reinforce again, the concept of engaging a consultant to create some examples or to

1 develop some illustration that will help applicants to understand what the overarching goals are, so they
2 can enter the discretionary process with the highest degree of likely success, would be a benefit to
3 everyone.

4

5 Chair Lippert: Thank you very much. Ok with that I'm going to open the public hearing. I have four
6 speaker cards. If there's anyone else that wishes to speak to this item, please fill out a speaker card and
7 hand it to one of the staff members. We'll have Tracy May followed by Cary Davis and you'll each have
8 three minutes.

9

10 Tracy May: Yes, my name's Tracy May and I'm attached to the property at 2080 El Camino Real, Palo
11 Alto. You know most of the properties on the El Camino are run by little businesses. Some have been
12 handed down from generations. My property is run by Barbeques Galore right now who is a renter of
13 mine. They rented it for some years now. Before that it was Stanford Sport Shop. It was my father's
14 store. He was a little business man in Palo Alto since 1936, helped build this City. And I think by taking
15 away, which is hard enough I don't know if you folks even have any idea how hard it is to stay in
16 business on the El Camino Real. And every time we turn around, we're getting things to hide our
17 buildings, to set back our buildings, to make us less visible. I don't know if you realize how many people
18 walk that street, but with six lanes of highway that runs along there, nobody wants to go there. I mean
19 the way you get to a business is to drive there and park. We have so many beautiful places in Palo Alto
20 and I was born and raised pretty much on that property, worked there since I was six years old, lots of
21 people have lots of other beautiful places to walk. And it's not like a downtown area nor will it ever be,
22 because you have six lanes. I mean just walking down a couple of blocks and you're kind of choking on
23 the exhaust, okay; I mean it's not a very desirable walking area. Widening sidewalks has nothing to do
24 with adding people, to end up with people walking it. It just takes away from the value of the property,
25 to the value of trying to resell the property, the value of useable space, and taking away our freedoms to
26 be able to use our space on the El Camino. Now I see there's quite a few places there that depend upon
27 little business, that depend upon the parking that they have on their property in front of their stores. I'm
28 not one of those; however, there were many people here for this issue today that had to leave to go
29 open their little businesses around 9:00, 9:30, 10:00ish that have talked with me about the concerns
30 here.

31

32 I would like to mention that you're talking about two stories, I'll make it real brief, and talking about two
33 story buildings to compensate for the footprint being smaller. For little stores, two story buildings makes
34 no sense to them. They can't survive on that and put up an elevator and all the rest. So I'm hoping that
35 you will consider that and consider that it is a hardship on the people who are trying to make a business
36 there and also trying to employ three and four people to try and make a living as well and the families.
37 Thank you.

38

39 Chair Lippert: Thank you. Cary Davis followed by Brian Knudson.

40

41 Brian Knudson: Morning. Good morning, my name is Brian Knudson. Cary Davis had to leave so he's not
42 able to be here. My concern was on the proposal for wider sidewalks. I can see the aesthetics of it is
43 very nice and my concern is if it goes into an actual law then, rather than 12 foot it could be as much as
44 18 feet. I think, on a voluntary basis for new development, it can look very nice and really add to the
45 way the buildings all look, but I don't like to see an actual ordinance stating that there needs to be
46 anywhere from 8 to 18 to 20 or 18 feet of space along El Camino Real between there and the business
47 for a sidewalk. I don't see it as a safety item and I think it just limits the landowner's ability when and if
48 he develops. I think it's just adding on another limitation to what can be done with that particular
49 property. Thank you.

50

51 Chair Lippert: Thank you Mr. Knudson. Jessica De Wit followed by Ben Cintz. Thanks.

52

53 Jessica De Wit: Good morning Commissioners, I'm Jessica De Wit and I'm speaking on behalf of Palo Alto
54 Housing Corporation (PAHC). We're a nonprofit affordable housing developer located here in Palo Alto
55 and we've recently submitted a letter to you regarding the proposed design criteria updates on El Camino
56 Real. We appreciate all of the work that staff has done on these updates; however, we do believe the

1 newly proposed reduction in FAR for the CN zone will have a negative impact on affordable housing.
2 We'd really like you guys to look or at least consider retaining the current FAR requirements or possibly
3 looking at other jurisdictions nearby that have a lot greater increase in FAR and actually had minimalized;
4 have no density and looked only to the FAR.

5
6 I know staff mentioned that the FAR could be used as a concession for us for affordable housing, but I
7 know you guys probably already know that it's really, really difficult to build affordable housing and make
8 it feasible. So we really value those concessions and hope that one isn't just automatically reserved for
9 an FAR. That's it. Thank you so much.

10
11 Chair Lippert: Thank you. Ben Cintz and if there are any other speakers please get a speaker card in.

12
13 Ben Cintz: Hi, my name is Ben Cintz. I live in Midtown. My family owns some properties, small
14 properties in Palo Alto including two on El Camino at 3565 El Camino, 3565-67 El Camino where Kraft
15 Furniture or Kraft Mattress is downstairs and 3885, which is where Starbucks is located. Those properties
16 have been in our family for many years and I want to thank staff for their hard work on this and also to
17 echo the comments that have already been made. Part of the difficulty is that there have been a number
18 of different rules on El Camino on the block that Kraft Mattress is on. There are three buildings; ours is
19 the oldest, it is the furthest set back. The other two buildings each have different setbacks. This will add
20 yet another layer of further, yet another setback requirement that's different than the ones that have
21 been there so far.

22
23 But I think the biggest concern is that these requirements will make, pose a hardship on the individual
24 property owners when they want to improve or develop their property, because I think it's going to make
25 it more difficult for these small parcels to be developed economically. I think the result is that the
26 property is going to be sold to developers and combined into multiple parcels and I think that really goes
27 against what Palo Alto is about, which is to be a warm friendly community that wants to encourage the
28 people who own the property to do things that will improve the City, rather than having to sell the
29 property to others in a complex set of regulations; to be able to do something that should be fairly
30 straightforward. Thank you very much.

31
32 Chair Lippert: Thank you. Is there any other speaker? Ok. What we'll do is I'll close the public hearing
33 now and we'll return to the Board for comments and hopefully a Motion. And I'm just going to ask Board
34 Vice-Chair Popp if you'll lead the discussion. Lead off.

35
36 Vice-Chair Popp: So I'm pretty clear on what's all in here now. I studied this quite a bit, but I do want to
37 ask just a brief question about what the decision behind reducing the FAR from .5 to .4 in the CN zone
38 relative to the all residential and the 20 unit per acre increase is about and where that comes from. Can
39 you help me understand what the rationale behind that might be?

40
41 Ms. French: It's the Council's rationale; it was requested that we because we're allowing more units. This
42 pretty much forces those who are doing beyond the 15 units per acre to have the micro units, the smaller
43 studio type units. It's reducing the FAR so those 20 units per acre would be smaller units, smaller FAR
44 per unit.

45
46 Vice-Chair Popp: Ok, that's helpful. So everybody has an opinion about this and I understand theirs. I
47 am absolutely against that. And I have to say that I think that we are so challenged right now in
48 complying with the obligation to provide housing that we have all kinds of other limitations that are in
49 place that will restrict size and density in other ways and telling people that if they want to provide more
50 smaller units, 20 to the acre, that they don't have as much square footage to do that within is really a
51 very negative message and I cannot support that at all. The idea that on a 7,500 square foot lot - let's
52 say you'd lose a 750 square foot unit - it just seems so contrary to increasing the density that I just can't
53 follow the logic and just won't support that.

54
55 Everything else that's in here feels very comfortable to me. I will say that I do not support the PTC's
56 concept that we have a minimum setback of 12 feet. Again, I think that variation and compatibility are

1 the key and I hear very clearly comments brought forward by the public that there are a range of
2 conditions and challenges for sites and each one needs to be evaluated on its own merit and in its own
3 basis within a range, and I'd like to confirm that I felt that the 9 to 15 foot was appropriate. I am
4 comfortable with an average of 12 to 18 feet, but that the limitation of a minimum doesn't seem
5 appropriate to me. Thank you.

6
7 Chair Lippert: Board Member Gooyer.

8
9 Board Member Gooyer: There are a couple of things and one of the speakers said the same thing. I'm
10 sorry, but I keep hearing this Grand Boulevard, but El Camino is a freeway. It's six lanes basically and I
11 sure as heck wouldn't want to sit there and enjoy a meal when there are three lanes of cars going by at
12 40 miles an hour; it just...I just don't see it happening. There are other communities that have tried to
13 go to the same thing and most of the other ones have determined that the most important thing that
14 people want to do on El Camino is get from point A to Point B and they really don't want to do that
15 walking. They want to do that driving. But having said that, the 18-foot width I think is inappropriate. I
16 think 15 feet is more than adequate.

17
18 I also agree that I don't like the FAR reduction and I also agree that I don't think there should be a
19 minimum setback. The other items in there I'm fine with.

20
21 Chair Lippert: Board Member Lew.

22
23 Board Member Lew: I have some questions for staff. So I think in previous discussions we were talking
24 about just CS and CN. I don't recall talking that much about the CC zone. So I looked at the CC zones
25 and some of the ones around California Avenue and so I think that makes, I think I see the logic there.
26 The CC also includes things like the shopping center and Town and Country and maybe others and I'm
27 not quite sure we've all really sort of discussed that at that level and so you mentioned that there were
28 12 parcels, but I was wondering if you could just explain that further?

29
30 Ms. French: Well, so the California area, the Stanford Shopping Center and the (I'm getting my map
31 here)... Town and Country and Stanford Shopping Center, those are both I believe CC and so that is true.
32 They were provided noticed they are zoned CC; however, Stanford Shopping Center and Town and
33 Country are kind of a different animal.

34
35 Board Member Lew: Yeah.

36
37 Ms. French: In that they're a shopping center. So that is a good point and though the trend in Stanford
38 Shopping Center has been to come farther towards the street and we have discussed the El Camino
39 Guidelines with respect to those, there has not been a build-to line for those and I don't think it makes so
40 much sense on those. So certainly it would be good to note that in the ordinance, those two centers
41 (interrupted)

42
43 Board Member Lew: The shopping center has a cap, right? I mean they are at the cap and so if they
44 want to do more, they're going to have to what, rezone? They're going to have to come up with
45 something?

46
47 Ms. French: Tear something down.

48
49 Board Member Lew: Right, they're going to have to do something significant to be able to do more.

50
51 Ms. French: Yeah.

52
53 Board Member Lew: And I'm not sure about Town and Country, but yeah.

54
55 Ms. French: Yeah. So we can make a reference in the ordinance to exclude those two shopping centers.
56 Thank you for pointing that out.

