



City of Palo Alto

(ID # 6936)

Planning & Transportation Commission Staff Report

Report Type: Study Session

Meeting Date: 8/10/2016

Summary Title: Individual Review Program Audit Report

Title: Discussion of a Consultant Report on the Individual Review Program

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Lead Department: Planning and Community Environment

Recommendation

Staff recommends that the Planning and Transportation Commission (PTC):

1. review and discuss the attached evaluation of the Single Family Individual Review (IR) program, and
2. offer any recommendations to the City Council to implement future changes to the IR program.

Executive Summary

This report forwards the attached consultant evaluation of the IR program (Attachment A). The PTC is requested to review this report and provide comments for staff's consideration.

Background

The IR program, established in 2001 following a program called "Compatibility Review", has been in place for 15 years. Originally, the program had ten guidelines and a 'sunset clause' that would result in conclusion of the program unless adopted into the Zoning Code. For five years, staff prepared annual reports to Council about the program, until the program (and process) was established in the updated Zoning Code in 2005. At that time, the guidelines were reduced in number to five guidelines. The attached report provides a summary of the origins of the IR program.

In recent years, neighbors and project applicants have provided comments about the content and interpretation of the IR Guidelines and about the effectiveness of the IR process. Staff has heard criticism about certain aspects of the program, mingled with praise about other aspects. In the same period, staff has had to review multiple re-submittals of project plans in some instances, each time making only incremental progress toward meeting the IR guidelines. As a result of these concerns and several high-profile appeals, the City determined that an independent review of the program was warranted to evaluate the current program in terms of

its content and process, and to identify what works and what needs adjustment or modification.

The attached report provides a summary of comments about the IR program the City's consultant received from multiple sources.

Discussion

Consultant Effort

In October 2015, the City retained a consultant to conduct interviews and prepare a report assessing the program (Attachment A). The consultant prepared the report after conducting extensive outreach to obtain feedback from those affected by the IR program - architects, applicants, appellants, homeowners, neighbors, project reviewers, staff and consultants.

Over 50 individual meetings and four group meetings were conducted primarily in person. Some of these discussions were held via telephone conversations. The attached report summarizes the results of those conversations and outlines the common themes and suggestions to improve the IR review process. The report notes there is significant consensus that the IR process has been successful in what it was intended for and that there is clear support for the IR Guidelines, although there have been some issues associated with program implementation.

Improvements Suggested in Report

The report contains recommendations for additional specificity in the IR Guidelines to address issues in Eichler tracts and in Professorville. There is also a suggestion to explore alternate approaches such as 'conservation districts' for Eichler tracts.

The majority of suggestions for change are in the realm of processing of IR applications to ensure internal consistency and staff training. One suggestion is to create a tiered process to allow faster processing for simpler projects. Another suggestion is to create a task force to conduct periodic reviews of the IR program/process.

Additional ideas include modifying the zoning code to incentivize one story additions (rather than two story homes or additions), such as increased Floor Area Ratio and reduced setbacks.

Appeals vs. Requests for Hearings

The report provides data for IR projects from 2006 through 2015. While the report shows how many projects were appealed, there is no indication how many projects went to Director's hearings. When Director's Hearings are requested, the timeline for completing the IR process is delayed. Staff reviewed notice data to calculate the number of Director's Hearings held each year during this nine year period.

The above chart, excerpted from the attached report, is annotated (in italics) to reflect the number of Director's Hearings requested each year during the same time period.

IR PROJECT DATA										
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Submitted	100	92	107	56	86	83	88	103	96	120
<i>Director's Hearing</i>	2	4	1	3	4	4	2	5	8	1
Denied	0	1	1	0	1	0	0	0	0	0
Appealed	2	1	0	0	0	0	0	0	2	1
Approved	100	91	106	56	85	83	88	103	96	120

Recent Improvements

In the past, final inspections of IR projects for compliance with conditions of approval were not always performed. In 2013, an administrative change was made and now all IR projects receive a planning final inspection. This has resulted in improved compliance. For example, staff verifies the installation of obscured glazing and the correct size and species of screening trees.

Also in 2013, staff revised the IR submittal checklist to provide clear direction to applicants and ensure Planning would receive all of the necessary information to complete its review. Additional updates were made in November 2014.

In 2014, staff prepared a guidelines compliance checklist in response to criticism that staff did not fully account for guideline compliance. The time for processing applications increased as a result. Additional modifications were made in 2015 to better balance the need for greater scrutiny with the need to process applications more expeditiously.

A preliminary review handout, created in June 2014, helps home owners/applicants understand the purpose of the preliminary review meeting and the process for scheduling and paying for such a meeting. In October 2015, a decision was made to focus staff's limited resources on completing IR applications rather than attend the IR preliminary meetings. These meetings are now run by the City's consulting architect, Arnold Mammarella. When a significant zoning issue is discovered during a preliminary review meeting, Arnold will defer responding to the issue during the meeting and later discuss the issue with the Planning Manager before providing a response to the applicant.

In February 2016, a list of standard conditions was created for IR projects that staff can add and/or subtract from for decision letters, depending on the individual circumstances of a project site and design. These conditions were drafted to streamline the process, but also to ensure staff and neighbors' high priority requirements are conveyed directly to the builders of the project, in an effort to reduce miscommunication and the need for costly revisions in the field. Staff continues to make refinements.

Over the last few months, staff has made a huge push to complete any IR project that was submitted in 2015 or prior years. To date, all but seven such projects have been completed; neighbors have requested a Director's Hearing on three of these projects. During this same time frame, staff has formulated a new target for completion of all IRs within three months of

submittal. To do this, staff alerts applicants that revised plans must be turned in to the City within three weeks following issuance the notice of incomplete, because the City intends to make a determination on the project within a three month timeframe. Additional outreach and handouts will be needed, before this three month completion target can be fully implemented.

Another meaningful change instituted this year is to have more city employees than consultants working on IR applications. This change is intended to improve consistency among reviews and create opportunities for permanent employees to foster better relationships with community members, as well as save money.

It is worth noting that some of the increased processing times are due to the staff and consultants working with applicants to ensure compliance with the IR guidelines and development standards. The department's goal is to be able to approve applications and give people a chance to make revisions. Sometimes this results in several rounds of revisions. Many architects are busy with a variety of clients and do not always respond with timely or responsive resubmittals.

Staff is currently reviewing the application intake procedures for IR applications and other application types, to identify improvements that will ensure applicants submit more complete applications at the intake appointment, in order to reduce overall processing times.

Council Action on Strengthening IR Guidelines

During the May 2, 2016 public hearing on the Royal Manor Single Story Overlay Rezoning proposal, Council directed staff to conduct a preliminary evaluation of a potential Eichler Overlay Zone or of a 'strengthening' of IR guidelines for Eichler design and privacy compatibility (for second story additions). Speakers during the May 2nd hearing cited other peninsula cities' Eichler zones and guidelines (i.e. Sunnyvale's and Cupertino's). In the FY17 budget, the City Council provided contingency funds to the planning department for this purpose (among others) and the department is working on retaining an urban designer or architect to prepare Eichler guidelines. The guidelines would be for new homes and additions to existing homes within residential tracts of predominantly mid-century modern (Eichler) homes and could supplement the IR Guidelines, be incorporated into the IR Guidelines, or take the form of regulatory (code) changes.

Results of Recent Improvements

Staff will continue to make minor process improvements. As of July 25th, out of the 48 IR projects submitted this year, 13 have been approved with an average processing time of 4.4 months. This is an improvement over the 6 months average processing time for projects submitted in 2015.

As in past years, the majority of project applications are reviewed and approved without controversy. However, a small number of applications are the focus of substantial community concerns, resulting in requests for director's hearings and appeals to the City Council.

Next Steps

The purpose of this meeting is to present the consultant's report to the public and PTC. Staff believes progress has been made and planned improvements are forthcoming to address many of the concerns identified in the report; however, more work remains to be done. Staff welcomes the PTCs comments, observations and recommendations. The consultant's report will be transmitted to the City Council at a future date along with staff and PTC recommendations and a copy of the PTC meeting minutes.

