



CITY OF
**PALO
ALTO**

Planning & Transportation Commission

Action Agenda: May 8, 2024

Council Chambers & Virtual

6:00 PM

Draft Verbatim Minutes NVCAP Excerpt

Action Items

Public Comment is Permitted. Three (3) minutes per speaker.

2. Planning and Transportation Commission Recommendation to City Council to Certify Supplemental Environmental Impact Report (SEIR) for and Adopt the North Ventura Coordinated Area Plan (NVCAP), and to Adopt an Ordinance Adding Chapter 18.29 North Ventura (NV) District Regulations) and Amending Chapters 18.14, 18.24, and 16.65 in the Palo Alto Municipal Code (PAMC) to Implement the NVCAP.

Planner Kelly Cha: Good evening, Planning and Transportation Commission my name is Kelly Cha, I'm the project planner for the North Ventura Coordinated Area Plan. It is an exciting night, hopefully everyone agrees, staff is asking Transportation Commission to consider and recommend to the City Council to adopt the NVCAP and as well as a draft NVCAP ordinance and certify the Supplemental EIR. Just to provide some context before we get into the details, this whole process started back in November 2017, it was prompted by Comp Plan policy that basically established... establishing the North Ventura Area CAP process. The City Council initiated the CAP process in November of 2017, shortly after that they also adopted goals and objectives and appointed working group members to guide the plan process, and upon Planning and Transportation Commission recommendation on preferred plan alternative in 2022 City Council endorsed a preferred plan alternative and with that plan staff prepared a draft NVCAP and it was published back in 2023. Staff took the draft document to Planning and Transportation Commission and Architectural Review Board, received feedback on them and we have incorporated those feedback as well as some reorganization to remove redundancy and publish the revised draft NVCAP along with the draft Supplemental EIR in March of this year. So we went to ARB, Architectural Review Board in April to discuss the draft zoning ordinance and received feedback on them and just few weeks ago on the 22nd of April, the required public comment period ended and we're here tonight for the Planning and Transportation Commission recommendation on the NVCAP. So, this is the NVCAP goals and objectives that was endorsed by the City Council earlier in the process and this is showing the NVCAP area roughly abounded by Page Mill, El Camino Real and Lambert, as well as the Can Train tracks on the north and it's approximately a 60 acre site that has the Cannery Site inside as well as Matadero Creek. And this is a concept plan visualizing the preferred alternative endorsed by the City Council that primarily includes 530 dwelling units and adaptive reuse of the cannery structures and envisioning naturalization of the creek. And this is the land use map reflecting the endorsed plan as well, so

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1 this shows the current use zone as commercial to be rezoned to mixed use and also reflects that
2 530 additional units of build out. So, the draft and NVCAP documents have it has seven chapters:
3 introduction, vision, and design standards and guideline chapters and implementation chapters,
4 this is similar to the one that was reviewed by PTC last year, the difference is that chapter 4 was
5 expanded to include all of the mobility related standards and guidelines, including the street
6 sections and gateway intersections. As a result, the implementations chapter has been
7 condensed. In addition to the revised NVCAP document, Staff has some modifications
8 recommended it is included in attachment F of Staff Report; majority of the changes are in
9 chapter 4, and they are on street sections and gateway intersections for better consistency with
10 the proposed zoning ordinance and other City projects like John Bowler Park Design. This is
11 showing the crosswalk between the NVCAP land use as well as and the zoning districts. As you
12 all know, one of the main implementation for area plan like NVCAP is a zoning ordinance update;
13 Staff is recommending adding a new chapter for NVCAP. The development standards are similar
14 to comparable zoning districts and has a lot of reference to city-wide context based objective
15 design standards, but has specific street yard standards for each NVCAP district, which might be
16 a little bit different to...compared to the existing zoning chapters. On April 18th, Staff took the
17 draft zoning ordinance to ARB, and ARB provided comments and feedback on them and has some
18 recommendations to modify the zoning ordinance that includes: increasing the lot coverage for
19 NVR3 and NVR4, and changing the minimum street yard to 10 feet to encourage high density and
20 more flexibility, and also they're asking for increased height for higher density areas as well as
21 considering a way to measure a setback and calculate lot coverage for buildings with basements.
22 So, that concludes the Staff presentation, but the following slides kind of provide the information
23 for Planning and Transportation Commission discussion. These are lot coverage setback and
24 maximum height and sidewalk width. So, this slide is showing the comparison between existing
25 zoning and proposed zoning in NVCAP area, and this is showing the changes in development
26 standards that were a reflected after ARB's feedback, so those are lot coverage and setbacks. The
27 height...maximum height as well this is highlighting the changes from the indoors plans or
28 preferred plan alternative. So, upon recommendation from Planning and Transportation
29 Commission, Staff will forward the recommendation from the Commission to City Council to
30 consider for adoption on June 18th. Staff is recommending the commission to forward these
31 actions so that the City Council can consider and adopt the NVCAP in June. So that concludes staff
32 presentation and I'm ready to answer any questions you may have.

33
34 Chair Summa: Okay, before we go to questions, I would like to welcome Chair Baltay from the
35 ARB, who is here to help us tonight answer any questions, and also to ask him if he would like to
36 make any kind of presentation.

37
38 Chair Baltay: Sure, good evening, thank you for having me address you. We spent quite awhile
39 looking at these standards on several occasions, most recently April 18th of this year, after a lot
40 of review and discussion, we kind of narrowed down parts that we thought were important.

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1
2 Chair Summa: Sorry, we can barely hear you, it's these crazy microphones.

3
4 Chair Baltay: Okay, okay so we narrowed down our thoughts to essentially five categories of
5 things, mostly relating to development standards, which is what the ARB is focused on. Before I
6 do any of that though, we've come to think at the ARB that a really valuable zoning tool is the
7 daylight plane, and if we enforce it, a good daylight plane, we get with it really good privacy
8 protection for neighbors, and really good control of the bulk and the mass of buildings relative
9 to the community as a whole, the context based development. We've figured it out starting with
10 objective standards a few years ago, but every time we look at this we end up coming back to a
11 daylight plane being the simplest, easiest to enforce, easiest to regulate, easiest for applicants to
12 understand means of regulating this. I say that, because that's what lets us feel very comfortable
13 with things like saying you really outa have a consistent 10 foot setback, and we ought to allow
14 taller heights on buildings, being comfortable that the daylight plane steps that down at the
15 edges where it affects neighbors and communities; that's sort of the rationale behind our
16 thinking we should have a higher absolute minimum on height, because we're confident that our
17 daylight plan requirements regulate the bulk and the mass of a building to a greater, and more
18 sophisticated extent; they're relative to the property line and things like that. We've come up
19 with recommendations, or actually they're in the code now, requirements for daylight plans in
20 our objective standards, so one thing to understand is that the NVCAP must have in it a
21 requirement that the current objective standards apply to this area, if you don't have that, then
22 you don't have the daylight plane and then a lot of what we're saying doesn't really work. So,
23 with that, we think 10-foot setbacks make a lot of sense, rather than having odder numbers, 12
24 ½ feet for example, throughout the area, keep it simple, keep it straightforward. We think the
25 height can be much higher on multi-family housing units, R3 and R4 zones, especially in this area;
26 certainly 35 feet is just very low. The reason we're often concerned about going too much higher
27 is the impact on adjacent R1 or lower density neighbors, residential neighborhoods; the daylight
28 plane will regulate that, let the building be taller if it still is set back properly from the residential
29 neighbors. Same thing applies to lot coverage, although there we see a lot as a practicing
30 Architects, having a 40 or 45% lot coverage just doesn't give you enough space to work with if
31 we're trying to get higher density, so we're recommending 60 and 80% for R3 and R4 zones, just,
32 if we're serious about increasing the density, you've got give a little more space to build. The last
33 thing really is, the...this notion of measuring lot coverage and setbacks for below grade
34 structures, several feet below the ground. We've discovered that....frequently we'll see projects
35 wanting to put parking garages, mostly, below the ground out to the property line. They have to
36 maximize the space to get the parking to make it work, and we're generally all for that, the
37 problem is that those parking garages have concrete ceilings, which are generally right at the
38 ground, so they put some sort patio, but that precludes having planting; trees or any kind of
39 landscaping, we frequently see then planters being created on top of these things, that precludes
40 mature trees going in. So, it seems to us to make sense just to say that, if we push it down, say

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1 3 feet, you can really landscape the border of a property very well, and you can still have a garage
2 underneath that, but about 3 feet down lets you have real trees; look at the City Hall, the front
3 of the Plaza, those are big trees, on top of a parking garage. They're there because we have 3
4 feet of soil; we came up with 3 feet as a.. not arbitrary, but a recommended number, but if you
5 can just wrap your head around measuring below grade stuff, deeper in the ground, we get the
6 benefit of being able to landscape the perimeter of a property for privacy. We have other
7 requirements for setbacks, daylight planes, that give us that space at the edge, but we have to
8 make it possible to put plants there, that also lets us have open space that's useful outside that's
9 green...that's landscaped. So those two....that really came to us as a real good way to get both
10 things, it's not that much harder to put the parking garages deeper underground. We struggled,
11 and this is more your issue than ours, that implementing a rule like that, just for the NVCAP, is
12 not very consistent throughout the town, that's the kind of standard that should be applied
13 uniformly for all development, so the question for you perhaps is, is that appropriate to bury that
14 into the NVCAP regulations, which is what you're doing today. We struggled with that question,
15 but we felt in the end...our recommendation should go to you, or Council on how you want to
16 deal with that, but our strong consider....our strong thought was that just measure these things
17 a couple feet down and it works. So that's the summary of what we did and thoughts about all
18 this, so I'll answer any questions, but thank you very much for hearing me.

19
20 Chair Summa: Thank you so much for that, and we will go to questions from PTC... and then to
21 the public. So, I am seeing Commissioner Templeton's light.

22
23 Commissioner Templeton: Thank you... this question is for Staff, and I'm just wondering if you
24 can help us set some guidelines for tonight... as you know we are a body that has a tremendous
25 number of suggestions and opinions, and unafraid to provide them, but we also understand that
26 this is going to go forward in front of the Council; do we have any scope for what kind of feedback
27 we should provide, for example, do we want to be comfortable with making modifications to
28 those numbers for example that we were just discussing or.... or is that too broad, would that set
29 us back to step 1.

30
31 Planner Cha: So, it is Planning and Transportation Commissions discretion to make any
32 modifications to any Staff recommendation, So...

33
34 Commissioner Templeton: Thank you, I understand that.

35
36 Planner Cha: That includes the numbers or the height regulations....okay.

37
38 Commissioner Templeton: What I'm trying to discern is... what kinds of boundaries do we have
39 that would impact the ability for this to go forward to Council.

- 40
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1 Planner Cha: I think as long as the modifications doesn't impact the... the CEQA analysis, I think
2 we can definitely accommodate any changes.

3
4 Commissioner Templeton: Great, thank you for clarifying that.

5
6 Chair Summa: Commissioner Hechtman.

7
8 Commissioner Hechtman: Thank you, two questions...for Staff. The first is a timing question, I
9 see on packet page 20...that...two of our grants from CALTRANS and HCD are at risk if we don't
10 complete the project by the grant due dates, but I couldn't find in the Staff report when the grant
11 due dates are; can you.....and that may affect this is going to Council June 18th, so can you tell me
12 when those grant due dates are?

13
14 Planner Cha: So initially when we were preparing for Staff report, it was June 30th of this year,
15 so Staff....but at the same time Staff were in coordination with those HCD and CALTRANS and
16 have extended until next year, of June 30th of 2025. So, we do have time, but definitely we would
17 like to move forward...if we can.

18
19 Commissioner Hechtman: Okay, thank you. Second question...relates to...the information that
20 we just heard from the Chair of the ARB, it appears that there are...two places in the draft
21 ordinance where the ARB recommendation and the Staff recommendation are different; in each
22 case the ARB recommendation is 10-feet higher than the Staff recommendation, and I think we
23 just heard the ARB explain that the comfort level they had in recommending the elevations that
24 they recommended is the daylight plane, that applying the daylight plane, the extra 10-feet
25 compared to the Staff recommendation, you're protected. Staff understands how the daylight
26 plane works. I was curious... to hear from Staff why with the daylight plane Staff was
27 uncomfortable recommending, sort of adopting the ARB recommendation as they have done in
28 practically...on all the other ARB recommendations as near as I can tell.

29
30 Planner Cha: I'm going to share some slides, to kind of visually represent the changes in height,
31 so this slide is showing what's been included in the draft NVCAP. So this the original
32 recommendation of the heights... and this is showing ARB recommendations, so it is kind of...
33 when we are looking at the numbers it's not as impactful... but when you're looking with the
34 colors, you can kind of see how it's... very... abutting... low density areas where the 65-feet are
35 proposed; so Staff, looking at these... we kind of wanted to make sure that. we can minimize the
36 impact to the lower density residential area, and usually Staff is comfortable with...when there's
37 difference between... like the maximum difference of 15-feet, is what Staff usually recommends
38 in between the low density and high density. So, looking at that we have recommended lowering
39 some of those medium density areas; so, NVR3 and NVMXM, the medium density mixed-use
40 designations... but we do agree that the daylight plane definitely provides... a great tool to

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1 provide... that... protect the privacy and... ya know... the mass and bulk impacts... reducing the
2 mass and bulk impacts.

3
4 Commissioner Hechtman: Okay, so let me... I think the explanation is... you're recognizing the
5 daylight plane, but notwithstanding that they're protected by the daylight plane... you... Staff are
6 sort of uncomfortable with just the bulk and massing even if the daylight plane is satisfied; in...
7 and it's just in these two instances; am I understanding right?

8
9 Planner Cha: Yes, that's correct.

10
11 Commissioner Hechtman: Okay, alright, thank you for that clarification.

12
13 Chair Summa: Commissioner Chang.

14
15 Vice-Chair Chang: Okay, I've got a bunch of clarifying questions. Okay, so, I had a question about
16 the effective density bonus... on height. So, my understanding is that with density bonus... we
17 could see up to 33 additional feet... over and above whatever we ultimately decide for NVCAP in
18 every single area; is that correct?

19
20 Planner Cha: That is correct....So

21
22 Vice-Chair Chang: So, like 65-feet would become 98-feet...

23
24 Planner Cha: That's correct.

25
26 Vice-Chair Chang: And then... ya know... if somebody took advantage...

27
28 Planner Cha: Yeah.

29
30 Vice-Chair Chang: Then... my other question is, does... does the density bonus have any impact
31 on daylight plane, in other words is that one of the things that can be waived, or not?

32
33 Planner Cha: I believe it is one of the things that the applicant or developer can ask as a waiver...
34 so, yes... the answer would be yes... yeah.

35
36 Vice-Chair Chang: Okay, that also was very helpful. Go... you want to...

37
38 Albert Yang, City Attorney: Sorry, I'd just like to jump in on the previous questions about the 33-
39 feet. So, 33-feet is something that is provided for developments that are 100% affordable.
40 Height can still be waived, or developments that don't... that aren't 100% affordable... but that

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1 waiver will be based on what's necessary to permit that development... you know, at the density
2 that's permitted.

3
4 Vice-Chair Chang: What implication does that have given that we're not talking about density for
5 NVCAP, we're doing FAR instead.

6
7 Mr. Yang, City Attorney: Right, so relying on FAR does provide us with some more control over
8 that bulk and mass...rather than we're trading that for control over the numbers of units, and
9 so...If someone for example, would normally be intitled to a 20% density bonus, they'll
10 get...they'll be intitled to a 20% FAR increase.... and then.... whatever waivers are necessary to
11 accommodate that additional 20% FAR.