1 Board Member Lew: And on the removal of the build-to line in areas outside of El Camino, I think I can
2 support that. And then I think there was just one little tiny area that I thought that popped out in my
3 mind, which was the College Avenue sort of in back of the College Terrace Center project. So I think the
4 idea, I mean I think the concept of removing the build-to line in areas like Midtown and Charleston
5 Center, whatnot, is that those areas have the special setbacks and then this one little block of College
6 there is I think many of the buildings are built right up to the sidewalk and there is no special setback
7 there. So I was just pointing out that there's a little anomaly there. And I don't think the ordinance
8 helps or hurts or anything. I mean it gives them, they still have the flexibility to do whatever they want
9 there, but it's just in previous discussions I think I had said that everything is all of the CN and CS are in
10 special setback areas and that, I just wanted to correct myself. That's not quite the case. There are still
11 other streets such as Encina. I think there are still some little pockets of other zones. I had a question
12 for you. You're prohibiting - you still want to prohibit parking in the required front setbacks?
13

14
15 Ms. French: Yes. The ordinance for Table 3 currently does that so it's adding it to Table 4, which is a
16 mixed-use product.
17

18 Board Member Lew: And so my question is for hotels, does all that loading zone area - does that count as
19 parking?
20

21 Ms. French: Yeah, I think we really mean a parking space where somebody's going to put their car and
22 it's going to stay there. I understand the porte-cochere is where I think we're going with this. People
23 dropping folks off at a hotel might want to use kind of a portico share arrangement.
24

25 Board Member Lew: Right, and so I was just saying that the loading area, I mean I think as I was
26 reading the actual language, you're saying no parking or loading space.
27

28 Ms. French: Oh.
29

30 Board Member Lew: Whether required or optional should be located in the first 10 feet. And I think I
31 understand your intent and I agree with it and I was thinking on some of the other hotels that we've had
32 the Board's been a little critical of having the entrances on the sides of buildings instead of on the front
33 facing the street and I think that this would sort of contribute to that.
34

35 Ms. French: Ok, so...
36

37 Board Member Lew: They are inclined, they are going to be inclined to put things on the side and I think
38 we've been criticized for not having, not requiring more entrances on the front face of the buildings.
39

40 Ms. French: So this would be a change to the existing ordinance. We haven't suggested a change to that
41 existing wording. So are you suggesting that we consider removing the loading space from that wording?
42

43 Board member Lew: No, I was actually just asking what you were, I was just trying, I was asking for
44 clarification.
45

46 Ms. French: We just duplicated the existing language of the ordinance.
47

48 Board Member Lew: Got it.
49

50 Ms. French: From Table 3 to Table 4.
51

52 Board Member Lew: Ok.
53

54 Ms. French: Yeah.
55

56 Board Member Lew: And then...
57

1
2 Ms. French: Russ Reich made a point that this; there's loading and there's loading - loading of boxes,
3 UPS, and that kind of thing might be a different scenario than passenger loading, valet, this kind of thing.
4

5 Board Member Lew: Got it.
6

7 Ms. French: Yeah.
8

9 Board Member Gooyer: Wouldn't it be easier then just to get rid of the wording? Rather than worrying
10 about what kind of loading; is it loading of bodies or loading of boxes?
11

12 Ms. French: Yeah, I mean we could remove that prohibition of loading space so we can eliminate the
13 speculation and then just see what comes in.
14

15 Chair Lippert: Anything else?
16

17 Board Member Lew: I do have yeah a couple more things. Are we working on the five minute time limit?
18 Ok. I just want to comment that I did review the Institute of Transportation Engineers (ITE) diagrams for
19 sidewalks and stuff, and then they I think they mentioned the four different zones of it and I think that
20 my hope was in increasing the sidewalk, effective sidewalk width that we would actually get an actual
21 furnishings zone, which doesn't really work so well in 12 feet. And I think the ITE thing does support
22 that, that in 12 feet you don't really get any furnishing. There's no buffer zone. It's like between the
23 sidewalk and the front door of the building. And I think we've had people complain about like sidewalks
24 on University Avenue again like the cafés like things that they sort of spill out into the sidewalk and
25 narrow the effective walking area. And so I think that the extra width actually gives businesses more
26 flexibility in putting things out there.
27

28 And I think there's been, I know some people are sort of very skeptical about El Camino becoming a
29 boulevard and I'm on the fence on this one. I do understand the skepticism and I think it's well founded
30 here, but whenever I go down to Los Angeles (LA) and look at what they do on big four and six lane
31 boulevards, I'm actually always surprised at how much they do there with storefronts and how many
32 people are on Melrose or Sunset or Abbot Kinney, Culver City Boulevard, like they are not afraid of the
33 street and traffic as we are. Maybe because they don't have much choice, as many choices as we do; I
34 don't know what it is, but I think it's possible to have a nicer street than what's out there. I mean I think
35 it's within the realm of possibility. And to the extent that this tries to refine that, I will support the
36 zoning, this proposed zoning change.
37

38 And then my last question for staff is, I think you're not asking for any recommendation at this time,
39 right? I think Chair you mentioned a Motion and I think we're not it's my understanding this is just a
40 discussion and that we still have a PTC/ARB meeting...
41

42 Ms. French: No, let me clarify that. Because we are...the April 9th meeting with the PTC wasn't going to
43 be the joint meeting it was just going to be PTC making the formal recommendation to Council. So this
44 is really your opportunity today to make a formal recommendation to Council on the qualitative aspects of
45 this and the Planning Commission is technically the one to recommend an ordinance change. So we do
46 want to plan a joint meeting with the PTC/ARB, but I believe it's going to be following the April Council
47 meeting where this kind of quicker ordinance gets adopted or is requested to be approved. And that
48 meeting would go over some other items that the ARB has been interested in, such as height at the other
49 thoroughfares and maybe some of these qualitative drawings, to help the applicants to come forward
50 with what we're looking for.
51

52 Chair Lippert: Yeah I just want to clarify that it was mentioned earlier that we need to send a
53 representative next to the PTC on April the 9th I believe it is. So while we're not the acting body on it,
54 what we do have to do is formalize what our thoughts are and put it into some sort of direction that we
55 can go back to PTC with for their ultimate recommendation to the City Council. Correct? Ok, Board
56 Member Malone Prichard.

Board Member Malone Prichard: Ok, first I want to say I'm absolutely opposed to that CN zoning reduction of FAR for residential sites. I understand what they are trying to do is, they're trying to counteract any of the benefit one might get from a Density Bonus Law and I think that's not in the spirit of density bonus laws.

Couple of other things, we are still maintaining a side street build-to line in this ordinance and I think that's something we probably should discuss at some point as to whether that ought to be eliminated because we are trying to create a wall along El Camino. I'm not quite sure what we're trying to do on the side streets. Not a discussion for today.

Somebody had mentioned the meandering walk widths and I am in support of that. I don't recall whether that was actually in this draft ordinance or whether it would just end up in the guidelines.

Ms. French: Yeah we do put the words in the definition for effective sidewalk - just comfortable pedestrian width - those words we used, instead of saying "meandering" because then it's a qualitative look by the ARB at how they accomplish that comfortable walking.

Board Member Malone Prichard: I would suggest that it be offered up as an option in the guidelines but not the ordinance just to clarify it for future Board's use for those who don't remember this discussion. So just wanted to clarify for the record my understanding is the current rule on El Camino Real is that a 12 foot is the minimum sidewalk width required. Is that correct?

Ms. French: Effective sidewalk. So yeah, the way the ordinance currently reads is "a 0 to 10 foot setback in order to create a 12 foot effective sidewalk on El Camino Real." And instead of defining it with words the effective sidewalk width is shown in pictures in the context based guidelines.

Board Member Malone Prichard: That was my understanding. So I just wanted to let people know that we're not going to be requiring 18 foot sidewalks. This gives developers the option to have an 18 foot effective sidewalk width if they want to. Because the way the ordinance is currently written they have to build that 12 feet. So this is an option not a requirement.

And then I just have some very detailed things to go through. If we go to Attachment A in Section 2 where the definition of effective sidewalk widths, it states that it includes structural building columns as long as they're nine feet back from the curb. I understand what you're trying to do there. I would take away the word structural because there can be columns there that aren't actually structural.

Ms. French: Yeah I think the concept there was so folks understood it was that there was the overhang and so they're kind of needed.

Board Member Malone Prichard: Right.

Ms. French: But yes.

Board Member Malone Prichard: They're needed but because they look right.

Ms. French: Right.

Board Member Malone Prichard: In the build-to lines in the, in Table 3 and also probably Table 4 we're saying the wall percentage is based on context based design criteria and site context including land use, adjacent building context, lot size, and building design. I would like to expand that to adjacent and nearby building context. Because a building two or three doors down may be important as well.

There's also something left over I see it in Table 3 in the notes, Note #2 says, "Any minimum front street side or interior yard shall be planted and maintained as a landscape screen." I don't think that's what

1 we're trying to achieve on El Camino if we're trying to get a wider effective sidewalk. So that's just
2 something to look at and see whether that needs changing.

3
4 Ms. French: Again I think this is, this chapter was broadly written so that El Camino is different than this,
5 but it's definitely not clear.

6
7 Board Member Prichard: Yeah, and I know what kind of properties they're talking about; an office
8 building with a big setback should have a landscaped front yard, but that's not what we're trying to do on
9 El Camino.

10
11 There is in Table 4 the build-to lines applicable to El Camino Real only states that the front wall can be
12 placed within a range of 0 to 10 feet from the property line, but I think that's only showing up in the
13 mixed-use table, not in the commercial only table. Is that on purpose?

14
15 Ms. French: Yeah that should be duplicated in both Table 3 and Table 4 to clarify. Again, and we're
16 looking at primarily an upper floor zero setback rather than the lower floor setback, but yeah.

17
18 Board Member Malone Prichard: That was my understanding that was for both mixed-use and
19 commercial.

20
21 Ms. French: Yeah.

22
23 Board Member Malone Prichard: I think that's just an omission.

24
25 Ms. French: It's just it needs to be corrected. Thank you.

26
27 Board member Malone Prichard: And the next one is really esoteric, but it's something that actually gets
28 discussed a lot in offices, believe it or not. Item 50 back to Attachment A, the first page of Attachment A
29 and the definition of effective sidewalk widths, it's the width from curb to building face. The question
30 often comes up which face of the curb? The curb is six inches wide. And I think what we mean and
31 what we show in the diagrams is widths of the curb when you're looking down on it. A curb is a six inch
32 wide strip of concrete typically. So I think what we're talking about is the roadway face of the curb. I
33 have had people try to tell me that it's from the other face of the curb, which would push everything six
34 inches further in. So I think that should be clarified.

35
36 Ms. French: I think how we think of it is it's the face of the sidewalk that faces the street. Yeah, it is
37 what we mean by curb.

38
39 Board Member Malone Prichard: Engineers don't think that way.

40
41 Board Member Gooyer: There are a lot of people that consider there's a curb and then the sidewalk starts
42 behind the curb.

43
44 Ms. French: Got it. Ok, yeah there's...

45
46 Board Member Gooyer: So you have to be specific as to where...

47
48 Vice-Chair Popp: (Unintelligible) absolutely right about this.

