

Question 12

Questionnaire for City Council Candidates 2009

Palo Alto Neighborhoods (PAN)

Terminology: "the City" refers to the government of the City of Palo Alto.

Planned Community (PC) Zoning: Planned Community zoning is controversial because it is perceived as being routinely abused. What is your perspective on the use of this zoning? Use specific examples to illustrate your points.

[I] Corey Levens : www.electcoreylevens.com

Planned Community (PC) Zoning is an essential tool for development. Unfortunately, it is also a tool which can be easily abused. PC districts are intended to accommodate developments that include combinations of uses such as residential, commercial, industrial, or other activities. It is primarily to be used for developments which are of substantial public benefit and which conform with and enhance the policies and programs of the Palo Alto Comprehensive Plan. Proposals for PC Zoning are first to be submitted to the Planning Commission. If approved, they then move to the Architectural Review Board. If approved by the ARB, the proposal goes back to the Planning Commission for final planning, after which it is submitted to the City Council for "final action." The problem, of course, is that the Palo Alto Process too often rears its ugly head, there are numerous delays and reconsiderations to accommodate every comment and criticism, and no final action is ever taken with the result that potentially valuable and beneficial projects do not get completed or are severely diluted.

While the Comprehensive Plan provides detailed descriptions of PC districts and the regulations for approving them, these rules and regulations are subject to manipulation. This leads to what is commonly, and derogatorily, referred to as the "Palo Alto Process." We must ensure, therefore, that when an application for a Planned Community district is reviewed and considered that the guidelines set forth in the Comprehensive Plan are strictly adhered to. A PC district must be approved only when the applicable zoning restrictions for a project do not provide sufficient flexibility to allow for the proposed development and there is a substantial public benefit to be derived from the project.

Necessarily, and as set forth in the Comprehensive Plan, it is the City Council that is the ultimate judge of whether to approve PC zoning. Too often, however, the Council has been influenced by vocal minorities and special interest groups advocating for or against a project. Council members will often (as in the JJ&F project) attempt to negotiate project details and minutia at Council meetings, cavalierly proposing changes to the overall nature and economics of a project and thereby negating the efforts of all those who have worked on, and are much more knowledgeable of, the project. The result is often unending delays, if not cancellation, of potentially valuable projects.

As a Council member, I will do all I can to make the "Palo Alto Process" obsolete.

[J] Gail Price

In general, I support the prudent and very careful use of PC zoning because it provides some flexibility beyond what the basic development standards of a zone allow. PC zoning can provide

creative and flexible planning and design opportunities while meeting the general goals of the Comprehensive Plan. I do not think that prescribed zoning and inflexible development standards suit all circumstances. More flexible approaches (including site specific plans, etc.) are common planning techniques used successfully in other communities and it has great potential for creating positive and innovative results if high standards are maintained.

I recognize, however, that the nature of the PC zoning raises many concerns. about its utility, the definition and measurability of “public benefits” and the current review process used in its implementation. One concern that I have is if the current review process needs to be examined to determine if it yields “improved and defensible” results. There have been cases where the original proposals may have been preferable to the final project approved. We should compare our review process to what has been done in other communities to see if other practices are stronger and the results better.

The Planning and Transportation Commission has formed a subcommittee to study the PC zone but a formal presentation of their discussions and recommendations has not been done yet. Since the PC zone technique is comparable to what is used in other communities, I think an examination of “best practices” related to the use of this type of zoning would be productive and would assist the city in its review. A major issue with such zoning is how to reasonable and fairly assess or quantity benefits. The financial quantification of performance is only one measure and clearly does not address the more meaningful and subjective aspects of community benefit.

My impression is that the PC zoning related to the PAMF properties have been quite successful and represents a good outcome after extensive deliberation and review.

[K] [Greg Scharff](http://ElectGregScharff.com) : ElectGregScharff.com

Planned Community “PC” zoning is often abused in the City of Palo Alto and the “Community Benefits” that supposedly justify the departure from the current zoning do not always benefit the City. Alma Plaza is a good example of this process run amok. Alma Plaza was zoned neighborhood commercial, and yet through the PC zoning process, it seems that Alma Plaza is going to cease being a neighborhood shopping center. Once housing replaces our retail, hotels (Ricky Hyatt), and other community services, that land can never be recovered. We need to protect our neighborhood services and carefully scrutinize any change of use for its long-term impact on the quality of life in our city.

[L] Nancy Shepherd: www.electNancyShepherd.com

The PC zones are mechanism for developers to “think outside the box” and provide a public benefit for some type exchange—a height extension or more square footage on a building, etc. It is incumbent upon the developer to make a compelling reason to have the zone changed. There are some instances where the benefit is not very clear. For example 800 High Street had promises of plazas and gathering spots, but when built these areas look more like private than public spaces. The “feet building” on Lytton Street is interesting, but not exactly a “public benefit.” The city needs to be more specific about what a public benefit really means so that the solutions have a meaningful impact on our community.

[M] Brian Steen

PC zoning is abused only if the City allows such abuse. I'm in favor of using PC zoning in special circumstances to achieve significant public benefit.

[N] Mark Weiss: No response from candidate to this question.