12
13 Vice-Chair Chang: Okay, so if I understand though, it's sort of based on the design of whatever
14 the applicant submits, so, if they decide to have very high stories, like 14-feet, or ceilings for
15 example, then that would result in... higher height... correct? Because they'd [TIMESTAMP 37:42
16 Unintelligible] FAR.

17
18 Mr. Yang, City Attorney: Yes, there is some grey area... around... you know, what is actually
19 necessary to accommodate development to that... at a certain density... but that is what a
20 developer would certainly assert... you know, what we need is 14-foot ceilings, and therefore, we
21 need this height.

22
23 Vice-Chair Chang: Okay, and then something that you brought up, Councilor Yang is... that the
24 density bonus 33-feet really wouldn't be reached unless it was 100% affordable, but then the
25 100% afford... affordability definition would be based on the states definition, correct? So, the
26 moderate... kind of 80 to 120% would quality as... like if it were 100% moderate, then that would
27 qualify for (interrupted)

28
29 Mr. Yang, City Attorney: No, in this case, the definition of 100% affordable... is going to be at a
30 lower affordability range. Under density bonus law, generally moderate income units don't get
31 credit for rental projects, but they do get credit for ownership projects.

32
33 Vice-Chair Chang: That's right, I forgot about that then. And then I do have... but it... it's still
34 going to be the State definition, and not the NVCAP definition of 100% affordable, correct?
35 Because there's an NVCAP definition, I think on page 24, on packet page 24, which I also had a
36 clarifying question about.

37
38 Mr. Yang, City Attorney: Yes, so it will be the State definition, not the NVCAP definition.
39

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1 Vice-Chair Chang: Okay, since we're talking about that NVCAP definition on packet page 24...
2 hold on let me get there... okay, so my question is... I'm a little bit confused about the wording
3 here... am I correct in saying that for the purposes of the NVCAP chapter, it is 100% affordable...
4 if a project is a rental project, it would be considered 100% affordable only if the average AMI
5 does not exceed 60%, is that correct? I just couldn't understand 18.29.040A.

6
7 Planner Cha: So, I think in... as you can see in attachment A, we have both the ARB
8 recommendation as well as Staff recommendation. One of the Staff recommendations was to
9 remove the section... 18.29.090, so that's the housing incentive program. We initially had...a very
10 NVCAP specific affordable housing incentive, but we're recommending that with the city-wide
11 housing incentive program, we're just referring that chapter instead of having a specific one in
12 the NVCAP chapter, so therefore, the definition actually becomes... we actually have to
13 recommend removal of that definition so that we have consistency between that H... Housing
14 Incentive Chapter as well as...

15
16 Vice-Chair Chang: So, what is considered 100% affordable in the HIP?

17
18 Planner Cha: Albert... could you?

19
20 Mr. Yang, City Attorney: Yeah so, that's still being developed, but for... for rental projects I would
21 expect it to be at lower income.... so 80% to the MRI of below.

22
23 Vice-Chair Chang: Okay, so if we allow HIP to supersede, then this 18.29.040 becomes moot, is
24 that what you're saying?

25
26 Mr. Yang, City Attorney: So, I think Ms. Cha was explaining that we just forgot to delete it. That
27 we had recommended removal of this later section that relied on that definition... and... since we
28 removed that later section it's really not relevant anymore... the definition.

29
30 Vice-Chair Chang: Okay, but then it means that the new... since we removed that definition, the
31 new definition affordability is going to be at a higher percent AMI 80, instead of 60... is that
32 correct?

33
34 Mr. Yang, City Attorney: Well, so that's still... going to be determined... the city-wide HIP
35 amendments are going to come the PTC... likely over the summer sometime.

36
37 Vice-Chair Chang: How about the timing for when this goes to Council... like, is this ordinance
38 going to be approved... like which one's going to come first? Are we going to have HIP in place?

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1 Mr. Yang, City Attorney: No... no we're not. So, what this ordinance says, is that right now for
2 NVCAP we have these new zoning standards, and the NVCAP will also be eligible for HIP
3 enhancements when those are developed.

4
5 Vice-Chair Chang: Okay...but then if the NVCAP goes into place without this definition of 100%
6 affordable then what definition of 100% for affordable would there be within NVCAP?

7
8 Mr. Yang, City Attorney: Well, so, there wouldn't be any definition of 100% affordable just for
9 the NVCAP, because nothing would rely on such a definition...

10
11 Vice-Chair Chang: Right, no I understand.... so then it would be the City's definition of 100%
12 affordable which at the moment...

13
14 Mr. Yang, City Attorney: No, but... sorry... nothing would rely on a City definition of 100%
15 affordable either. Like, there's nothing you get for meeting some City definition of 100%
16 affordable, the only benefit that would exist at this time, before the HIP is developed and
17 enacted, is the density bonus definition of 100% affordable; which is... I was just looking it up...
18 it's at least 80% for lower income households and at most 20% for moderate income households.

19
20 Vice-Chair Chang: Okay, so lower incomes defined up to 80%, is that correct?...or is it 50?

21
22 Mr. Yang, City Attorney: It is a State Law definition that I would have to...yeah...follow through.

23
24 Vice-Chair Chang: Okay, if you don't mind that would be really great, because I know that this is
25 sort of like a big stumbling point... for our... that's come up in... for City Council as well as it's kind
26 of in our city. Okay, I've taken up a lot of time. I do have other clarifying questions, but other
27 people can go if they have other clarifying questions.

28
29 Chair Summa: Commissioner Reckdahl.

30
31 Commissioner Reckdahl: We're introducing this new zone the NV R-1, and what's the difference
32 between NV R-1 and just regular R1?

33
34 Planner Cha: So, the NV R-1 is basically the low density single-family home. So most of the
35 development standards that we're recommending... that it's consistent with the existing R1
36 district, but the only difference is that... that is listed in Table 1, so that's the street yard and
37 parking; because parking we have no requirement of minimum or maximum different from the
38 existing chapters, so the difference... only differences are in the street yard, which is a little bit
39 different from front yard, and the parking; other regulations and standards were relying on the
40 existing requirements in R1.

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1
2 Commissioner Reckdahl: So, you said in Table 1.

3
4 Planner Cha: Table 1, under 18.29.060... that's... I believe packet page 31.

5
6 Commissioner Reckdahl: Okay, there's also Table 1 in 18. So, page 31... so that... well the parking
7 is irrelevant because if we kept it R1 we still can't enforce parking, right?... by the State Law.

8
9 Planner Cha: Right, so because of the proximity to the CALTRAIN Station, the entire NVCAP area
10 is... we can't require any parking, so...

11
12 Commissioner Reckdahl: So, that in itself would not require a zone change, but you're saying
13 that the street yard for R1 is... what is the street yard for R-1, 20-feet?... front... 20, okay and so
14 we're shrinking that, okay. So, second question is... in NVCAP there's a lot of R1 lots, and a some
15 of those have been converted to NV R-1 and others have been converted into NV R2, and why
16 were those lots treated differently?

17
18 Planner Cha: I think it's just the... the NV R1 and NV R2 is basically low density area, but in our
19 NV R2... are facing some of the higher density, so we wanted to have some... a little bit of
20 flexibility allowing additional development standards that might be applicable for like duplex if
21 in the future if it's... if there's a desire.

22
23 Commissioner Reckdahl: So, you're saying that because they have to put up with the height
24 behind them, we want to give them the ability to put a duplex.

25
26 Planner Cha: Well, R2 is basically two family zoning district.

27
28 Commissioner Reckdahl: Correct.

29
30 Planner Cha: So, and then if you see the zoning district map, the NV R2 is along Olive Avenue,
31 and it is in between high density residential and VR4, VR3 medium density residential and
32 surrounded by medium density mixed use, so there is a potential if there is any desire, that
33 provide some potential in flexibility there.

34
35 Commissioner Reckdahl: Okay, so you're saying that because they're being impacted by the
36 height on both sides...

37
38 Planner Cha: surrounded, yeah.

39
40 Commissioner Reckdahl: You want to give them the benefit of being able to do duplex.

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1
2 Planner Cha: Right, and just to kind of ... yeah to be consistent..
3

4 Commissioner Reckdah!: But NVR1 over on... like in the Pepper area, that's surrounded by density
5 too... it just seems strange that we're treating them differently, and to me they don't look that
6 different.
7

8 Planner Cha: Yeah, I do see that. I think when we were going through the zoning district, we had
9 determined that those R1 areas would definitely stay as single family homes, whereas the R2
10 area with the Sobrato development going in, there may be some possibility to transition; that's
11 why we have differentiated, but definitely Planning Commission can liberate and see if that
12 would be appropriate as well.
13

14 Commissioner Reckdah!: Okay, thank you.
15

16 Chair Summa: Sorry, I may have missed you saying this because I was taking notes and things,
17 but is... on the chart for R1 and R2, is the street yard setback... does that encompass the front
18 yards also?
19

20 Planner Cha: It is basically front yard, anything that is facing the street.
21

22 Chair Summa: Okay, that's what I thought.
23

24 Chair Summa: But, okay, so... and is it currently 12 ½ feet?
25

26 Planner Cha: That was a proposal from Staff initially for NVCAP.
27

28 Chair Summa: Okay, I see. So is Staff at all concerned about implications to the... that front
29 setback being so small with the lot split... the State lot split law, which... not that we could require
30 parking, but then that becomes... the front setback becomes the only parking under that
31 scenario, cause the State has said you can't have more than four foot side and rear setbacks.
32 Have we considered that? Because....
33

34 Planner Cha: There was some discussion, but at the same time you are thinking about maybe it
35 might discourage ADU's to be located in the front area, as well.... so there was kind of discussion
36 back and forth, and so we just kind of went with the ARB's recommendation.
37

38 Chair Summa: Okay, but it could potentially become problematic, Staff agrees.
39

40 Planner Cha: There's a potential.

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1
2 Chair Summa: [TIMESTAMP 50:34 unintelligible] that the lot split law seems to be being used
3 very much, it could create... and there was something in our Staff report about an expectation
4 of use of on street parking also, and it could become very tricky in this area under certain
5 scenarios. I did want to ask about the clarification on... and then I'm going to go back to my
6 colleagues... on packet page 33, and this is mixed use development standards, and I understand
7 that we think that daylight plane and this is consistent with ARB opinion, doesn't mean we have
8 to have those other setbacks... those other portions of sites that were protected by the 150-foot
9 rule on abutting... so at the bottom... so what I'm curious about is that on package page 31, which
10 is multi-family, maximum height... you've removed any protection for portions within fifty-feet
11 across R3 and R4, and then later, on packet page 33 portions of 150-feet of abutting residential
12 zoning district, which reflects our current code in general, under MXL and MXH, it says not
13 applicable, but forty-five foot buffer is retained under MXM and... I was just wondering what the
14 logic was there. Packet page thirty-three, maximum height.... Do you... was the question
15 understandable?

16
17 Planner Cha: I'm sorry, could you repeat...

18
19 Chair Summa: So, on packet page thirty-one, for multi-family in R3 and R4, we have retained the
20 daylight plane, but we have no concept of this buffer area for a certain distance for more... for a
21 more dense site... more dense sites at... but lower density sites. So that was removed, and
22 daylight plane exists. Then on package page thirty-three, towards the bottom under maximum
23 height for MXL, MXM, and MXH... MXL and MXH in response to 150-foot but say not applicable,
24 but the middle one says forty-five feet. So, you've retained... I don't know... you know... yeah...
25 and I don't know if that was a typo... I'm not apining of whether it's a good idea or not, but we
26 sort of got rid of this buffer zone based on distance from abutting properties in leu of relying on
27 the daylight plane; but here you've retained it for that middle density.

28
29 Planner Cha: I think... the... if we actually went through, you would've had actually removed that
30 particular role for MX mixed-use district to be consistent with the residential multi-family
31 residential, because we do have a reference to daylight plane, the next row as well. So, I think
32 to be consistent, I think Staff would be okay to recommend removing that particular row as well.

33
34 Chair Summa: Okay, so it was probably just an artifact.

35
36 Planner Cha: Yes, yes.

37
38 Chair Summa: Okay, Commissioner Chang [Vice-Chair Chang].
39

-
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1 Vice-Chair Chang: Thank you, I'm going to go back to my questions. So, regarding the ARB's three
2 foot threshold for basements, is that something the City Arborists reviewed at all?

3
4 Planner Cha: So, after the ARB meeting, Staff started coordinating with Urban Forestry
5 Department within the City, we haven't had a conclusion yet, but we're still trying to figure out
6 what it... what would be the appropriate depth... yeah.

7
8 Chair Summa: Alright, thanks. Okay, on packet page nineteen... the Staff report says... so, second
9 paragraph down, kind of in the middle of the page, last sentence, it talks about the proposed
10 ordinance updates ensure that housing opportunity sites can still benefit from the few areas
11 where the January 2024 rezoning was more permissive than the proposed NVCAP regulations...
12 could you just give us a little education on what those... like... more permissive in what way, just
13 kind of give us a little summary on what that is.

14
15 Planner Cha: So, because there was some rezoning of the housing element sites before, and
16 NVCAP came before the Planning Commission and City Council, we actually compared some of
17 the development standards between the NVCAP and the housing element sites and we... Staff
18 found that most... majority of the sites in NVCAP basically has more permissive development
19 standards, so... but some of a few areas... mostly where GM becomes R3 or NV R3, there are
20 some of the... maybe height might be that the rezoning... housing element rezoning had a higher
21 height allowance, than some other elements.

22
23 Chair Summa: Do you know just... do you have any idea of how much?

24
25 Planner Cha: I... don't... (interrupted)

26
27 Mr. Yang, City Attorney: Okay, so you can find this on packet page thirty-nine. There's a table
28 there where there's just two rows added at the very end... and for NV MXM the maximum height
29 is increased to fifty feet for housing opportunity sites.

30
31 Chair Summa: Which packet page again... what packet page?

32
33 Mr. Yang, City Attorney: Sorry, packet page thirty-nine.

34
35 Vice-Chair Chang: There's no table on thirty-nine.

36
37 Mr. Yang, City Attorney: Hmm.... Think I'm looking at different [interrupted]

38
39 Vice-Chair Chang: thirty-eight Albert I think... thirty-eight?

40

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1 Planner Cha: I think there are some changes in ours in between... since published , but so thirty-
2 eight... so the last rows it says NV MXM NVR3... originally MXM district we had thirty-five feet
3 proposed, so compared to the housing element sites were... it's allowing...maximum of fifty feet...
4 the housing element site had a more permissive height allowance, so we have included in there,
5 that's the same for NVR3 we had initially recommended at thirty-five feet. So, the housing
6 element site had higher maximum height there as well; so, if we go the Staff recommendation, it
7 might be that everything in NVCAP is more permissive than housing element site development
8 standards.

9
10 Vice-Chair Chang: Understood. Okay, because Staff's recommendation for MXM is actually fifty-
11 five, is that correct?

12
13 Planner Cha: Right, fifty-five.

14
15 Vice-Chair Chang: Okay... okay so then, the rezoning that we did affects both MXM and NVR3,
16 or only NVR3?

17
18 Planner Cha: Umm... I'm sorry.

19
20 Mr. Yang, City Attorney: It affects them both...the housing element rezoning affects both of
21 those districts... or it affects the sites that are in both of those districts, right.... because the
22 housing element rezoning only applies to opportunity sites on the inventory.