49
50 Ms. French: Face of curb is what we say here, but it should be...

51
52 Board Member Malone Prichard: Face of curb facing the roadway.

53
54 Ms. French: Ok, facing.

55
56 Board Member Malone Prichard: Or adjacent to the roadway. Yeah. That's all I've got.

1
2 Chair Lippert: I need clarification on Page 17, the table there where it talks about maximum residential
3 floor area. In there under the CN zone it's .5 to 1 FAR. Are we looking at going to .4?
4

5 Ms. French: That's exactly what we were directed to do.
6

7 Chair Lippert: Ok because I'm in agreement with Board Vice-Chair Popp with regard to the idea of
8 reducing residential density is antithetical to what our obligation is in terms of meeting the what's defined
9 in our Comp Plan as our housing allocation. And so if you look at that number there what we're saying is
10 that it's a reduction of really 10 percent of the maximum allowable floor area of a building. That's a big
11 chunk right there. And then for low-income housing developers and particularly having a greying
12 population, having senior housing also which can use the Housing Density Bonus Law, it's not what the
13 intent is here. And so just right off the bat I would say you know if it's market rate housing or other than
14 senior housing I'm ok with limiting it to the .4, but not for low income housing or senior housing and
15 especially with a greying population. They're going to need to live closer to transit. So I think there
16 needs to be some sort of an exception carved out in that.
17

18 Where I think the fly in the ointment really is, is the blended rate that we get, which is, in this case
19 you've used .9 to 1 FAR. What happens with that blended rate is that they're not required to build the
20 residential square footage. They can use, apply some of it to commercial square footage and in this case
21 what I would say is we really want the developers to build all of the residential housing and that that
22 shouldn't be that blended rate, really needs to be that .5 for the .4 to 1 FAR even if it carves into the
23 commercial space. So it needs to be far more equitable. We need more housing. It's the jobs/housing
24 imbalance where we have more jobs to housing. Let's get more housing in here. So right off the bat,
25 I'm not inclined to support a reduction in allowable floor area in the CN zone and I think that that needs
26 to be looked at much more closely.
27

28 With regard to effective sidewalk, I just want to clarify when you say effective sidewalk, it's not the
29 concrete sidewalk width we're taking about. I'm clarifying this for the members of the public here. What
30 we're talking about is, it's really both landscaping and sidewalk and anything else that should happen in
31 that space, correct? Ok.
32

33 And then just to clarify again we're not talking about existing buildings, legally existing nonconforming
34 buildings that are built into that sidewalk width, it's only if those sites were to redevelop or they have that
35 space. Is that correct?
36

37 Ms. French: That is correct. We are not planning to do any kind of amortization period for existing
38 buildings or anything along those lines. It's only when a property owner elects to come forward with a
39 new building that would be subject to these changes.
40

41 Chair Lippert: Ok, so for Ms. May and Mr. Cintz I'm just clarifying, having staff clarify for you that this
42 really isn't a taking your existing building. As long as it's there in perpetuity you're good. The minute
43 you sell the building or somebody redevelops the building, builds a multi-story building there or
44 redevelops the lot, that's where that would happen. Staff is clarifying this for you and you can speak
45 again at the PTC hearing on this.
46

47 Ok so with that, what I'd like to do is move forward with direction that, and I see no reason that we can't
48 send Vice-Chair Popp back if you're available on the 9th? Ok. So what I'd like is a Motion just to clarify...
49 huh? Want to make a Motion? Ok.
50

51 Vice-Chair Popp: Yeah I'd be happy to carry our Motion if there's another Board Member (unintelligible)
52 just taking notes.
53

54 Chair Lippert: Ok. Anyone else care to make a Motion that we can give direction to Vice-Chair Popp?
55

56 MOTION

1
2 Board Member Malone Prichard: I will move that we recommend that this modified ordinance go forward
3 with the revisions that I stated. Do you have those recorded well enough so I don't need to restate
4 them? And with the statement that the Board is not in favor of the reduction of FAR in the CN zone
5 which is currently in this draft ordinance.

6
7 Chair Lippert: Ok, do I have a second on that?
8

9 SECOND
10

11 Board Member Gooyer: I'll second.
12

13 Chair Lippert: Board Member Gooyer. Do you have anything you wish to add to that?
14

15 Board Member Gooyer: No.
16

17 Chair Lippert: Any additions or any friendly amendments here? Ok. So let's vote on the Motion. All
18 those in favor say aye (Aye). Opposed? Ok, that passes 5-0-0 and I appreciate you going back to the
19 PTC. Thank you.
20

21 MOTION PASSED (5-0-0)



ARCHITECTURAL REVIEW BOARD

EXCERPT MINUTES

1
=====MEETINGS ARE CABLECAST LIVE ON GOVERNMENT ACCESS CHANNEL 26=====
2 This agenda is posted in accordance with Government Code Section 54954.2(a) or section 54956.
3
4

5 **Thursday, February 20, 2014, Meeting**
6 **8:30 AM, Council Chambers**
7 **Excerpt Verbatim Minutes for Item 4**
8
9

10 **Members Present:** Chair Lee Lippert, Vice-chair Randy Popp, Board Members Alexander Lew,
11 Clare Malone Prichard, Robert Gooyer
12

13 **Staff:** Amy French, Chief Planning Official; Russ Reich, Senior Planner; Diana Tamale,
14 Administrative Associate
15

16 **Item 4: Architectural Review of a proposed Draft Ordinance modifying:** (1) Chapter
17 18.16 of the Palo Alto Municipal Code (PAMC) Section 18.16.060 to (a) address building
18 setbacks (the "build-to" line standard and context based design criteria) in the CN and CS
19 Districts and (b) reduce the allowable Floor Area Ratio on CN zoned sites where dwelling units
20 are permitted at 20 units per acre; and (2) PAMC Chapter 18.04 Section 18.04.030 to adjust the
21 definition of Lot Area in order to encourage wider sidewalks. The Draft Ordinance is scheduled
22 for Planning and Transportation Commission review and recommendation to Council on
23 February 26, 2014. Environmental Assessment: Exempt from the provisions of CEQA per section
24 15305.
25

26 **Chair Lippert:** Ok, so Item Number 4, Architectural Review of a proposed Draft Ordinance
27 modifying Chapter 18.16 of the Palo Alto Municipal Code (PAMC) Section 18.16.060 to address
28 building setbacks (the "build-to" line standard and context based design criteria) in the CN/CS
29 Districts and (b) reduce the allowable floor area on CN zoned sites where dwelling units are
30 permitted at 20 units per acre; and (2) PAMC Chapter 18.04 Section 18.04.030 to adjust the
31 definition of Lot Area in order to encourage wider sidewalks. The Draft Ordinance is scheduled
32 for Planning and Transportation Commission (PTC) review and recommendation to Council on
33 February 26, 2014. Environmental Assessment: Exempt from provisions of California
34 Environmental Quality Act (CEQA). And I just wanted to make a note that when we do take
35 action on this today or make a recommendation today we will need a representative to go to
36 the PTC next week to present our recommendation. So with that if you'd like to introduce the
37 item Amy?
38

39 **Amy French, Chief Planning Official:** Yes, thank you Lee. So the item before you: there's a staff
40 report there that had presented the background, and why we're here now, and the past efforts
41 of the Architectural Review Board (ARB), as well as the joint meeting that was held last July
42 with the PTC to discuss the sidewalk issue in particular. This ordinance that is at places today,
43 and it's also at the back table for the public, does go farther than that, as advertised, to address
44 the recent Council directive about the affordable housing sites along El Camino and elsewhere
45 that are zoned CN that have a restriction now proposed for the total amount of floor area. So

1 that's kind of a sideline that came out of that recent Council. We're folding that into this
2 ordinance because we're addressing this ordinance at this time.

3
4 So the first item: I'm going to go ahead and take the first item that's in the ordinance as a
5 question, I have questions for the ARB to help us focus this. And as you'll notice in the draft
6 ordinance, we do have some highlighted areas and some places that are annotated for your
7 help. So the first item is, for lot area definition, would the modification of the lot area definition
8 help incentivize the dedication of additional sidewalk width? So the corollary on that as well is,
9 should this definition be broader to include the downtown commercial zone as well? For right
10 now what we're focused on is just this one ordinance that is CN and CS and CC. Chapter 18.18
11 is where the CD zone regulations are located and we would have to come back and advertise
12 that separately, but it's worth asking that question. Sorry, the lot area definition is contained in
13 Chapter 18.04 (which was advertised) so we could expand that as we think about the
14 downtown as well. So it wouldn't have to be re-advertised.

15
16 So basically the reason for this, in this ordinance, was because we have a lot area definition
17 that talks about the lot area excluding the portion within a public or private street right of way
18 whether acquired in fee, easement, or otherwise. So the thinking is that if people are giving
19 their property for sidewalk width, perhaps it's an incentive to not reduce their lot area and
20 therefore their building size. So this is why we kind of proactively went after this piece of our
21 zoning code. So maybe we could just take that piece first as a discussion item and then move
22 to the next piece, or did you have another thought about how you might want to discuss this
23 and then get to the ordinance?

24
25 Chair Lippert: What I was hoping is that the subcommittees that were, the teams that were
26 actually broken up and looking at sidewalk widths would be able to report on what they thought
27 appropriate sidewalk widths were. Did any of the groups convene, I guess it was on the 6th of
28 February, or around there? Or have any discussions here? Alex you haven't had a chance to...
29 have you had a chance to think about it at all?

30
31 Board Member Lew: I did. So Randy and I did not meet, but I've been looking at sidewalks and
32 measuring them and stuff in the zone.

33
34 Chair Lippert: Do you want to illuminate on this a little bit about your thoughts?

35
36 Board Member Lew: Well, I think that Amy gets into it in some of it in the staff report. Which is
37 I think that there are, there were distinctions to be made between the different zones and they
38 were different and I don't think it's a one size fits all and I think there are situations where this
39 is partly designed, tied to building design. It's not just narrowly focus on the sidewalk. But
40 generally if you have a very wide frontage, something, greater setback or more stepping back
41 on the height of the buildings would be warranted. I think last time we met on the retreat I
42 think we were talking about some of the sidewalk widths and I actually went and measured the
43 Alma Village sidewalks and those are five feet with a five foot planting strip and maybe like a
44 whole foot of landscaping in front of the building. So that's our, that's like 11 feet. I think the
45 general consensus is that doesn't look good and so, so generally it makes sense to go to me it
46 makes sense to go wider in locations like that.

47
48 Chair Lippert: Ok.

49
50 Board Member Lew: And then I would say just one last thing is I think that if we go back to the
51 Council memo, I mean they were sort of opening it up for the whole City, but if you look at the

1 zoning map the vast majority of Palo Alto, the commercial properties, have the special setback.
2 And I think Amy mentioned it in the staff report is generally 24 feet, sometimes it's less than
3 that. And then also areas in Midtown and Charleston have special zoning overlays or
4 designations with uses like ground floor retail and so it really seems to me the focus should be
5 on... the thing that I'm worried about most about is actually El Camino, because we have lots of
6 CS zones and where it's not near, not next to residential, there's a 50 foot height limit. So I
7 mean to me that's the area to worry about.

