



# Planning & Transportation Commission Action Agenda: May 26, 2021

Virtual Meeting  
6:00 PM

## Call to Order / Roll Call

Approximately 6:02 pm

Chair Hechtman: Thank you. I call to order this Planning and Transportation Commission regular meeting of May 26<sup>th</sup>, 2021. I welcome the public, Staff, and my fellow Commissioners. Mr. Nguyen, will you roll the tape?

[An automated voice recording begins to play disclosing Zoom procedures.]

Chair Hechtman: Thank you. Mr. Nguyen, will you call the role, please?

Mr. Vinh Nguyen, Admin Associate III: Chair Hechtman?

Chair Hechtman: Present.

Mr. Nguyen: Vice-Chair Roohparvar is absent. Commissioner Alcheck?

Commissioner Alcheck: Present.

Mr. Nguyen: Commissioner Chang?

Commissioner Chang: Present.

Mr. Nguyen: Commissioner Lauing?

Commissioner Lauing: Present.

Mr. Nguyen: Commissioner Summa?

Commissioner Summa: Present.

Mr. Nguyen: Commissioner Templeton?

Commissioner Templeton: Present.

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Mr. Nguyen: We have a quorum, thank you.

Chair Hechtman: Thank you. Fellow Commissioners, I am having some unstable internet issues. So, if they persist, I'm going to try to turn off my camera and see if I can stay connected that way. If I can't and I'm gone for a prolonged period, since our Vice-Chair is not here tonight, I will sign back in as quickly as I can, but because our Vice-Chair is not here tonight, I would suggest based on purely on seniority that Commissioner Alcheck take the helm until I can reconnect. So, with that, I would like to move into oral communications.

### **Oral Communications**

The public may speak to any item not on the agenda. Three (3) minutes per speaker.<sup>1,2</sup>

Chair Hechtman: So, this section is for the public to speak on items that are not on tonight's agenda. Please raise your hand if you wish to speak. On the Zoom App, there is a raised hand button on the bottom of your screen. If you are dialing in from a phone, please press \*9. Mr. Nguyen, are there any public speakers for oral communication?

Mr. Vinh Nguyen, Admin Associate III: Chair Hechtman, we currently do not have any raised hands.

Chair Hechtman: Thank you. We will then move to agenda changes, additions and deletions.

### **Agenda Changes, Additions and Deletions**

The Chair or Commission majority may modify the agenda order to improve meeting management.

Chair Hechtman: And I do have a modification of tonight's agenda. As you can see from the agenda we have two items. We have a public hearing regarding ADUs that is scheduled to go from 6:15 to 8:15 and then Item Three is the review of Board Handbook from 8:15 to 8:45. This is the third time that the handbooks has been on our agenda and I did not realize that the last two times that it was on, there were members of the public wanting to speak on that item. And they sat through our both of those meetings until we continued them I think both after 11 o'clock. So, I'm not wanting to allow that to happen again, but I believe that our Item Two, the ADU item, is going to take longer than 2-hours so my intention is this. After... we will start with Item Number Two and we will take it till roughly 8:05; whenever we finish a discrete item. Then we'll take a break and we'll come back at approximately 8:15 and take on the handbook item and we will take public comment and complete it. And whenever we finish that, we will go back into Agenda Item Two. That way we're going to get this handbook item on when members of the public are expecting it tonight. And incidentally, in this setup, we will be able to take public hearing... public comment two, the ADU item, before that break. I think well before that break so we won't delay anybody who is here for that either. So, that's the way we are going to handle that item. Are there any other Commissioners that have other agenda changes, additions, or deletions? Alright, I don't see any hands. Then we will move to City official report.

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1 **City Official Reports**

2 1. Directors Report, Meeting Schedule and Assignments

3 Chair Hechtman: Ms. Tanner?

4

5 Ms. Rachael Tanner, Assistant Director: Thank you. Good evening [unintelligible – muted]

6

7 Chair Hechtman: Ms. Tanner, you're muted.

8

9 Ms. Tanner: Thank you. I hovered over the mute button but apparently did not push it all the  
10 way. Good evening, good to be here with you all this evening. Just a few updates, first looking  
11 back at City Council over the last couple meetings that City Council had and land use items that  
12 were at the City Council. So, last week we had on Tuesday, a meeting that was entirely about  
13 land use items and so that was a new... I guess it's been done before, but not in the recent past,  
14 and perhaps a way to try to consolidate some of the land use topics for the City Council. So,  
15 there were two pre-screenings for two different projects that the Council considered and gave  
16 feedback to the proposers. One is on Wellesley which is a proposal for apartments within an R-  
17 1 Zone under the PHZ Program and the other... of course now it's escaping me... it was a  
18 different PHZ Program and I'm forgetting the address but Council also did give feedback on  
19 that. Commissioner Summa, do you remember the address?