23
24 Vice-Chair Chang: Got it....so this is [TIMESTAMP 59:09 Unintelligible] by Staff to just sort of
25 simplify this so we don't have multiple things to refer too, in other words is.... I mean, is that the
26 reason?

27
28 Mr. Yang, City Attorney: Well, it's basically because when we rezoned our opportunity sites, it
29 was in order to meet the projected development right, that we had in our housing element, so
30 we didn't want the NVCAP rezoning to then, you know, be a reduction in any of those standards
31 that we had already sort of calculated out to be necessary for our housing elements. So, we were
32 comfortable with you know, being more permissive than the housing opportunity site analysis
33 had showed earlier, but we didn't want to reduce the height. I guess we're seeing now that this
34 is another... probably a remnant it's not... wouldn't be necessary if we go with the Staff
35 recommendation, as it was sort of changed after the ARB hearing, but prior to the ARB this was
36 a necessary piece.

37
38 Vice-Chair Chang: Okay, thanks that makes a lot of sense, and then my... while I have Mr. Yang
39 on... for packet page forty... this is another affordability question. So, on packet page forty,
40 16.65.040A, number two; it talks about 15% of the dwelling units in the project at rates affordable

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1 to lower income households, so that's that lower income definition again.... and do you... is that
2 fifty to eighty percent of (crosstalk) ... So, then earlier in our conversation when you referred to
3 lower income as well... in the state definition of 100% affordability, that's also fifty to eighty, or
4 eighty percent AMI, correct?

5
6 Mr. Yang, City Attorney: Correct.

7
8 Vice-Chair Chang: Okay, thank you.... and then my final question is on the street side setback,
9 so, can Staff give some background as to why the initial Staff recommendation was 12.5 as
10 opposed to 10, or what was the thinking of something more than... for something more than 10.

11
12
13 Chief Planning Official Amy French: This may have had to do with the El Camino Real build two
14 line... it was a build two line concept that was a twelve foot effective sidewalk... so I'm guessing
15 that is where that was drawn from; because we don't have twelve foot anywhere else in our
16 code, except the build two line.

17
18 Planner Cha: That might be correct.

19
20 Vice-Chair Chang: Okay, so then I did see on packet page 31...about the....kind of like
21 the...top...towards the top of the page when it talks about minimum setbacks and street yard
22 setback. There's a reference for page mill sufficient to create a twelve foot effective sidewalk
23 width, is that why it's 12.5? Like, why... I'm just trying to understand... like what are the
24 implications of reducing from 12.5 to 10, and... I thought maybe understanding their original logic
25 would help, but frankly I'm just trying to get at implications so if Staff can explain the implications
26 that'll... that'll do it for me.

27
28 Ms. French: We're speculating perhaps it was additional curb area if they were doing some
29 planting areas or such.... because it's about... well... it's more like four inches.

30
31 Vice-Chair Chang: And then.... because I'm also looking at.... like... so... why for Ash are we saying
32 five feet.... Ash and Acacia. Are we saying five feet versus.... what's the.... what's the logic behind
33 all of these different setbacks?

34
35 Ms. French: Certainly, a five foot... a five foot setback is needed for a side... you know? A sidewalk
36 is often five feet wide right, for two people passing, at a minimum, so that would be you know,
37 the bare minimum.

38
39 AVice-Chair Chang: So, this is a setback from the street.... or setback from the property line?
40 And is the sidewalk generally part of the property, or parti or not.

-
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1
2 Planner Cha: So, I... I can't really... it's not 100% certain... as I'm speculating here. This particular
3 NVCAP area is to sort of allow higher density to create the neighborhood... walkable
4 neighborhood, transit friendly neighborhood, so we wanted to probably maximize the
5 developability of these lots, so we have probably reduced from the existing setbacks that we're
6 familiar with, to allow that additional density and flexibility for the designers.

7
8 Vice-Chair Chang: Okay, but then...like....why five feet...why is it okay for some streets to be five,
9 and then other ones ten...and then what's the implication...is there any....what's the downside, if
10 any, to reducing from 12.5 to 10; in terms of sidewalks, bike lanes, whatever... whatever it is that
11 we might be wanting to do.

12
13 Planner Cha: I don't think there is a downside in terms of right away improvements... like the
14 bike lanes and sidewalk because usually those are located in right of way outside of the property
15 lines. In El Camino Real and Page Mill area, we do ask some... some of the front yard to be
16 dedicated to right of way to create a more comfortable sidewalks, that's why we have that... the
17 sufficient setback for... to create effective sidewalk, but usually...it...it's sufficient to use the right
18 of way area to provide those bike lanes and....facilities for sidewalks, so I don't think there's a
19 huge downside to reduce down to ten feet, other than maybe... like the lot split or other single
20 family home development implications, but I think generally high level there shouldn't be a
21 downside... I don't think.

22
23 Vice-Chair Chang: If a car...like how deep is a parking space in a garage for example, so if we
24 were wanting to be able to allow for that possibility of a car to be parked....in a driveway or
25 something like that.... how deep would that need to be?

26
27 Ms. French: So, typically a garage we want to have a...like a... one car garage would have ten foot
28 clear space to meet code, on the inside because there's walls there. Often on a street parking
29 space is going to be ten.... marked at ten feet for a parallel parking space, ten feet wide; it's wider
30 than you need it to be, but that's for the door swings, etc.

31
32 Vice-Chair Chang: Okay, so theoretically, (crosstalk) the depth

33
34 Ms. French: Oh, the depth?

35
36 Planner Frick: Yeah, depth is typically closer to twenty feet, roughly but...

37
38 Ms. French: Well...Yeah, minimum parking space is eighteen...

39
40 Planner Frick: Yeah yeah...like for the length...you know... it varies but yeah...

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1
2 Ms. French: But in a garage space it would be twenty.

3
4 Planner Frick: But yeah....so I think that's like why historically why you'll see a lot of... you know,
5 single-family lots developed with a twenty foot setback, is to allow like the full length of a car to
6 park within the driveway in front of the garage; but just to... I just wanted to kind of jump in a
7 little bit on some of the setback changes. So, the numbers... like the 12.5 feet, those numbers
8 came from like an earlier draft that was from the study session from about a year ago, roughly,
9 and so, you know.... we met with the Planning and office of Transportation Staff to really go over...
10 you know... like, scrutinize those setbacks, and look closely at whether there were any
11 implications of... you know... changing them, and so, ultimately...you know... to sort of answer
12 your question, we didn't see any drawbacks necessarily of changing to what's proposed in the
13 Staff recommended redline version; and in particular as it relates to parking because this area
14 has no minimum parking requirements due to the location to the the station, that's something
15 that you know, we were factoring into some of that analysis for those discussions, if that helps.

16
17 Vice-Chair Chang: Yeah, that does help. Okay, then final question.... on Park Boulevard... that's
18 where we have bike lines and stuff like that, and often on like larger streets, like Park or Page Mill
19 or El Camino, we're concerned about setbacks because of bike lanes, or wanting to be able to
20 construct things in that area, is that a concern at all for any of the proposed setback changes that
21 are being made?

22
23 Planner Cha: No, if you see.... the street sections, it actually proposes the bike lanes and sidewalks
24 all outside of the property line, so all within the right of way... so there isn't any problems or
25 issues.

26
27 Vice-Chair Chang: Okay, thank you.

28 Planner Frick: And just... if I may, just following up as well; so, the changes to the street sections
29 was also you know.... a result of kind of how these changes were for the setbacks as well, because
30 we really want it to look holistically like you're saying it... like how does it work functionally as
31 part of like the redevelopment vision for the NVCAP.

32
33 Chair Summa: And then, just one last question about setbacks, on packet page 30 under
34 minimum setbacks, there's an additional note that said: setback lines imposed by special setback
35 map pursuant to Chapter 20.8 of this code may also apply; I think this duck tails on to what
36 Commissioner Chang [Vice-Chair Chang] was saying, so would we... I'm assuming that's a special
37 setbacks that we have on arterial streets.

38
39 Ms. French: That's correct, the special setbacks are marked on the special setback map all over
40 town.

-
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1
2 Chair Summa: So, are...is that consistent with the setbacks being proposed, also retain....of...for
3 the future use of what multimodal streets probably, the special setbacks with the new setbacks.

4
5 Planner Cha: I don't believe so... are... the questions is whether the setback would impact the
6 improvements on the right of way, like bike lanes or sidewalks...

7
8 Chair Summa: Not the public right of way, the setbacks imposed on private property.

9
10 Planner Cha: Private property?

11
12 Chair Summa: Yeah, it seems...I'm just asking if it's contradictory.

13
14 Ms. French: Yeah, I think what...we don't have a...special setback map handy, I don't think in our
15 slides.

16
17 Chair Summa: I do. I think I might.

18
19 Ms. French: If you give us a minute, we can pull that up.

20
21 Chair Summa: Yeah, I mean you can...maybe we should discuss that later because if....I mean
22 there's a chance that...that cell is not accurate or in....ya know, in congress with the other setback.

23
24 Ms. French: I think in our regular zoning code...when there's a special setback there's...that
25 becomes the default and people can come through and request a variance from special setbacks,
26 but the usual setbacks, for instance in an R1 zone is twenty feet, and then on a street that has a
27 special setback, well, that's twenty-five feet and those can [unintelligible] situations, right.

28
29 Chair Summa: And I don't even know if Park has a special setback, I don't recall off the top of my
30 head, so, okay. So, if I am seeing another question from Commissioner Reckdahl.

31
32 Commissioner Reckdahl: Couple questions. Talking about setbacks, some of the setbacks have
33 numbers from the property line, and some say sufficient to create a twelve foot, effective
34 sidewalk width, why do we have an effective sidewalk width, why wouldn't you just figure out
35 how...where the property line is and have a number?

36
37 Ms. French: So, again, this dates back to the El Camino Real design guidelines that set that, it's
38 the combination of eight plus four, I think eight was the setback and four was the planter strip or
39 something, to make a twelve foot. So, with the question is why don't we just...map it on the map,
40 because each...I mean some...sometimes there's a planter strip, sometimes there isn't, ya know...

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1
2 Commissioner Reckdahl: Yes, but if...so, you talk about that eight plus four, where would the
3 property line be on that, at the curb?

4
5 Planner Cha: So we have this sufficient setback to create the effective sidewalk because, some
6 of the right of way distance, or width is different as you go along the street; sometimes we have
7 to ask the property owners to dedicate... or by easement... have a little bit more than some of
8 the other property owners, maybe few blocks away, so you....we have initially said maybe zero
9 to ten foot the range, but ya know, we don't know what it's going to be so we just change it to
10 sufficient setback to make sure we have twelve foot, and that can be changed by property.

11
12 Planner Frick: So, if it's helpful...so the...basically on an individual property basis, it could vary
13 where...you know a specific feature is located in relation to the property line, like a sidewalk, and
14 the intent of it is to make sure that as the plan develops and the corridors develop, that that
15 vision is coherent in terms of like...the features that will be developed as the build out occurs.
16 So, the effort...why it's indicated differently, is because...ya know, Staff believes that it's
17 important that those specific sidewalk widths are able to be accommodated through the
18 buildout, kind of along...

19
20 Commissioner Reckdahl: Okay, and so when you define sidewalk width, is that from the property
21 line, or is that from the existing street?

22
23 Ms. French: Well, it would typically be from the curb. So there's a diagram on packet page 72
24 that might help; showing the clear walkway and the tree bed, the clear walkway being eight, and
25 the tree bed, and at the edge of the tree bed, it's assuming it's a planter strip there, that's the
26 curb. So, you start measuring at the curb, and that goes back towards the property.

27
28 Planner Cha: So, also, El Camino Real Street section also reflects that as well. So, that shows four
29 and eight that Amy previously mentioned.

30
31 [crosstalk]

32
33 Planner Cha: So, the El Camino Real Street section also shows that how much you have to actually
34 push into the property to create that effective twelve foot sidewalk.

35
36 Ms. French: Measured from the curb.

37
38 Planner Cha: Measured the curb.... that's packet page I think 7.1.

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1 Commissioner Reckdahl: Item 7. And so....is this because El Camino isn't parallel to the property
2 lines or the property lines zig and zag, why is...why did El Camino decide to have this
3 property...this sidewalk width, as opposed to everyone else just saying from the property line.

4
5 Ms. French: Yeah, I believe it's part of that exercise back in 2002, there was the sidewalk width
6 was sometimes eight feet, sometimes less; it varied up and down El Camino, so it's a larger
7 conversation about exactly about El Camino, but that's where this is derived from, that exercise
8 back in 2002.

9
10 Commissioner Reckdahl: Okay, heritage. Okay, second question is on the daylight plane. When
11 I look at...on packet page 31, it refers me to a section in the code that shows a daylight plane,
12 and I'm used to the daylight plane being like ten feet at the property line, and then going up at
13 forty-five degrees or thirty degrees; in this one it starts at twenty-five, is that....so when I look at
14 the code that's cited there on packet page 31, the daylight plane starts at the property line at
15 twenty-five feet, and then goes up at forty-five degrees from that, and that seems to be a
16 significant changes, is that the way it's supposed to be, or is this a typo?

17
18 Ms. French: I believe that's intentional, and I don't know if you have additional questions about
19 the...the Architectural Review representative could answer questions about logic on some things.

20
21 Commissioner Reckdahl: Okay, that's all I have for now, thanks.

22
23 Chair Summa: Okay, and for clarification a special setback does exist on Park, I just checked the
24 zone map, but it starts at Lambert, and goes south and I'm sure that was for the intention for
25 bike lanes, so...okay, so I would like to go to the Public now please.

26
27 Chair Summa: Do we have any...

28
29 Administrative Associate Veronica Dao: Yes, I have....one speaker card from Yugen Lockhart.

30
31 Chair Summa: Thank you. I can't see right now.

32
33 Chair Summa: Good evening.

