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## PHZ Project Data

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From Palo Alto Forward 

Date Tue 10/1/2024 10:15 AM

To Planning Commission <Planning.Commission@cityofpaloalto.org>

Cc Architectural Review Board <arb@cityofpaloalto.org>

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Honorable Planning Commissioners,

At your last meeting, there were questions about what the zoning standards were for recent PHZ applications. We compiled that data and it is shown in the table that follows. Note that several of the projects are older and building codes and construction costs have changed.

We are hearing consistently from planners and developers that 75 to 85 feet is the minimum height to allow a five-over-two typology -- five floors of residential over two floors of parking -- which is currently the most constructable, financeable, and (therefore) feasible multifamily development type. The El Camino Housing Focus Area and GM/ROLM zoning changes generally allow for a variation of this building type. The majority of the Builder's Remedy projects propose this five-over-two typology, further demonstrating its feasibility.

Table 2: Actual Projects Proposed through PHZ Process<sup>42</sup>

Address	660 Univ. Ave	955 Alma St.	2951 El Camino Real	3997 Fabian Way	3150 El Camino Real	3400 El Camino Real	70 Encina Ave	800 San Antonio Road	Average	Base Zoning in City's Housing Element (from Table 1)
FAR	2.3	2.7	2.5	2.8	3.0	2.5	2.4	3.0	2.7	Typically residential FAR of 0.5 to 0.6 in commercial areas; 0.5 to 1.0 in residential areas
Res. FAR	1.9	2.1	2.4	2.8	2.9	2.5	2.4	3.0	2.5	
Com. FAR	0.4	0.6	0.1	0.0	0.1	0.0	0.0	0.0	0.2	
Height	45'	50'	54'	57'	55'	61'	55'	60'	56'	Typically 30' to 40' in residential areas; 35' to 50' in commercial areas
Density	142 units per acre	150 units per acre	103 units per acre	135 units per acre	123 units per acre	106 units per acre	72 units per acre	86 units per acre	115 units per acre	Typically 30-50 units per acre; almost always <90 units per acre
Parking	0.9 spaces per unit <sup>43</sup>	0.7 spaces per unit <sup>44</sup>	1.2 space per unit <sup>45</sup>	1.3 spaces per unit	1.3 spaces per unit <sup>46</sup>	1.3 spaces per unit	1.4 spaces per unit	1.9 spaces per unit	1.25 spaces per unit	Typically 1 space per 1-bedroom and 2 spaces per 2-bedroom

Note that we assume that total height is actually higher to accommodate necessary rooftop mechanical equipment, per PAMC 18.40.090.

Thank you as always for your service to the city.

Amie Ashton  
Executive Director, Palo Alto Forward  


**\*\*Want to be counted as a supporter of housing? Add your name [here](#).\*\***

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**Fwd: PHZ Project Data**

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From Palo Alto Forward [REDACTED]

Date Fri 10/4/2024 1:19 PM

To Planning Commission <Planning.Commission@cityofpaloalto.org>; Architectural Review Board <arb@cityofpaloalto.org>

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Honorable Planning Commissioners,

At your meeting to discuss the HIP process, there were questions about what the zoning standards were for recent PHZ applications. We compiled that data and it is shown in the table that follows. Note that several of the projects are older and building codes and construction costs have changed.

We are hearing consistently from planners and developers that 75 to 85 feet is the minimum height to allow a five-over-two typology -- five floors of residential over two floors of parking -- which is currently the most constructable, financeable, and (therefore) feasible multifamily development type. The El Camino Housing Focus Area and GM/ROLM zoning changes generally allow for a variation of this building type. The majority of the Builder's Remedy projects propose this five-over-two typology, further demonstrating its feasibility.

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Res. FAR	1.9	2.1	2.4	2.8	2.9	2.5	2.4	3.0	2.5	
Com. FAR	0.4	0.6	0.1	0.0	0.1	0.0	0.0	0.0	0.2	
Height	45'	50'	54'	67'	55'	61'	55'	60'	56'	Typically 30' to 40' in residential areas; 35' to 50' in commercial areas
Density	142 units per acre	150 units per acre	103 units per acre	135 units per acre	123 units per acre	106 units per acre	72 units per acre	86 units per acre	115 units per acre	Typically 30-50 units per acre; almost always <90 units per acre
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Note that we assume that total height is actually higher to accommodate necessary rooftop mechanical equipment, per PAMC 18.40.090.

Thank you as always for your service to the city.