Attachments:

- Attachment A: IR Process Review Report (PDF)
- Attachment B: Memo to Jim Keene with Eichler work program responses (DOCX)



INDIVIDUAL REVIEW PROCESS A CHECK IN

CITY OF PALO ALTO
May 2016

INDIVIDUAL REVIEW PROCESS

A CHECK IN



CITY OF
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ALTO**



G R O U P

June 2016

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INDIVIDUAL REVIEW PROCESS

PROJECT DESCRIPTION

Since 2005, the City of Palo Alto has processed over 930 projects through the City's discretionary Individual Review (IR) process for two story homes. While a lot of the house designs were routinely approved for compliance with the adopted IR Guidelines, there has also been an increased amount of discussion both among neighbors and project applicants about the content and interpretation of the IR Guidelines and about the effectiveness of the IR process.

The IR Program and IR Guidelines were initially established in 2001 and updated in 2005. The updated program has been in place for ten years and city staff initiated this study in order to evaluate the current program in terms of its content and process, to identify what works and what needs adjustments and necessary modifications.

Goal: *Through a stakeholder outreach process, review the existing IR program and guidelines for its impact, usefulness and results in achieving its established goals.*

Outcome: *A review of the effectiveness of the IR program and guidelines and a clear understanding of areas that work well and areas that potentially need adjustments.*

OUTREACH

A major component of the study was an extensive and inclusive outreach to obtain feedback from all those affected by the IR program - architects, applicants, appellants, homeowners, neighbors, project reviewers, staff and consultants.

Several emails were sent out using the City's IR database to architects, applicants and homeowners in addition to reaching out to community members. In addition, several other names were included based on recommendations from the various individuals who were interviewed.

Over 50 individual meetings and four group meetings were conducted primarily in person and some over the phone. A set of questions relating to intent, neighborhood and process was used to guide the

conversations (Attachment 1: Survey Questions). A list of stakeholders that were interviewed is included in Attachment 3.

This report summarizes the results of those conversations and outlines the common themes and suggestions to improve the IR review process.



Second story addition designed to fit the neighborhood context



Second story addition in a predominantly one story neighborhood

HISTORY OF INDIVIDUAL REVIEW

In 1999, Palo Alto community members, composed of many stakeholder groups with participants from nine neighborhoods, formed a group - the Future of Single Family Neighborhoods (FSN) - to address the influx of "big houses next door", the dramatic number of teardowns and its impact on the city's neighborhoods. They maintained that the large homes did not conform to the Comprehensive Plan Policy (Policy L-11) "Preserve the character of residential neighborhoods by encouraging new or remodeled structures to be compatible with the neighborhood and adjacent structures."



House designed prior to Individual Review

Leading this effort with a group of community members were John Northway, Annette Glanckopf and Carroll Harrington. The group's focus was to ensure that new and remodeled houses were designed to respect the neighborhood both functionally and aesthetically with privacy, massing and streetscape as the primary issues.

"An important concept in neighborhood preservation is that of in-fill zoning. In built out towns like Palo Alto, context is vitally important in determining the size and shape of adjacent building."

- Annette Glanckopf

A two page description of the issues titled “What is “The Future of

“The group was very intentional that the process not become design review but rather a hybrid process that focused on a streamlined process that focused on thoughtful growth.”

- John Northway

Single Family Neighborhoods Advisory Group” and why you should care?” (Attachment 4) provides a summary of the group’s work.

INDIVIDUAL REVIEW PROCESS DEFINED

In 2001, a formal IR program was established with ten guidelines based on the FSN task force recommendations. It was structured to address issues relating to building scale and massing, privacy and streetscape, and clearly not intended be a full blown design review. It was intended as a streamlined internal staff review with opportunities for neighborhood input.

This original process was also intended to sunset in five years unless adopted permanently. Between 2001 and 2005, 478 applications for two story homes - both new construction and additions - were processed. The Council received a yearly report on the status of IR projects.

In 2005, the City Council formally adopted the IR program requirements and a set of updated guidelines by reference (reduced to five from the original ten) in the Zoning Code as part of the R-I Single Family Residential District.

As stated in the Zoning Code, the goals and purposes of IR was intended to mitigate the effects of second story construction on neighboring homes and to :

- *Preserve the unique character of Palo Alto neighborhoods;*
- *Promote new construction that is compatible with existing residential neighborhoods;*
- *Encourage respect for the surrounding context in which residential construction and alteration takes place;*
- *Foster consideration of neighbors’ concerns with respect to privacy, scale and massing, and streetscape; and*

- *Enable the emergence of new neighborhood design patterns that reflect awareness of each property's effect upon neighboring properties.*

The Zoning Ordinance (Title 18 of the Palo Alto Municipal Code) was amended to establish a discretionary review process to accomplish this goal.



INDIVIDUAL REVIEW PROCESS IN PRACTICE

Since the formal adoption of the IR process and updated guidelines in 2005, over 930 projects have been reviewed. Of these projects, six projects were appealed to City Council and three projects were denied. The rest of the projects have resulted in approvals with homes rebuilt or added to in many of Palo Alto's neighborhoods.

IR PROJECT DATA											
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	
Submitted	100	92	107	56	86	83	88	103	96	120	
Denied	0	1	1	0	1	0	0	0	0	0	
Appealed	2	1	0	0	0	0	0	0	2	1	
Approved	100	91	106	56	85	83	88	103	96	120	

The IR process is structured to include input from the neighbors as part of the project review. The applicants are encouraged to meet informally with neighbors prior to application submittal. Within three days of a project submittal, a notification is sent out to neighbors within 150 feet of the project, giving them 21 days to review and comment on the project. In addition, a project notice is posted on site that includes contact information and a street elevation of the proposed project.

In the last two years, there has been a significant increase in neighborhood participation and involvement in the review process. This has resulted in lengthening the project review timelines. In order to streamline the review process, the IR process was intended to be complete in 30 to 40 days for projects that require no revisions or hearings. The average processing time for projects in the last three years were:

2013: 110 days average per project

2014: 128 days average per project

2015: 131 days average per project (The first half of 2015 had an average of 155 days, which was reduced to 132 days for projects reviewed in the latter half of the year).

The impact of the project review timeline is discussed in the next section under Community Concerns. Staff has been aware of this issue and has begun the process of addressing it internally.



COMMUNITY CONVERSATIONS: COMMON THEMES RELATING TO IR PROGRAM AND PROCESS

As stated earlier, city staff initiated a study of the IR program in order to evaluate its content and process, and to identify what works and what needs adjustments and necessary modifications.

A significant component of this study was an inclusive outreach and engagement with stakeholders. A consultant was hired to gather input from various individuals and groups who were familiar with the IR process. Initial conversations were with the co-authors of the original IR guidelines and those familiar with the origins of the program. In addition, the consultant met with over fifty individuals that included architects, project applicants/consultants, homeowners, neighbors and community members.

Some themes emerged from the conversations.

There was a clear sense that the IR process was useful and has contributed to better two-story home designs that fit the neighborhoods in Palo Alto over the last ten years. (There were a few folks that were opposed to the IR process and believe that it violated property rights). Several people felt that the process balances the need for neighborhood input without requiring a full blown public hearing, except in the case of appeals.

The purpose and intent of the IR process and guidelines appeared to be well understood - that it was to ensure massing and scale that fit the neighborhood context in addition to ensuring privacy was addressed with sensitive window placement and other means of screening - and that the IR process was not intended to be design review.

During the conversations, a number of issues were raised about the current IR process - the top concerns are summarized below (Attachment 2: Summary of Community Conversations has a more detailed listing of the various issues).

COMMUNITY CONCERNS

1. Processing Timeline:

Topping the list was a consistently high level of frustration over the length of time it took for projects to be reviewed and approved. Nearly everyone stated that the delays, well beyond the stated number of days for the IR process, were a concern and had an impact on construction start dates. There were also several people that complained about the length of time it took to schedule a project intake meeting.

2. Uncertainty and unpredictability of process and outcome:

There is a sense that the IR process, timeline, comments and approval are not standardized. While projects that do go through the Preliminary IR process have issues pertaining to the guidelines addressed, the requests for additional information and detailing requested during the IR process by the various planners appears inconsistent.

3. Interpretation of IR Guidelines:

Staff has used the guidelines consistently to improve projects that are submitted. Some projects take two to three rounds of review and comments to get them to a point of compliance adding to the review timeline. Staff believes that their role is to facilitate the best outcome from a project by using the guidelines.

There has been public comment that the guidelines should be used to disapprove projects and not simply as a tool to encourage better projects. Staff has been working with community members and neighbors on the specific role that guidelines play in project review.

4. Lack of clear communication:

There were numerous mentions regarding the lack of or delayed communication with project applicants. Communicating with contract planners was hard and no responses were received or responses were delayed. Comments received were not consolidated from all reviewers - they came in bits and pieces, leaving people wondering if there were more comments before beginning to address the changes requested. It was hard to get a sense of the issues to be addressed during the process.