20

21 Commissioner Summa: 955 Alma.

22

23 Ms. Tanner: Thank you. 955 Alma which I also confused with 855 El Camino which is Town &  
24 Country. So, those two projects did get reviewed by the City Council and again, pre-screenings  
25 are not binding but do give applicants a sense of whether they would like to move forward with  
26 their proposed project.

27

28 We also had the map item that was before you all and PTC unanimously recommended which is  
29 181 Addison and that did get approved by City Council. And then Council discussed the appeal  
30 of the RHNA allocation, whether or not the City would like to pursue an appeal of that  
31 allocation from ABAG. The Council did vote to pursue that appeal and so Staff will be working to  
32 file that by the deadline which I believe is July 9<sup>th</sup>. The ABAG and HCD did just recently finally  
33 approve the allocation, I believe last week their board met to do that, and so that kind of began  
34 the appeal timeframe. So, we will... Staff will be working on that.

35

36 And then this past Monday Council had an item that was clarifying an ordinance about the  
37 extension of Planning Entitlement and Building Permits. So, you may remember when the  
38 pandemic first start, there was an ordinance that was put forward to make sure that the  
39 entitlements and Building Permits that were set to expire during the emergency didn't expire.

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1 Perhaps someone wouldn't be able to start construction or proceed with their project because  
2 of the great amount of uncertainty and so that ordinance simply clarified how to count when  
3 those permits would expire. So, I can go into that in more detail if the Commission is interested,  
4 but I think it's a pretty well-written Staff report that does explain for anyone who needs to  
5 know the terms of that extension and how to apply that to their project and their permit.

6  
7 We also are continuing to work as a City on our Housing Element and so next Thursday I believe  
8 will be our next Housing Element Working Group meeting and so we look forward to that. It's  
9 5:30 to 8:30 and that will be held via Zoom.

10  
11 And then the last update that I want to make is that we do have... continue to receive and  
12 process applications for safe parking. And so, you may remember that our City has two Safe  
13 Parking Programs. We have a public program at the Gang Road lot which is next to the baseball  
14 fields out there. The athletic center and that is a 24-hour lot that is managed by the county  
15 through contracts that they have and we lease that to the county. We also have a congregation-  
16 based program. And so, the congregation base program is any religious congregation or  
17 organization, can apply for a permit to host up to four vehicles overnight at their site and that's  
18 overnight only for those vehicles. We have one permit that has been issued and that program  
19 just started last week. The permit was issued a while ago but it did take some time to get it up  
20 and running. They reported they had two individuals who were using the program and two  
21 others that were on the wait list and that is at the Highway Community Church on Middlefield.  
22 And then we have another permit that has been applied for that is tentatively approved which  
23 is for the Unitarian Church on Charleston, 505 Charleston. And we have two other applications  
24 that have been received and are still under review. So, that program continues to be processed  
25 by the Planning Department and we do look forward hopefully in the fall we'll have enough  
26 information from the existing programs... again, we only have one in operations right... to make  
27 some changes to that legislation. That is temporary legislation that Council enacted of January  
28 of last year and so the final legislation or the proposed permanent legislation would come  
29 through PTC before going to Council. So, we are looking forward to that, continuing to help  
30 people in our community and being able to come even better program.

31  
32 So, those are the updates that I have for you today and I'm happy to take any questions that  
33 the Commissioners might have.

34  
35 Chair Hechtman: Questions of the Commission? I do see any hands. Are there other Staff  
36 reports for us to receive?

37  
38 Ms. Tanner: There are not any reports at this time.

39  
40 Chair Hechtman: Then we will move into our action items and we have two of them tonight.