8
9 Downtown, it's mostly, we generally have more smaller lots; there's a lot of context that the
10 Board can respond to. But on El Camino, we don't generally like the context and it seems to me
11 it would be hard to hang it all on a context based findings if we don't like, if we don't
12 necessarily like the context. So it seems to me that having a more concrete fixed standard is
13 needed in that situation.

14
15 Ms. French: Yeah, one of the troubles that we've had on staff in trying to prepare a one size fits
16 all code here for adoption, recommendation, is that we do have older building stock along El
17 Camino. And so the hope, I guess, of the El Camino Guidelines was that eventually the
18 buildings would come down, the ones that aren't precious, and we gradually increase that
19 sidewalk width all along, but you will have situations where buildings will be there for the next
20 50 years. Some of those buildings will be there and they're not going to go back to 18 feet for
21 a while as per the Grand Boulevard recommendations. I guess what it comes to here is that
22 somehow we need to be able to get to a point where we can say we have changes that will
23 mean wider sidewalks than 12 feet where they're desired. And how do we – there's probably a
24 longer process to determine where that 18 feet would be appropriate, but we have to have a
25 code that allows for that, because right now with the build-to line the way it's written it doesn't
26 allow to be set back that far. So that's kind of the quick fix that we're looking at.

27
28 Board Member Lew: I just had a quick question for you. Maybe I might... I can, we can defer
29 this later if it makes more sense, but I was looking in the RT zoning for South of Forest Avenue
30 (SOFA) and then for mixed-use it says that the setback for commercial, mixed-use, residential,
31 and there are different setbacks and I think for the one for mixed-use it says it's 15 feet, but it
32 could be reduced to 0 based on Planning staff and ARB recommendations. And I was
33 wondering we don't get very many RT projects, but I was wondering if you thought that would
34 be a... is that a way to go for the zoning or is that too open ended?

35
36 Ms. French: Well, let's see. If you, so the ordinance...yeah, I don't want to be answering a
37 question with a question. But we do have the table. Ok, so I think if we focus on our Table,
38 Table 3, Table 3 and Table 4 are very much alike. First Table 3 is for non-residential only and
39 the second one is for mixed-use. They both have this range that allows 0 to 10 foot setback,
40 the purpose being in order to create an 8 to 12 foot setback. Now we are talking about that
41 should be gray, actually, to expand that to say 8 feet to 18 feet so it gives us a broader range
42 and then the question is when you say "based on context"? That's where the ARB and staff
43 have work to do. And can we identify some other factors? So we, down below under build-to
44 lines, we start identifying lot size as one factor and where wider sidewalks are desired, which is
45 to be determined where that is desired. There could be another factor such as land use. We've
46 had this discussion; if it's a hotel do we want an 18 foot wide sidewalk or not? So I guess
47 helping on defining the criteria would be great if there's a way to do that. It's maybe a longer
48 discussion than just today, but the zoning code could say that it's subject to criteria that we
49 continue to work on.

1 Chair Lippert: Yeah, we don't have very much time because we need to move forward with
2 some sort of guidance that we can give Planning and Transportation whether we revisit the
3 item or not. I think that this is going to be a push/pull type of thing. So what we need to do is
4 today formulate some sort of consensus here that we're able to then give some guidance to the
5 PTC, have them take it in, decide whether they want to use it or not in their recommendation to
6 the City Council. So I think that any direction that we can give is going to be particularly
7 helpful. I really like what Alex has to say, but I'm interested in getting other Board Members to
8 weigh in and have a discussion on this. So Robert, why don't you go next?
9

10 Board Member Gooyer: Clare and I did meet and I think we're, I think a similar opinion that for
11 in most cases a 9 to 12 foot wide sidewalk is sort of an ideal...
12

13 Unidentified man off microphone: Sorry, what was the numbers?
14

15 Board Member Gooyer: 9 to 12. And, but I happened to mention 18 feet. I don't see any
16 situation where an 18 foot sidewalk is necessary. I mean that's my own personal opinion. I
17 understand the whole grand concept, the Grand Boulevard concept, but I'm sorry, El Camino
18 Real is never going to be a Grand Boulevard. It's not the Champs-Élysées where you want to
19 sit there and have a cup of coffee watching cars go by at 40 miles per hour. I mean it's a
20 highway and it will never be anything other than a highway. But even for the larger areas that
21 I think that ought to be somewhere in this, we were talking maybe 12 to 15 and not 18 feet. Is
22 that it? That's it.
23

24 Chair Lippert: Randy?
25

26 Vice-Chair Popp: Yeah, I have to say I'm absolutely in agreement with what the other Board
27 Members are already saying. You know the only thing that I would point out is one of the really
28 nice spaces in the area is Bob Peterson's Menlo Center. That public space that's out in front of
29 that building that has some landscape area and the fountain and Cafe Borrone comes out to
30 that, it's really very nice. And that's much deeper than 18 feet. So there are exceptions where
31 something special might happen, but I think those are the exceptions and not the rule and I
32 appreciate your thought about 18 feet as a norm being too much and that the 9 to 12 seems
33 much more reasonable.
34

35 In terms of giving direction there were some specific questions that were asked in the staff
36 report and I'll try and address a couple of those quickly. First, the build-to line in regard to the
37 two different directions on that, I'm definitely in favor of the one staff's recommending, which is
38 Option 2. And I'm in favor of the changes proposed to 18.16 and in particular this B3E item. I
39 think we should as quickly as possible contract with Bruce Fukui, am I saying that right, Fukui?
40 For his study and recommendations to help support and guide us in this and I think that that's
41 true as well for 18.04 when we're talking about clarification for lot area in regard to Floor Area
42 Ratio (FAR) and how we're going to handle that very delicate issue. And having some studies
43 or concepts not just for sidewalk widths, but also in consideration of what amenities need to be
44 placed within those widths and how that might reduce or encroach or enliven the sidewalk
45 landscape would be really helpful to me.
46

47 There was a paragraph about outreach that was not really clear to me how we're talking
48 about...let's see if I can find that quick thing... oh, I'm sorry, on Page 9 of the staff report
49 you've got something about outreach and further study. And I think that the, there's some just
50 in the editing of that paragraph something got lost and I just wasn't quite able to follow what
51 was there, but if you could just read through that and maybe that needs to be re-crafted, but

1 for me I think I'm very much aligned with the direction staff is headed on this and I think that
2 having Bruce help to bring some closure to this quickly is really a great way to go about it.
3

4 The last item I guess I wanted to point out is that on Attachment C where you've got your
5 really excellent table talking about all these different aspects and the pros and cons of them the
6 second to last page where you're talking about the CD zone you made a great statement about
7 that seeming a little wacky to you and I think I just wanted to understand. What about that is
8 challenging for you or I'm just I'm not quite clear on the criteria about 640 Waverley and what
9 was happening there, but if you could... can I ask you to jump in and explain that?
10

11 Ms. French: Sure, I think the way the CD zone, which we're not addressing today, but we can
12 just talk briefly about that again, is do we need to come back and look at the CD zone. The
13 way the CD zone is set up if you have a mixed-use project there's a different front setback than
14 if it's a commercial building and the wacky part, I guess colloquial use of that...
15

16 Vice-Chair Popp: Wacky is fine.
17

18 Ms. French: Is that it just seems odd to me that you would have a greater setback when it's
19 mixed use than when it's commercial because across from residential; so at 636 Waverley
20 there's it's a mixed-use, so it has to be deeper. If 640 Waverley came along with full
21 commercial it could be closer, but if they do come back with mixed-use, then they're across
22 from residential and they'd have to get, they'd have to be deeper.
23

24 Vice-Chair Popp: So you're absolutely putting an exclamation point on my concern, which is I
25 think we need to be looking at all of this at the same time, not just the CS, but the CN and all
26 these things because...
27

28 Ms. French: Right.
29

30 Vice-Chair Popp: They are going to occur next to each other. We are going to have these
31 issues where one is in context and our whole goal here is to try and get an overall methodology
32 so that we don't have to look for exceptions and we don't have to look for, there are no
33 questions and there aren't a lot of loopholes in this. And so I think that to the degree we can
34 we should put everything on the table all at the same time and solve this at once and...
35

36 Ms. French: Yeah, in concept I agree, but there's certainly pressure to get something to the
37 Council. There's a work plan, there's this kind of thing. And so, El Camino - being that we've
38 been at that for a while and that's strictly CS and CN with some CC thrown in and the build-to
39 lines where we've been seeing these Design Enhancement Exceptions (DEE) come forward, are
40 only applicable in the CN and CS - that was kind of the low hanging fruit, in my opinion. We've
41 had these DEE's to the build-to line. I have to say there is good urban design reason for
42 maintaining a street wall, but we have to have some flexibility there. And so looking at, is that
43 a maximum setback, so we don't have buildings that are farther than 10 feet from the front
44 property line - is that a way to get to it? But there's this thing about the 50 percent of the
45 building wall has to be at that zero lot line - the way it's written now - and so it's to try and free
46 some of that up, but not lose...you know, not throw the baby out with the bathwater.
47

48 Vice-Chair Popp: Absolutely in favor of the direction this is headed. I just think that if there was
49 a way to, I don't know how you'd do this, is there a way to include some language that
50 suggests that for projects of similar character in other zones, the same considerations might
51 apply?
52

1
2 Ms. French: Yeah, and we can do that without touching this ordinance in particular. We can,
3 you're saying, now we can set this up for the next chapter that we tackle - the 18.18.
4

5 Vice-Chair Popp: Ok.
6

7 Ms. French: We can set up the logic now, the reasoning, right?
8

9 Vice-Chair Popp: Great. Thank you.
10

11 Chair Lippert: Board Member Malone Prichard do you have any thoughts on sidewalks here?
12

13 Board Member Malone Prichard: Board Member Gooyer accurately described our conversation
14 that the 9 to 12 is typically a reasonable sidewalk width and it could expand to 12 to 15 along El
15 Camino. The 18 seems excessive especially given the depth of the lots that are there. Did
16 want to answer one of the staff questions about whether or not there is an incentive given to
17 property owners to provide more sidewalk if they don't have to subtract that from lot area.
18 That's not an incentive. No. It's sort of a no harm no foul, but it's not going to say great I'll go
19 ahead and give you more sidewalk because it's not going to come from my lot area. They've
20 got their lot area either way. So it's not an incentive. It's fair, but it's not an incentive.
21

22 Ms. French: I think the concern that staff has is, if they provide a sidewalk on their private
23 property and the City wants to have the public walking on it, then because of the way the lot
24 area definition is written now, that it may be an interpretation to say that doesn't count for lot
25 area for you and therefore you have to have a smaller building based on your lot area.
26