5. Too many planners reviewing a project:

Given recent staff workload and health issues of one contract planner reviewing IR projects in 2015, several projects have been re-assigned

to different planners - sometimes, a single project has had three different planners reviewing it. Each time, the project review starts from scratch with a lack of continuity. Sometimes, the applicants are not aware of the change in the assigned planner for several weeks. (This is an issue staff has worked on by adding planners that are trained to work on IR projects and adding a new project co-ordinator to act as the point person for all IR projects).

6. Preliminary IR Review veers into Design Review:

While nearly everyone that was interviewed felt that the Preliminary IR process was useful, project applicants felt that the review had significant design review “creep”. Many felt that having one person doing the review provided continuity and consistency while several others felt that having one individual in control of Palo Alto’s design direction was a big concern. This concern is in contrast to the desire for consistency that several applicants have stated as a positive aspect to the review process.

7. Residents in Eichler neighborhoods feel their concerns are not addressed in the Guidelines:

The residents in neighborhoods with Eichler Homes were particularly concerned that the guidelines did not address issues specific to those neighborhoods - especially as it relates to the height and form of the building. In instances where the guidelines included illustrations of what was inappropriate in neighborhoods with Eichler homes, they felt the intent of the guidelines were not enforced. There was a desire for a separate set of guidelines to address these issues or to consider other options for these neighborhoods.



8. Internal Consistency:

Both homeowners and designers want more alignment between requirements in the zoning ordinance and IR guidelines especially as it relates to building height. They would also like more clarity on the “required” and “highly encouraged” components of the guidelines. For instance, are there guidelines - such as the one dealing with privacy - that should become more standardized to require side-facing second floor windows to be frosted. In addition, the applicants are seeking to clearly understand the relationship between the requirements in the zoning ordinance, guidelines and requirements spelled out in CC&Rs. (CC&Rs are generally a private contract between homeowners in a given homeowners association (HOA) and is not enforceable by the City).

9. Cost Implications of Changes:

There were several observations that the cost of producing sets of drawings with every modification was high and would like to see the City consider electronic submittals. There was also a recommendation to consider electronic/online appointments for the IR intake process. In addition, more effectively use an electronic tool to post status of application and review comments.

10. Lack of Oversight/Inspections:

There were mentions that the lack of oversight of the preliminary IR process was an issue. In addition, there was a suggested need to strengthen the co-ordination of the process as it was handed off to the building permit review and post construction inspection by planners to ensure compliance with all the project conditions of approval.

11. Neighborhood Notification and Involvement:

Neighbors of projects that have gone through the IR process maintain they are unclear about the process, unsure of their role and the timing for providing comments and input. Sometimes, the on-site notification of a proposed project is the first time they are aware of the project and believe that they cannot be effective in working on changes at a point in the process when the design is finalized.

12. Internal Co-ordination:

The planner assigned to the project plays the role of project manager and is the primary point of contact for the applicant. The planner works with team members from other departments that include public works and urban forestry in addition to consultants that review the projects. In the recent past, there have been instances where the internal communication has not been smooth

and efficient. Staff believes that there is room for improvement in internal processing for streamlining project review and is working on identifying them.

FINDINGS

Based on the input received from stakeholders and the project approval data, it is clear that there is significant consensus that the IR process has been successful in what it was intended for. There is clear support for the IR Guidelines with recommendations for additional specificity to address issues in certain neighborhoods.

The majority of suggestions for change are in the realm of processing of IR applications, which are detailed in the following section.

POTENTIAL PROCESS CHANGES

Based on the conversations with staff, community members and stakeholders involved with the IR process, detailed below are some process improvement/clarification suggestions.

I. INTERNAL CONSISTENCY

Projects submitted for IR are designed to meet the requirements of zoning code and the IR guidelines. There are instances where the zoning code is less stringent than the guidelines. For instance, the allowable building height of 30 feet per the zoning code makes the contextual height requirement in the IR guidelines harder to enforce.

- Ia. Consider replacing the height allowed in the zoning ordinance with a reference to building height as defined by the IR guidelines.
- Ib. Consider defining building height as measured from grade and not floor level.
- Ic. Explore areas in the zoning ordinance that can be strengthened to support the guidelines.
- Id. Explore the idea of restricting the size of second story as a percentage of the first story as part of the IR guidelines to help with mitigating impacts of bulk and massing.

2. TIERED IR PROCESS

- 2a. Consider the option of a tiered approach to IR Review to allow the simpler projects to go straight through to the building permit process.

One potential approach is to require all projects that currently require an IR process to go through an expanded “intake process” where the applicant meets with an assigned planner/IR consultant, when a determination can be made that the project meets certain threshold criteria for size, and clearly complies with the IR guidelines. If this approach is considered to further streamline the IR permitting process, there should be a clear mechanism for neighborhood input. This step may include requiring written approval from the neighbors.

3. SPECIFIC NEIGHBORHOOD GUIDELINES

- 3a. Explore development of design guidelines specific to neighborhoods with Eichler homes and/or a designation of Architectural Conservation Districts.
- 3b. Consider retaining a qualified design professional to work with a taskforce or committee to explore drafting specific guidelines for neighborhoods with Eichler homes.
- 3c. Adopt guidelines for Professorville to address the specific issues of that neighborhood.

4. TRAINING FOR CONSISTENCY

- 4a. Provide training to all staff and contract planners/consultants to ensure consistency during the review process,
- 4b. Structure a tour of built projects that were reviewed as part of IR for an on-the-ground analysis of project compliance with the design guidelines.
- 4c. Consider augmenting the design guidelines with photographs of successful projects in Palo Alto to illustrate the various components of the design guidelines.

5. ADDITIONAL INCENTIVES FOR SINGLE STORY HOMES

- 5a. Consider providing incentives such as increased floor area ratio (FAR), potential reduction in setbacks and explore other appropriate measures as incentives for single story homes.

6. PROCESS REVIEW TASKFORCE

- 6a. Consider convening a small group of Palo Alto residents and designers to provide input as needed for a periodic review of the IR process.

7. NEIGHBORHOOD COMPATIBILITY

- 7a. Continue to emphasize the importance of neighborhood cohesion and building community in Comprehensive Plan.

NEXT STEPS

The City will schedule a public meeting for review and discussion by the Planning and Transportation Commission(PTC) and comments from the members of the public. Staff will continue to work on internal process refinements to address some of the issues raised. Additional changes and more detailed modifications will be considered in the overall context of staff workload and prioritization with direction from City Council in the coming years.



ATTACHMENTS

- Attachment 1: Survey Questions
- Attachment 2: Summary of Community Conversations
- Attachment 3: List of Interviewees
- Attachment 4: What is “The Future of Single Family Neighborhoods Advisory Group” and why you should care
- Attachment 5: IR Handouts
 - Attachment 5a: Zoning Code: Single Family Individual Review
 - Attachment 5b: Individual Review (IR) Preliminary Process
 - Attachment 5c: Individual Review (IR) Process
 - Attachment 5d: IR Statement of Understanding
 - Attachment 5e: IR Submittal Checklist
 - Attachment 5f: IR Guidelines Key Points Checklist
 - Attachment 5g: IR Guidelines

ATTACHMENT I

SURVEY QUESTIONS

INTENT

- 1A What, in your opinion, was the IR program intended to achieve?

NEIGHBORHOOD

- 2A How do you define neighborhood, “neighborhood context” or pattern and “neighborhood fit” ?
- 2B Do you believe that the guidelines and program are adequate to address the issues of neighborhood fit, scale and privacy? Explain.
- 2C Neighbors: Is the neighborhood notification and participation process working? Are the onsite signs helpful? Are there any changes that you would like incorporated?
- 2D What in your opinion, is the ideal process/timeline for neighborhood input?
- 2E Should the City require the applicant to host a neighborhood meeting and submit proof of pre-application contact with adjacent neighbors prior to the submittal of an application?

PROCESS

- 3A List three elements of the IR program that work well. (Your responses can include how the guidelines work, which of the guidelines should be prioritized, zoning compliance review, the pre-application review, appeal process, other aspects such as tree removal, parking, Home Improvement Exception process, etc).
- 3B Do you believe that the Preliminary Review process is helpful? Are there process changes you would want us to consider?
- 3C Is the checklist a useful tool to communicate compliance with the design guidelines?
- 3D Are there other tools you would recommend (study model of the context) to facilitate understanding of the design concept?
- 3E Do you know of a similar process in other cities - if so, what elements of the program work well?
- 3F Do you have ideas for minimizing delays and increasing the efficiency of application processing?