[A] [Dan Dykwel](http://www.dandykwel.com) : <http://www.dandykwel.com>

This type of zoning is provided for in the Comprehensive Plan to provide the flexibility to develop sites that could not be developed under their normal designations. As designated,

18.38.010 Specific Purposes

The PC planned community district is intended to accommodate developments for residential, commercial, professional, research, administrative, industrial, or other activities, including combinations of uses appropriately requiring flexibility under controlled conditions not otherwise attainable under other districts. The planned community district is particularly intended for unified, comprehensively planned developments which are of substantial public benefit, and which conform with and enhance the policies and programs of the Palo Alto Comprehensive Plan.

There is a documented procedure to apply for a planned community district and it is reviewed by the Planning and Transportation Commission and approved by City Council, with public input occurring at both ends. I'm not convinced the procedure has been abused. The recent examples that include Alma Plaza and the proposed project on El Camino Real that is the current site of the JJ&F Market are both sites that are no longer economically feasible. Attempting to replace them with the same use will only result in failure.

18.38.060 Required Determinations

Development of the site under the provisions of the PC planned community district will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts.

The pieces are in place to ensure the PCs do result in public benefits. This process is intended to ensure that we have a mechanism to replace and reenergize areas that would otherwise not be viable under current designations.

[B] Victor Frost: No response from candidate.

[C] Chris Gaither

Due to the fact that Planned Community zoning has a public benefit commitment and requirement of the developer as specifically defined by the city, it can have the perception of being abused by the city in order to get certain quid pro quo results. Personally, as far as dwelling units are concerned, I am not a fan of Planned Community zoning. With respect to living and shelter, the Planned Community Zoning goal seems to be to "hoard" as many people as possible in that community. This has the effect of creating more housing to help achieve the housing element goals in one fell swoop. I personally don't like living in such an environment with so many units close to each other proximity wise. It has an ornate tenement housing feel, as many people have commented with respect to the Arbor Real development (the former

Rickey Hyatt's Hotel parcel). I personally like some space when it comes to living. I prefer single family dwellings in the form of tri and quad plex style housing with the right to purchase ownership, if one is to build housing on a parcel to accommodate more than one household. This is more aesthetic, and offers the feel of more space. But, that is my personal preference on how to live. I believe others share the opinion of having **some** space between living dwellings.

However, I do support planned community zoning projects for administrative, commercial, office and research development. I believe this is a great way to use land to promote business and retail space and for the city to reach its public benefits goals. This is a win-win result.

[D] Tim Gray : www.vote4Gray.com/

The guiding principle would be to not dilute our schools, and unjustly impact bordering neighborhoods. We need to look at the dissatisfaction that has followed some of the previous projects and prevent some of those errors. As a practice, this has been manipulated to place larger projects than the authors of our Comprehensive Plan ever imagined. Any mechanism that can be used as an "end-run" around the will of the residents has to be thoroughly reevaluated.

[E] John Hackmann

PC zoning can be appropriate, but many of us including me, feel that the variously defined 'public benefit' is sometimes either not directly related enough to the exception granted, or of minimal significance. However, PC zoning is still appropriate in certain situations.

[F] [Karen Holman](http://karenholman.org) : karenholman.org

Planned Community (PC) zoning can be a tool to achieve positive outcomes not achievable through any other means. It is unfortunate that abuses and failed agreements have led to mistrust of the possibilities. But it is hard to argue that 800 High's public plazas materialized, that providing a water fountain merits zoning exceptions, that disappeared open space is not a violation of the public's expectation in return for larger development.

Some of the problems in PC zoning as Palo Alto utilizes it are

- public benefits are not defined
- public benefits are not considered relative to amount of exceptions requested
- there is no real penalty for violating the provision of the public benefit
- developments are not driven by the benefit but rather too often appear to be afterthoughts to justify development exceptions
- they are applicant driven rather than City directed
- required inspections are not conducted to assure the existence of public benefits or other consistency with the ordinance
- required findings are too often justifications rather than findings
- application of PC zoning at various times is applied too liberally
(consider the proliferation of PC zones, especially in the downtown)

As one of three Planning & Transportation commissioners working to revise the PC ordinance,

I hope to have recommended improvements presented in the near future that address many of these issues.

[G] Larry Klein www.ReelectLarryKlein.com

I was in Cambridge, Mass. a few years ago and took a walk to visit a neighborhood in which I had once lived. I was surprised and bemused to find a number of political signs in the old neighborhood criticizing a proposed PC and calling for Cambridge's City Council to do away with all PCs. So, I recognize that this sentiment exists coast to coast but I think we would be giving up a valuable planning tool. If we didn't have the PC we wouldn't have been able to save JJ & F. and that would have been a sad blow to that neighborhood. The solution to bad PCs is not to ban PCs but to have better decision making. We (and Cambridge) are built up communities and almost inevitably there are going to be situations where the zoning and land use patterns call for flexibility and creativity. Enter the PC..... done right.

[H] Leon Leong : www.leonleong.com

In some cases, PC Zoning has been used to achieve higher density housing than what would be allowed. There is suppose to be a "public benefit" provided to offset the increased density. My perspective is that additional considerations need to be factored in beyond the "public benefit": traffic congestion, school overcrowding & over-utilization of city services before granting a change to PC. One of more recent examples is the Alma Plaza – a "grocery store", a community room, and 14 BMR housing units were deemed the "public benefits". This plan would allow 51 housing units to built on that site – in my perspective the traffic issues (including parking issues), and potential school overcrowding issues have not been adequately addressed.