27 Board Member Malone Prichard: Yeah, I understand that. It's not a fair interpretation to be
28 taking property and I think City Attorney has mentioned that there's a legal issue with that as
29 well. So yes, take it out, but don't view it as an incentive.
30

31 I'm coming at this from a slightly different angle perhaps than other Board Members. I see that
32 we've got a problem with sidewalk widths because of the way the zoning ordinance was written
33 that required a build-to and we're trying to fix that by changing some numbers. It's just going
34 to be a different set of problems. I think what we need to do is either remove the build-to
35 requirement, and write some language that allows for architectural review to decide what the
36 appropriate setback is, or we need to leave it the way it is and add exceptions for uses that
37 enliven the street. Because what you don't want is a blank wall that's 18 feet back from the
38 street. You want that space to be used somehow and not just be concrete sidewalk. But that's
39 something you can't put in the zoning ordinance specifically. You just can't do it. There are too
40 many different properties out there, too many different situations. So I'm really not in favor of
41 tweaking the numbers because they're going to be wrong again. They'll just be wrong in a
42 different way.
43

44 Chair Lippert: Ok, well I'm the odd man here. I'm supposed to team up with Russ and
45 unfortunately the only time I had to meet with him was on a 980 Friday and you were already
46 gone. But with that, there are a number of things that I've heard here which I'm in agreement
47 with; first of all I think that the idea of building width dictating or beginning to talk about
48 setback I think is particularly important and hasn't really entered into this discussion before and
49 it's something to consider. I think that the Alma Plaza project, which I've yet to vote in support
50 of on any front, has been an abysmal failure and part of it is the sidewalk. I love the idea that
51 there's retail and a supermarket up on the ground floor there against Alma Street, but there's a

1 wall there. There's no visual connection between Alma Street and that market. And so in order
2 for there to be some sort of enhancement there, you need to have visual access. And so in
3 some ways when we talk about the use and the visual connection, the more visual connection
4 there is really the closer it can be to the street and the sidewalk. The less visual connection
5 there is, the building should be forced to actually move back away from the street.

6
7 So I'm thinking about trends in architecture, if you look at the modernist, midcentury modernist
8 notion the building was an object, an extruded object in the middle of a site with parking
9 around it, it moved away from the street. In the postmodern era even the high-tech era, which
10 overlapped, it was building, taking the building and making it almost a neoclassical element or
11 again an object. And so today, as we move into this movement of the building being an
12 environmental machine and looking at livable/walkable communities, the sidewalk and the
13 building need to interact and work together. And so I don't think it's a one size fits all scenario
14 and it is the use of that building and how that use complements the sidewalk that should
15 dictate that sidewalk width. If you take for instance Arbor Real, the failure of Arbor Real, I
16 mean Arbor Real is set back quite a ways from El Camino and from Charleston. That's not the
17 fault of the placement of the building, even though repeatedly again and again and again it's
18 characterized as such. The failure of the building is that the residents there, the front doors
19 don't adequately address the streets and give those buildings a street presence in essence like
20 a mews or like townhouses generally do in an urban environment. And so again it's the use
21 that's driving that relationship to that sidewalk.

22
23 And so there're a couple of things that we can do to incentivize wider sidewalks and one of
24 them is that retail uses are important - that they actually come up and abut the sidewalk,
25 whereas a commercial office use really in some ways should be stepped back away from the
26 street. Again, I think a residential element you want to have some sort of a buffer between the
27 sidewalk and the residence. So again, if it's a ground floor residential unit or the entrance to
28 apartments above that should be setback away from the street to create that buffer, a
29 buffering. So I don't think it's a necessarily a one size fits all.

30
31 I am in agreement with Board Member Gooyer and Malone Prichard in terms of the 9 to 12 foot
32 sidewalk width. And what I would generally say is that there are situations where the property
33 line and the curb don't have 9 to 12 feet, but those are required to be 9 to 12 feet right from
34 the get go. That's the starting point. And so those buildings must step back, but there're
35 opportunities for encroachment. One of them would be columns could encroach into that. I
36 think upper stories should still be forced to comply with the build-to line so that they're right on
37 the property line and that in some ways maybe that's where we look at the 50 percent is that
38 we look at upper level structures be forced to come forward to the property line. What we can
39 also look at is, we want to incentivize mixed-use buildings a lot more, so there's going to be
40 more floor area, more density. Again, the ground floor we want that to step back, but with that
41 you get the added density. So I think again there's not a one size fits all and I'm in agreement
42 with Vice-Chair Popp that we really need to look at not just El Camino Real, but we also need to
43 look at the other areas in town and let this discussion happen based on not just El Camino Real,
44 but also Cal Ave., downtown, midtown, etcetera.

45
46 So with that why don't we do this... first of all I'm going to open the public hearing. There are
47 members of the public that wish to speak to this item - you may do so. Mr. Borock if you would
48 like to speak you may do so and then just fill out a speaker card when you're done and you'll
49 have, I'll give you three minutes.

1 Herb Borock: Thank you, I don't think I'll need that much. Board Chair Lippert and Board
2 Members (interrupted)

3
4 Chair Lippert: Turn on, is the mic on? Yeah, ok, great. Ok.

5
6 Mr. Borock: The (interrupted)

7
8 Chair Lippert: Lift the mic up please.

9
10 Mr. Borock: The discussion refers to 9 to 12 foot sidewalk. Well, that's something to walk on
11 and one of the Board Members talked about what use would be made; you need 9 to 12 feet so
12 you can use it for something. Well, if you want to privatize, take the public space and privatize
13 and say for tables and chairs for a business it's no longer a sidewalk. And so the real question
14 you have to figure out is if you're talking about a particular area where you want a certain width
15 of sidewalk, say a commercial area where you feel it needs to be that wide then it should not
16 be appropriated for private use.

17
18 The second issue my recollection is that what Council was concerned about were just those
19 properties that were being included in the list of properties to meet our Regional Housing Needs
20 Allocation (RHNA) and those were required because of the size of our community to have a
21 minimum residential density of 20 units per acre compared to say 15 in the CN zone. So the
22 idea is that there was a bonus allowed in the Housing Density Bonus Law that it was the idea to
23 bring it down to what the number would have been without the bonus. So it's only talking
24 about specific properties rather than all the properties in the zone district. And now this is sort
25 of morphed into discussion first from dealing with the properties that would get an increased
26 density under the Housing Density Bonus Law in terms of floor area and worrying how to make
27 that not happen to referring to all the properties in those districts and now referring to all the
28 properties on all parts of the City because those properties in the City's action on the Housing
29 Density Bonus Law were focused on El Camino and it just seems to grow. I think the most
30 helpful thing to be would be to start with our award winning zoning districts many years ago
31 and see how they've changed, which has essentially been intensifying, which has created this
32 problem. Thank you.

33
34 Chair Lippert: Thank you Mr. Borock. If you would please fill out a speaker card and give it to
35 one of the staff members I'd appreciate it. Amy, do you have anything you'd like to add?

36
37 Ms. French: Yeah, I thought I would try to help a bit on the FAR piece, based on what the
38 speaker just mentioned. The FAR piece is strictly in this ordinance focused on the CN
39 properties, which was the action by Council. And so we're not expanding that piece of this
40 ordinance to any other zone, it's just the CN zone for the purpose and it's kind of an add-on to
41 the ARB's effort and the Planning Commission's effort that has been ongoing for a while to
42 address the sidewalk width. Hopefully that clarifies it for the speaker.

43
44 Chair Lippert: Ok, so I will close the public hearing and will return to the Board and I'm going to
45 begin with Board Member Lew and why don't we go through and simply discuss the sidewalk
46 width first and then we can talk about the 20 percent housing as a separate issue.

47
48 Board Member Lew: So I would actually argue that the sidewalks should be wider on El Camino,
49 more so than what I think the majority of the Board is arguing for. If you actually look at El
50 Camino we're not going to get - I think it's doubtful we're going to get - bike lanes on there.
51 It's doubtful that we're ever going to get, that there's ever going to be a lane reduction or a

1 road diet. And if you walk on El Camino as I've done, you see actually most of the bicyclists are
2 actually on, are actually riding on the sidewalk. And in the places where we have the old
3 sidewalk width, which is whatever, I don't know what it is, six feet or whatever, it's just
4 incredibly narrow. I think the 12 feet is working in some places, but the 12 feet is encroached
5 by a lot of storm water drainage and stuff in some projects. And at the Hilton Garden Hotel we
6 had a 12 foot sidewalk, but we also had a big portico share with big curb cuts and storm water
7 drainage. And to me it didn't really all fit together very well. I mean it, they did it, but it's we'll
8 see, I mean it's under construction now. But to me it wasn't an ideal situation in that case.
9

10 There are definitely places on, where there are smaller lots where it seems, yeah, I would agree
11 going wider than 12 feet doesn't make any sense. But there are definitely locations on the
12 southern part of Palo Alto where I think we could go wider. And I think the other thought that
13 I have on the sidewalks is the planting. In some cities they are doing wider swales, and they
14 are actually draining instead of dumping everything in the storm drain - they are putting it in
15 the planter strips and the planter strips are very different than what we've ever seen in town,
16 but they're...Mountain View has one on Grant Road. I know Phoenix and other places are doing
17 that. And I've worked on one project on El Camino where there was a storm drain issue and I
18 know that College Terrace Center did a whole green roof to try to address the lack of storm
19 water storm sewer near their site, and so to me that's another factor. We've seen, there's
20 some projects like the Medical Foundation where they had a big raised planter right in front of
21 their building and that was partly to address the storm water issue. And so to me that's a really
22 important factor and that should be included in this. It's not clear to me like what's the best
23 way of handling those situations and that's something new that we haven't really had to deal
24 with that much. It's appeared on the AT&T building on Page Mill Road and also the Hilton
25 Garden Inn. So I think that we should try to do something like make it a nice design feature,
26 not just squeeze it in these tiny little planting strips. So I think that was all that I have to say at
27 this time. Thanks.
28

29 Chair Lippert: Let me ask you a question here. If we started with the 12 foot wide as the
30 sidewalk, how much width would be too wide?
31

32 Board Member Lew: Effective sidewalk. We're actually saying 'including planting'.
33

34 Chair Lippert: Correct.
35

36 Board Member Lew: Right.
37

38 Chair Lippert: Yeah, so if we started 12 feet and you said, "Gee, it could be wider," what would
39 you see as being too wide?
40

41 Board Member Lew: Yeah, I would actually say that from the projects that I looked and were
42 shared at the retreat that 18 feet seems really wide. And I think that the Rail Corridor Study,
43 which is saying 15 seems to me to be fair. It's like a balance. And then in certain places where
44 there's a greater context of everything is built at 10 or 8 or 10 or 12 or whatever there's some
45 places say like near College Terrace where there is actually already a consistent street wall,
46 then I would just say maintain the existing context.
47

48 Chair Lippert: Ok, so you're saying, I'm just trying to get a handle on this; so you're weighing in
49 that somewhere between 9 to 15 feet would be appropriate as effective sidewalk where we say
50 you have planting strip, sidewalk, and then some landscaping before the building starts?
51

1 Board Member Lew: And I would actually agree that there are maybe a couple of places on El
2 Camino or could be even larger than 15. There are some on the Research Park side, which I
3 think people think are in the Research Park, but they're not. Right? I mean there are some, a
4 couple projects, lots that aren't part of Stanford. So I would argue again, it's just context that if
5 Stanford has 50 foot setback, then those projects might need to have something more. And
6 then again in my mind, I'm connecting buildings and sidewalks. Buildings and sidewalks are
7 separate (interrupted)

8
9 Chair Lippert: Ok, I'm just looking for a range that we can begin to hang each other's discussion
10 on here. So Robert, Mr. Board Member Gooyer?