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1 **Action Items**

2 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.  
3 All others: Five (5) minutes per speaker.<sup>1,3</sup>

4  
5 2. PUBLIC HEARING/LEGISLATIVE: Review and Discuss Potential Ordinance Changes to  
6 Palo Alto Municipal Code Chapter 18.09 to Consider Regulations to Encourage  
7 Affordability for Accessory Dwelling Units (ADUs). Environmental Assessment:  
8 Exempt from the CEQA pursuant to Public Resources Code Section 21080.17 and  
9 CEQA Guidelines sections 15061(b)(3), and 15305.

10 Chair Hechtman: We're starting, as I mentioned before, with Agenda Item Number Two. It's a  
11 public hearing/legislative review and discuss potential ordinance changes to Palo Alto Municipal  
12 Code Chapter 18.09 to consider regulations to encourage affordability for accessory dwelling  
13 units or ADUs. Before I ask for the Staff report, let me lay out in addition to the break, how  
14 we're... how I'm intending to handle this. So, this notwithstanding its estimate of 2-hours in our  
15 agenda, there... Staff is looking for direction on 14 different items and each one of those will  
16 require a motion. So, if you do the math, 14 motions at even 15-minutes for each topic, that's 3  
17 ½-hours and that is... that would be great if we could get it done that fast. So, but I want is...  
18 what I want to try to organize here is a very efficient way to move through this and so the  
19 organization that I'm envisioning is we will receive the general overview Staff report. We will  
20 ask questions that we may have of Staff. We will take public comment. Then we will... each  
21 Commissioner can have up to 2-minutes for some general overview comments. Then we will  
22 move into our 14 items and we're going to start with two items off the second list if you will  
23 from the Staff report which is the term of the deed restriction and the income level. Then we  
24 will come back to the eight that are listed first in the Staff report and then finish up with the last  
25 four from the second group. And for each of these items, we will get a brief... a Staff slide  
26 highlighting the issue. We will then have a lightning round where each person in 1-minute can  
27 describe where they are on the issue. Every Commissioner can hear it, then we'll have a second  
28 lightning round on that item, another minute and then I'm hoping we'll be ready for a motion.  
29 Start working on a motion and we will repeat that as we move through each of these items. I'm  
30 hoping some of them can be addressed pretty quickly and you don't need to spend all the time  
31 allotted to you.

32  
33 So, I see a couple of hands-on presumably the procedures I'm trying to lay out. So, let me start  
34 with Commissioner Templeton and then Commissioner Alcheck.

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36 Commissioner Templeton: Thank you, Chair. I just wanted to clarify which action item we're on.  
37 I thought you said we were going to hear three before two.

38

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1 Chair Hechtman: No, I'm sorry if I've misspoken. We're going to start with two and take it until  
2 about 8:05 and then we're going (interrupted)

3  
4 Commissioner Templeton: I see.

5  
6 Chair Hechtman: We're going to pause because the Item Three, the... any members of the  
7 public are expecting that at 8:15. So, I wouldn't want to start that too soon and have somebody  
8 miss it thinking that... and so we're going to take a pause, do Item Three in its entirety, and then  
9 return to Item Two.

10  
11 Commissioner Templeton: So, how does that work? Do we continue Item Two till later in the  
12 meeting?

13  
14 Chair Hechtman: No, the Chair has the discretion to basically organize the agenda in this way. I  
15 did... I was curious about that myself, so no motion to continue is necessary. We've just made  
16 that adjustment to the agenda and we will literally just pause it while we take item three.

17  
18 Commissioner Templeton: Ok, alright thank you for clarifying.

19  
20 Ms. Tanner: Commissioners may be familiar with other bodies in other Cities that sometimes do  
21 things that what's called time certain. And so, at the time certain that the item is stated to be  
22 called, other items pause, and then that item that has a time certain is called up.

23  
24 Chair Hechtman: [unintelligible – no audio] Ms. Tanner. Commissioner Alcheck.

25  
26 Commissioner Alcheck: I think that's great that we're doing that to get these people who've  
27 been attending three meetings in a row sometimes on the dais but my question was. You ran  
28 through the order really quickly, so would you just say the numbers again how you want to go  
29 through the things. I want to write them down so I have them.