- 3G If you could make three changes to the current program, what would they be in order of importance/priority? (Your responses can include how the guidelines work, which of the guidelines should be prioritized, zoning compliance review, the pre-application review, appeal process, other aspects such as tree removal, parking, Home Improvement Exception process, etc).

CO-ORDINATION

- 4A Are you aware of how the various departments coordinate requirements during the review process? How has that process worked? Do you have ideas for potentially improving the process?
- 4B How is the transition between the IR approval process and the building permit process? Are there components of the review that can be done differently to minimize surprises and maintain continuity through the processes?

EXAMPLES

- 5A Can you share examples of two story homes and additions that have been successful in conforming with the IR Design Guidelines?
- 5B Can you share examples of two story homes and additions that have NOT been successful in conforming with the IR Design Guidelines?

ATTACHMENT 2

SUMMARY OF MEETING NOTES - DRAFT

PRELIMINARY IR PROCESS

- The intent of the preliminary IR process is great and worth the time and effort.
- Going through the Preliminary IR process is very helpful - process works because it has an experienced person anchoring it that provides consistency.
- The process has primarily become a design review exercise that gets into architectural style and detailing.
- It has diluted innovative and bold design in an effort to conform to one person's requirements, sometimes at the expense of the desires of the homeowners in order to simply to get through the process.
- There should be oversight into the review process. It is preferable to have a team of 2 or 3 providing input instead of one person holding the key to Palo Alto's design direction.
- There are several "planning/zoning" questions that come up at the Preliminary IR review - it is essential for the project planner to be at the meeting.
- There are no notes from the meeting - the different groups leave the meeting without clarity on what is required and what is encouraged

SUGGESTED POTENTIAL CHANGES

- Tiered approach to Preliminary IR - branch off non-controversial projects directly to the building permit process (figure out process for neighborhood input).
- Identify project planner as part of the Preliminary IR process for continuity.
- Ensure applicants use the Preliminary IR process early in the design process so appropriate changes can be incorporated easily.
- Provide context and outcome for process at the beginning of the meeting especially when clients/homeowners are present - if not, comments appear to make the architects look bad.
- Develop a format/template to illustrate the concept design phase and neighborhood context for compliance with design guidelines.
- Consider a three person team to provide early stage input.
- Make sure there are meeting notes that can be shared with the applicant and other reviewers of the project.

INDIVIDUAL REVIEW PROCESS

- Started as compatibility review to fit existing context, the idea behind the process is still relevant and generally working.
- Since the IR process was initiated, the home designs have improved - with home designs that have included more porches, varied rooflines and added details.
- Process was not intended to stop design of “ugly houses” - it was intended to curb massing and scale of “monster homes”.
- There is no clarity about the intended outcome of the IR process - is it to make the best of what is being proposed or should fundamentally flawed design concepts be rejected?
- Appears too restrictive and seems to be harder on remodels more than tear-downs.
- Process can appear humiliating to architects.
- Uncertainty about the process and outcome is a huge concern - seems like rolling the dice.
- Planners are inconsistent in their review - both with compliance to guidelines and with the level of details required.
- There is a lack of respect and understanding of implications of time delay. Timeline for responses to simple questions is 2 to 3 weeks.
- There is no opportunity to informally touch base on minor issues, which was available in the past.
- Overall communication needs to improve at all levels of the process.
- There are too many points of contact and too many sets of comments that are not collated.
- Several sets of revisions including requests for full sets of drawings for minor revisions and changes add tremendously to the cost of the project.
- Planners don't tell you if the application is complete when project is submitted which extends the overall timeline for review.
- Intake process for projects is restrictive and the wait time to submit is too long.
- There have been instances loss of documentation which could be reduced by setting up a paper trail similar to the Development Center.
- Flat fee for IR works for most projects. Some projects take up way more staff time than the intended time assumed in calculating the fee (time spent on a project is not tracked by the planners).
- Noticing for some projects is several times - there should be more efficiency in noticing the public about the project.

- Instead of 12 page approval letters that applicants need to wade through, approval letter should be simplified to include only project specific conditions - all other general conditions should be a separate attachment.
- Inspection during construction - planners should make sure that the details required are indeed incorporated.
- Planners should lead in managing neighborhood expectations.
- Planners should provide clarity of the legal status of guidelines versus development standards/ordinances.
- Provide clarity to processing potentially historic projects.
- When one set of comments is received and changes are made based on those comments, another set of comments are then received separately.
- Include a list of specific findings to record conformance with guidelines.
- Include a formal Record of Land Use Action (like projects reviewed by ARB).
- There is a disconnect between Preliminary IR comments and IR review comments.
- There are too many requirements during the IR process - it may be better to shift some of them to the building permit stage, such as green point checklist, topo/grading for flat lots, public works comments.
- Complete lack of co-ordination between the various people reviewing the project - don't know status of comments when they are sent individually and separately.
- Comments received should be project specific and not the generic set of conditions/ comments (or separate the two)
- Once planner has tentatively approved the project, it takes several weeks before a formal approval letter is sent - yet another layer of delay in the process.

SUGGESTED POTENTIAL CHANGES

- Refer more “controversial” projects to a sub-committee of ARB or Planning Commission.
- Streamline process for efficiency.
- Go paperless - electronic submittal (such as Blue Beam).
- Move IR to the Development Center instead of retaining it in the planning department.
- Consider changing some of the guidelines to development standards - such as height and garage placement.
- if the planners are overworked, consider outsourcing the IR review to contract planners/ consultants.

- Create online appointments and send confirmation of appointments by email.
 - Empower plan checkers to use common sense and not be too literal.
 - Train planners/contractors to be consistent and see the big picture.
 - Improve intake process - making an appointment to submit can take up to 5 weeks - causing major delays to construction cycle.
-
- Review how the building permit process is structured and use a similar process both for tracking and on-time approval with a level of predictability.
 - Require applicants to provide a letter detailing how their design meets the intent of the design guidelines (using the checklist).
-
- Consider for Eichler Neighborhoods an overlay such as an Architectural Conservation District (replacing the Single Story Overlay Districts maybe?).
 - Clearly outline the role of CC&Rs in the City's review process.
 - Ensure that there is one planner for the project who is responsive and the single point of contact/liaison for all communication.
-
- Define "neighborhood context" - and make internally consistent the definition of neighborhood.
 - For neighborhood fit, consider adopting from Los Altos' Neighborhood Context Workbook.
 - Consider a community conversation on the process providing the larger context - possibly as part of the Comprehensive Plan Update process.
 - Consider adopting a separate set of guidelines for Eichler neighborhoods.
 - Review neighborhood notification timing and process.
-
- Have a larger conversation about balance between privacy and community.
 - Seek balance between compatibility and innovation.
 - Accept changes to demography and the need to accommodate multi-generational households.
 - In order to promote goals of sustainability, exempt zero energy homes from IR review.
 - Consider a committee such as the Blueprint TaskForce for process improvement/clarification.
-
- Planners should explain clearly the intent of IR - what the IR process is intended to do and more importantly, what it cannot do.
 - Make sure that there is a clear balance and clarity between property rights and community rights.
 - Neighbors need to be told clearly what their role is in terms of providing input. Planners should play the role of objective facilitators.

- Provide detailed template on effective ways to engage neighbors. Facilitate the process for good neighbor relations.
- Encourage applicants to talk to neighbors prior to submittal of project application and have them provide proof of the meeting. Require/encourage letter signed by neighbors prior to submittal of application (similar to what is required in the City of Belmont).
- Neighborhood notification process should be modified - instead of the neighbors finding out about a project with the posted notice. Look at examples of other cities in either requiring or encouraging applicants to meet with the neighbors prior to a formal submittal (after prelim IR and prior to IR review).