11
12 Board Member Gooyer: Yeah, I think if you're going to do a range, I think 9 to 15 at the two
13 extremes is very reasonable. It shouldn't probably be less than 9 and I don't think it should be
14 over 15, unless you want to do something as you said, where the bottom floor backs up
15 because you want to do a larger seating area or something, but that is outside of the purview
16 of the sidewalk.

17
18 Chair Lippert: Vice-Chair Popp what are your thoughts?

19
20 Vice-Chair Popp: Yeah, I'm in agreement with the 9 to 15 dimension. I think again my concern
21 is what occurs within that space and how does that occlude movement/inhibit the use of that
22 space? And so again, I'll go back to staff's recommendation that we get some studies done and
23 we talk about what other amenities might be within that space and have some examples
24 prepared that really illustrate how we want that space to be used, but if you're looking for just
25 a specific range of numbers today, I think 9 to 15 sounds very reasonable.

26
27 Board Member Lew: Can I have a quick follow up for staff?

28
29 Chair Lippert: Sure.

30
31 Board Member Lew: So Amy, we've had a couple cases where Transportation or the County, I
32 think Transportation, would not allow street trees. And so I was wondering, I think that maybe
33 should be a factor. So if you have a really busy arterial road and no parking and there's a
34 travel lane right against the curb and then they say, "Oh you can't have trees," then I think we
35 have to come up with some other design standard for that situation.

36
37 Ms. French: So I'm reading between the lines, subtext, is we'd want to have a greater setback
38 requirement when there's no parking, and we want street trees, so that we allow placement of
39 trees farther back from the curb, since if we put it at the curb they won't be able to grow with a
40 decent canopy of any kind, on one side at least.

41
42 Board Member Lew: Or something. Or there has to be a planted façade or whatever it is. But I
43 mean it seems like or maybe there's just a different standard altogether.

44
45 Ms. French: On the inside of the sidewalk or...?

46
47 Board Member Lew: I mean somehow in the history of cities, there are lots of beautiful cities
48 without any street trees so I don't want to say that you have to have a tree in front of your
49 property, right? But then the building has to be better. So I'm just thinking there's a... the
50 projects on Page Mill Road - actually they are in process, I can't mention them.

1 Chair Lippert: Board Member Malone Prichard.

2
3 Board Member Malone Prichard: So a range of sidewalk widths of 9 to 15 is a reasonable
4 request.

5
6 Chair Lippert: Ok. I think I'm in agreement. I think that that is a reasonable request of
7 applicants. We're not being abusive here and I don't think it really represents a taking since we
8 do require landscaping onsite anyway. So my feeling about it is twofold. Number one, I think
9 we want to make it very clear to the recommending body that street trees are a very big
10 important element here, the landscaping...how, what the use of that sidewalk is. And if
11 Caltrans is not permitting plantings or street trees on El Camino Real and the reasons being, my
12 guess is number one maintenance... you want to correct me here?

13
14 Russ Reich, Senior Planner: It hasn't been Caltrans that's been the issue on El Camino. It's the
15 County on Page Mill Road. Being a county expressway, they have a seven foot minimum
16 distance away from the curb so the problem has been...

17
18 Chair Lippert: The County?

19
20 Mr. Reich: Page Mill is with the County, not with Caltrans.

21
22 Chair Lippert: Yeah, I don't see that as much of an issue. What I'm concerned about is that
23 street trees incorporated into the sidewalks are particularly important. Landscaping is
24 particularly important. We do have the issue however of the Hetch Hetchy Aqueduct, actually
25 it's not an aqueduct it's a tunnel, running underneath El Camino Real and I know that that's
26 problematic in terms of trees seeking out water. But I think that they've resolved that pretty
27 much. You just can't go very deep underneath where those are.

28
29 With regard to the setback I think 9 to 12 feet is just fine. I think that there should be allowed
30 for encroachment into that effective sidewalk, meaning that as long as it's on the property line I
31 think street furniture, columns, building... certain building elements are allowed. And I would
32 still encourage that the upper floors up to 50 percent be required to build to the property line.

33
34 Board Member Gooyer: Could we make it the face (interrupted)

35
36 Chair Lippert: You'll get a chance to weigh in. So, and I think that it's important in terms of
37 capturing the street and making the corridor a room and getting eyes on the street. I think
38 that's particularly important. I also would incentivize that ground floor retail has the ability to
39 move up closer to the property line, whereas if it was ground floor office or residential, that
40 would have to step back or step away from the property line. And my thought about that on
41 the ground floor is that I think we have the ability to begin to memorialize retail, ground floor
42 retail and simply using that as an enforcement tool to say, ok if this is going to exist as ground
43 floor commercial space where it's located closer to the street, it can't be office. It needs to
44 remain retail. And it's fairly easy I think for a property owner or tenant to move that ground
45 floor façade back if they wanted to then put in commercial office space. They use that they
46 lose that ground floor office space, but they create a wider effective sidewalk there. And so
47 that's the way I would simply approach it is that the use drives in some ways that sidewalk
48 width. Mr. Board Member Gooyer you had some thoughts you wanted to add to that?

1 Board Member Gooyer: No, I was just going to say that, as far as the 50 percent requirement,
2 make it the face of the building as you said so that even if the first floor is stepped back the
3 second or third or whatever would allow that 50 percent to be met.

4
5 Chair Lippert: Vice-Chair Popp? You're in agreement? Just nodding in agreement, okay. Board
6 Member Malone Prichard?

7
8 Board Member Malone Prichard: Regarding the retail coming out to the closer to the sidewalk, I
9 think it is great for retail to come out closer to the sidewalk. I would disagree that it's easy to
10 remove square footage later when the use changes and I would also point out that our zoning
11 ordinance already has very straight regulations on whether or not you can put office on the
12 ground floor if retail has already been there. So I don't think we need to go there and modify
13 that. But I do agree that we should allow a smaller sidewalk when it is a retail use.

14
15 Chair Lippert: You know where I was going with that is that, because of the threat of more, we
16 had a threat several years back of commercial office poaching the ground floor retail in the
17 downtown. What the PTC basically did was they said, "Ok, we're going to protect University
18 Avenue, we're going to protect some of the side streets here, we're going to seed portions of
19 Hamilton Avenue and Lytton and allow those to become ground floor office spaces." And my
20 thought was that well, because we're looking at the whole notion of sidewalks, what we could
21 do is allow for those façades to actually be closer to the street as retail, but once they became
22 commercial they would have to come back away from the street. And I know that a lot of the
23 buildings are actually supported by columns or... steel columns or other devices where the
24 façade could actually be pulled back away from the street different from the actual structural
25 you know, so it's a current wall system. It's not a structural wall.

26
27 Board Member Malone Prichard: So the issue with that I think is that you've got a 6,000 square
28 foot building and now you want to change it, the ground floor, to office now you're going to
29 have a 5,000 square foot building I think you've taken away development rights from them.
30 It's going to be hard for them to add that 1,000 square feet somewhere else in an existing
31 building. I think it's a big can of worms you don't want to go into.

32
33 Chair Lippert: Any thoughts from staff on that?

34
35 Ms. French: Well certainly there is that zoning, a piece of the zoning code, that talks about
36 conversion if it was retail. The language was written in a way that doesn't, isn't quite as tight
37 as it should be to preserve retail in the CS zone. Right, well there's CN zone, there's CS zone.
38 So we probably should, and we've had some concern in the past that maybe what was adopted
39 in 2001 in haste doesn't have the kind of protections that people think it has, because of the
40 way it's written. So that's something probably we need to take a look at... I think it's really
41 tough as a staff person, when somebody comes in for a Use and Occupancy Permit and if
42 commercial is allowed on the ground floor to say well, but your building doesn't allow it so you
43 can't. It's a trick. How do you write that into a code? I can tell you writing, trying to do
44 something that fits, with language in a code, is really tough. Again, because context and
45 existing uses, it gets very specific for each property that comes in and each owner. And it's
46 tough to kind of try to write something, when you could write something to say for instance,
47 amortizing all of the existing buildings that are close, to say you must do retail there. We would
48 have a firestorm, because there're people that already have office and what are you going to...
49 and then you're going to say well the next use that goes in can't do office anymore. I mean
50 you're kind of, that's kind of a bit of a taking. You get into some legal trouble that way. So it's
51 hard to craft.

Chair Lippert: Let me give you an overall picture where I'm going with this, ok? And I think height plays an important factor into this. During our retreat, Vice-Chair Popp gave a very compelling presentation in terms of floor to floor heights and ultimate building height and what was required in terms of mechanical systems and what was desirable. And, in that illustration it really talked about having greater height when there was a retail use on the ground floor. And the driving force - where I'm going is that, it's not necessarily existing buildings or legally existing nonconforming uses or existing uses and trying to flip them or change them. But I think it's the new development, because the opportunity here is that we could really benefit greatly from more mixed-use buildings and with Planned Communities (PC) currently in a state of yeah, we pushed the pause button on it. I think that there are ways to begin to use allowable uses, densities, some of the Bonus Density Law, additive floor areas and begin to manipulate that whole issue along with the building height issue as to where we encourage density and memorialize things like retail, ground floor retail uses. And by saying you want that extra square footage at the ground floor level that approaches the street or approaches the sidewalk there, abuts the sidewalk, well then you definitely have to have a retail use there. And with that you get the added height, but it has to be ground floor retail. And then when you begin to add the other uses on the floors above you get greater density so what we're doing is we're being proactive. We're actually incentivizing and approaching more of a form code than we are relying on development regulations. Any thoughts on that? Did I lose everybody or does what I say make any sense?

Mr. Reich: As a staff person that implements the code, the issue that I see or something that would need to be addressed is, I understand how that works for new development, but you have a lot of existing development that then suddenly becomes nonconforming. Or how do you address that new development 10 years down the road when they want to change uses? And suddenly you have this retail use and they want to go to office or something else that wouldn't be allowed to have those heights and then suddenly you have this building that's not, obviously you're not going to modify the heights of the building to be able to change the uses. And then that property owner is stuck into forever having this one particular use and that use may not be appropriate in that location anymore as things change up and down the street, and we just need to think though that very thoroughly.