30  
31 Chair Hechtman: Sure. If you look at the Staff report, we're going to start with Item Number  
32 One at the bottom of Packet Page 14 and then do Item Number Two which is on Packet Page  
33 15. And then we're going to go back in the Staff report to Packet Page 11 and do in order roman  
34 one through roman eight which takes us from Packet Page 11 to the bottom of Packet Page 14.  
35 And then we'll finish up with Items Three, Four, Five, and Six which are... start on Packet Page  
36 15 and go over to Packet Page 16. Alright, so any more questions on this process which I hope  
37 will work, and see us complete both of these items tonight at a reasonable hour. Alright, seeing  
38 none, may we have a Staff report.

39

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1 Mr. Garrett Sauls, Associate Planner: Sure, thank you Chair and thank you, Commissioner  
2 (interrupted)

3  
4 Ms. Rachael Tanner, Assistant Director: Go ahead, Garrett.

5  
6 Mr. Sauls: For time tonight. It's another dense discussion on ADUs which I'm sure is kind of a  
7 unique situation for many people. We don't normally try to cram so many things into one item  
8 but the idea is we're trying to be a little bit more expeditious with some of these things to  
9 hopefully capture a lot more information at one time. So, that we don't have to have too many  
10 meetings on this.

11  
12 Alright, so I'm going to share my screen, and can you all see my screen? I'm sharing my  
13 presentation.

14  
15 Ms. Tanner: Yep, we have it.

16  
17 Mr. Sauls: Ok, thank you. Alright, so like we said earlier, we're going to be talking about  
18 accessory dwelling units. Spherically, what we're going to be talking about today are how we  
19 can try to incentivize affordable accessory dwelling units which is a subset category of accessory  
20 dwelling units that aren't necessarily addressed by the State Code currently.

21  
22 So, to overview what we're going to talk about. We're going to just give a brief understanding  
23 of what junior and ADU... junior accessory dwelling units and accessory dwelling units have kind  
24 of come to as of today. We're going to talk about the City Council's direction and potential  
25 policies that we're going to discuss today as well.

26  
27 So, to capture a timeline, last fall was when the Council had passed the new... the City's new  
28 Accessory Dwelling Unit Ordinance. This was an ordinance that complied with state law as well  
29 as provided additional changes and they had directed Council or they had directed PTC to  
30 continue refining that policy or those policies to find better ways to encourage accessory unit  
31 development. Now in February and March, the PTC had discussed the non-affordability section  
32 related to what are potential ordinance changes to the Accessory Dwelling Unit Ordinance and  
33 that, in addition to what we discuss tonight, is going to fill out what is going to be a future  
34 ordinance we develop. In that timeline at the current understanding is that possibly June or  
35 July, late June or late July, we would be returning back to the PTC to identify these items. You  
36 know the standard items that we'd be adopting as our by-right ordinance regulations that  
37 anyone are able to utilize as well as these regulations that are specifically targeted towards  
38 benefits or incentives addressing or encouraging affordable unit development. And ideally then,  
39 following from that meeting at PTC, in fall time we'd be returning back to Council with an  
40 ordinance with recommendation from the PTC.

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2 So, to catch the overall items what the Staff report talks about, we talk about potentially  
3 allowing for reconstruction or expansion of non-conforming walls. We talk about potentially  
4 removing the requirement to have an existing garage to benefit from the state's Parking  
5 Allowances which potentially could eliminate or what currently allows for is a reduction in  
6 parking requirements on site. Potentially providing additional accessory dwelling units when an  
7 affordable unit is being developed. Exempting basements from the floor area and maximum  
8 size requirements. That the state law and our current ordinance includes potentially increasing  
9 the maximum size of an ADU and a JADU. Providing potentially reduced setbacks to the current  
10 standards which are right now 4-foot interior and rear side setback. Potentially exempting  
11 Development Impact Fee for these units and also reviewing potential for expediting reviews in  
12 addition to what are maybe some potential standards that we or potential review processes  
13 that we have been looking to enact as of recent.