GUIDELINES

- Guidelines are generally good. May require a few additional illustrations to reinforce the intent both to designers/planners and to neighbors.
- Guidelines have the tendency to be wedded to the past - and tend to produce designs that all look the same.
- Building height is the biggest issue - zoning allows a certain height which is calibrated by the daylight plane. The guidelines require something different and a “fit” with the context - this may need to be codified.
- Daylight plane concept is good but results in wedding cake designs. This is especially not appropriate for contemporary designs and in Eichler neighborhoods.
- The idea of privacy is taken way too seriously and is an overreach - the requirement for frosted glass for upper story windows even when there is no privacy concerns and neighbor input is unnecessary. Focus instead primarily on window placement and screening.
- Houses are still designed to “max” out the building envelope - with bulge outs, bay windows etc - the guidelines should address minimizing the “exploding house”.
- Neighborhood “fit” is a flawed concept for all neighborhoods and should only be considered in architecturally significant neighborhoods like the Eichler home neighborhoods.
- Shift conversation to make sustainability a major theme instead of focus on architectural style and massing.
- Clarify the legal standing of guidelines versus development standards and zoning ordinances especially to neighborhood groups.
- Need better tools to convey design intent to neighbors - with tools like good renderings, SketchUp model, etc.
- Incorporate separate set of guidelines for Eichler neighborhoods (like Sunnyvale, Cupertino) - provide a set of guidelines as a menu of options for the homeowners associations to choose from.

- The guidelines for Professorville should be adopted either as part of the IR Guidelines or a set of stand-alone guidelines. The historic review process should be clearly identified and incorporated in the IR process.

APPEAL PROCESS

- Consider the Planning Director's hearing as a study session to help facilitate consensus instead of a formal hearing process.
- Explore potential for appeal of the Planning Director's decision to ARB (or a sub-committee of ARB) instead of City Council? Consider a pre-meeting to work towards consensus if the Planning Director's hearing is a formal hearing process.

ATTACHMENT 3

LIST OF INTERVIEWEES

FSN CO-CHAIRS	
John Northway	
Annette Glatzkopf	
ARCHITECTS/DESIGNERS	
Alena Campagna	Joo
Arun Shah	Jing
Catherine Fergus Garber	Jeremy Freeman
Chinh Nguyen	Judith Wasserman
Chris Kämmerer	Martin Bernstein
Clinton Prior	Matthew Kohler
Craig Stark	Michelle
Cynthia Munoz	Mike Ma
Dan Garber	Pete Moffat
Drew Maran	Randy Popp
Elaine	Roger Kohler
Eugene Sakai	Sarah Potter
Heather Young	Seema Mittal
	Stacy Delgado
Heydi Chavez	Tony Carrasco
James McFall	Uli Dueregger
James Witt	
Jeff Kuo	
Jennifer Kretschman	
Jennifer Lee	
Jeremy Alder	

HOMEOWNERS/ COMMUNITY MEMBERS	CITY STAFF
Arthur Keller	Alicia Spotwood
Becky Sanders	Amy French
Esther Nigenda	Hillary Gitelman
Frank Flynn	Jeremy Dennis
Frank Ingle	Jodie Gerhardt
Gennady Sheyner	Jonathan Lait
	Matthew Weintraub
Karen Holman	Russ Reich
Keith Bennett	
Lydia Kou	
Manas Mandal	CONSULTANTS
Maryann Hinden	Arnold Mammarella
Neil O'Sullivan	Lee Mei
Paul Machado	Ranu Aggarwal
Richard Willits	Stephen O'Connell
Rita Vrhel	
Roger Petersen	
Tim Perkins	
Tom Dubois	

ATTACHMENT 4

What is “The Future of Single Family Neighborhoods Advisory Group” and why you should care...

*By D. Michael Griffin
2001*

How did we wind up with such a grand sounding moniker for a group of civic-minded volunteers?

Let me tell you, after grinding away for 18 months on the subject of “Big Houses Next Door,” we all felt we were indeed dealing with the very future of housing in the neighborhoods. And it wasn’t a task we took lightly, considering the still healing wounds of last year’s Measure G campaign.

Ed Gawf, Palo Alto’s Planning Director, knew the problem of Big Houses wasn’t going away. He also knew he needed help from the community in resolving this tricky issue, as the City proceeded with its scheduled overhaul of Palo Alto’s zoning ordinance.

So Ed tapped three Co-Chairs, representing the community at large: John Northway---locally respected architect; Carroll Harrington---Palo Alto Homeowners Assoc. activist, and Annette Ashton---Mid-Town Neighborhood Assoc. This leadership core pulled together 14 additional folks, holding diverse views on the subject of demolitions, remodels and new construction.

Our group consists of professionals with a business stake in the discussions: speculative builders, architects, developers and real estate agents. Then there are the civilians... a mix of folks known for either advocating neighbor’s rights, or for being strong property rights defenders, or even for being moderates on the subject.

So, who are we? Well...we’re you! A cross-section of interests, keenly concerned with the compatibility of new and remodeled single family homes within existing neighborhoods. And you should care who we are, because the project we’re dealing with is both an aesthetic and a pocket book issue for all of us. You should care, because we couldn’t have distilled solutions to the problem, without the input we received from you during our two community forums and open-to-the-public work sessions. You should care, because this emotional subject has divided our town long enough. It’s time to seek a way out.

As we delved into the arcane details of planning codes, setbacks, daylight planes and the dreaded

floor area ratio, we realized that what we really were objecting to was.... the result of change. Changes that caused a loss of privacy. Changes that resulted in houses that seemed too large and out of scale. Changes that resulted in houses not relating well to the neighborhood pattern. We summarized these issues as problems of privacy, mass and streetscape. (P.M.S.)

Now, how did we deal with them (P.M.S.), once they were identified as the “real” culprits? Gingerly, that’s how. Gingerly on purpose, because we wanted to achieve a workable solution, not the ultimate solution. We wanted something the community as a whole could embrace, not go to war over. And the primary method we eventually chose, was the concept of reviewing each proposed house, individually, in context with its neighbors.

Not design review, in the usual sense, but rather Individual Review, relating the project individually to its surroundings. Not style review, as we didn’t feel sufficiently omnipotent to dictate matters of taste. Not color review, or materials review. Not reducing the total cube (FAR) already permitted in today’s code. None of that. What we wanted to achieve was flexibility. The ability to lead a builder or remodeler to fit his design smoothly into the streetscape already shared by his neighbors.

In order to facilitate this fitting-in process, we developed a set of Guidelines and a Checklist of questions to be answered by applicants. The Checklist asks how the design deals with the privacy, mass and streetscape issues. It encourages discussion between a builder and the three immediately adjacent neighbors, plus the one across the street. We wanted folks to resolve problems before the bulldozer bounces off the truck, not after.

In today’s pricey real-estate market, new two story homes are the norm. At the same time, two story homes are the ones with the most impact on P.M.S. That’s why we propose Individual Review for second stories or second story additions greater than 150 square feet. If a builder wishes to avoid Individual Review, he can do so by staying with a single floor design.

This introduction to the Advisory Committee and to the concept of Individual Review is necessarily brief. Remember, the Advisory Committee is your committee. We tried to follow your lead and we think we’ve accomplished that. My hope is that you will now stay tuned for more information to come on this engaging subject.

ATTACHMENT 5a

CITY OF PALO ALTO ZONING CODE

18.12.010 Purposes

Ch. 18.12 – Page 1 (Supp. No 13 – 10/1/2007)

Chapter 18.12

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT*

18.12.110 Single Family Individual Review

(a) Purpose

The goals and purposes of this chapter are to:

- (1) Preserve the unique character of Palo Alto neighborhoods;
- (2) Promote new construction that is compatible with existing residential neighborhoods;
- (3) Encourage respect for the surrounding context in which residential construction and alteration takes place;
- (4) Foster consideration of neighbors' concerns with respect to privacy, scale and massing, and streetscape; and
- (5) Enable the emergence of new neighborhood design patterns that reflect awareness of each property's effect upon neighboring properties.

This program is intended only to mitigate the effects of second story construction on neighboring homes, and should not be construed to prohibit second story construction when this title would otherwise permit it.

(b) Applicability

The provisions of this Section 18.12.110 apply to the construction of a new singly developed two-story structure; the construction of a new second story; or the expansion of an existing second story by more than 150 square feet in the R-1 single family residential district. All second-story additions on a site after November 19, 2001 shall be included in calculating whether an addition is over 150 square feet.

(c) Individual Review Guidelines

The director of planning and community environment shall issue guidelines to direct staff and project applicants in implementing the goals and purposes and other provisions of this chapter. Guidelines establishing substantive review standards for second story development shall

be presented to the planning and transportation commission for their comment prior to adoption or amendment by the director.

(d) Findings

Neither the director, nor the city council on appeal, shall grant an individual review approval, unless it is found that the application is consistent with the individual review guidelines.

(e) Conditions

In granting individual review approvals, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this title (Zoning).