Chair Lippert: Well, you know I appreciate what you're saying, but if you apply everything to all the zones then you don't have a problem because everybody is the rules, the regulations have been changed for everybody in that zone. So if you had a retail use and the building owner wanted to convert over to office space, yes it might be problematic. Ok? However, if it's office space already and it's just simply flipping and putting another office in there it's still the same legal existing nonconforming use and so it's not a problem. It's only when you begin to introduce a change of use and that happens all the time. We do impose additional regulations on new tenants when the use changes. If it was going say from retail space to a restaurant, well if it's over 800 square feet we require that they actually go to a different model in terms of the seating arrangement or they begin to sprinkler the building if it's not already sprinklered. That's an example of another regulation that's added. So do my fellow Board Members understand where I'm going with this and understand or are they in agreement or not in agreement or?

Board Member Malone Prichard: I'm in agreement for new buildings. I'm not in agreement as it would affect existing buildings.

Chair Lippert: Ok. I think that's fair. Board Member Vice-Chair Popp?

1 Vice-Chair Popp: I agree with that.

2 Board Member Gooyer: So do I.

3 Chair Lippert: Board Member Lew?

4 Board Member Lew: I don't disagree with what you're saying, but I think the situation's much
5 more complicated.

6 Chair Lippert: It is.

7 Board Member Lew: And I don't know, I think my hunch is that retail and development, the way
8 developments are being done, has changed so much that I don't know that if that kind of
9 incentive is really going to take it where I think you envision it to go. I mean I think that, if you
10 just look at what's being built now like the hotels and we have like Elk's Club and private
11 schools and stuff on El Camino, I'm not sure that they would be so inclined to add retail. I
12 I don't know. I'm not a developer.

13 Chair Lippert: That's a very good question. I think that the only thing that really matters here
14 are the new buildings, because frankly, the sidewalk and the building façade are already fixed
15 in place, so you're not going to go in and where they're renovating an existing building, the
16 building's built. They're just renovating the building. They're not going to move the sidewalk.
17 Yeah, slice off five feet of the building. Yeah, unless it's Menlo Park which did that on the west
18 side of El Camino Real where it came and the reason why the movie theatres don't have any
19 lobbies is that those facades were actually just sliced off to make El Camino Real wider and
20 that's why the sidewalk is so narrow there. But (interrupted)

21 Board Member Malone Prichard: Sorry, go ahead.

22 Chair Lippert: Sorry, no go ahead.

23 Board Member Malone Prichard: I just wanted to just say that in all of my dealings with
24 developers, really the only incentive that gets them to do anything, is more square footage.
25 That's what drives them. That's what they're all about. So if, and that's why you're seeing
26 mixed-use developments in the CS zone, because you can build more square feet as a mixed-
27 use than you can as any other use. That's why it's happening.

28 Chair Lippert: Ok, so just I just want to find some sort of closure or direction on this. So if we
29 went back to the PTC for the time being giving guidance that we feel that a 9 to 15 foot
30 effective sidewalk is the direction that they should be looking at, are we in agreement with that
31 pretty much?

32 Board Member Gooyer: I think so, yeah.

33 Chair Lippert: Ok. And so what do my colleagues think about the idea of requiring that upper
34 floors come out to the build-to line, still require upper floors to come to the build-to line up to
35 50 percent of the façade?

36 Board Member Malone Prichard: I feel comfortable allowing it, but not requiring it.

1 Vice-Chair Popp: Exactly. I don't think we can make that a requirement, but I think we could
2 encourage it.

3 Chair Lippert: Ok.

4 Board Member Gooyer: Yeah, I agree. That goes back to the same thing I said as far as the
5 whole face of the building becomes part of that 50 percent.

6 Chair Lippert: Ok. Board Member Lew.

7 Board Member Lew: I think my answer would be it depends.

8 Chair Lippert: Ok.

9 Board Member Lew: I'm with you I think on the 35 foot height limit. I'm not sure I'm with you
10 on the 50 foot height limit areas.

11 Chair Lippert: Ok. Do we want to talk a little bit about the taking off the density, the residential
12 density, the 20 units per acre?

13 Ms. French: You can talk about it, but the Council has kind of given that direction. I mean
14 certainly adding value to the conversation would be great. I feel like there's still other stuff to
15 do with respect to this context, the way we've set up in the ordinance to kind of fold in the
16 context based guidelines and if we could just get some input there. I mean definitely it's
17 helpful to get that 9 to 15 foot, so we're going from it used to be 8 to 12 feet and now it's
18 going to say 9 to 15 feet wherever we have those - that range. So that's clear. Maybe I could
19 go back and ask questions at some point when you're ready.

20 Chair Lippert: No, go ahead. Please.

21 Ms. French: Ok. Alex had (interrupted)

22 Board Member Lew: I just had a quick one - so we've got the effective sidewalk width, but then
23 what happens where there's a special setback? So I know you have your, you have it in your
24 table (interrupted)

25 Ms. French: Right.

26 Board Member Lew: So I guess the thing that's in the back of my mind was, you know the
27 there's a Middlefield project, Ken Hayes' project on Middlefield right next to the Winter Lodge
28 and he was arguing, I mean it didn't meet the 50 percent build-to line or it was an
29 interpretation?

30 Ms. French: I believe it was a DEE, a Design Enhancement Exception, because they didn't get to
31 50 percent solid wall.

32 Board Member Lew: Right, it had a porch or something.

33 Ms. French: Yes, some kind of canopy that we counted.

1 Board Member Lew: I guess my question for staff is, what difference does it make? If you have
2 a 20 foot, that much of a setback and there's no continuous wall, then what are we trying to
3 do?
4

5 Ms. French: Yeah, I don't think these guidelines were written for the special setbacks. I think
6 they were written less specifically for El Camino, because they were taken from the El Camino
7 Guidelines that were prepared in 2002 to apply to El Camino, where we were trying to establish
8 that building wall as continuous as much as possible, given the fact that you have to have
9 driveways, etcetera. So yeah, the Middlefield example it's wacky, to quote myself, but to have
10 that much that you have to put at 25 feet back, it's sort of silly, right? Yeah.
11

12 Board Member Lew: So it seems to me like in your table like you just have them in separate
13 columns, right? You have special setback lines imposed by the special setback map and it
14 seems to me that there should be some sort of connection between the or some sort of
15 separation, or some sort of way to reconcile those two. Or maybe, I don't know, maybe there
16 are situations where you want them both? I don't know.
17

18 Ms. French: Right, so again to use a project, a real project that's built, the Alma Plaza had a
19 special setback requirement along that roadway of 24 feet or maybe it was 30 feet. I think it
20 was 30 feet at that point. And so, but there's no build-to line in that zone as it was PC,
21 basically all bets were off. There was no requirement for it to do the build-to. So anyways that
22 was through the PC process to have that come closer. If that were a CN on Middlefield again
23 with a build-to line in place for CN districts, which again was written more for El Camino, but it
24 does apply still for any CN zone property. We could probably go into this ordinance and say
25 we're really talking about El Camino here, because there's other - I listed all the streets that are
26 CN, right? There's CN on Antonio, and CS. There're lots of roadways here and some of those
27 are impacted by that special setback. So the build-to line kind of allows you to violate the
28 special setback if you will by saying put it 0 to 10 feet from the property, front property line
29 you're saying you can now violate that 24 foot setback because we're requiring you to put it
30 there.
31

32 Chair Lippert: I just want to put some legs on the whole notion of the special setbacks. That
33 the idea I believe when that was implemented was that we were more of a car oriented society
34 and that the idea was that the City wanted to be able to hold the option of being able to
35 eventually widen Middlefield Road in order to create more of a either Alma Street or something
36 that was more of an arterial in this City. Since then, I think everyone has pretty much set on
37 the meandering notion of Middlefield Road and that it's not really an arterial. And I believe that
38 the same thing occurred on some of the downtown streets where we had special setbacks and
39 the idea was that, at some point, Bryant Street would be widened and made into more of an
40 arterial street. So that's where a lot of the special setbacks actually come from, even though
41 it's not described in that manner.
42

43 Ms. French: Yeah, I think the special setbacks is something that kind of makes us glaze over
44 and probably needs to be handled in a future, separate discussion just because we have to go
45 back to the origins, and see if there is any reason to keep them around and all of that. I mean
46 for instance, in the Research Park, you have 50 feet setbacks. You know? Let's say that was
47 Page Mill Road or some other streets. Do they really want to have that wide of a roadway, or is
48 some of that because they want that green front lawn look, which is no longer sustainable, but
49 there might be other reasons for that special setback besides roadway that we'd have to do
50 some more study about.
51

1 Chair Lippert: But just to get around that whole discussion of special sidewalks because that's
2 not part of this is, that it doesn't affect our recommendation here because we're looking at a
3 minimum effective sidewalk width here. And so the special setbacks are actually outside of
4 that.

5
6 Ms. French: Yeah, I think it's only if we eliminated the build-to line then it would rear its head,
7 the whole special setbacks thing, because then we'd be looking at again the missing teeth by
8 observing the special setback. Yeah.

9
10 Chair Lippert: Good, good catch there. I like that. Missing teeth, pumpkin teeth.

11
12 Vice-Chair Popp: I understood that there are five specific things that you wanted us to give you
13 some input on, ok? Build-to line including the sidewalk widths; I think we've talked about that.
14 Lot area clarifying FAR should not be taken. Setback by land use. Overhang concept, I think
15 we talked about that and street trees I think we've addressed that. So I'm comfortable saying
16 go ahead to Council with the information, I'm sorry, Planning Commission with the information
17 that you've got here and with the one very clear statement from me that we need to get Bruce
18 involved. We need to get some examples made, we need to get some precedent evaluated and
19 really clearly exhibit for people what it is we want to have happen, but there's nothing here
20 that's challenging for me at this point and I think that we should try and move this forward
21 quickly so that we get rid of all the confusion and the swirl and the loopholes and get some
22 clarity and direction for people so that we don't have to go through this on project after project.
23 Let's just do it.

24
25 Ms. French: And since you're going to appoint somebody to come to PTC to explain why not 18
26 and 12 at this point where we're identifying this range, to be followed by further understanding
27 where that applies along El Camino in particular with Bruce Fukuji's help perhaps, and then we
28 get a Council contract approval of a contract for a consultant to help.

29
30 Vice-Chair Popp: And I think we can probably go to Planning Commission and tell them what it
31 is we're interested in, give them a narrative of why we want it and then get Bruce to further
32 illustrate that as we go forward, but we don't need to wait for Bruce in order to take care of
33 that.

34
35 Ms. French: Sure. So I'm just, you know right now we have it kind of quasi-set for
36 recommendation to Planning Commission, but I'm feeling like we might want to pull back on
37 that and have the first meeting next week with them as a more discussion and to be continued
38 to come back with further amendments if they take that up and want to have further
39 discussion.