14  
15 The following policy considerations that are also in the Staff report at the end is discussions on  
16 how we want to establish a duration for these affordable units? How long we want them to be  
17 affordable for? What are the income categories that we're trying to serve? Currently, the City  
18 does a fair job of trying to address its market-rate housing and Staff would be more interested  
19 in understanding PTC's interest in establishing maybe a targeted moderate or low-income  
20 category for these types of units. Additionally, discussing the income verification and leasing  
21 process as well as how tenants are selected as well as what are the potential program  
22 administration costs for doing that? And what are potential financing options that are available  
23 through the state... through state funds that we might be able to use for ourselves to help  
24 administer that program, or even potentially establish partnerships with other organizations  
25 that can help support financing for these units... for these types of unit development?

26  
27 So, the input and the recommendation that we're looking for from the PTC tonight is to identify  
28 what incentives we want to pursue and which ones we do not want to pursue. So, similar to  
29 what we had discussed in the meetings in February where deciding a policy just making an  
30 action on which ones we want to... an incentive that we want to pursue and then tossing the  
31 others so much to the side to say spend your time on this, not necessarily on that. And once we  
32 provide... once we have received that input from the PTC, I mentioned before, we'll be  
33 returning in about June or July, late June/July, to present a potential draft ordinance on these  
34 topics.

35  
36 And we have additional slides that will showcase the items individually that we can continue...  
37 that we can discuss.

38  
39 Chair Hechtman: Thank you, Mr. Sauls. Questions of Staff by the Commission? Commissioner  
40 Alcheck, your hand is up but I think it's just still up from before. Alright, questions by any

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1 Commissioners before we go to public comment? I'm seeing no hands so I will opening the  
2 floor... I mean open the floor for public comment. Please raise your hand if you wish to speak.  
3 On the Zoom App, there's a raise hand button on the bottom of your screen. If you are dialing  
4 in from a phone, please press \*9 and Mr. Nguyen, before I ask you for public speakers. I should  
5 mention that while Mr. Sauls has mentioned that there are additional slides he will be showing  
6 us on the individual items. Those slides provide information that's actually already in our Staff  
7 report. It's just breaking it down on an item-by-item basis. So, we feel that the public, with  
8 access to the Staff report and its attachments and this summary Staff report on the front end,  
9 have the information they need to make full public comments. So, with that, Mr. Nguyen, are  
10 there any public speakers for this item?

11  
12 Mr. Vinh Nguyen, Admin Associate III: Yes, we do have one raised hand. Our speaker is... I'm  
13 sorry, we have two raised hands. Our first speaker will be Peter followed by Keith.

14

15 Mr. Peter Baltay: Good evening, can you hear me, Vinh?

16

17 Mr. Nguyen: Yes, we can. Thank you.

18

19 Mr. Baltay: Hi, my name's Peter Baltay. I'm a practicing architect in Palo Alto. I'd like to speak to  
20 three of the items in the Staff report. Item number one, some flexibility in converting existing  
21 garages to ADUs is necessary to allow reasonable functionality. I suggest to you that you  
22 consider altering the daylight plane as a means of allowing this. Currently, a day light plane of  
23 10-feet... starting 10-feet high at a property line up 45-feet [note – degrees] is what's required  
24 for a main house where an accessory building is only 8-feet up 45-degrees. Consider just  
25 allowing a 10-foot day light plane for accessory structures is a means to allowing a roof to  
26 exceed by 1 or 2-feet maximum on an existing garage structure. This will allow the interior to  
27 have an 8-foot ceiling which is a reasonable and necessary thing.

28

29 Secondly, when converting an existing garage into an ADU, it's unreasonable to require the  
30 replacement parking and then later expect someone to convert that back into an ADU by  
31 having a garage. On most lots in Palo Alto where a detached garage is necessary. You cannot  
32 also fit covered parking. There's just not enough width in a typical City lot. Therefore, an owner  
33 would be required to build a garage or a carport, then later take out a permit to build an ADU in  
34 the same place. Just duplicating the approval process and wasting construction effort. It's  
35 contrary to City policy. It disincentives ADU construction. It's poor public policy. Zoning should  
36 be independent of permit sequencing.