Amie Ashton  
Executive Director, Palo Alto Forward  
[REDACTED]

**\*\*Want to be counted as a supporter of housing? Add your name [here](#).\*\***

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## Stream Corridor Recommendations

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**From** Arthur Keller [REDACTED]

**Date** Sat 10/5/2024 12:50 AM

**To** Planning Commission <Planning.Commission@cityofpaloalto.org>

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Planning and Transportation Commissioners,

I am in support of the revision with one change that I recommend:

Attachment A (Draft Ordinance) Table 1: Streamside Setback and Riparian Buffer Regulations, in the row under Urbanized Areas (east of Foothill Expressway, west of Highway 101) for Channelized Stream, it specifies 40' streamside setback. This is unnecessary and inappropriate. Note that in this case there is no riparian buffer. Because the stream is channelized, 40 feet is totally unnecessary to protect the stream. I would recommend none, but otherwise 5 feet is reasonable. If you consider the properties along the channelized creeks, they have the same dimensions as nearby properties not adjacent to the creek.

Note that I serve as Vice Chair of the Environmental and Water Resources Committee for Valley Water, but I writing this solely as an individual homeowner affected by this provision.

Best regards,  
Arthur Keller

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## Proposed Ordinance for Stream Corridor Protection

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**From** Tom Fountain [REDACTED]  
**Date** Sat 10/5/2024 1:21 PM  
**To** Planning Commission <Planning.Commission@cityofpaloalto.org>  
**Cc** Armer, Jennifer <Jennifer.Armer@CityofPaloAlto.org>; Cha, Kelly <Kelly.Cha@CityofPaloAlto.org>; kgardiner@goodcityco.com <kgardiner@goodcityco.com>

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Dear Chairwoman Chang, Vice Chairman Reckdahl, Commissioner Summa, Commissioner Hechtman, Commissioner Templeton, Commissioner Lu, and Commissioner Akin:

We are Palo Alto residents and owners of a property in Crescent Park abutting San Francisquito Creek. We are writing to register our **objection** to the proposed Ordinance Updating the Palo Alto Municipal Code Section 18.40.140 concerning the Stream Corridor Protection, scheduled to be heard by you as the Planning & Transportation Commission on October 9, 2024.

We respectfully ask the Commission to provide further direction to Staff regarding:

- (1) creating greater awareness among City residents as to the magnitude of change to homeowners contemplated by this ordinance, should it continue to apply to urbanized areas, given its impact to hundreds (or thousands) of property owners,
- (2) abandoning the proposed doubling of the setback, well in excess of those of neighboring jurisdictions, at least as it relates to urbanized areas, and
- (3) reducing the burden on homeowners introduced by the proposed new requirements by relying less on exemptions and more fully grandfathering existing conditions, again at least as it pertains to urbanized areas.

First, we take issue with Staff's assertions that sufficient stakeholder engagement has been conducted in this situation. This is a new issue taken up by the City as evidenced by the recency of the community information session, Staff's rapid proposed sequence of reviews by the City's boards, commissions, and City Council, and even the surprise of advocacy groups. In a City where many people have strong opinions, the limited feedback summarized by Staff suggests the community is not yet engaged. As but one example, we both watch local news carefully, read all correspondence, and

frequently check on local government meeting agendas. We only learned about this issue this week when we received the postcard and had to wait days while repeatedly checking and finally receiving the agenda packet. We believe further efforts are required to solicit homeowner input on such a significant change to land rights.

Second, we strongly oppose the doubling of the setback, particularly in urbanized areas, from 20' to 40'. In the urbanized center of Palo Alto, there is minimal to no benefit to this increase. The staff report does little to establish why the taking of these land rights is needed. Moreover, as acknowledged by Staff, the proposed setback exceeds that of neighboring and other jurisdictions. Why should Palo Alto have twice the setback as other local jurisdictions? As just one real-life example to contextualize the impact of this ordinance, on our property, it would remove the right to build interior to our fence where we today have a pool and auxiliary building. When combined with the creek easement, we would have an extraordinary rear 67' of the property deemed unbuildable. We do not believe this is necessary or even helpful to the community. We strongly recommend against increasing the setback in the urbanized areas.

Third, we are concerned by the negative impact this ordinance would have to private property development. There can be little doubt California faces an acute housing shortage. We must promote new development, increase density, and encourage ADUs. While we respect the ongoing fight between local municipalities and the state in the specifics of how to address this crisis, reducing large portions of buildable land across the City, particularly in urbanized areas, is poor policy. The removal of land creates even greater density and in-fill requirements. Again, if we use but one real-life example of our property, the proposed ordinance would remove nearly 1,500 sq. ft. of building envelope. We must not reduce buildable land unless absolutely required.