(f) Application Review and Action

Applications for individual review approval shall be reviewed and acted upon as set forth in Section 18.77.075.

(g) Preliminary Meeting with Planning Staff

Project applicants are strongly encouraged, before applying for individual review of a project, to meet with planning staff to discuss designing a project that promotes the goals of this chapter and the individual review guidelines, and to discuss the proposed plans with their neighbors.

(h) Changes to Approved Projects

The director may approve changes to a previously approved individual review project without following the procedure set forth in Section 18.77.075 if those changes do not affect compliance with the individual review guidelines. Examples of such changes include:

- (1) Reductions in window or door size, or reductions in the number of windows.
- (2) Changes to aspects of the project not reviewed under individual review, such as materials or non-street-facing first story windows.
- (3) Changes that do not affect privacy/streetscape.
- (4) Increases in setbacks.
- (5) Reductions in second floor mass that do not affect privacy or streetscape.

(Ord. 4869 § 14 (Exh. A [part]), 2005)

ATTACHMENT 5b:



SINGLE FAMILY INDIVIDUAL REVIEW (IR) IR PRELIMINARY REVIEW PROCESS

The following is a description of the process and purpose of the steps involved in this preliminary review. IR preliminary review meetings are not mandatory, but are highly encouraged for all applicants. We encourage you to meet with us early in the design process, and bring a survey of the site, photos of the area and preliminary plans or sketches.

The purpose of these meetings is to:

- a) Provide property owners and designer/architects with the opportunity to obtain early, non-binding preliminary comments on development projects to encourage constructive dialogue about how to proceed on issues related to the IR guidelines and zoning regulations.
- b) Allow property owners and designer/architects an opportunity to ask questions about the review process, regulations, neighborhood input and obtain related information and advice at an early stage of the project design.
- c) Focus on the issues of greatest significance to compliance with the IR guidelines and zoning regulations. These procedures are not intended to cover all aspects of the design or make a determination on the approval or disapproval of any given IR project, nor do they consider specific neighbor concerns or allow for full consideration of neighborhood context.
- d) Facilitate orderly and consistent implementation of the city's development regulations, while acknowledging staff's limited ability to review plans fully in the preliminary meeting format. Prior to making an appointment for an IR preliminary review, the appropriate fee must be paid to the City. Instructions for paying the meeting fee are as follows:

- 1. Go to <https://aca.accela.com/paloalto/>
- 2. Select "Pay for IR Preliminary Meeting" in the Planning box
- 3. Follow instructions listed on each webpage
- 4. Note: Only the address number and first part of the street name is needed in order to "search" for the property address.
- 5. Enter your credit card information
- 6. Write down or print the file number (e.g. I4PLN-00123) for later use.

Once the fee has been paid, call the Planning Division at (650) 329-2442 to set up an appointment.

1. All meetings occur on Wednesday afternoon, so have your schedule ready.
2. Be prepared to provide the above file number (e.g. I4PLN-00123) as verification of payment for applicant's records.

Meeting Time: _____ Date: _____ Project Planner

IR preliminary review meetings are held at 250 Hamilton Ave, Palo Alto, CA 94303 in the Council Conference Room located on the first floor of City Hall near the Council Chambers. If the prior meeting is not finished, please wait in the front lobby and your planner will invite you in when the room is free.

ATTACHMENT 5c



SINGLE FAMILY INDIVIDUAL REVIEW (IR) REVIEW PROCESS

18.77.075 Low-density Residential Review Process

(a) Applications Subject to Low-density Residential Review Process

The following applications are subject to the review process set forth in this section:

(1) Individual Review (IR) applications, Home Improvement Exception (HIE) applications; and

(2) Other permits and approvals for which such review process is required by the provisions of this title (Zoning).

(b) Notice of Application Submittal

Within three days of submittal of an application, notice that the application has been submitted shall be given by mail to owners and residents of property adjacent to the subject property, and shall be posted at the subject property until approval, denial or withdrawal of the application.

The notice shall include the name of the applicant; the address of the proposed project; and information on when and how comments will be accepted by the city. The mailed notice shall also include a description of the project.

(c) Comment Period

The comment period shall be twenty-one days beginning on the third business day after an application is submitted. If notice is mailed or posted on a later date, the comment period shall begin on the later date. Written comments received by the city during this period shall be considered as part of the staff review. Only one comment period is required. If plans are revised during or following the comment period, a statement that the plans have been revised shall be included in the notice of the proposed director's decision set forth in subsection (e).

(d) Decision by the Director

Following completion of the comment period and any staff review:

- (1) The director shall prepare a proposed written decision to approve, approve with conditions, or deny the application.
- (2) Notice of the proposed director's decision shall be mailed to owners and residents of property adjacent to the subject property, and any person who has made a written request for notice of the decision. The notice shall include the address of the property, a brief description of the proposed project, a brief description of the proposed director's decision, the date the decision will be final if no hearing is requested, and a description of how to request a hearing.
- (3) The proposed director's decision shall become final fourteen days after the date notice is mailed unless a request for a hearing is filed.
- (4) The applicant or the owner or occupier of an adjacent property may request a director's hearing on the proposed director's decision by filing a written request with the planning division before the date the proposed director's decision becomes final. There shall be no fee required for requesting such a hearing.
- (5) The time limits set forth in this subsection (d) may be extended upon the written request of the applicant.

(e) Director's Hearing (Upon Request)

- (1) Following the filing of a timely hearing request of a proposed director's decision the director shall hold a hearing on the application. A hearing request received after the expiration of the time limits set forth in subsection (d)(3) shall not be considered.
- (2) Notice of the director's hearing shall be mailed ten days prior to the hearing to the project applicant, to owners and residents of property adjacent to the subject property, and to any person who has made a written request for such notice. Notice shall include the address of the property, a brief description of the proposed project, and the date, time and location of the hearing.
- (3) At the time and place set for hearing the director shall hear evidence for and against the application or its modification. The hearing shall be open to the public.

(f) Final Director's Decision

- (1) The director shall issue a written decision approving, approving with conditions, or denying the project application within fourteen days of the hearing.
- (2) Notice of the director's decision shall be mailed to the project applicant, the owners and occupants of all adjacent properties, and any person requesting notice of the decision. The notice shall include the address of the property, a brief description of the proposed project, a brief description of the proposed director's decision, the date the decision will be final if no appeal is filed, and a description of how to file an appeal.
- (3) The director's decision shall become final fourteen days after the date notice is mailed unless an appeal is filed. The director may, for good cause, specify in writing a longer period for filing an appeal at the time he or she issues the proposed decision.
- (4) The applicant or the owner or occupier of an adjacent property may file an appeal of the director's decision by filing a written request with the City Clerk before the date the director's decision becomes final. The written request shall be accompanied by a fee, as set forth in the municipal fee schedule.

(g) Decision by the City Council

If a timely appeal is received by the City, the director's decision on the application shall be placed on the consent calendar of the city council within 30 days. The city council may:

- (1) Adopt the findings and recommendation of the director; or
- (2) Remove the recommendation from the consent calendar, which shall require four votes, and set the application for a new hearing before the city council, following which the city council shall adopt findings and take action on the application.

(h) Decision by the City Council Final

The decision of the city council is final.

18.77.080 Notice

(a) General Provisions

When notice is required by provisions of this chapter, it shall be given in accordance with this section. Compliance with the procedures set forth in this chapter shall constitute a good faith effort to provide notice, and the failure of any owner or occupant to receive notice shall not prevent the city from proceeding with the hearing or from taking any action or affect the validity of any action. Typographical and/or publishing errors shall not invalidate the notice or any city action if the error is not prejudicial.

(b) Notice by Mail

When notice by mail is required, the notice shall be mailed to owners of real property as shown on the latest equalized assessment rolls or such other interim record as may be provided by the county assessor. When mailing notice to occupants, using the addresses listed in the city's Geographic Information System (GIS) constitutes a good faith effort to provide such notice. When notice by mail to adjacent property owners and residents is required, "adjacent properties" means those properties sharing a common boundary with the subject property, the property or properties located directly across the street, and the next properties located diagonally across the street from the subject property.

18.77.090 Expiration of Approvals

(a) Expiration – General

Permits and approvals shall automatically expire after twelve months, unless otherwise provided in the permit or approval, from and after the date of issuance of the permit or approval if within such twelve month period, the proposed use of the site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of the permit or approval. The director may, without a hearing, extend such time for a maximum period of twelve additional months only, upon application filed with him or her before the expiration of the twelve-month limit, or the expiration of such limit as may be specified by the conditions of the approval.