34
35 Yugen Lockhart: Hello Council, Yuden Lockhart, do I need to spell it? No... okay, other ones...
36 Most of you know me, so anyways. I'm an Olive Avenue resident, I've been there my entire forty-
37 six years of life, born in the house, so this is my neighborhood. I know all of the neighbors on
38 Olive at least, and even some on Pepper. I've watched this neighborhood evolve quite a bit... so
39 this is kind of my backstory, but I'm still living on the street, my brother lives next door, my
40 parents have an apartment on the site of our dwelling. Ya know, we've been observing.... kind

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1 of chaos, and so... so I'm here.... I've actually changed my speech about four times while sitting
2 here this evening. And.... it... I'm just confused about even why we're trying to approve at this
3 juncture...you know we paused a lot of this NVCAP stuff for quite a while, and approved...I had a
4 list but....it's a whole bunch of projects you know...the Acacia, the charities, the fries thing was
5 quite an adventure, but these are approved projects going on, even the Foot Locker, which is
6 3225 El Camino, it's been stalled for years, and they're up to four-stories right now, is active; so
7 really this....my point is, there's not many construction projects left within this neighborhood, ya
8 know we got....I'm going to call it the Verizon store, that's a pending....maybe coming up, and
9 everybody's hot and heavy to build up the parking lot of Cloudera, as the big brown square on
10 the charts that we're seeing; and bulldozing a bunch of beautiful Redwood and Pine trees to
11 make those high density housings that are twelve and a half feet of the sidewalk.....so....and then
12 I'm looking....this last bit of conversation talking about all the residential getting allowed to move
13 closer to the street, probably actually not a big thing for me, but at the same time it feels like the
14 residence is everybody's been dancing around all of us...this...this entity that just can't be
15 adjusted and we must stay in 850 square foot houses, tiny for Palo Alto, but you....meanwhile,
16 everybody else has already gotten special permission to grow well beyond the stand....the
17 previous standards, but now we're setting up new standards for the couple more big
18 developments that are going to try and get into this neighborhood, but it's mostly just blocking
19 all the individual houses from doing anything. Seems like the biggest obstructed people of this
20 whole NVCAP, and we've all been just demanding that transportation is one of the people of this
21 meeting is make sure the flow of this neighborhood seems like square one for a development
22 project. My pet peeve is....oh my gosh I'm losing....the Hanson Avenue, leading into, I'll call it
23 where the Foot Locker is there, it should actually veer way off to the right to go to Lambert, make
24 a ring road, and then make all the other smaller projects....roads as veins instead of arteries. Olive
25 Avenue is a major artery, everybody's cutting the corner, El Camino everybody in transportation
26 says we can't make a right turn on El Camino, cause it's State run, that seems kind of bologna to
27 me, but whatever, and we're talking about setbacks, but most of those projects are already
28 approved, so...you know why are we worried about approved projects, when everybody's going
29 to ask for special dispensation anyways, so those are a couple of my rants on this. You know, as
30 far as residential dwellings on Olive Avenue, if anybody goes through that street, it...every single
31 instance is...was almost special. We've got a little batch of houses, and then we've just got a
32 couple of brand new house with Junior ADU and rear ADU, they were going to do two more next
33 to that, they changed their mind on keeping the house, but throwing the ADU's in the back.
34 Meanwhile, we talked about that at Olive and Ash, there's a two-story commercial building, and
35 the zoning has got them as a special dispensation, that should just be R1 with everybody else, let
36 the building stay, no body's asking to bulldoze it, but at the same time, why is that one a special
37 issuance, we should just have a red ring, according to that drawing, and then everything zoned
38 in accordingly, this is just my opinion. Looks like I'm out of time, but....good luck, but I don't
39 recommend approving it, I'd say stall and wait until you guys are done, so it....especially with he
40 Fries allocation to the city of Palo Alto, I would say stall it until you guys have decided what you

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1 want to do, that way you can get your own special dispensation too, that can be taller; because
2 there's no residences around it, anyways, good luck.

3
4 Chair Summa: Thank you so much for your comments, it looks like we have one more caller on
5 Zoom.

6
7 Ms. Dao: Yes, I have one on....one raised hand on Zoom from Cedric.

8
9 Cedric dLB: Hello, thanks for having this meeting. Yeah...I think one of my concerns was....with
10 that...notion of having underground structures being able to go all the way up to the edge of the
11 property line, below a certain depth....I hope that you.....is sounds like you are discussing that
12 with the City Arborists and other knowledgeable people who would know what is a sufficient
13 depth. I did a quick search online, and I found a database of the maximum root depths of
14 different California plants, and ya know...given that....you know granted that's the maximum root
15 depth, so I don't know what the required minimum root depth would be, but only twenty-seven
16 percent of the plants had a three-foot or less maximum root depth, so some of the trees, like the
17 Oaks can go down really quite deep...surprisingly deep; tens, eighty-feet, you know, it's a....it's
18 pretty impressive really, so I really think you need to be careful with that, particularly, if you think
19 'oh this is interesting, let's do this everywhere across Palo Alto', I think that....that's really quite
20 dangerous direction to go. We do need to protect our natural spaces, and I did also note
21 the....one of the Commissioners I think was talking about this strange setback for the MXM on
22 Page Mill, it's listed as five-feet, instead of ten feet or twelve feet, that may be because of existing
23 buildings, but it seems to me that if you want to achieve a ten or twelve foot effective sidewalk
24 width, then you just need a zone for that, and when those existing buildings get rebuilt at some
25 point in the future, you'll get the ten feet instead of being stuck with whatever the depth is right
26 now. Yeah, so, I think that's all I have for now at this time. I think that the daylight plane envelope
27 is an interesting way to....try to constrain the building mass and....ya know, let it go as high as it
28 can go within that envelope; I was a little concerned by the notion that some types of projects
29 might be able to completely get around the daylight plane, so, I don't know if you need some
30 regulations to prevent that particular way of ending up with a giant building right next to smaller
31 ones if those regulations can be somehow subverted...can you put some other regulation on top
32 of that, that can't be subverted so easily . Great, thank you.

33
34 Chair Summa: Thank you so much, and that concludes our public hearing on this topic, and at this
35 time I would like to ask Chair Baltay if he would like to stay with us for some of the conversation,
36 or... yes, I'm seeing a nod okay, thank you very much. So, I will bring it back to the Commission,
37 and Commissioner Hechtman, thank you for lighting your light.

38
39 Commissioner Hechtman: Thank you, so actually in this round I've got some questions, I wanted
40 to do those after public comment. I thought those comments were interesting, thank you for

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1 sharing them with us. So, the first question is really procedural. So one of the Staff
2 recommendations tonight is that we recommend to the City Council that they certify the SEIR,
3 the Supplemental Environmental Impact Report; but what we have tonight, is just the one of two
4 parts of that, right, because the SEIR is comprised of the draft SEIR, which is what we have, and
5 the final SEIR which is, sort of a layer on top of that, that has any...usually minor changes that
6 might happen to the draft, plus it has the comments, we've got four comments, three written,
7 one oral; and the responses to those comments. And from the Staff report, I think those
8 comments came in recently because the window just closed. We don't have those response to
9 comments, and so, I don't think we can do exactly what Staff if asking tonight and recommend
10 that the Council certify something we haven't seen. But what I do think can do, is we can make
11 that recommendation in a qualified way, something like subject to the City Council determining
12 that an adequate response has been provided to comments, in the final SEIR. I think if we phrase
13 that motion that way, then we get past the fact that we haven't seen that, and it doesn't have to
14 come back to us. So, I wanted to find out upfront if Staff and Mr. Yang thought that that is a way
15 we could move forward, past this tonight.

16
17 Mr. Yang, City Attorney: Yes, I think that would be acceptable; the other approach we could take
18 is...Staff probably should have phrased that first part of the recommendation as just consider the
19 SEIR, because that's all that the Planning Commission is really required to do, is to consider the
20 document and it doesn't have to be the final one.

21
22 Commissioner Hechtman: Okay, so maybe that's actually preferable, because I remember this
23 from many prior projects, that that's what we're done, consider, and so I think if we do that we
24 don't make a motion on the SEIR, instead, as a preface to our motion to the rest of it, that we
25 say, that we considered and can say the draft EIR, but not the final EIR, and then make our
26 motions. Okay, so that's the procedural issue. The questions I have, really have to do with the
27 ordinance, and so let me just kind of walk through them. I'm going to start with Table 1, which
28 is the permitted and conditionally permitted uses. So, if I understood correctly from Ms. Cha
29 earlier, I think all of the P's and dashes and CUP's we see here, those were essentially transported
30 from the base zoning district; to which we've now added an N, because it's in the NV, right?

31
32 Planner Cha: That's correct.

33
34 Commissioner Hechtman: Okay, alright. So, that's the origin of it, and you know, as I look
35 through it there were a few sort of head scratchers, because I don't know if the...I didn't go back
36 to look at the base Table to see if we have a base Table with actually all eight of these categories
37 in one place, but when I look at all eight together, you know I had a few questions that I want to
38 ask, so...and so I'm going to start on packet page 25. Again, these are Table 1 questions. So, I see
39 that ADU's and JADU's are a permitted use in every zoning category except the public facilities,
40 the PF; and so, I'm thinking about an ADU or JDU in any of the higher density particularly NVR3

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1 through the most dense, and I don't see how that can actually happen, so I'm just wondering if
2 that's there because there's something in the state law that says they have to be allowed in every
3 residentially zoned district.

4
5 Planner Cha: That's correct, so ADU's are allowed in single and multi-family districts.

6
7 Commissioner Hechtman: Okay.

8
9 Planner Cha: That's why, yeah you see it all Ps there.

10
11 Commissioner Hechtman: Alright, thank you. In the educational, religious, and assembly uses I
12 was just kind of curious we have CUP's allowed only in the R4...NR4 and NXL, and I'm wondering
13 so....actually, this is kind of a highlight, did Staff, I know you transported all these, but once you
14 had done that, did you...did you sort of look at these and ask does this still make sense, or should
15 be...they be spread more broadly, or was the thought that just this is how it applies throughout
16 the rest of the city, we shouldn't mess with it.

17
18 Planner Cha: Generally, the latter, but we can definitely consider if you think that there should
19 be some of the zoning district that we can...that we should allow with conditional uses, but
20 generally we're following the city-wide directions.

21
22 Commissioner Hechtman: Okay, and honestly while...I may quibble with some of these things
23 and think this could fit here, this could fit there, I think that consistency throughout the city code
24 is worth more. So, I'm not going to ask about any of those; the only other comment I'll make in
25 Table 1 is that I notice you have community centers twice, it appears on packet page 26 right
26 under the public quasi-public uses, and then again on 28, at the bottom of agricultural and open
27 space uses, so I do think that one can be consolidated.

28
29 Planner Cha: Yes, that's correct, we'll fix that.

30
31 Commissioner Hechtman: I think I had a couple more questions. Packet page 37, there's this
32 section of the new ordinance 18.29.100 non-conforming uses and non-compliant facilities. So,
33 the text is at the top of page 37, but in the Staff reports that we get, and maybe it's even...I think
34 it's online too, is you've got the Item 2 box blocking a few words. So, my first question is, what
35 are the words under the box in the first line, after chapter. You may have a box blocking yours
36 too.

37
38 Ms. French: We do, we'll have to go online and see what it says on the online version.

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1 Commissioner Hechtman: Okay, so let's come back to that. So, I wanted to ask though, I went
2 and looked 18.70, and....in fact I...did you find it?

3
4 Planner Cha: Yeah, so it says any uses or facilities rendered non-conforming or non-complying
5 by this chapter shall be subject to chapter 18.70.

6
7 Commissioner Hechtman: Shall be subject to...

8
9 Planner Cha: Yeah.

10
11 Commissioner Hechtman: That's what is hidden. Okay.

12
13 Planner Cha: That's the existing one...

14
15
16
17 Commissioner Hechtman: Yeah, everything else we can see. Okay, so I did go look at 18.70 and
18 it actually kind of surprised me, but the vision there is 18.70.07B, in any district, a non-conforming
19 non-residential use of the site shall be....I'm skipping some of the language....shall be terminated
20 in accord with the following provisions and schedules, when occupying or using facilities designed
21 and built for residential use non-conforming shall be within ten years from the date such use
22 became non-conforming, whichever is later. So, really my question here is there's a lot of office
23 in the NVCAP area, and what is the practical effect of including this provision.... what's the
24 practical effect of 18.70.070 on that office space?

25
26 Mr. Yang, City Attorney: Yeah, so to...ya know....to the extent it becomes non-conforming, then
27 it will...need to terminate....I believe within...within ten or fifteen years, unless there is a site
28 specific amortization study that's completed, that would set a different period. And so,
29 practically what we would expect is for.....ya know these sites to prepare an amortization study,
30 and petition the City to have a site specific schedule established for them, and...yeah, that's what
31 I would expect.

32
33 Commissioner Hechtman: Okay, that's helpful. So, that amortization study could buy them
34 another five years, or could buy them whatever the amortization study shows, right?

35
36 Mr. Yang, City Attorney: Right.

37
38 Commissioner Hechtman: Newer in, longer out, basically...typically. Okay, so in this preferred
39 plan that we're looking at, it indicates that there's, I think we're reducing office in the NV area
40 by, I think it's 278,000 square feet, right? And so, that particular square footage reference there,

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1 those are on certain parcels...well, I should ask, are those on certain parcels, and that's what they
2 add up to, so that we know which 278,000 square feet are going to need to terminate in ten years
3 without an amortization schedule, or does that provision to the NVCAP mean all 744,000 square
4 feet of office in the NVCAP is terminating in ten years, except if they get an amortization schedule,
5 they may go longer, which if that's the case...to me that is inconsistent with the contemplation
6 of the NVCAP that we're reducing from 744,000 by whatever is...278,000 less than that. So, I'm
7 trying to understand how this is going to work, with the office that's in the NVCAP.

8
9 Planner Cha: So, just to answer, the specific question about 278, I don't believe that the study
10 identifies specific sites, it is just the square footage that we have...kind of identified or
11 determined to accommodate that additional housing units. So, it can be...the existing offices in
12 the ROLM area, it can be some of the existing offices in CS districts, but we don't have any specific
13 site locations identified.

14
15 Commissioner Hechtman: Okay. Right, that's helpful, and then the final question and I'll end
16 here, this is on packet page 39...and this is one where I just need a little bit of understanding.
17 Toward the bottom of the page it's section 1665030, subpart A2, for projects on sites five acres
18 or more and all townhome projects in the NV districts, twenty percent are...need to be made
19 affordable, right. So, I think the townhome projects will those....is that just going to be the NV2,
20 or can it be NV3?

21
22 Planner Cha: It can be in multi-family depending on the density they're proposing. So, for the
23 NVR3 site, which is the Sobrato site, there were some entitlement improved, that had seventy-
24 nine units approved on that particular site, and those are town home projects as well.

25
26 Commissioner Hechtman: Okay, so the concern I had, I think was when I looked at our new map
27 and this NV2 that runs, that I want to say it's along the Olive spine right, there's a former R1's
28 now..

29
30 Planner Cha: Now R2, yeah NVR2.

31
32 Commissioner Hechtman: Yeah, the R2, and it looked like there were twenty individual lots
33 there.

34
35 Planner Cha: Mmhmm.

36
37 Commissioner Hechtman: And so, my question is, if I bought one of those and built a new
38 townhome, how do I comply with the twenty percent made available, is that an in lieu fee at that
39 level?

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1 Planner Cha: I think that Albert will definitely help.

2
3 Mr. Yang, City Attorney: So, if it's just built...at ya know, such a small scale that you're at a fraction
4 of a unit, that would be paid as [unintelligible]

5
6 Commissioner Hechtman: Okay.

7
8 Mr. Yang, City Attorney: But there's also a unit threshold at which the inclusionary ordinance
9 just doesn't apply. So, it would really depend on the specific project.

10
11 Commissioner Hechtman: Okay, but if it's below the threshold it's an in lieu, and it's not that if
12 I'm only building two, I'm going to have to round up no matter what, and I have to make one of
13 those affordable. Okay, alright, those are my questions, thanks, I do have some comments in the
14 next round.

15
16 Chair Summa: Thank you, Commissioner Chang [Vice-Chair Chang]. Umm...no. I'm not seeing
17 any lights, so...so we can go on to comments. Would any one...okay, Commissioner Chang [Vice-
18 Chair Chang].

19
20 Vice-Chair Chang: Okay, so I... I don't know process-wise Chair, if there's a way...if we want to
21 just kind of quickly talk about our areas that we might want to discuss further, because, that way
22 we can maybe...you can focus...focus our discussion.

23
24 Chair Summa: Well, Staff did prepare a slide with potential discussion areas, maybe they could
25 bring that up, would you like that?

26
27 Chair Summa: Thank you for that, okay...so there may be others, but this is what...

28
29 Vice-Chair Chang: And so, do we want to take these one by one right now, and should I limit my
30 comments to the first, or...

31
32
33
34 Chair Summa: I think we can go through comments, we don't have to go through them one by
35 one, I don't think.