Fourth, the other code changes introduce yet more burdens on homeowners, driving up the cost and unavailability of housing stock. While limits are necessary to protect the community, we question whether all of these new requirements are truly mandatory, particularly in urbanized areas.

Finally, we oppose Staff's recommended use of administrative reviews and council or board approved exemptions as a remedy for over-reaching setback (and other) requirements that are burdensome to homeowners. At a minimum, this greatly increases the cost, time, and uncertainty to development, improvements, or repairs. More significantly, it creates more areas for Staff subjectivity without reasonable remedies. Development in Palo Alto is already among the most arduous in a state that is itself notorious for difficulty building codes; we do not need to add yet more requirements to our urbanized areas.

Taken together, we respectfully ask the Planning & Transportation Commission to provide direction to Staff to address these issues before the Commission recommends proceeding to the City Council.

Respectfully,

Tom Fountain and Kristin Fountain

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For a good laugh: See page 16 of the Oct 14th Palo Alto Weekly of Jewish lobby members response to my letter to the Weekly of September 27, 2024

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From Aram James [REDACTED]

Date Sat 10/5/2024 2:42 PM

To Ed Lauing <elauing@equitysearchpartners.com>; Shikada, Ed <Ed.Shikada@CityofPaloAlto.org>; Stump, Molly <Molly.Stump@CityofPaloAlto.org>; O'Neal, Molly <Molly.ONeal@pdo.sccgov.org>; Joe Simitian <joe.simitian@bos.sccgov.org>; Supervisor Susan Ellenberg <supervisor.ellenberg@bos.sccgov.org>; Friends of Cubberley <friendsofcubberley94303@gmail.com>; dennis burns <[REDACTED]>; DuJuan Green <[REDACTED]>; Tom DuBois <[REDACTED]>; Karen Holman <[REDACTED]>; Kaloma Smith <pastor@universityamez.com>; Patricia.Guerrero@jud.ca.gov <Patricia.Guerrero@jud.ca.gov>; jgreen@dailynewsgroup.com <jason.green@bayareanewsgroup.com>; Enberg, Nicholas <Nicholas.Enberg@CityofPaloAlto.org>; ParkRec Commission <parkrec.commission@CityofPaloAlto.org>

Cc Figueroa, Eric <Eric.Figueroa@CityofPaloAlto.org>; Zelkha, Mila [REDACTED] <michael.gennaco@oirgroup.com> <michael.gennaco@oirgroup.com>; Foley, Michael <Michael.Foley@CityofPaloAlto.org>; Human Relations Commission <hrc@cityofpaloalto.org>; Lotus Fong <[REDACTED]>; Palo Alto Free Press [REDACTED]; Baker, Rob <rbaker@dao.sccgov.org>; Roberta Ahlquist <roberta.ahlquist@sjsu.edu>; Linda Jolley [REDACTED]

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## Thank you, vigil organizers

Editor:

Your headline read (9/12/24):  
City rescinds support for vigil  
after CAIR joins as co-sponsor.  
The headline could just as well  
have been: *The Palo Alto Jewish  
lobby strikes another blow in its  
relentless campaign to censor  
and intimidate anyone or any  
organization that even in the  
mildest manner criticizes the  
state of Israel.*

Congratulations are due to  
the long-time organizer of the  
vigil, Samina Sundas, for refus-  
ing to succumb to the demands  
of the powerful Jewish lobby  
and for refusing to remove one  
of the longest co-sponsors of the  
event, the Council on American  
Islamic Relations (CAIR), for the  
crime of daring to have a differ-  
ent opinion on the Palestinian-  
Israeli conflict than the Jewish  
lobby. Samina Sundas deserves a  
Nobel Peace Prize for her cour-  
age in facing down the lobby and  
for organizing a peaceful, multi-  
racial, multi-religious vigil for  
more than twenty years.

Palo Alto City Council  
Member Julie Lythcott-Haims  
deserves an honorable mention  
for not drinking the Zionist  
Kool-Aid and instead attend-  
ing the vigil on behalf of all  
the peace-loving people of this  
community. I am proud to have  
Julie Lythcott-Haims on our city  
council.