ATTACHMENT 5d



STATEMENT OF UNDERSTANDING APPLICATIONS SUBJECT TO THE INDIVIDUAL REVIEW PROGRAM

This statement of understanding is required for all IR preliminary review meetings and applications and shall be signed and submitted at the beginning of an IR preliminary review meeting and along with the submittal of a formal IR application.

The Single Family Individual Review (IR) Program for two-story homes is required for the purpose of meeting the IR Guidelines and the zoning regulations adopted by the City of Palo Alto. The following is a description of the process and the purpose of the steps involved in this review. This signed statement of understanding is a required element of any IR application submittal.

IR Preliminary Review Meetings

IR Preliminary Review meetings are not mandatory, but are highly encouraged. The purpose of these meetings is:

- (a) To provide project proponents with the opportunity to obtain early, non-binding preliminary comments on development projects to encourage sound and efficient private decisions about how to proceed on issues related to the IR guidelines and zoning regulations. One preliminary meeting is encouraged per project. If a second meeting is requested by an applicant, it may be scheduled only after the planner verifies the applicant has significantly redesigned the project.
- (b) To focus on the issues of greatest significance to compliance with the IR guidelines and zoning regulations. These procedures are not intended to permit or foreclose debate on the merits of approval or disapproval of any given IR project, nor do they consider specific neighbor concerns, nor allow for full consideration of neighborhood context.
- (c) To facilitate orderly and consistent implementation of the city's development regulations, while acknowledging staff's limited ability to review plans fully in the preliminary meeting format.
- (d) To allow property owners and designers to ask questions about the review process and regulations and obtain related information and advice at an early stage of the project design.

IR Formal Review

The next steps:

1. Application Submittal & Public Notice

- a. An appointment is required for application submittal, and often must be made several weeks in advance of the submittal date. Please call 650-329-2441 to schedule an appointment.
- b. Notice is sent to neighbors within 150 ft. of the subject property within 3 business days of the application submittal.
- c. Neighbors have 21 days in which to provide written comments. (Note: staff may act on an application after this period, but will accept additional public comment up until a decision on an application has been made.)

2. Staff Review & Response

- a. City staff may take up to 30 days from submittal date to review the application for completeness, zoning conformance, and compliance with the Individual Review Guidelines and to provide comments, but is obligated to wait until the end of the public comment period to provide official comments.
- b. A meeting can be arranged to discuss staff comments if necessary prior to resubmittal. Additional meetings will only be scheduled at staff's discretion. If additional information is needed, or revisions are required, please review staff comments in their entirety and consider some revisions prior to scheduling a review meeting with your planner.
- c. A lack of applicant response to a comment letter within 90 days of mailing may result in a request from city staff for a formal withdrawal of the application. Staff's letter would set a time limit of 30 days for responsive action by the applicant. Action would typically be a full revised submittal in response to review comments, or withdrawal of the application.
- d. Partial re-submittals via email may not be accepted for review.

3. Decision

- a. Once a decision letter has been completed and mailed, the decision is not considered effective until the end of the 14-day request for hearing period, and only then if no hearing is requested by the owner, applicant, or adjacent neighbor.

4. Building & Demolition Permits

- a. Building permit(s) may be applied for prior to the conclusion of the 14-day request for hearing period at the applicant's risk. Plans submitted for building permit are required to include the approval letter and be in substantial

conformance with the plans approved through the IR process. Additional planning review and fees may be required for revisions, as determined by the Current Planning Manager.

- b. Demolition permits may not be issued prior to building permit approval. The planning department may consider signing off on the demo permit in advance of the building permit if the project includes deconstruction or salvage of building materials. To do so the standard Green Building Application (type 3) should be submitted as well as a contract from a deconstruction/salvage company and any other applicable documentation, such as an inventory of items to be removed/salvaged from the existing house prior to demo. Once those materials are submitted planning will review them and a decision can be made.

ACKNOWLEDGED BY:
(Applicant/Property Owner)

ATTACHMENT 5e



SINGLE FAMILY INDIVIDUAL REVIEW (IR) SUBMITTAL REQUIREMENTS CHECKLIST

Appointments are required to submit all applications. Appointments can be made by calling the Planning Division at (650) 329-2442 or in person at the City's Development Center, located at 285 Hamilton Avenue.

All of the following items must be submitted at the intake appointment:

1. PLANNING APPLICATION FORM

a. Complete items 1-5 of the application. Application forms cannot be accepted without a property owner's original signature (copies are not accepted).

2. FEES (see Fee Schedule for details)

3. INDIVIDUAL REVIEW STATEMENT OF UNDERSTANDING

a. Signed by applicant or property owner (see link above)

4. SCHEMATIC PLAN SET (see A-J below for further details)

a. 2 sets of full size plans (24 inch by 36 inch) bound and folded with top right printed corner as front

b. 5 sets of reduced size plans (11 inch by 17 inch) bound and folded in half with printed side out

c. Bar scale and north arrow shown on all sheets. All sheets shall be oriented in the same direction.

d. Drawn to fill the page at 1/4 inch or 1/8 inch scale

5. PUBLIC OUTREACH IMAGES

a. USB flash drive or CD-ROM that contains the proposed site plan, elevations and streetscape. The plans shall be PDF format for posting on the City's website. The above sheets shall be in one PDF file, and optimized for printing to 11 inch by 17 inch paper. Revised and final electronic plan sets shall be provided as needed.

During the intake appointment, you will receive a project sign from the City.

6. ON-SITE POSTING

- a. The proposed streetscape image (minimum size of 4 inches by 17 inches) shall be affixed to the sign by the applicant. Within three (3) days of project submittal, photographs of the project sign at subject property shall be submitted to the Project Planner. The sign must be prominently displayed so it can be viewed from the sidewalk, or public right-of-way, and shall remain in place until the Planning decision is effective.

REQUIRED INFORMATION FOR SCHEMATIC PLAN SET*:

* These requirements may be modified by City staff to omit items or to include additional items (e.g. shadow studies, story poles, soils report, etc.) based on the scope of the project. Applicants are encouraged to provide additional information where helpful.

A. PROJECT DATA and VICINITY MAP – Data table and vicinity map shall be printed on the plan cover sheet.

- Project Address, Assessor's Parcel Number (APN), Zoning District
- Net Lot Area (excluding any area located within a street easement, watercourse easement, or within top of creek bank)

If net lot area is different from City's parcel report, a certified surveyor's report shall be included in plan set

- Allowable FAR (45% of first 5,000 s.f. + 30% > 5,000 s.f.) and Proposed FAR
- Allowable Lot Coverage (35% of lot area) and Proposed Lot Coverage
- Note if project is subject to the contextual front yard setback standard. Label contextual setbacks on site plan.
- Note if project site in a Special Flood Hazard Area.

(I) If Yes, project must be discussed with Public Works Dept. prior to application submittal. A Base

Flood Elevation (BFE) and elevation of the lowest floor of the proposed structure shall be provided.

- Note if proposed garage location is subject to the contextual garage placement standard.
- Small schematic map showing the location of the project site within the City of Palo Alto Single Family Individual Review (IR) Checklist November 2014 (JG)

B. NEIGHBORHOOD CONTEXT

- Streetscape Elevation (line drawing of the proposed project's street-facing elevation(s) along with the streetfacing elevation of one home on each side of the proposed home, drawn to scale). To the highest degree

possible, the drawing should accurately show building heights and profiles with dimensions.

Trees, if shown,

should be in outline form so as not to obscure structures.

- Neighborhood privacy diagram - Show proposed 2nd floor plan including windows and major on-site

vegetation. For all adjacent sites show major vegetation, building footprints, windows (indicate size and

location), and patios within 40 feet of the property lines. Provide info on site plan or as a separate diagram.

C. SITE PLAN

- Dimensioned property lines consistent with survey's report
- Footprint and overhangs of all existing and proposed buildings, accessory structures and fences/walls on the site (note fence height and material)
- Surface parking area, driveways, paths, and sidewalks (note paving materials and dimension driveway width)
- Improvements in the public right-of-way including streets, curbs, sidewalks, and trees
- Creeks or waterway easements on or adjacent to the property
- Easements and right-of-ways (label distance between street curb and property line)
- Dimension all required and proposed setbacks including any special setbacks and contextual front setback (if contextual setback is greater than standard setbacks)
- Show all adjacent building footprints including patios, windows and landscaping within 25 feet of the property
- Outdoor mechanical equipment (pool filters, air conditioners, etc.)
- Topographic elevation of the first floor level and spot elevations of existing and finished grade around property to determine daylight plane compliance and adjacent to building footprint for height measurement.