36
37 Vice-Chair Chang: Okay, so first of all, I....it sounds like there's just been so many revisions of
38 this, and I think Staff did pretty good job at trying to rationalize everything and refer to existing
39 code, so I really appreciate that; because it just makes things easier, and easier to change. We
40 know, with looking at our retail code that it's going to be really difficult to change, so thank you

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1 for all the work that you put into this. I have not so many concerns about lot coverage, I think
2 my concerns are more around the setbacks and the maximum height as they relate to....the
3 NVMXM in particular, and then...the sidewalk width concern that I have, I think ducktail with
4 setbacks. So, my concern is that we're suggesting fifty-five instead of forty-five for....NVMXM
5 and I'm concerned, despite daylight plane, because of density bonus provisions, also we....on the
6 PTC saw, an example of our project...for what was Palo Alto Commons, right behind single family
7 homes, and we saw what it looks like when there's a very big project that doesn't violate any
8 daylight plane.....constraints, and it's pretty massive, and I....my understanding of the NVCAP
9 process, is that....residents were concerned about hulking buildings right next to them, and even
10 if it is only quote/unquote a forty-five foot building, it's going to be massive. There's an impact
11 of massing even when daylight plane isn't an issue, and in this case, if the daylight plane begins
12 not at ten feet, as Commissioner Reckdahl mentioned, but actually at twenty-five feet, then it's
13 even more of a concern. So, I would be in favor of with respect to NVMXM going back to the
14 original plan...that was kind....that the preferred option that City Council had...chosen, and going
15 back to forty-five. Because, if you look at...if you want to pull up the map, you can see....my area
16 of concern is specifically for the NVMXM...I think it's...that's at Oregon and El Camino, between
17 Pepper and Olive, and then between Olive and Acacia, because that's going to be pretty awful
18 for those folks, and I think that the intention when it was....when heights were initially established
19 was.....it with those properties in mind. So, and then, on the setbacks, again, I think I...I don't
20 have any objection, per say, I'm just not quite...like there's so many different setbacks
21 everywhere, that I kind of can't tell where they are, and I'm just concerned, but I think if...so I'd
22 like to hear what my colleagues say about that, I don't have any objection to ten versus twelve
23 and a half, because it doesn't seem like we're....changing....much there. But, we can't fit a car in
24 the front anyway, so...that's not an issue. On the basement issue, I do think that as Mr. Baltay
25 said, it's probably best to address that, in a city-wide way; so I would punt on that one, that's my
26 opinion. Then, I have a few smaller ones, such as on page 35, we talk about hotels, and where
27 hotels are allowed, which are basically only in the MXM and MXH areas, and I can't understand,
28 why, if we're allowing hotels, that we would have hotels have the least FAR. So, if you look at
29 the bottom of packet page 35, where it talks about C hotel regulations, and it's C2. It says hotel
30 where they are permitted may develop to a maximum FAR of 2.0 to one, and I'm kind of thinking
31 why, why are we going to limit hotels to 2.0 to one, when the whole rationale behind having
32 them at all, is to help generate revenue, so why would we want...like...you know, we're driving
33 along El Camino Real, or driving along this area, and all of a sudden all the buildings around the
34 hotel are taller than the hotel, we just let the hotel be the same height. So, I think we should
35 relax the hotel FAR to 3.0, and furthermore, like hotels are the only thing that are required to be
36 parked, so they're not going to actually have any negative impact if they're larger. [NO
37 MICROPHONE] No, hotels are allowed to be required to be parked under the State law, yes,
38 under the...so that's the one of the exceptions to the half mile radius. So, those are my
39 comments.

40

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1 Chair Summa: I'm not seeing any lights, does anybody want to go...Commissioner Reckdahl?

2
3 Commissioner Reckdahl: Okay, I'll echo some of those, I agree with the hotel is a 3.0, that seems
4 more consistent. Also, the below grade...I support in spirit of the below grade, but I think we
5 need more investigation, talk to the Urban Forester, look at street trees, also look at....if you
6 wanted to put a bike lane over the top of that, is that going to interfere with the construction of
7 the bike lane. Three feet seems a little skimpy, over on San Antonio with seven feet, that made
8 more comfortable, that it really would impede us, but I think that's a separate issue. The daylight
9 plane...I...that...it's....if you're the one building it, it's a...it's a burden if you're the one living next
10 to it, it's a savior, and I really feel uncomfortable starting at twenty-five feet at the property line,
11 and that...and then going up from there; that's really going to have the impact of all those...all
12 those properties along Olive. So, I would say that we should even though the density bonus may
13 waive it, I would start at ten feet and go up at forty-five, I think that's a better protection for
14 those. For the lots when you about a low-density lot, and then also along Park, the bike lane, that's
15 such an important bike lane, I think we need a twenty-foot special setback again along Park, I
16 think that's only prudent. Over at Bargan Mart, we skimmed on the setback there, and that's
17 really complicated the rail crossings, and so, if we had a little more setback there, we'd have
18 other options that would make for a better rail crossing, and I wish we had.

19
20 Chair Summa: Commissioner Templeton?

21
22 Commissioner Templeton: Hi, thank you. My...my general comment here is, that we've been
23 working on this project for a very long time, it's been iterated numerous times, and we had that
24 listed, thank you, and that's helpful to understand how we got where we are. It's sort of in one
25 way relieving that we are talking about some minor changes at this point, but I also want to keep
26 in perspective that it's important to move forward and stop keeping these properties tied up in
27 process. So...regarding the height.... can we go back to the height graph again...the one with the
28 lower numbers, the chart, the plan that Vice-Chair Chang was looking at.

29
30 Vice-Chair Chang: It's the preferred plan heights.

31
32 Commissioner Templeton: That one. I'm...I'm trying to really understand what.... Commissioner
33 Chang said.

34
35 Vice-Chair Chang: So, I think Staff's proposal is that it should be forty....fifty-five where there's
36 forty-five, and I'm concerned about it with respect to the few MXM zones that are in the first
37 three blocks from Oregon.

38
39 Commissioner Templeton: I understand that you're concerned, but I don't know why.

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1 Vice-Chair Chang: Oh, fifty-five feet instead of forty-five?
2
3 Commissioner Templeton: Yeah.
4
5 Vice-Chair Chang: Because it's going to be even taller, and higher over....forty-five is fine, it's the
6 fifty-five that I'm not excited about because, it'd be even taller, and even higher hulking over
7 these homes.
8
9 Commissioner Templeton: Oh, I...I actually disagree, I think that... make it taller...like this is the
10 area, if we're going to go and we're going to develop it, let's develop it. So, I...I think that the
11 height argument that the ARB made is pretty... sound, and I'm not too worried about that,
12 because as they mentioned, as the Chair mentioned, like it's still subject to requirements
13 about...the daylight plane and stepping back, and things like that; I felt like that's a pretty rational
14 explanation. So, I'm not as concerned about that as Vice-Chair Chang but thank you for
15 explaining. I also heard the public comment about being able to allow the residents of the single
16 family properties there to think differently about how to build on their site; that's a really rational
17 counter argument, so if I were going to change anything, that's what I would do to allow them to
18 enjoy their home, a little bit...have a little bit more space or tolerance for building out, so that's
19 kind of where I would think about that. The daylight plane....yeah, I...I think that....the proposal
20 that...that Staff has given, and the proposal that Commissioner Reckdahl has given are both fine
21 to me, but I'm...my concern here it, haven't we hashed this out?...like haven't we in the previous
22 umpteen meetings talked about this?...like how did we arrive at this, and why are we second
23 guessing it again at this point. Staff do we know?...how we arrived at the numbers that we're
24 using, and why.
25
26 Planner Cha: The numbers, the setback [interrupted]
27
28 Commissioner Templeton: Yeah.
29
30
31
32 Planner Cha: Where the daylight...well that was already, or is just merely referencing in NVCAP
33 chapter to the existing objective design standards chapter, or section, that includes the daylight
34 plane regulations, so... [interrupted]
35
36 Commissioner Templeton: So, all I'm asking is was there any changes involved.
37
38 Planner Cha: No changes involved in that.
39
40 Commissioner Templeton: Okay, so is there any...so was it reviewed at all?

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1
2 Planner Cha: It was actually reviewed with ARB, so we were discussing it at...at the hearing, and
3 we did talk about the twenty-five feet, but we were...I believe ARB and Staff were comfortable
4 enough to move forward, just refer the existing section.

5
6 Commissioner Templeton: So, thank you. For that reason, and no other, I would say I'm
7 comfortable with it to; I'd be happy to move forward, and then I took some notes here, and I
8 can't read my own hand writing, the last thing we talked about, I guess it'll come up again if it's
9 important. [off-microphone: dishwasher soap] Dishwasher soap, yeah, that's what it is, you silly.
10 Okay, so in other words, generally I feel comfortable moving this forward, and with the Staff
11 recommendation with all of the caveats that Mr. Hechtman brought up, I do think that the
12 setbacks are...it's interesting that perspective we're taking on this, we've heard some ideas on
13 being consistent, and I think, I like that, I like consistency, I think it's a very attractive option. I
14 think those sidewalks are really popular, and will be... continue to be popular, well used, and so I
15 like the idea of having a bigger sidewalk. Ya know, I still keep thinking about how many people I
16 see every day biking on those sidewalks, because we don't have bike lanes, separate project, but
17 just bringing that up, like it's...it's important for us to have the space for all the different modes,
18 and certainly the sidewalks on El Camino are too small, so if that's something we can fix, at least
19 partially through this, then that's fine with me, otherwise...I say we can move on, oh, the other
20 thing was the...the basements. Yeah, I mean we need our trees...and...it's very attractive to
21 maximize the space, but for the same reason we can't maximize...ya know, the entire lot
22 coverage, we can't maximize it underground either, so if...if I needed to weigh in on that, that's
23 how I'd weigh on...on that. Than...Thank you.

24
25 Chair Summa: Thank you. Commissioner Aiken.

26
27 Commissioner Akin: Thank you, Chair. Generally, I'm quite supportive, so, I had very few
28 comments to make during the earlier phases, I did want to follow up on a few things though.
29 Observation on the SEIR, thank you Commissioner Hechtman for driving the clarification of that
30 process, we need a statement of overriding considerations of course, but...what struck me, was
31 that we needed it for two reasons: the historic structures, I think everyone is aware of, but also
32 the air quality impact, because both the VMT per capita and trip count per capita are going up;
33 so this is a sign we should be looking at this kind of development a little more carefully, this is
34 not yielding the kind of sustainability improvements that we had hoped to get. So, there's a
35 warning...there's a red flag there that...it would do us well to pay some attention to. I was
36 comfortable with the suggestion for using daylight plane as the massing control device, until it
37 was clarified that the plane measurements...start at twenty-five feet, which took me aback.
38 Nevertheless, as I look at the height maps here, I wonder how much practical difference there is
39 between a maximum height of forty-five feet and fifty-five feet, because even....starting at
40 twenty-five feet I suspect the daylight plane constraint is the more severe over most of these

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lots; this is not something you can do on the spur of the moment, but an interesting thing to do, would be to figure out what the maximum heights are for these MXM areas in particular, using the daylight plane as the constraint, because I suspect most of them are well below the forty-five feet, but it's hard to tell just from eyeballing the diagram. I am also concerned about the...trees and the effects of below grade structures going all the way out to the property line... it's a creative idea, but our canopy coverage requirements are already below target, and I suspect given the emphasis on increased density and lot coverage throughout the city, that our canopy with likely decrease, rather than be maintained or increased; so that...that makes me wonder if...three feet of soil is enough, if we're not going to be able to plant the types of trees that were native to this area, are we going to permanently change our tree canopy in a negative way. This is particularly an issue in southern end of the city, but as you see here, it's going to be a problem elsewhere as well. Alright, I think that's good for the moment, thank you.

Chair Summa: Okay. Thank you everyone and staff, this has been a really long process and it's kind of hard to keep all the iterations together, we even had some confusion today, but I think we got it all straightened out. I'm really happy to hear we have over a year... that we have that extension because my bottom line is we're so close but not quite there and I share a lot of the concerns that you've already heard stated and in thinking about what Commissioner Templeton said and she was reacting to a member of the public, I'm not sure why we have R-2 and 3 at 30 feet, next to their thirty-five foot neighbors, at all. And if that would give more flexibility to those neighbors, while also giving the neighbors that didn't want those... that residential feel to go way, and so... I think kind of... that's a good idea. I'm very concerned, in no particular order, I also think we need more information... we don't certify as the Titles that ... but I think we need the draft SEIR to be more complete. Including the statement of overriding considerations before we can make a recommendation on it. And my concerns dove tail with a lot that you've already heard. So, I think, I just looked up the special setback which ends northbound at Lambert, and we really need to think about improving... this was always an issue on the NVCAP, I was on the NVCAP working group, always an issue to improve the bike lanes situation within the NVCAP. So, I think we need to think about that more with regard to development standards. I think that we need to know more about the daylight plane, and I had not heard about the twenty-five foot change, the basement issue has to be vetted fully with our urban forestry department, and the setbacks are confusing so it might be good just to clarify them. And the forty-five foot height that Commissioner Chang [Vice-Chair Chang] mentioned in MXM, I think is appropriate. And you know, it's sad that we can't... that we feel that we can't risk going higher in some of these places because of the impacts of State Laws that we have no control over, but I would say that is a pretty important place to have it, to try to control it a little because it's the shallowness of the lots along El Camino in this area and the proximity to the low density residential. I think... I think that covers it for me. I also think, and I'm not sure what to do about this and maybe it hopefully won't become a big issue, but the lack of space in the front setback for pull in parking is problematic also, but maybe it's not there right now, but it's really problematic to create more of that once again,

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1 under the State Laws that we can't control so, as to whether hotels should be 3.0, I guess I think
2 it's okay for hotel to be consistent with its neighbors as long as it's neighbors are all at that height
3 and FAR. And as long as we figure out the daylight plane issues. So, that is where I am right now,
4 and I would be very happy to see this come back with a little nuanced work that we could get it
5 through rather quickly, especially given the fact that we have more time. And I think there were
6 enough little kind of areas in here that needed kind of fix up work that it would give staff a little
7 more time to make sure there aren't those kind of you know, artifacts from other versions and
8 stuff, but I'm going to go now to Commissioner Hechtman.

9
10 Commissioner Hechtman: Thank you. So, after my last round of questions I was sitting here sort
11 of freaking out about the thought of terminating 750,000 square feet of office until I looked at
12 the table and realized that in the XL/XM and XH categories, office of all three categories is a
13 permitted use, so, that frame of mind doesn't even apply in those three categories, which is
14 primarily where the office is. I was wondering if... and perhaps this is in the FEIR or the DEIR, and
15 I'm sorry I didn't look for it, if in the other four categories... I don't think there's any office in the
16 R-1, and what is going to become the NR2, I think is on one of the other slides, currently R-1, is
17 going to R-2, so there's probably no office there, but was there any kind of analysis done of
18 essentially, what is the square footage of office that is facing that termination. So, it would be
19 probably in the NR-3 and NR-4.

20
21 Planner Cha: I don't have that information right now.