Aram James,  
Ivy Lane, Palo Alto

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data on HH size trends

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**From** [REDACTED]  
**Date** Sun 10/6/2024 11:34 AM  
**To** Council, City <city.council@cityofpaloalto.org>; Planning Commission  
<Planning.Commission@cityofpaloalto.org>; Architectural Review Board <arb@cityofpaloalto.org>  
**Cc** Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>;  
Jean Eisberg <jean@lexingtonplanning.com>

 1 attachments (13 KB)  
HH size in Palo Alto.xlsx;

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I have heard discussions of HH size in relation to housing needs  
and want to pass along data on HH size from the American Community Survey  
along with clarifying notes and personal comments  
Steve

	2023 ACS		2015 ACS		2018-22 ACS		2011-15 ACS		U.S. 2018-22 ACS		U.S. 2023 ACS	
	Number	% of total	Number	% of total	Number	% of total	Number	% of total	Number	% of total	Number	% of total
1 person	9197	33.1%	6872	26.4%	6479	24.9%	7200	27.6%		28.3%		28.8%
2 persons	8341	30.0%	7965	30.6%	8882	34.1%	8191	31.4%		33.8%		34.3%
3 persons	5407	19.5%	5336	20.5%	4572	17.5%	4722	18.1%		15.5%		15.2%
4+ persons	4823	17.4%	5857	22.5%	6131	23.5%	5974	22.9%		22.4%		21.8%
Total	27768	100.0%	26030	100.0%	26064	100.0%	26087	100.0%		100.0%		100.1%

HH with children 0-17		30.4%		35.4%		32.1%		34.8%		30.2%		28.8%
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Average HH Size

Palo Alto Jan 1, 2024	2.49
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#### Notes

The single year estimates for Palo Alto have a small sample size. It will be interesting to compare the 5-year 2019-2023 estimates coming out soon with the 2018-22 estimates

There are precise definitions for HH and families

HH are who occupies a housing unit

Families are groups related by blood, marriage or adoption

The 4+ person HH have several components that I do not have data on

- a) larger families like 2 parents and 2 or more children
- b) groups of unrelated residents living together to save on housing costs
- c) multi-generational families living together for cultural reasons or to save on costs

Anecdotaly the number of larger HH formed to save on housing costs has grown

In the future HH size will decline from a) falling birth rates and b) aging that produces more senior 1 and 2 person HH

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Comments on Item 2, Stream Corridor Protection and Review

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From Shani Kleinhaus [REDACTED]

Date Tue 10/8/2024 2:47 PM

To Planning Commission <Planning.Commission@cityofpaloalto.org>

Cc Cha, Kelly <Kelly.Cha@CityofPaloAlto.org>; Kevin Gardiner <kgardiner@goodcityco.com>; Dash Leeds [REDACTED]; Armer, Jennifer <Jennifer.Armer@CityofPaloAlto.org>

 1 attachments (78 KB)

Coments for PTC Agenda item 2 Stream Protection (2).pdf;

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Dear Chair Chang, Planning Commissioners, staff and consultants,

The Santa Clara Valley Bird Alliance and the Sierra Club Loma Prieta Chapter submit attached comments and recommendations for Item 3 on the PTC 10/9 Agenda, Stream Corridor Protection and Review

We hope you find our comments helpful.

Respectfully,

Shani Kleinhaus and Dashiel Leeds

October 8, 2024

**Re: Item 2 on PTC October 9th Agenda - Stream Corridor Protection and Review**

Questions/Comments/Recommendations submitted by the Santa Clara Valley Bird Alliance and the Sierra Club Loma Prieta Chapter.

**General Question:**

1) How will Bird Friendly Design and Dark Sky be addressed (outdoor lighting)? The Lighting ordinance and the Bird Friendly Design ordinance deferred to the Stream Protection ordinance.

- **Recommendation:** Include specific requirements for creek setbacks in the other ordinances.

**The proposed ordinance:**

SECTION 1. ok

SECTION 2.

**18.40.140 Stream Corridor Protection and Review**

(b) Definitions: Please define “use” and “structure” to address roads, parking, swimming pools, sport courts etc.

**Recommendations:**

- Clarify that channelization/natural creeks mean the section next to the development, not the entire stream.
- Add definitions for “structures” and “uses” that includes swimming pools, roads and parking, sport fields, or other development or installations of permanent or semi-permanent infrastructure or changing of ground cover.

**(d) Exemptions**

Proposed exemption (3) Retaining walls less than three feet in height that are located outside of the Slope Stability Protection Area;

- **Comment:** In open spaces where Special Status Western Pond Turtles still persist, this can stop their movement.
- **Recommendation:**
  - Remove this exception, or apply it to the 60-ft Riparian Buffer instead of the Slope Stability Area,
  - Require natural materials only (stone, wood)

Proposed exemption (5) Replacement of utility service laterals where location outside the protected areas is not **readily** available (emphasis added).

- **Comment:** “Readily available” is subjective and easy to claim hardship.

- **Recommendation:** Remove the word “readily”.