• TREE DISCLOSURE:

- i) Plans to show the numbered location, species, size, and dripline/canopy of all trees on site over 4 inches in diameter, including neighboring trees that overhang onto the project site.
- ii) Show the location of temporary Tree Protection Zone (TPZ) fencing for all protected and regulated trees.

The TPZ radius is ten times the diameter of the tree, when measured 54 inches above natural grade as further detailed by The Tree Technical Manual, Sections 2.00 & 6.35.

D. TOPOGRAPHIC SURVEY AND GRADING & DRAINAGE PLAN

- Topographic survey prepared by a qualified surveyor illustrating the legal boundaries, dimensions of all property lines, easements, right-of-way, trails, public utilities and utility poles, location of all existing improvements/structures, setback of existing improvements/ structures, tree trunks, tree species (if possible) and accurate depiction of tree canopies/drip line along with spot elevations across the site, including designated spot elevations from where the building height and daylight planes will be measured.
- For minor additions on lots having a slope less than 10 percent, you may consult a Project Planner to determine if survey work can be limited to a boundary survey. This will depend on how close the structure is to the daylight plane.
- Grading and drainage plan is required for all new homes, including stormwater measures when needed.
- If located within a Special Flood Hazard Area, provide the Base Flood Elevation (BFE) and the elevation of the lowest floor of the proposed structure.
- If the project is located adjacent to a creek or waterway, show top of bank and easement line (if any).
- Submit any pending FEMA applications or approved documents for Letter of Map Amendment (LOMA) or Conditional Letter of Map Revision based on Fill (CLOMR-F).

E. GREEN BUILDING (GB) PROGRAM SHEET

- To increase the sustainability features of the home and to minimize cost, applicants are process.
- To determine the GB level of review, and therefore documentation that is required for your project, consult the Green Building Application webpage. Most projects require completion of the GB-I sheet.
- The appropriate GB application shall be completed, signed, and included as a sheet in the plan set.

F. TREE PROTECTION PLAN SHEET

- Completed T-I sheet filled out and signed by the property owner or applicant.
- Tree Protection Report (TPR) prepared by an ISA certified Arborist will be required for any development within the tree protection zone (TPZ) of a protected and/or designated tree, and may be required for others, including street trees as deemed necessary by the City Arborist. See Overview of Regulated Trees. When required, include completed Tree Protection Report as Sheet T-2 and T-3.
- Site Plan must show each Regulated Tree enclosed by the accurate drawing of tree fencing (bold-dashed line on site plan, utility plan, etc.), label fence radius, type of fencing (Type I, II, III) and list of arborist activity and inspection schedule.

G. FLOOR PLANS

- Sufficient floor plans to indicate how the interior of the building affects the exterior design, particularly window and door placement, space usage, stairs, etc.
- Dimensioned floor plans for all buildings, existing and proposed
- Diagram showing total floor area and blocked-out areas and calculations for each block to determine FAR compliance (overlay this information on a separate floor plan).

H. BUILDING ELEVATIONS

- Existing conditions to remain and proposed changes
- Elevations of all sides of all buildings, including accessory structures and street facing fences/walls.
- Height limits and daylight planes
- Note on plans indicating the daylight plane grade reference point. The note shall state: "Grade for the purpose of establishing daylight plane shall be an average of the grade at the midpoint of the building and grade at the closet point on the adjacent lot."
- Grade elevation from where the maximum height is measured and finished floor elevation
- All windows, doors, eaves, chimneys, trim, porch columns, and other features on the building exterior
- Show window operation and label height of any obscured glazing
- Note material and finish for roofing, siding, windows, entry and garage doors, trim, railing, eaves, etc.

I. ROOF PLANS

- Show roof pitches and dimension overhang depths
- Provide a detail for all eaves that are proposed beyond a required setback or daylight plane.

J. SECTIONS (Two sections minimum)

- Indicate roof pitch, floor to floor heights, topographic height of first floor, floor to grade heights, plate heights at upper levels, attic, stairs, cathedral ceilings, outlines of building eaves and rakes (separate details may need to be provided for eaves/rakes), etc.
- Show daylight plane protrusions and/or 2nd and 3rd story equivalency area
- Provide enlarged building wall section, 1/2 inch scale or larger, showing structural dimensions of floor and roof framing, roofing materials and daylight plane if the roofline on the section or elevations is within one (1) foot of the daylight plane.

Note: The plans submitted for Individual Review will be reviewed for compliance with the zoning ordinance and IR guidelines.

The applicant is advised to review the proposed plans with the Building (650-329-2496) and Public Works (650-329-2557) Departments prior to submitting the Individual Review application to avoid delays and costly redesign.

TO: James Keene, City Manager

FROM: Hillary Gitelman, Director of Planning & Community Environment

RE: Council Requests Regarding Eichler-Specific Guidelines

This memo provides responses to the City Council's request that planning staff assess the ability to undertake development of new Eichler-specific amendments to the Individual Review (IR) Guidelines and/or develop separate design guidelines or zoning regulations to guide development of two story homes in Eichler neighborhoods, as well as amendments to the process for assessing resident support for new Single Story Overlay (SSO) districts.

Executive Summary

We appreciate the desire to amend the Individual Review (IR) Guidelines and/or develop separate design guidelines or regulations to guide development of new two story homes in Eichler neighborhoods. With sufficient resources, this project could be undertaken as a consultant-led effort after completion of the IR program review and the Professorville Design Guidelines (both are wrapping up soon). Amendments to the petition process for new SSO districts can be developed by staff and considered by the City Council in the context of the next "code clean-up" ordinance, expected in 2017.

Background

On May 2, 2016, Council directed staff to evaluate the feasibility of undertaking two possible initiatives in response to controversy surrounding the construction of two story homes in Eichler neighborhoods:

- A. Conduct a preliminary evaluation of a potential Eichler Overlay Zone or Strengthening of IR guidelines for Eichler design and privacy compatibility (for second story additions); and
- B. Explore options for breaking up the petition and 'voting' process to determine the level of support for Single Story Overlays and Eichler Overlays.

The issues addressed by this motion are related to some of the Planning Department's "Council Priority Projects" for 2016 as discussed by the City Council at their retreat in late January. At that time, the priority projects included a review of the Individual Review (IR) process for two story homes and development of recommendations for improving this program, and also included an annual "code clean-up" project. To reflect the Council's May 2nd motion, a new project related to Eichler neighborhoods has been added to the list of priority projects and has been proposed for funding in a "contingency" within the FY17 proposed budget.

Discussion

In its motion on May 6, the Council requested staff evaluate the feasibility of undertaking two different approaches to the issue of two story homes in Eichler neighborhoods. The feasibility of the various components of the motion varies quite a bit, and is discussed further below.

- A. **Adopt an Eichler Overlay Zone or strengthen the IR guidelines for Eichler design compatibility and privacy.** This proposal will require consultant support in the form of an architect or urban design professional with an affinity for mid-century modern residential architecture. While not currently budgeted, such an individual could conduct community outreach and develop design guidelines specific to Eichler neighborhoods as other jurisdictions have done, and/or develop regulations to be

adopted as part of the IR Guidelines or the municipal code. This planning effort would be strengthened if it also involved preparation of a “context statement” to support evaluation of the City’s Eichler neighborhoods in terms of their architectural integrity and significance.

Staff believes that preparation of a “context statement” may be eligible for grant funding from the State Office of Historic Preservation (similar to the Professorville Guidelines which are currently being wrapped up). General fund resources would be needed for the project manager/design consultant, and staff has proposed this be funded through a “contingency” in the FY17 budget. The project can be initiated as soon as the project manager is retained. Staff estimates it will take 16-18 months from start to finish, assuming mid-course check-ins with the City Council do not result in additional/modified direction requiring additional effort.

- B. **Improve the petition process to determine the level of support for Single Story Overlays (and potentially Eichler Overlays).** Staff can easily include improvements to the SSO process in the next regular “code clean-up” ordinance, which is scheduled for 2017. The only clean-up planned for 2016 is the update to the ARB findings, which was referred back to the ARB when the City Council considered the 2015 code clean-up ordinance.

Conclusion

These are interesting issues that can be tackled in the coming year presuming budget and consultant resources are available.