22
23 Commissioner Hechtman: Okay. Alright, if I had been on my game I would have thought about it
24 earlier, sent a question in to tee you up, but that's fine. Again, my belief is really, if there is office,
25 most of it... well, it could be in the 3 or 4. It is a concern of mine, but it's not a concern of mine
26 strong enough to sit on this six year old project. So, some other minor issues. I think it's a really
27 interesting idea to come forth from the ARB about allowing the below surface garages to sink
28 sufficiently to allow a really good planting medium above them. I'm glad that's going to the
29 forestry department, and I think that's really where it should reside. You know, a couple of
30 competing issues here... 1) is the cost to go down farther, right? And that is a restraint. It is an
31 impediment. The benefit we're getting is a more robust urban forest but I think we have to
32 balance those so I think it should be part of the urban forestry departments consideration is it
33 okay if certain native plants can thrive in three feet of soil and those are the ones we put there.
34 And the ones that need four, five, six, or more, we don't put those there. I mean that's a good...
35 we're balancing these things. The height issues in the two places where the ARB and staff have
36 differing opinions, I have no issue at all with the ARB's logic. I think it's right, but I'm recognizing
37 that staff... ARB, like PTC, is a little bit insulated from the City Council. Staff is not. Staff have to
38 take this plan and convince the City Council to adopt it. And my feeling is staff thinks it's maybe
39 a little more palatable to the City Council with these two deviations from the ARB
40 recommendations so I'm going to trust staff on that, so I'm supportive of those two places and

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1 again, they adopted it seems like everything else the ARB had suggested which is really an
2 impressive list of suggestions. As for the list of the setbacks and those things, those four items
3 that we were invited to talk about, I'm really not going to comment on any of those. This has been
4 six years in the making, and we've learned tonight from staff that at the sort of street level
5 exercise they went through to try to visualize how these things would actually lay out, how the
6 setbacks and building heights would work together and they've had hours and hours and have
7 spent hours and hours doing it and I'm going to trust that staff, with years of feedback from the
8 working group, PTC, and the ARB, and City Council, has got it in a good place and so I don't have
9 any comments on that. I was really interested in the comments of our first public speaker tonight
10 you know... one of the foundational premises of the working group when it started this process,
11 as I understood it, was to protect the R-1. And what I heard tonight from I think a resident of the
12 R-1, is you've actually put me in a box. Because everybody around me is upzoned, developing,
13 and I'm stuck. And I think that's a really interesting perspective and I wish we had heard it earlier
14 in the process. My thinking overall is this needs to get adopted. Once it's adopted, if there are
15 problems with it, it can be amended. But for now I think we just need to get this forward and off
16 of our plates, which really brings me to my biggest issue which to me is my 800 pound gorilla that
17 nobody has raised yet, and that is economic feasibility. So, if we look at packet pages 48 and 49,
18 one of the objectives established by the Council when this process started was, we need a
19 determination of the economic and fiscal feasibility of the plan. And in this case the plan is the
20 preferred plan that we're sending to the City Council. So, that was one of the objectives they set,
21 which dovetails with Palo Alto's Municipal code Section 19.10, which we have on packet page 10,
22 which requires determination of the economic feasibility of the plan. And then we look at packet
23 page 50 which are the comments that came out of prior PTC and ARB meetings, PTC 6, Economic
24 analysis to show shortfall. Response: No economic analysis was done due to budget constraints.
25 So, as I'm understanding it, we have not satisfied an objective of ours and we have not met the
26 code requirement. And the reason this is of particular concern to me is that back in 2021 we had
27 an economic analysis done as part of the PTCs work and that predated many of our current
28 Commissioners, but at the time, the composition of the Commission really wasn't interested in
29 what was called I think Alternative A, the low density version, which actually is now the preferred
30 plan that is going to Council. We thought that density was too low. And so, we wanted an
31 economic analysis but to save money, we said just do it of alternatives B and C. Or actually they
32 are 1, 2, 3, right? Just do two and three. Right? Two was kind of the medium density and three
33 was very high density. So, two was closer to the density of one, but about double. So, the price
34 tag that came back for two was \$130 Million. That was the subsidy that would be necessary to
35 bring it to fruition. Three was \$37 Million, and we came up with actually a 3.2 that penciled out,
36 that was cost neutral, right? But we never did A, and at the time I did like a cocktail napkin
37 calculation that A could cost over \$200 Million in subsidies, but that was two years ago, and a lot
38 has changed about this plan that we have now. The primary changes are, number one, the
39 anticipated density of A back then was 860 units; well first of all, most of this cost is providing the
40 BMR's. That's really the subsidy driver. And it's relationship to office which can provide funding.

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1 So, back then the maximum buildout was 8... it was a range of 500 to 860, now we're at 530. So,
2 by lowering the ceiling, I think that will bring down the cost. Another big change is back then we
3 were looking at... there was no parking relief contemplated, we had testimony from the Economic
4 specialist that each parking stall cost about \$100,000 dollars and that was a huge cost and so now
5 we've eliminated parking, and so I think that is a good thing. The biggest think I think is in the
6 plan two years ago we were reducing office space from 750,000 to 8,000 square feet. So, 740,000
7 square feet of office going away. Now, we are only losing 278,000, so there's more office to
8 support this density and the below market housing. So, I'm optimistic that ... whatever the
9 number is, it's not going to be beyond our budget, or funds that we can budget for. And so the
10 reason I asked my very first question tonight was, when are we going to lose these grant funds,
11 is I was concerned that there might be a timing issue that we need to adopt this plan. It turns out
12 we don't, but honestly I think we need to get this done. So, what I'd like to see in the motion
13 that's eventually made is that we recommend not only adoption, but that as the Council's first
14 action before enacting any of the Before taking further steps beyond what's currently on their
15 plate with the NVCAP, that they complete that economic study as required by our ordinance and
16 their objectives, so that as they move forward everybody knows the cost of the endeavor that
17 we've approved. So those are my comments.

18
19 Chair Summa: So... I am very impressed you remembered all those numbers. But I bet you had to
20 look them up. But, and I think we all want to get this done, it's just that, I mean I'm surprised you
21 don't want the economic study to be done... that you don't want that to be done before Council
22 sees it, but, I don't know, given your interest in it... but I think we all want to get it done really
23 quickly, but we have time... we can get some of these details ironed out and I think it would be
24 more successful a plan, is kind of my perspective. But I am impressed you remembered all those
25 numbers. But the preferred plan that we see here is not option 1. It's what the... it's what Council
26 preferred, is what I think. So.... The preferred plan that we've got to now is all the work that
27 Council did after our recommendations on the three levels of density, is really what it was... and
28 some associated economic analysis. So, anyway. I see that Commissioner Templeton has her light
29 on.

30
31 Ms. French: Also, we'd like to have a note about the economic study, which Council did not fund
32 when we expanded the scope. So, part of that is... was not for us to do because it wasn't
33 authorized to do, funded to do, back when. So, that's just a note. Also, I wanted to have a note
34 about hotels if you get there again but... about that.

35
36 Chair Summa: Tell us about hotels now.

37
38 Ms. French: Okay, City wide the maximum hotel FAR is 2.0, so we're talking downtown, all
39 commercial zones, it's a citywide limit...

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1 Chair Summa: Standard.

2

3 Ms. French: Yeah, so, you start tweaking it in one area you have to kind of look....

4

5 Chair Summa: Thank makes sense.

6

7 Ms. French: And that could be something that our economic retail studies are starting to look at
8 with the retail committees, and such. Maybe in isolation it's going out there a little bit.

9

10 Chair Summa: Okay thank you for that. Commissioner Templeton.

11

12 Commissioner Templeton: Thank you Chair. Ms. French, I think the intention of the comment
13 about the economic analysis is not that you didn't do it, but that Council doesn't have it and they
14 are about to make a very expensive decision. So, we should... I think it was really intelligent and
15 helpful comment from Commissioner Hechtman that maybe we should consider getting that on
16 Council's agenda as soon as possible so they can make an informed decision, because you know
17 how we can be here in Palo Alto sometimes. We can look back and go .. why wasn't that done?
18 So, I think we can possibly try to resolve those obstacles that you mentioned. The other thing I
19 wanted to ask was we've had a discussion up here about timing and I have gone back to my
20 original question which is what are the constraints... like if we were to change the timing, come
21 back and ask for responses to our commentary tonight, does that effect anything as far as you're
22 concerned?

23

24 Planner Cha: I don't think there is. Timing wise it's not a concern at this moment just because
25 we got extension just before the PTC hearing. But it's just that as many of the commissioners
26 have mentioned, it has been seven years and counting. And, we have heard from a couple of
27 developers who are interested in developing their lot with the new development standards and
28 higher density and they're waiting for the NVCAP adoption to happen. So, there are some of
29 those developers waiting for the NVCAP to be done so there is some concern with that. If it gets
30 a little bit delayed, they would have to wait longer and it might not actually pencil out for their
31 financial feasibility or whatever do wait until the NVCAP is done so it might not ... it might may
32 be an issue with those potential projects in the future.

33

34 Commissioner Templeton: Thank you. This body is generally not concerned with time pressure
35 from applicants in that way, so I'm not sure that's the most compelling thing to say here, so what
36 I'm trying to get at is... are we going to be able to reschedule or can you guys come back before
37 you go to Council? What's the actual timing situation here.

38

39 Planner Mr. Frick: So that's actually I good question, I think I want to provide a little bit more
40 context on like the impact of delaying this. So, as Ms. French mentioned, we had at one point

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1 requested additional funding to complete this and that wasn't approved by City Council, based
2 on our understanding, and so right now we don't have a consultant that's working on this project
3 and so another sort of concern in addition to what Ms. Cha outlined is that in terms of like the
4 staff resources to continue to work on this, it does impact our ability to follow through on
5 additional items that are within the Work Plan for the PTC as well as the Council. And some of
6 those other projects as well. So, just wanted to mention that as part of the context of the
7 equation of the delay. To the ability that we can answer questions or any concerns at this
8 meeting, like we're happy to kind of continue if there are remaining concerns to discuss those.
9 Obviously, we could, based on the grant timelines, bring this back if that's the desire of the PTC.

10
11 Ms. French: It would definitely be an allocation of resources concern. As far as other projects we
12 would have to add it back into the PTC Work Plan, which we already approved, you already
13 approved, but ... because we were envisioning being through it before July. So.

14
15 Commissioner Templeton: Okay, all of that is very helpful. Context, I'm a little concerned that
16 your comments were a little vague and you're... the thing is, and this is the first thing I said
17 tonight... is we're going to have a lot of comments. Three of us were involved with this
18 commission and we're very much care about this project. It's a huge project, it's actually a major
19 project and if we haven't prepared properly and haven't thought through these scenarios that
20 are brought up tonight, I don't know how you expect us to approve it tonight. We can't ... a lot
21 of good points were brought up and you're not ready to answer them because you need more
22 work on it and if you recommended that we take this project off the work plan because it's done,
23 we'll something has changed. There was a pending application to get an extension. Right? So we
24 have to think about ... that's not a compelling argument either. We have to do a good job and we
25 have to finish this, and this is.... The decisions we're making about this project are going to last
26 for fifty years. These are major investments in our community, especially in the south Palo Alto
27 area. So, I wanted to approve it all tonight, I get it, I have the same hope that you do, but we're
28 not ready. We have questions. Right? And, they have to be answered in order for us to move
29 forward. That's our responsibility as Commissioners, is to look after the decisions that are being
30 made on behalf of the City, right? To ask the tough questions and make sure that we're thinking
31 it thoroughly through. So, As much as I want to move forward quickly as well, the best way to
32 handle that will be to get our questions answered quickly, come back and keep it on the schedule
33 with Council. And if that's not possible, then you need to think about your priorities. Thank you.

34
35 Chair Summa: Okay, sorry. Commissioner Hechtman.

36
37 Commissioner Hechtman: Yeah, I'm wondering if there's a middle ground here. Somebody just...
38 first I wanted to just clarify, when I talked about the absence of an economic analysis on this plan,
39 that was in no way intended to be a criticism to staff, that was a Council decision, right? The
40 Council made that decision and now they have a plan coming toward them without a component

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1 that's required by the ordinance and that's on them. And so I'm just daylighting that so that we
2 can figure out how to make them aware of it. I'm ... I guess my inclination is I want to.. I'd like to
3 move this... because we have these open issues, right? We have these, what I'll call design or
4 parameter issues that we've raised, we have this feasibility... economic feasibility issue. I'm
5 wondering if we should make a recommendation to basically take the Council's temperature. And
6 to say... we think that there are these open issues that really need more study by the Planning
7 Commission. But we're presenting it to you, to decide whether you want to send it back to us,
8 and that's how we alert them to these details that we feel are missing from various
9 commissioners, and the absence of the economic study. And if the Council wants to allocate the
10 resources, right, to staff, to do more work on this plan, which in one scenario is done, then they
11 can send it back to us. But if they ... but if a majority of them thing enough is enough, let's approve
12 it... then they'll have that ability also. So, that's kind of the middle ground that I'm thinking of....
13 Is... and you can even keep the June 18th date under this scenario and they could still approve it
14 or send it back. And maybe that's a conversation... the money for the study is maybe a
15 conversation that can happen with the city manager, between now and June 18th. But anyway,
16 that's me trying to thread the needle.

17
18 Chair Summa: Thank you for that. So, I'm not hearing a majority here that wants to move it
19 forward with the way it is, so, there is outstanding issues of development standards that I believe
20 we would like fixed. So, the way I see it, the way I thread the needle is we either recommend it
21 with those conditions, or we can't recommend it at this point. And I don't think that's holding the
22 project up, and I think ... I'm personally not comfortable telling the Council, hey... reconsider
23 you're decision to not do more financial analysis. That was their decision. So, that makes me feel
24 a little uncomfortable. So, I'm wondering... so that's kind of the way I see it... I see that
25 Commissioner Reckdahl has a light.

26
27 Commissioner Reckdahl: I don't think we're that far away, I think we could do it tonight, but it
28 would need some work, but in some ways what I'm worried about is we'll give comments back
29 to staff and they'll come back and we'll do this all again, same some second verse, third verse,
30 fourth verse... you know, a month or two from now and are we better off if we can come to
31 consensus on the open issues, say here we approve this but we think there's work to do XYZ and
32 let Council digest that.

33
34 Chair Summa: That sounds... I'm hap... That's a good idea, Commissioner Chang [Vice-Chair
35 Chang] and then Commissioner Templeton.

36
37 Vice-Chair Chang: Well, I was going to try to move us along because I think there is some
38 consensus that we need to... that some things need to change, but I'm not sure that it fully needs
39 to come back to us unless Council decides... like... if we were to say Staff go away and work on an
40 economic feasibility study, that doesn't do anything for us because there's no funding for that.

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1 So, we may as well make a motion with the changes to the development standards that we want
2 and then we can add something in the motion that says that we think it might be a good idea to
3 do an economic feasibility study and then let Council decide. So, I was going to try and make a
4 motion, but I don't know if we are... oh, yeah... sorry.

5
6 Commissioner Templeton: So, I'd be happy to explore that as well, but right now, just thinking
7 about Commissioner Reckdahl's comments, like how are we... we asked a bunch of questions that
8 they didn't have answers. How do we work through that?

9
10 Vice-Chair Chang: Which questions do you think we have... just... I'm just confused.

11
12 Commissioner Templeton: Everything that you brought up. Literally. Every single thing. So, like
13 I don't think we got answers to those questions, we didn't get answers to how deep that the
14 parking lot needs to be, and those kinds of things.

15
16 Ms. French: How deep does a parking space need to be?

17
18 Commissioner Templeton: No. (crosstalk)

19
20 Chair Summa: Where you start measuring the ceiling height between....

21
22 Commissioner Hechtman: If we lower the underground parking to accommodate a planting
23 medium ...

24
25 Chair Summa: Above

26
27 Commissioner Hechtman: How deep does that planting medium need to be, I think that's

28
29 Commissioner Templeton: To accommodate Trees (crosstalk)

30
31 Commissioner Hechtman: Yeah, we just don't have an answer.