Proposed exemption (6) Storage buildings not greater than 120 sq. ft.;

- **Comment:** Storage structures of all sizes often contain hazardous, toxic and flammable materials. Natural disasters like fire or especially flooding can carry these chemicals downstream and exacerbate environmental and human suffering.
- **Recommendation:** Remove this exemption. Storage structures should not be permitted anywhere in the stream setback.

Proposed exemption (8) expansion of existing development along channelized streams in Urbanized Areas.

- **Comment:** Even in urban areas, buffers are important.
- **Recommendation:** Remove this exemption, or exempt only residential development.

#### (e) Requirements Within the Streamside Setback and Riparian Buffer

#### **Table 1: Streamside Setback and Riparian Buffer Regulations and Figure 4: Streamside Review Elements**

The proposed ordinance provides 3 bands: Slope protection, Riparian Buffer and Stream Setback. The Riparian buffer band (30-ft) aims to implement goals from the Palo Alto 2030 Comprehensive Plan, Program N3.3.1 :

“Within the setback area, provide a border of native riparian vegetation at least 30 feet along the creek bank”.

However, Palo Alto Section 15.04.430 Municipal Code requires that parcels in or adjoining the Wildland Urban Interface (in the foothills):

“Shall at all times maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet of such buildings or structures.”

These two directives are contradictory, since a functional riparian ecosystem by essence contains flammable materials. One cannot keep the 30 feet buffer in a way that simultaneously maintains a viable riparian ecosystem and clear of flammable vegetation.

- **Recommendation:**
  - Expand the Riparian Buffer to 60 ft in the Foothills and the Baylands.

#### (1) Streamside Setback Requirements:

##### (A) Vegetation

- **Recommendation:** Add “landscaping”
- **Comment:** Valley Water is restrictive on the genetics of native plant material. They discourage use of California native vegetation unless it is sourced from the same watershed. So the vegetation requirements of the ordinance may be difficult to comply

with. **Recommendation:** Keep as is. It limits selection, but is not impossible to comply with.

- **Recommendations**

- **Add:** Prohibition of soil covering with impervious surface, or using any type of synthetic cover or fill, including but not limited to plastic (nylon, polypropylene or polyethylene, rubber) and ground cover such as turf and fill, mulch, weed barriers.
- **Add:** prohibit uses that may not be considered “structures” such as swimming pools, outdoor lighting, roads and parking, decks, sport fields and courts etc.

#### (B) Fences

The proposed ordinance states, “ In the areas west of Foothill Expressway, Wildlife-Friendly Fences shall have at least one gate which can be opened in the event an animal becomes trapped and needs to be released. “

**Recommendation:**

- Please clarify that in the areas west of Foothill Expressway, Wildlife-Friendly Fences are required in the entire Streamside Setback area.

#### (C) Uses and Structures

(ii) Loading docks, trash enclosures, chemical storage areas, and stationary noise-producing mechanical equipment shall be located a minimum of 50 feet from the top of bank of a stream, provided that the Director of Planning and Development Services may allow equipment closer than 50 feet where site conditions and/or other setback requirements make compliance **impractical**; the Director shall not allow noise-producing (50 dBA or greater) equipment closer than 50 feet unless located within an enclosure to reduce noise impacts.

- **Comment:** None of these structures or equipment should be permitted in the riparian setback, and there should not be an inherent exemption that allows them 50-ft from the top of the bank.
- **Comments:** Prohibit other types of development such as swimming pools, courts and sport fields, roads, parking and more.
- **Recommendation:** Remove this path to development in the stream setback. Specify that loading docks, trash enclosures, chemical storage areas, and stationary noise-producing mechanical equipment shall be located a minimum of 150 feet from the top of the bank of a stream.
- **Recommendation:** The word “impractical” is subjective. If allowances are considered, replace “**impractical**” with “**impossible**”.

(iii) Septic tanks and leach fields may not be located closer than 50 feet from the top of bank.

- **Question:** Please consider and address setbacks for septic tanks, leach fields and other onsite wastewater systems as required by Santa Clara County.

(iv) No more than Light Reflectance Value (LRV) of 83 of building finishes on buildings facing streams or riparian areas shall be allowed.

- **Comment:** Outdoor LRV Value of 83 is white and bright. Use earth colors instead?

(D) Grading. Pursuant to Chapter 16.28, a Grading Permit is generally required for all work within 100 (one hundred) feet of top of bank.

- **Recommendation:** This should be extended to 150-ft where the setback is 150-ft.