40
41 Chair Lippert: I don't have a problem with that. I just want to make sure that they understand
42 where we're at and that it's beginning to boil or bubble and simmer, but it's not soup yet. Not
43 stone soup. Would you like to weigh in a little bit about what Randy has just contributed?

44
45 Board Member Malone Prichard: I like that he's distilled it back down to the five things we're
46 supposed to be talking about because this is a huge topic otherwise. I think we did deal with
47 the build-to and setback, sidewalk widths, and the lot area. I'm not sure setback by land use
48 we really addressed except that we all agreed that it should vary by land use and I was hearing
49 we should either require or allow upper floors to overhang out to the property line; was that to
50 the property line or was that to the build-to line? Street trees are important and that's a Bruce
51 Fukuji thing.

1 Chair Lippert: Board Member Lew do you have anything to contribute?

2 Board Member Lew: No.

3

4 Chair Lippert: Board Member Gooyer?

5

6 Board Member Gooyer: I'm fine too.

7

8

9

10 Chair Lippert: Ok. I just want to try to understand here a little bit since we're talking about use
11 and setbacks and effective sidewalk width so are my colleagues in agreement that if it was a
12 retail, ground floor retail use that in fact a 9 foot, something closer to a 9 foot sidewalk width
13 would be acceptable because we want to get people excited about the retail that's going on
14 there and that if it was a different use that it would then be more of a 12 foot effective sidewalk
15 width? Is that what we're saying here?

16

17 Board Member Malone Prichard: I think it is, but I think it's important to state whether we're
18 talking about allowing them to come to nine feet or requiring them to come to nine feet. And
19 I'm in favor of leaving it up to the applicant to design their building appropriately, but allowing
20 them to come to nine feet if it's retail.

21

22 Chair Lippert: Ok, when it comes to use and zoning that's really the PTC's purview. So what I
23 would do is I would give them some guidance here and then allow them to weigh in and sort of
24 thresh that out and then maybe when the soup is closer to being ready when there are
25 ingredients we can finalize our recommendations here.

26

27 Ms. French: If I might just weigh in on that? So if just for, because of building form really,
28 which is your area of expertise particularly, if you have a nine foot sidewalk for retail then we
29 talked about the upper floors being at this 50 percent. Do those also continue on this nine foot
30 even though they're office or do we have those ones step back to the twelve foot or whatever it
31 might be? These are other kind of questions that come up for me when I think, well we allow it
32 to come forward, but is the, you know, if it's a 50 foot wide building are the upper floors also at
33 9 feet? And then that's going to protrude forward. I guess it's a question.

34

35 Chair Lippert: My (interrupted)

36

37 Board Member Malone Prichard: That's what architectural review is for.

38

39 Chair Lippert: Yeah. My feeling is that I prefer... there's a reason why we have a build-to line,
40 but it's getting in the way of what's happening at the ground floor plane with sidewalks.
41 Sidewalks don't happen at the upper level. And so my thought is that you still encourage the
42 build-to for the upper stories particularly and I'm looking at either curtain walls, balconies I
43 think work well, and it doesn't need to happen at all the floors. It could step back when you
44 get to the third floor, so.

45

46 Vice-Chair Popp: I guess I'm not interested in being dictatorial about these regulations, right?
47 Each project stands on its own. We need to evaluate each one as an individual piece. The one
48 certainty is change and if someone designs a project for retail today there's no guarantee it's
49 going to be retail five years later. It could become something different and so I think what's
50 important is to recognize part of the reason the ARB exists is to help evaluate buildings and to
51 look at all of these different variables and setting one set of rules that is so precise I think is

1 going to be very problematic and that's something that Planning Commission needs to
2 understand clearly is that we're entrusted with managing some of this and design and character
3 are something that needs to be assessed on a site by site basis.

4
5 Chair Lippert: Ok, so it's now 20 of twelve. What I'd like to try to do is at this point get a
6 Motion and that captures the discussion that we're having today and while that is not a formal
7 action or recommendation to the director it is guidance or talking points to provide to the PTC
8 so that they can have their discussion and hopefully this can return to us and we can continue
9 the discussion and fine tune some of this.

10
11 Vice-Chair Popp: Is that a Motion?

12
13 Chair Lippert: No, because there's no content. I want to make sure that we capture the
14 content. So what I'm looking for is a consensus of agreement. So if there was a member here
15 that wants to make that Motion? Ok.

16
17 MOTION

18
19 Vice-Chair Popp: Ok, I can try. I'd like to move that we move forward to a discussion with the
20 Planning Commission with the five elements that are requested for comment and discussion in
21 the staff report with the direction established today by the Board including recommendation for
22 a 9 to 15 foot sidewalk width, lot area modifications should not reduce FAR, that setbacks by
23 land use could be variable and need to be evaluated on a project by project basis, that building
24 overhangs may extend to the build-to line, but don't necessarily have to, and that street trees
25 wherever possible should be encouraged as part of the sidewalk landscape.

26
27 Chair Lippert: Well done. Do I have a second on that?

28
29 SECOND

30
31 Board Member Gooyer: I'll second.

32
33 Chair Lippert: Ok. We have a second on that. Any discussion? Ok. I just want to say as Chair
34 here I have to apologize for being so forceful here, but if we don't get moving on this
35 somebody else is going to tell us what to do and so I want to make sure that we weigh in on
36 this and we do it in a measured and thoughtful way and so I really appreciate your
37 perseverance with this. I don't like making anybody do anything, but it really has to get done
38 and it has to get done expeditiously. I've had a couple of conversations with Planning and
39 Transportation Chair Mark Michael and I've told him that we are sending a representative
40 forward and that we are making progress on this. And so it's important that we deliver and we
41 make that feedback and that guidance very deliberate and measured in this case. And so what
42 I see as the follow up actions are that we then agendize a follow up meeting getting the
43 feedback from the PTC, we take a couple of more meetings probably to formalize that and
44 incorporate the discussion of height, we then have a joint meeting with the PTC in which we
45 begin to formalize the recommendations with them and we can actually agendize it and do it in
46 a way that both boards can take action. And that we move forward at that point with a
47 recommendation to the City Council and we do right now we're trying to get a joint meeting
48 with the City Council and perhaps we make our final recommendation or presentation at that
49 point.

1 Vice-Chair Popp: The only thing I might add to that very appropriate list is outreach meetings,
2 which were identified in the staff report. I think there was a timetable for that and it looked
3 like there might be an opportunity for some CN and CS property owners to weigh in on the
4 process and give us some feedback and I'd like to get that earlier rather than later.

5 VOTE
6
7

8 Chair Lippert: Ok, well maybe when that returns to the ARB. So with that why don't we vote on
9 the Motion. All those in favor say aye (Aye). Opposed? Ok, that's unanimous and I will ask
10 Vice-Chair Popp to make the presentation to the PTC next week. Ok? Ok, thank you very
11 much.

12 MOTION PASSED (5-0)

13 **Recommendation**

14 Staff recommended that the Architectural Review Board (ARB) review and discuss the concepts
15 for a draft ordinance (Attachment A; this was provided at places):

16 (1) Addressing the build-to-line requirement for sites within the CN and CS zone districts
17 found in Palo Alto Municipal Code (PAMC) Chapter 18.16, Section 18.60.060, to clarify
18 that:

- 22 ▪ Buildings may be placed farther back than: (a) the required 12 feet from the curb
23 along El Camino Real and (b) the required 8 feet from the curb along other
24 thoroughfares; and
- 25 ▪ To allow more flexibility in how much of the front building wall must be located
26 at the setback line, with respect to the rules for building wall filling 50% and 33%
27 of the main and side street frontage at the minimum setback line (particularly, as
28 applied to large parcels with potentially long building walls at the setback line).

29 (2) Addressing the Context Based Design Criteria Considerations and Findings found in
30 PAMC Section 18.60.090 (b), item (2) Street Building Facades, to modify sub-item (H)
31 upper floor placement, and item (3) Massing and Setbacks, to modify sub-items (E) and
32 (F); specifically:

- 34 ▪ (2)(H): currently calls for upper floors set back to fit in with the context of the
35 neighborhood; *add that the ground floor may be set back farther than the upper*
36 *floors when a greater first floor setback is established to provide a wider*
37 *sidewalk*;
- 38 ▪ (3)(E): currently calls for a 12 foot sidewalk width on El Camino Real and an 8
39 feet sidewalk width elsewhere; *to note that an increased width may be*
40 *appropriate based on context, given a desired sidewalk width range of '12-18*
41 *feet on El Camino and 8 to 12 feet elsewhere'*; and
- 42 ▪ (3)(F): currently calls for a majority of the building frontage located (exactly) at
43 the front and side setback lines (to achieve a continuous street façade at the
44 build-to-line); *to build in flexibility based upon context, so that the majority of the*
45 *front building wall is placed within (specified setback such as 20 feet) of the front*
46 *property line (unless subject to special setback)*.

47 (3) Reducing the allowable Floor Area Ratio on CN zoned sites where dwelling units are
48 permitted at 20 units per acre, also in Section 18.60.060 of Chapter 18.16; and

49 (4) Modifying the definition of lot area, in PAMC Chapter 18.04, Section 18.04.030, to

1 encourage provision of wider sidewalks.
2

3 **Architectural Review Board Action:** Vice Chair Popp moved seconded by Board Member
4 Gooyer to move the ordinance for discussion with Planning Transportation Commission (PTC)
5 and bring back the ordinance with Commission comments for more discussion with the Board.
6 The Board also requested a joint meeting with the PTC and requested that the discussion
7 include building height among the topics discussed. Briefly, the ARB:

- 8 1. Supports a 9 to 15 foot sidewalk width, face of curb to building, where the 9 foot width
9 would be appropriate for retail uses.
- 10 2. Does not support a requirement for a continuous width of 18 feet along El Camino Real.
11 The ARB suggested the City retain a consultant to provide visual examples of sidewalks
12 and concepts for amenities to enliven the area in front of buildings.
- 13 3. Supports the proposed lot area definition change to allow applicants to provide
14 additional sidewalk width on private property and not deduct the area removed from
15 private use from the lot area available for calculating building square footage. However,
16 the ARB does not consider this an incentive (noting that only *additional* floor area would
17 be an incentive).
- 18 4. Supports including land use among the criteria for context to determine on a project by
19 project basis whether additional sidewalk width is needed and allowing discretion for
20 ARB determination.
- 21 5. Supports removal of the build-to-line requirement to allow the ARB to determine
22 appropriate setback in each case, or retain the build-to-line requirement and allow
23 exceptions for different land uses.
- 24 6. Supports encouraging or allowing building overhangs on upper floors extending to the
25 build-to-line to meet the 50% building frontage requirement, and allowing the ground
26 floor to be set back further to provide a wider sidewalk. The ARB also noted there is a
27 height relationship that should be included in the discussion.
- 28 7. Supports encouraging street trees as part of sidewalk landscaping.

29
30 *Vote:* Approval, 5-0-0-0