32
33 Planner Mr. Frick: So just to clarify the staff recommendation regarding that topic that was
34 brought up by the ARB, we're recommending that we do need additional study about that policy,
35 not just for the NVCAP area but as it applies City wide, so, that's what staff's recommendation is
36 regarding that, is that it's premature to have a specific standard for that, for the NVCAP area
37 solely, without looking at it wholistically, how that's applied citywide because there has been you
38 know, different interpretations over the years as our... (interrupted)

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1 Commissioner Templeton: Thank you. And we'll get to those individual topics, I just want to
2 make sure I understand Commissioner Reckdahl's vision about what we'll do if we continue with
3 this and also ask the Chair if we're going to knock some other Agenda item off. Thank you.

4
5 Chair Summa: I didn't hear the last part, what's that?

6
7 Commissioner Templeton: Will we be exchanging another agenda item off of this to take the
8 additional hours it will take to do this?

9
10 Chair Summa: I think to have a full discussion in real time right now would take longer than what...
11 we would have to jettison an item. And I think it makes more sense for staff to hear our concerns
12 and come back to us, and I don't think that's holding this project up, a lot has really not made the
13 NVCAP... the NVCAP kind of bumped along instead of rolled and I don't think that this is a
14 significant... and I don't think that there's that many issues, but for the six of us to go through
15 those issues tonight, would take hours. So, that....

16
17 Commissioner Templeton: So, I would love to hear from Commissioner Reckdahl because that
18 was exactly my concern. Thank you, Chair.

19
20 Commissioner Reckdahl: I mean some of this things for example do we want twenty foot
21 setbacks, special setback along Park. That would be easy for us to come to a consensus ... yes or
22 no. Do we want to change the daylight plane? I would think that would be fairly straightforward
23 to say yes or no. So, I ... maybe I'm optimistic but to me it doesn't seem like it's going to be that
24 difficult to identify where... you know take a straw poll of what we want on each of the items.
25 And maybe we're more divided that I thought we are. But...

26
27 Commissioner Templeton: Okay, we'll let's give it a shot.

28
29 **MOTION**

30
31 Vice-Chair Chang: I was going to attempt, and then if we don't like the motion, then great. I think
32 I have a list, and maybe I need some help with some amendments... So I was going to move the
33 staff recommendation but change the language to say Consider the SEIR, instead of certify, and
34 then to strike the statement overriding considerations part unless by law we are required to look
35 at that. I don't think so, so just to strike that part since we haven't seen it. And then... So, I would
36 say move the staff recommendation, change certify to consider, strike everything that talks about
37 the statement of overriding considerations, and the rest of number one, so we're also not
38 adopting, we're considering everything. And then, with these modifications. So I would suggest
39 that we extend the special setback that the City has along Park that currently stops at Lambert,
40 extending it all the way to Page Mill, so extending it through out... through the length of the

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1 NVCAP, changing the height back to the preferred ... what's it called, preferred plan for
2 specifically NVMXM to 45 feet, and I believe the last one is to change the daylight plane to start
3 at ten feet rather than twenty five feet. I think that's everything. Oh and then the final note would
4 be that we would also suggest... that we ask City Council to consider completing an economic
5 feasibility study.

6
7 **SECOND**

8 Commissioner Reckdahl: Second.

9
10 Chair Summa: I'm going to take a minute to read my notes. Because it's... Oh so staff was not...
11 staff doesn't think we need to add the basement tree planting above it because you're not
12 planning on putting it in.

13
14 Planner Mr. Frick: So, just to clarify, the staff recommendation is to not... address that differently
15 than anywhere else in the code but if it's the recommendation of the PTC, we're... you know, we
16 can take that to the Council to consider something different about that aspect of what the ARB
17 recommended.

18
19 **FRIENDLY AMENDMENT #1**

20 Chair Summa: Okay, thank you for that. Did the maker want to include allowing R-1 and R-2 to
21 go to 35 feet along Pepper and Olive?

22
23 Vice-Chair Chang: Sure, I just don't know if that creates any... you know, we had a discussion...
24 can we discuss... So, before I accept that amendment, I think there was some consensus up here
25 about the value of having things be the same throughout the city, as much as possible, so I just
26 didn't know if doing something like that, which I'm in favor of by the way, because of what we
27 heard for public comment, but if doing something like that would create administrative
28 difficulties...

29
30 Chair Summa: Isn't the standard 35 feet in R-1?

31
32 Planner Cha: I believe it's 30 feet.

33
34 Ms. French: It's 35... it goes up if it's a tall pitch.

35
36 Chair Summa: And R-2, RND, isn't it also 35? Or is it the same, I mean I don't believe it's a change,
37 I don't think it's a change, really.

38
39 Ms. French: Yeah, there's flood zone considerations, etc.... that bump it up.

40

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1 Vice-Chair Chang: Okay, then what I would say, since we're changing it for R-2, NV R-2 anyway,
2 then it seems to me it makes sense to change it for NV R-1 as well so I would add that amendment
3 to the motion. Do I have a second?

4
5 **SECOND**

6 Commissioner Reckdahl: Yes.

7
8 Commissioner Templeton: I thought we were going to discuss the daylight plan setback before
9 the motion was made, something...

10
11 Vice-Chair Chang: I think we can always discuss a motion after the motion is made, right?

12
13 Chair Summa: Yes, we can still discuss it. And I was also going to ask about adding ... I don't think
14 we can say what they should be right now, but that staff should review the street setbacks. There
15 was a lot of concern on the body about those.

16
17 Vice-Chair Chang: Yes, there's concern but I think staff also told us that they did review is pretty
18 carefully. So, maybe to address that would we want to just ... I mean I think what would be helpful
19 before this went to Council, regardless... may there would be a diagram that shows those
20 setbacks because it is... in table form only right now, so it's hard to understand what the setback
21 is everywhere, through this little area, but I think as long as it's more understandable, staff has
22 said that they've done the work and they thought about it with all the cross sections.

23
24 **FRIENDLY AMENDMENT # 2**

25 Chair Summa: Maybe it would be to provide it in a ... flat information for the council report in the
26 manner you just suggested, in addition to the table.

27
28 Vice-Chair Chang: I'm all for that. So, adding to the motion another point about providing
29 additional information to Council on the street setbacks in a graphic or map form.

30
31 Commissioner Reckdahl: Oh, yeah, I accept that.

32
33 Planner Cha: Just the clarify, the addition, the diagram request, that's similar to like height map
34 where... okay, so on a map form...

35
36 Vice-Chair Chang: Yes.

37
38 Chair Summa: Commissioner Hechtman.

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1 Commissioner Hechtman: So, kind of digging down into what I count now are six point in the...
2 six modifications... from staff?

3
4 Vice-Chair Chang: Yes.

5
6 Commissioner Hechtman: Okay. So, second is change the height on the NVMXM back to 45 feet,
7 Can staff pull up that Height diagram that showed the whole NVCAP?

8
9 Planner Mr. Frick: The preferred plan slide?

10
11 Commissioner Hechtman: Yeah, I want to see what it's next to right? And what those heights
12 are.

13
14 Planner Cha: I might need a couple of minutes.

15
16 Commissioner Hechtman: Okay. While you're doing that, let me ask a question on number three,
17 changing the daylight plane to start at ten feet rather than 25 feet... is this is a... do we have a
18 citywide daylight plane figure?

19
20 Planner Cha: The objective standards apply to city wide, and so it is a city wide standard.

21
22 Commissioner Hechtman: And is that citywide standard 10 feet or 25 feet?

23
24 Planner Cha: I believe (interrupted)

25
26 Commissioner Hechtman: or some different number?

27
28 Planner Cha: Yeah, residential is different.

29
30 Ms. French: The daylight plane is different for single family zones R-1, than it is for you know,
31 multi-family, that kind of thing, so it varies, depending on the zone.

32
33 Commissioner Hechtman: Okay so for single family city wide what is it? Is it 10? ARB says it's 10.

34
35 Ms. French: Ten feet up, 45 degree over from the property line.

36
37 Commissioner Hechtman: Okay. So... and then R-2 is something maybe more than ten?

38
39 Commissioner Reckdahl: I think R-2 is the same as R-1.

40

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1 Commissioner Hechtman: Okay, alright. And so, so what staff was ... the proposal that came to
2 us, it was proposing in some situations a different daylight plane than otherwise applicable
3 throughout the city, to meet some of the goals... you know, to meet some of the goals of the
4 NVCAP growth. Is that right? So R-1 would be 25, where as R-2 would be ten.

5 Planner Cha: We will follow whatever the Citywide requires... We will check the requirements,
6 sorry, but whatever the city wide requirements apply, we'll consistently (interrupted)

7
8 Commissioner Hechtman: Okay ... because I... that might have been a misconception on the
9 Planning Commission that ... because I've heard an effort to change here, I would think on this
10 issue we would just apply the city wide standard, whatever it is... unless you have a reason
11 (interrupted)

12
13 Vice-Chair Chang: Well, the concern was in the table. It specifically referred to daylight plane
14 referring to particular section of code.

15
16 Commissioner Reckdahl: The way the daylight plane works in the code is that if you're R-1 has a
17 daylight plane, then the R-1 daylight plan applies. But if you're in a zone that doesn't have a
18 daylight plane, then you refer back to this... 18.24.050, and that tells you the daylight plane for
19 all the misfits that don't have their own daylight plane.

20
21 Vice-Chair Chang: And because this is a new zone, it's not... it's NV R-1, not R-1, it would then...
22 a 25 foot would apply. That's why.

23
24 Commissioner Hechtman: Okay, but is the intent of your motion to have the new NV zoning track
25 the base zoning exactly?

26
27 Vice-Chair Chang: Yes.

28
29 Commissioner Hechtman: Okay, alright. And so, then my question of staff is does staff have a
30 different intent? That the NV daylight plane not track the base zoning daylight planes exactly?

31
32 Planner Mr. Frick: Yeah, so the intent for staff was to have it track the objective standards, as it
33 relates to the daylight plane. So the city wide standards, and so the... the rational for that was
34 that if some study changes how that's applied city wide, then that would also apply to this area.

35
36 Commissioner Hechtman: Right. Okay, alright, then I think that was the intent of the maker of
37 the motion. That that be true. That it track... whatever happens in R-1, happens in NV R-1, R-2,
38 and V.

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1 Vice-Chair Chang: So, yes, that is my intent, however, as written right now, in the ordinance, it
2 wouldn't.

3
4 Commissioner Hechtman: Right... right. And so what... I guess my ... I'm quibbling on semantics,
5 right, then rather than quantify it... let's you know, state the quantitative intent.

6
7 **FRIENDLY AMENDMENT # 3**

8 Vice-Chair Chang: So, I think what Commissioner Hechtman is suggesting is that I change the
9 motion so that point about changing the daylight plane to start at ten feet, should instead read
10 the daylight plane in NV R-1 and every other zone, should conform to it's equivalent zone in
11 municipal code.

12
13 Commissioner Hechtman: yeah.

14
15 Vice-Chair Chang: In the existing code.

16
17 Commissioner Hechtman: Yeah, okay. So, another quibble... oh... let's go back to (interrupted)

18
19 Vice-Chair Chang: We need Commissioner Reckdahl to (interrupted)

20
21 **SECOND**

22
23 Commissioner Reckdahl: Yes. I accept.

24
25 Commissioner Hechtman: Alright then, so I just wanted to take a look, because we had two of
26 the elements dealing with height, and so the NVMXM that is included in the motion to come back
27 to 45, are those the two on El Camino on either side of Portage?

28
29 Planner Cha: It'll be for entire MXM, so anywhere that says 45 here, will ... so... this is a staff
30 recommendation.... So with the 55, here will become 45.

31
32 Commissioner Hechtman: Oh I see. All the 45, and the 65 stay 65.

33
34 Planner Cha: Right.

35
36 Commissioner Hechtman: Okay, and meanwhile, the 30's, directly behind the 55's, are going up
37 to 35, another aspect of the motion.

38
39 Planner Cha: According to the motion, yes.

40

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1 **Friendly Amendment #4**

2 Commissioner Hechtman: According to the motion, yes. Okay. So, alright. So, I would just tell
3 the... well let me state my position. I don't have any objections with the R-1's going from ... the
4 R-1 and R-2 going from 30 to 35, but I wouldn't support bringing the 55's down to 45, and so I'd
5 hope that we could pull that out of the motion and do it separately. So, that I can... Number 2,
6 change height on NVMXM to 45, I ask that we vote on that separately because I'm trying to build
7 the rest of it that I can support. And then in terms of ask Council to consider economic feasibility,
8 I think I would just word that a little differently that part of our recommendation is to confirm
9 Council's awareness of the economic feasibility study requirement of our municipal code.

10
11 Vice-Chair Chang: Accepted on the economic feasibility study.

12
13 Commissioner Reckdahl: Accept.

14
15 Vice-Chair Chang: Okay, then regarding the request to vote separately on the second point about
16 changing the height for NVMXM, I'm fine with doing that because I think if we provide more
17 granularity for Council on where we have agreement and disagreement, that's a good thing.

18
19 Planner Cha: Just to clarify, sorry, but this 65 above Ash street will be also... supposed to be 55
20 because those are MXM districts as well. That was missed when we were making the diagram,
21 sorry. So, the 65 here next to green park area should (Crosstalk – interrupted)

22
23 Vice-Chair Chang: Should read 55

24
25 Planner Cha: According to the staff recommendation. (crosstalk)

26
27 Commissioner Hechtman: And so if we see those as the deeper blue 55 feet, this aspect of the
28 motion is really changing all of the 55, including those two, to 45.

29
30 Planner Cha: That's correct.

31
32 Commissioner Hechtman: So, yeah, with that I would be ... if we can pull out item 2, 'd be happy
33 to support the motion, although I think we need to start it ... is our motion is not what we
34 considered but I think the way you do this with the EIR stuff is ... having considered the draft SEIR,
35 we recommend everything you said.

36
37 Chair Summa: If you change the wording like that, I would like you to make a separate vote I'm
38 requesting because I find it very difficult to vote on something where we haven't got the
39 information yet.

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1 Commissioner Hechtman: Actually, you're raising a good point, I kind of short cut the... you're
2 talking about the comment I just made about the SEIR, right?

3
4 Chair Summa: Yes. I think it might be appropriate then to have that then be a separate vote also.

5
6 **FRIENDLY AMENDMENT # 5**

7
8 Commissioner Hechtman: Then again, it's not... the preface to... it's not actually a separate
9 motion, it's the preface, because we're not really moving anything about the SEIR, we're just
10 saying we saw it. Right? And So, but to clarify, most of the statement in Item 1 of the staff
11 recommendation, we don't repeat. So, the motion would start having considered the draft
12 supplemental environmental impact report, the PTC recommends to Council that, and then we
13 jump to number two. So, we don't talk about statement of overriding considerations because we
14 didn't see them, we don't talk about the findings because we didn't see them; or the mitigation
15 measures.

16
17 Chair Summa: I see.

18
19 Commissioner Hechtman: Right?

20
21 Vice-Chair Chang: Ok, I accept that change, as well.

22
23 Commissioner Reckdahl: Accept.

24
25 Vice-Chair Chang: And we're going to remove... I think for the height discussion, we're going to
26 remove that from consideration of this motion, and then we'll vote on a separate motion about
27 height, or we'll have a discussion about height and then vote.