(2) Riparian Buffer General Requirements:

- **Reminder:** We recommend expanding the Riparian Buffer to 60 ft in the Foothills and the Baylands. This should allow for fire management as well as vegetation along the waterways.

(A) Vegetation (same comments as in the Streamside Setback Requirements)

(B) Fences

(i) New Wildlife-friendly fences shall not be constructed within the Slope Stability Protection Area unless an exception is granted by the Director of Public Works pursuant to 18.40.140(e)(4)(B).

- **Recommendation:** Remove this section. There should not be any fencing allowed in the slope stability protection area.

(C) No buildings or structures shall be allowed without an exception pursuant to subdivision (e)(4).

- **Recommendation:** Remove this section. There should not be any buildings or structures allowed in the 60-ft Riparian buffer area.

(3) Slope Stability Protection Area:

(B) No structures or uses are permitted within the Slope Stability Protection area unless an exception is granted by Director of Public Works where the applicant provides a geotechnical slope stability analysis, demonstrating that the proposed development would not threaten the stability of the stream bank slope, require introduction of hardscape in order to maintain the stream bank slope, or be at risk of damage from future bank stability or erosion, and demonstrating how maintenance and repair of the stream could be provided with the proposed development in place.

- **Comment:** There should be no structures or uses permitted within the Slope Stability Protection area. This ordinance is much broader in its intent to protect streams from hardening. All creeks meander, so this seems like a huge loophole that can harden creeks piece by piece and eliminate the riparian ecosystem over time. This section contradicts the Palo Alto 2030 Comprehensive Plan Policy N-3.2 which directs: "Prevent the further channelization and degradation of Palo Alto's creeks."
- **Recommendation:** Remove section (B).

#### (4) Exceptions

##### (A) Minor Exceptions

III. To allow an alternative stream setback to be the average of the existing setbacks of the adjoining property or properties, rather than the stream setback requirement in Table 1.

- **Comment:** This is a loophole that negates the entire ordinance. Most parcels along creeks are already developed, so this will become the default choice for all new developments.
- **Recommendation:** Remove this Exception.

##### (B) Major Exception

Applicants requesting a Major Exception from a required Stream Setback must submit documentation supporting all of the following findings:

i. There is no reasonable alternative for the proposed project that avoids or reduces the encroachment into the setback area;

- **Questions:**
  - Can the project be required to be smaller?
  - Can the “Riparian Buffer” be off limits, without exception?

ii. The reduced setback will not significantly reduce or adversely impact the streamside environment;

- **Comment:** It is impossible on a case by case to show that a reduced setback will significantly reduce or adversely impact the streamside environment. This is because the impacts are cumulative and consecutive.
- **Recommendation:**
  - Remove the word Significantly

iii. The granting of the exception will not be detrimental or injurious to properties that are adjacent, upstream, downstream, or on the opposing bank.

- **Comment:** It is impossible on a case by case to show that a reduced setback will **significantly** reduce or adversely impact the streamside environment. This is because the impacts are cumulative and consecutive.
- **Recommendation:**
  - Remove the word Significantly

##### **Additional Recommendations regarding exceptions:**

- **Add:** “The reduced setback will not reduce connectivity for wildlife due to the construction of physical barriers or increased lighting in the Riparian Buffer.”
- **Add:** “Reduced setbacks cannot be used for swimming pools, sport fields, roads and parking.

##### **(C) Major Exception Review Process.**

- **Recommendation:**
  - Please ensure that a public hearing is part of this process.

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## Proposed Stream Corridor Protection Ordinance

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**From** Linnea WICKSTROM [REDACTED]  
**Date** Tue 10/8/2024 8:07 PM  
**To** Planning Commission <Planning.Commission@cityofpaloalto.org>  
**Cc** Linnea WICKSTROM [REDACTED]

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

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Commissioners,

I urge you to carefully weigh the impact of a 40-foot setback on R-1, R-2, and RMD properties bordering creeks, especially channelized creeks, in the urbanized areas between Foothill Expressway and Highway 101.

I also wonder about the additional 20-foot Slope Stability Protection Area (Though the table does not show the additional 20-foot setback, other parts of the staff report do not exclude it.)

As the owner of a I property bordering the channelized portion of Abobe Creek, either the 40-foot or the 60-foot-total setback would eliminate the possibility of some property uses, such as an ADU.

The report states that ALL NEW CONSTRUCTION would have to comply.

*Furthermore, staff recommends an approach to address one-story developments that might encroach further into the Streamside Setback. The existing regulations, applying only to developments requiring discretionary review, excludes all one-story development. To address this, the Draft Ordinance includes a provision that would require new construction or additions in the R-1, R-2, or RMD zoning district that encroach further into the Streamside Setback to comply with the proposed regulations, even if no other discretionary approval would otherwise be required*

The staff report does not always seem to clearly discriminate between channelized and natural creek bed and does not specify where setbacks begin.