28
29 Vice-Chair Chang: Commissioner Reckdahl, are you okay with removing the second point about
30 height from the motion and voting on it separately?

31
32 Commissioner Reckdahl: We can either make it one motion and split the motion or we can have
33 two motions. I think in some ways it's cleaner to just split the motion and vote separately, but I'm
34 flexible.

35
36 Vice-Chair Chang: I don't understand the difference between the two options.

37
38 Commissioner Reckdahl: we're getting late at night here. Let's break it into two separate
39 motions.

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1 Vice-Chair Chang: Okay. We're going to break it into two separate motions. Great.
2
3 Chair Summa: Commissioner Akin did you have your light on?
4
5 Commissioner Akin: I did, but my issue has just been resolved by making it the second motion.
6
7 Chair Summa: Okay. Commissioner Templeton.
8
9 Commissioner Templeton: I'll do it when we go to the next motion.
10
11 Chair Summa: Are we ready to vote on everything except item 2, which is going to come as a
12 separate motion? Okay. Can you please call the vote Ms. Dao?
13
14 **VOTE**
15
16 Ms. Dao: Commissioner Akin
17
18 Commissioner Akin: Yes.
19
20 Ms. Dao: Vice Chair Chang
21
22 Vice Chair Chang: Yes
23
24 Ms. Dao: Commissioner Hechtman
25
26 Commissioner Hechtman: Yes
27
28 Ms. Dao: Chair Summa
29
30 Chair Summa: Yes
31
32 Ms. Dao: Commissioner Reckdahl
33
34 Commissioner Reckdahl: Yes
35
36 Ms. Dao: Commissioner Templeton
37
38 Commissioner Templeton: Yes
39
40 Ms. Dao: Motion carries 6-0.

-
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1
2 **MOTION PASSED 6** (Akin, Chang, Summa, Hechtman, Reckdahl, Templeton) 6-0-1 (Lu Absent)

3 **Commission Action:** Moved by Chang, seconded by Reckdahl. Pass 6-0-1

4
5 Chair Summa: Alright, now on to motion number 2.

6
7 Vice-Chair Chang: I think we need to have a little bit more discussion about this because I am ...
8 as I look at the staff diagram, I'm a little bit more concerned about it. So, I'm just going to... since
9 I have my mic on, I'm going to keep talking. So, my concern about the NVMXM height is specific
10 to ... it looks four parcels. And yet I think that it's a real concern there. So, if I could, I would have
11 different heights for NVMXM on the right side near Lambert and Ash, and ... versus those three
12 parcels that are from Oregon... or maybe four parcels from Oregon to Acasia.

13
14 Planner Cha: Just to clarify, you're recommending that anything left of Acasia to the... Acasia to
15 be the dividing line ... for the height?

16
17 Vice-Chair Chang: Yes, that's what I would like, but I don't know what kind of administrative
18 headache this would create. I mean I don't know why we wouldn't just take some of these
19 You know if we believe the daylight plane solves the problem, part... and we're not... I think that
20 there's also a massing problem but only as it relates to R-1, or NV R-1 housing, so it makes me
21 wonder why we wouldn't just take all the other NVMSMs and make them NVMXHs. But that....
22 So I'm not making a motion right now, I'm just discussing.

23
24 Chair Summa: Maybe it would be helpful to put up the zone map. The proposed zone map. Thank
25 you.

26
27 Commissioner Templeton: Can you also recap what your reasons are for wanting to change
28 those? I still... don't get it.

29
30 Vice-Chair Chang: So, my reason is if you're living in R-1 and you've got a three story building
31 behind you that is really massive and you know, you go into your yard and you feel like you're
32 just completely dwarfed. And so, that is my concern and if it's the difference between say a 45
33 foot building and then another ten feet is quite substantial when you're standing at the base of
34 the building, which these R-1 lots would be. So.... But those NFMXMs that abut the park, I have
35 no concern whatsoever about those being the 55 or maybe even 65 feet. So, I think that's where
36 I stand on this. And I didn't know if other commissioners had thoughts.

37
38 Commissioner Templeton: Well, I would say that people live on Lambert, on the other side of
39 that one you just said you have no problem with.

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1 Vice-Chair Chang: Yeah but there's a street there between, you're backyard isn't right up on it.
2 A street is like an additional 25 feet.

3
4 Commissioner Templeton: Chair let me know when it's my turn.

5
6 Chair Summa: I'm sorry what?

7
8 Commissioner Templeton: Let me know when I can speak.

9
10 Chair Summa: Oh, you can speak now, I thought you were speaking.

11
12 Commissioner Templeton: No. Vice-Chair Chang and I were just going back and forth until you
13 called on somebody. So. Thank you. From my perspective, we really, we're going to create some
14 interesting aesthetics by having such differential along El Camino. And that's another annoying
15 possibility. It may not be as annoying as having a giant building in your backyard, but we do have
16 the daylight plane consideration to think about how it's going to step back, so that's one concern
17 for me. And then I'm thinking like that part that's NVR-4, that's business but it's going to
18 residential in the future, is that what we're saying for that space? You know, I trust the
19 Architectural Review Board enough to design it in such a way that it won't be hideous and have
20 an objective position to the neighboring houses but you know, maybe that's what you're saying.
21 How do we ensure that? But my concern is like, let's make the most of it... this is a huge project,
22 a huge space, a huge opportunity and I think I'm not as concerned about the parts along Oregon
23 and El Camino and if we can make other gestures like we have done tonight, to the neighbors
24 living in R-1 and R-2, it might be acceptable trade-off. Right? So, we have to think about the
25 possibilities and not just the worst possibilities, but maybe reasons why it could work as well.
26 And, for me, that's making me feel comfortable going to 55. You know, 45 is not awful, 50 I think
27 is kind of our standard around here, and 45 is five down and 55 is five up. And it's not... on building
28 it's not really that dramatic and if that's what the experts who reviewed this are recommending
29 then I'm not sure I want to shorten these buildings and reduce the amount of homes we can get
30 there. Thank you.

31
32 Chair Summa: Thank you. Commissioner Akin.

33
34 Commissioner Akin: Thank you Chair. Now that we have daylight plane starting at ten feet to
35 match conditions elsewhere in the city, I think it quite likely that the ARBs wisdom applies here
36 and that is going to be the constraint on height and massing for the MXMs from Oregon to Acacia.
37 So, I suspect the height limit is a lot less critical than it was, before making that change. Secondly
38 the MXMs over along Lambert, do I understand correctly that we hope to put some of our BMR
39 development in this area?

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1 Planner Cha: Related to the Sobrato development it will be within the NVPF.

2
3 Commissioner Akin: Oh, it will be in the PF. Okay. The main thing that I was going at was that
4 we may well want additional height for that project, and if that's the case, we may well accept
5 additional height in these MXM areas that are nearby. Perhaps they should be MXHs. And that
6 would be a relatively simple change.

7
8 Commissioner Templeton objection to the MXM.... To the extra height directly across R-1's on
9 Lambert is well taken, but I am willing to buy into Vice-Chair Chang's argument that the extra
10 width of the street makes a difference. So, My inclination is to rely on the daylight plane as the
11 ARB suggests between Acacia and Oregon, and go to MXH along Lambert. Thank you.

12
13 Chair Summa: Commissioner Reckdahl.

14
15 Commissioner Reckdahl: Yeah. If it wasn't for the density bonus law I would totally agree with
16 Commissioner Akin. But if someone can waive the daylight plane and then use the base height
17 to... and then add on to that... well 33 it's affordable... so, those two things combined means that
18 the people over on Olive and Pepper could really be surrounded by tall buildings and we'd have
19 had nothing to do with that. Couldn't do anything about that. So, by keeping that MXM by Olive
20 and Pepper lower, I think were giving the best to protect those people... still 45 is not a bad
21 height ... ten years ago we'd consider that a huge building and now it's still significant. But then
22 over on Lambert and Portage, I would accept moving those up... moving those MXMs to MXHs.

23
24 Chair Summa: You're supporting keeping MXM at 45 feet?

25
26 Commissioner Reckdahl: yeah, keeping ... what I'm concerned about is the MXMs that are over
27 by Pepper and Olive, and I'm afraid that this daylight plane will not protect us because it will get
28 waived, potentially get waived by the density bonus law. But I'm less concerned about that over
29 on Lambert and Portage. So I would be open to upzoning those but keeping the ones over by
30 Olive and Pepper low.

31
32 Chair Summa: Okay, I will just interject really quickly that also the daylight plane... there's no
33 provision to protect the new park away from... in terms of daylight plane. So, I just wanted to add
34 that and then I'm going to go in order to.... Chang, and Hechtman.

35
36 Vice-Chair Chang: Well, I was ready to make a motion so I think I don't need to speak right now.

37
38 Chair Summa: Okay, Commissioner Hechtman.

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1 Commissioner Hechtman: Yeah, I was trying to figure out if there was a motion on the floor. But
2 I think there are two concepts on the floor right now, if I'm understanding correctly,
3 Commissioner Chang's [Vice-Chair Chang] I think modified concept is to reduce the height of the
4 NVMXM ... or keep the height at 45 feet but only from Acacia north. Right? And then there's a
5 separate concept which Commissioner Akin has brought up about taking the NVMXM along
6 Lambert and changing that to MXH, if I understood that right. Right? So, it's got two concepts,
7 maybe two motions coming our way, but definitely should be two different motions. I guess let
8 me comment on them separately. So, the ... in terms of the height of the NVMXM north of Acacia,
9 I guess my thoughts are... I wouldn't support that motion, we've already.... the NV R-2 that we're
10 showing on the right side of this diagram according to the left side of this diagram is currently R-
11 1, so we're already... and maybe it was part of the... if that's correct, maybe it's part of the housing
12 plan zoning element Housing element rezoning that we've already sort of provided economic
13 benefit to those parcels. Tonight, we're recommending that the NV R-1's, which currently have a
14 generally a thirty foot height go to thirty-five. So, we're providing an economic benefit to them
15 as well. Now, part of that group is surrounded by that NVMXM, most of which are along two of
16 our major streets, El Camino and Oregon. That's the place to put density. And so, I think we need
17 to keep that at 55, trust the daylight plane to do it's work, recognize the benefit we've given to
18 the R-1s in the middle of this neighborhood, and basically hold the 55 there. On the Lambert
19 stuff, I guess I'm hesitant to change the zoning of that on the fly. I don't know if the draft SEIR
20 was done in a way that would accommodate that additional density. You know, when I look on
21 packet page 14 at the table of designations, the H version is at 3.0 to 1 FAR compared to 2.0, so
22 it's at fifty percent increase and the upper range for the MXM at 70 units is close to the lowest
23 range at the H. Because that's a 61 to 100. So, while it may be a good idea in the long run, I
24 wouldn't support it tonight, for those reasons. I think we would really have to study it and confirm
25 it was in the SEIR. Because if it's not, then we've got an impact that hasn't been analyzed.

26
27 Chair Summa: I would agree with that and I would say that you don't have to worry about
28 reducing impacts, if you think there are going to be changes in the EIR but you do have to worry
29 about adding impacts. So, I would agree with that. Commissioner Templeton.

30
31 Commissioner Templeton: I'm not sure if I can remember what I pressed my light for, hold on a
32 sec, give me just a second. No, I don't think I'm going to get it. Thanks.

33
34 Chair Summa: So, I would suggest that we have the original second motion pertain to MXM... did
35 you have an epiphany?

36
37 Commissioner Templeton: I did. My question was for Mr. Yang, and I just wanted to confirm
38 that we fully understand the legal implications of discussing adjusting our heights to circumvent
39 the ... what is the law, you think... the density bonus. Thank you.

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1 Mr. Yang, City Attorney: So I don't see this as circumventing the density bonus, but you know,
2 heights... this whole area is regulating it's density through FAR and so what we've done is we've
3 determined that these FARs combined with these heights and setbacks can accommodate these
4 reasonable densities that we're projecting, but it's all going to come down to what type of project
5 gets proposed and if someone is eligible for a density bonus, they'll be able to increase their FAR
6 by some percentage and then they can waive any of these other development standards to
7 accommodate that additional FAR. But it shouldn't be a significant waiver because we've already
8 sort of modeled out how this FAR can fit in the other standards.

9
10 Commissioner Templeton: Thanks, I'm just concerned because like, we know what heights will
11 be acceptable and we're constraining ourselves based on the density bonus, I just wanted to
12 make sure I understand to what extent we're allowed to do that and not ... so it sounds like we're
13 fine so let's move on, thanks.

14
15 Chair Summa: Okay, I was going to suggest that the maker and the seconder might decide if they
16 want to incorporate the Lamber MXM to MXH.

17
18 **MOTION #2**

19
20 Vice-Chair Chang: No, I think what I'll do is just make the original motion which is to change the
21 MXM height back to the 45 feet in the originally proposed plan because I am concerned about
22 what Commissioner Hechtman said so I don't want to change the... I mean we can do that later.
23 But I think that leave the... across the whole area, yes.

24
25 **SECOND**

26
27 Commissioner Reckdahl: Second.

28
29 Chair Summa: Okay. Are there comments? Commissioner Templeton your light is on but that's
30 probably my fault. If no one else has anything to say then we can go ahead and take the vote.

31
32 **VOTE**

33
34 Ms. Dao: Commissioner Templeton

35
36 Commissioner Templeton: No

37
38 Ms. Dao: Commissioner Reckdahl

39
40 Commissioner Reckdahl: Yes.

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1
2 Ms. Dao: Chair Summa
3
4 Chair Summa: Yes
5
6 Ms. Dao: Commissioner Hechtman
7
8 Commissioner Hechtman: No.
9
10 Ms. Dao: Vice-Chair Chang
11
12 Vice-Chair Chang: Yes.
13
14 Ms. Dao: Commissioner Akin
15
16 Commissioner Akin: Yes.
17
18 Ms. Dao: Motion carries 4-2-1.
19
20 **MOTION PASSED 4** (Akin, Chang, Summa, Reckdahl,) -2 (No: Templeton, Hechtman, Lu Absent)
21 **Commission Action:** Moved by Chang, seconded by Reckdahl. Pass 6-0-1
22
23 Chair Summa: Thank you very much everyone.
24
25 Commissioner Reckdahl: Do we want to consider Lamber and have that be contingent on staff
26 finding out whether that would violate the EIR?
27
28 Chair Summa: I don't but if you do you should recommend it.
29
30 Commissioner Akin: Since I made the proposal, I will officially say that I find Commissioner
31 Hechtman's argument compelling and I don't want to risk compromising this EIR.
32
33 Commissioner Reckdahl: Okay. Fair enough.
34
35 Chair Summa: Okay. I believe that concludes ... so the original motion covered part III, Adopt draft
36 ordinance I believe...
37
38 Ms. French: Yes.
39

-
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1 Chair Summa: So, I think that concludes this item. Good evening Chair Baltay, thank you for
2 joining us and I'm going to recommend a break, how about 8 minutes? Yes? OH, I'm sorry, it's
3 the last meeting that I'm probably going to Chair and so I wanted to be consistent. Would you
4 please like to speak to your No's?
5
6 Commissioner Templeton: I would, thank you so much Chair. I just want to say that it's really
7 important that we get the housing where we can get it and I'm concerned this will reduce the
8 number of units and that's why I didn't want to support it. Thank you.
9
10 Chair Summa: Commissioner Hechtman would you like to speak to your no?
11
12 Commissioner Hechtman: No further comments, thanks.
13
14 Chair Summa: Okay, does 8 minutes sound good? Okay, see you back here in 8 minutes, which is
15 9:12.

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