- Does the 40-foot setback begin at the center of the channelized creek? At the top of the concrete?  
I note that the back 25 Feet of my property is in the creek: it's in the Water District easement for channelization.
- Does the 20-foot slope protection area start at the top of the concrete? At the top of the bank? At the Santa Clara Water District Fence?

It appears that even owners of properties along channelized portions of a creek will have to go through city processes to get even "minor adjustments" to setback requirements.

### *Exceptions*

*In order to mitigate some burdens on owners of properties along streams, the ordinance includes a two-tiered exception process so that property owners can more easily obtain approval for minor modifications or adjustments to the setback requirements, while still ensuring adequate protection for riparian habitats.*

NOTE: The staff report notes that there can be minimal “riparian habitat” even in channelized creeks. “Riparian habitat” in the channelized Adobe creek consists of stagnant water and mud through the dry season, and fallen branches and rocks year round.

Please avoid over-estimating riparian habitat and over-limiting housing!

Linnea Wickstrom  
Palo Alto

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**10/9/2024 PTC Item 2: Draft Ordinance, Stream Corridor Protection**

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**From** Ted O'Hanlon [REDACTED]  
**Date** Wed 10/9/2024 1:16 PM  
**To** Planning Commission <Planning.Commission@cityofpaloalto.org>  
**Cc** Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>; Cha, Kelly <Kelly.Cha@CityofPaloAlto.org>; Sar Peruri [REDACTED]; Amy Shyr [REDACTED]  
[REDACTED]

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

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Commissioners:

Regarding Item 2, Draft Ordinance, Stream Corridor Protection, I am providing a request and observations as it relates to the property at 3400 El Camino Real, The Creekside Inn property owned by an Oxford Capital Group venture. I have been working with the owners planning a potential redevelopment of the property as a management consultant since 2021.

Having reviewed the draft ordinance, we are concerned about the significant increase to the protected areas and how that might impact redevelopment scenarios on the property. In general, the draft ordinance contemplates properties zoned for single-family homes with a process for exceptions that appears limited and undefined and uncertain.

For the Major ARB app we submitted in 2024, and since proposing new or redevelopment scenarios since 2022, we have followed the advice of our environmental, WRA, who we retained to advise on planning a redevelopment with the Matadero Creek in mind. Based on their study of existing requirements in Santa Clara County, WRA advised to plan no new structures within 20' of top of bank setback or avoid any new intrusions into the setback beyond existing building footprints (pic attached). WRA observed significant non-native vegetation in the creek and suggested reestablishing native vegetation. Also, while the creek is in a natural state on most of the property, it does transition to a concrete culvert on the property that directs water underground and across El Camino Real where on the other side the creek is channelized.

The proposed Streamside Setback may increase non-buildable zones another 20' (from 20' to 40') which would have a negative impact on the property's potential, particularly on an infill project, and more than likely render a redevelopment infeasible. There are not likely many instances in Palo Alto where a property possesses a natural creek, multi-family and commercial zoning with existing uses, but we would urge the Planning & Transportation Commission to consider this and other potential properties that could jeopardize significant housing opportunities in Palo Alto.

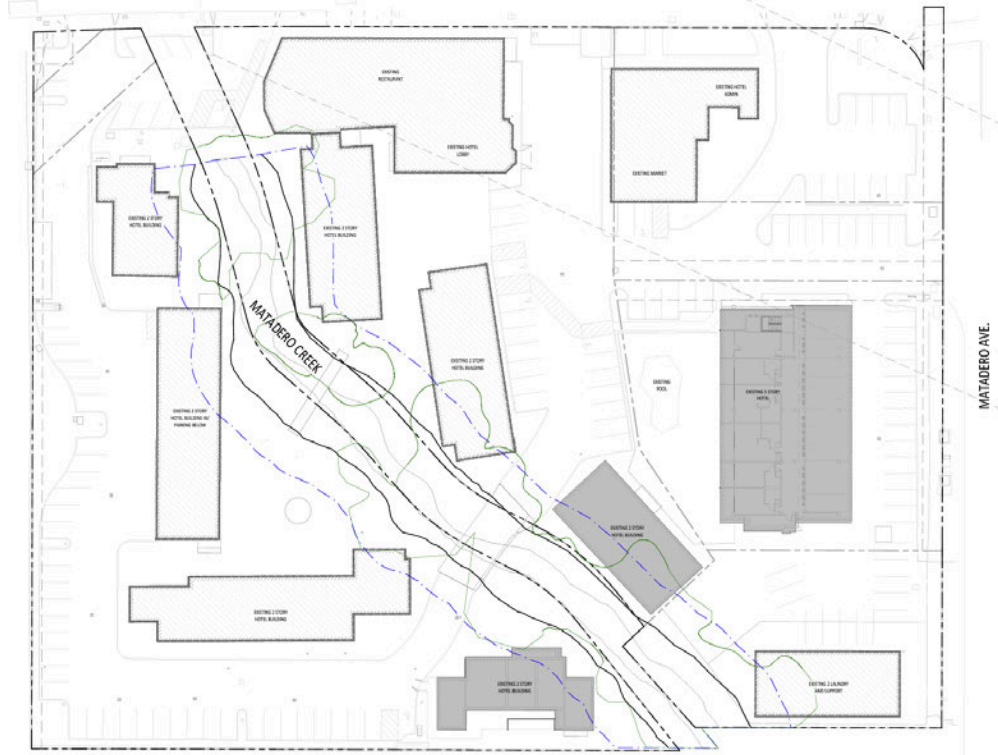
Included in this memo is a site plan of the most recently proposed project that illustrates 20' setbacks from top of bank, as consistent since 2022 applications. There are 2 existing buildings that would remain and are within the 20' top of bank setback, while 5 other buildings that are also within the 20'

setback would be removed and replaced by structures outside the 20' setback. The Planning Department has the complete application on hand for greater detail.

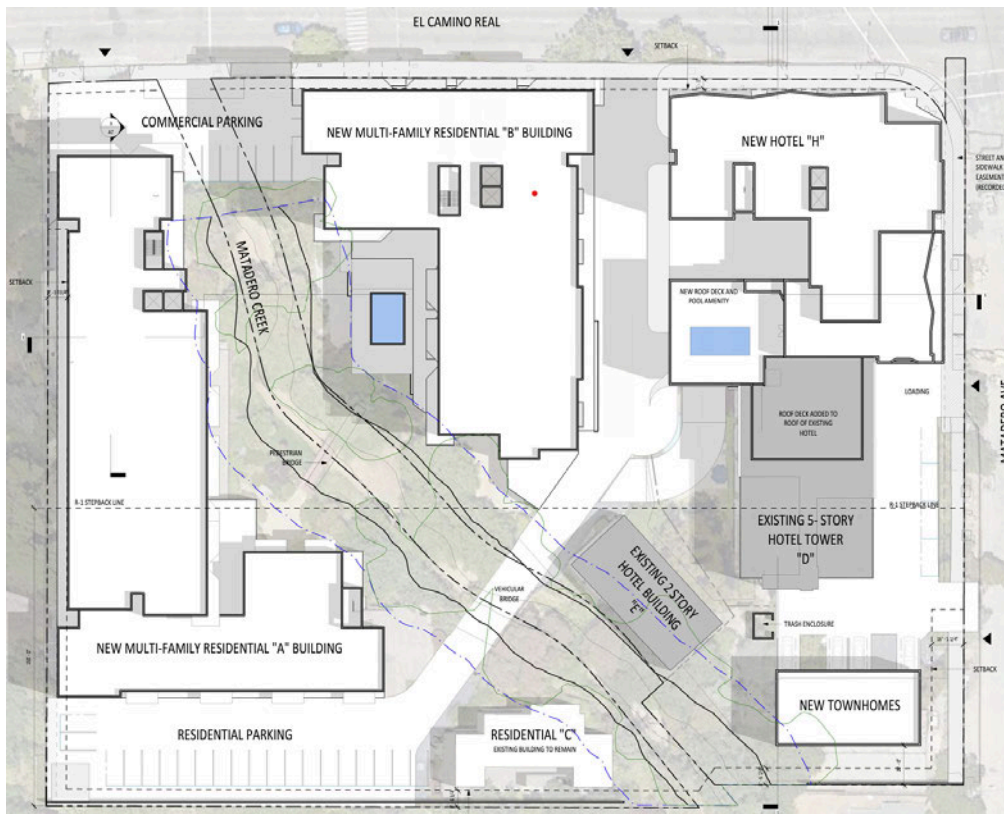
We look forward to working with the City of Palo Alto on this important component of this project and an exciting housing opportunity.

Best Regards  
Ted O'Hanlon

### Existing Creekside Property



### Redevelopment Concept



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Ted O'Hanlon

[REDACTED]  
[REDACTED]  
[REDACTED]