37

38 Thirdly, basements, you should allow basements under ADUs per all over City... current City  
39 policies. Current... many houses with a basement typically have the basement edge 2-feet 4-  
40 inches from the property line with a 6-foot setback and a 3-foot exit stair on the side which is

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1 quite typical and an 8-foot concrete retaining wall which is quite necessary. You're left with 2-  
2 feet 4-inches from the edge of the property line to the edge of the foundation. Having ADUs  
3 having the same type of basement is approximately the same difference. There is no technical  
4 reason not to do it. The City currently has a Tree Protection Ordinances, currently has civil  
5 engineering and shoring requirements, currently has dewatering policies. All of these  
6 adequately address this issue. There is no technical reason to prohibit basements below ADUs.  
7

8 Lastly, I support the items that are mentioned in the letter referred in Appendix Boulevard from  
9 the Palo Alto architect group. They're all legitimate reasons. The issues before you tonight are  
10 not strictly based on affordability of ADUs. There's numerous other detailed items that merit  
11 your and City Council concern. Thank you very much for hearing me.  
12

13 Mr. Nguyen: Thank you Peter for your comments. Our next speaker is Keith and it looks like we  
14 also have a new raised hand from Nigel. Nigel, sorry if I mispronounced your name there. Up  
15 next is Keith.  
16

17 Mr. Keith Bennett: Hello, I'm Keith Bennett. I'm with Save Palo Alto's Ground Water. First of all,  
18 I want to say that there's a lot of misunderstanding about what the Dewatering Ordinance  
19 permits and doesn't permit. The current Dewatering Ordinance does not restrict in any way the  
20 amount of water that is pumped; or the rate of the amount of the water being pumped; or in  
21 fact, the amount that ground water is lowered even 1,000-feet or 2,000 away from the  
22 pumping site. So, hiding behind the Dewatering Ordinance I think is misplaced.  
23

24 Our comments are not related to basements per se but we are very concerned about  
25 basements in areas where the basement... where construction of the basement will interact  
26 with ground water and our soils are the largest component of our stormwater management  
27 system in the City. Our soils absorb and transport about 80 percent of the stormwater in any  
28 given year and basements impede that flow. Contrary to population belief, with a normal  
29 basement, the water just doesn't go down and under the basement because of our soil  
30 structure which is a layer of sand and clay. In fact, it goes around so basements impede the flow  
31 of stormwater and in addition... so they work as a dam. That raises the groundwater level in  
32 surrounding areas during increasing events... increasing storm events that we would expect  
33 with climate change.  
34

35 And in addition, building basements without compensation reduces the stormwater storage  
36 capacity of our soil. We have regulations on the surface for permeable pavements but it's  
37 doesn't make any difference if there's no place for the water to go.  
38

39 So, we would like... we... our request is that all setbacks in areas where groundwater is a  
40 concern be at least 6-feet for the edge of the underground construction. The current ordinance,

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1 as you know for houses, as Peter just mentioned, and in fact are to close and adding more  
2 underground construction onto a lot is the wrong direction and rationalizing as it's ADU is also  
3 the wrong direction.

4  
5 Again, our comments are strictly focused on areas where groundwater is an issue. It's not an  
6 issue in much of the City but it is an issue also in a large part of the City. Thank you.

7  
8 Mr. Nguyen: Thank you for your comments. Our next speaker is Nigel.

9  
10 Mr. Nigel Koh: Hi everyone, this is Nigel, a homeowner in Palo Alto. I have submitted our plans  
11 to the individual review and we've gotten first our revisions without any... to many comments.  
12 And with the second revision, we received one that said there was an issue with the ADU in  
13 terms of covered parking space and we are planning to build an ADU and not a garage. And  
14 there is no room on smaller lot areas within Palo Alto to build both ADUs and covered parking.  
15 So, I think it is fair or good policy to have us build a garage and then remove it just because we  
16 are building a new home at the same time. And so, I think that should be independent of the  
17 way the permit is sequenced as Peter has brought up previously.

18  
19 And we are also considering renting it out to help offset the high cost of housing. So, myself and  
20 my wife and our new kid, we want to be raising our family in Palo Alto but you know we're  
21 trying to keep the cost low as well. So, we do want to ask that... to consider that, to remove the  
22 requirement for covered parking for the ADUs. Thank you.

23  
24 Mr. Nguyen: Thank you for joining us tonight. Chair Hechtman, that concludes public comments  
25 for this item.

26  
27 Chair Hechtman: Alright, thank you to our members of the public. Alright, we will now move to  
28 the Commission discussion, and as I mentioned before. The way it'd like to start is to give every  
29 Commissioner the opportunity to spend 2-minutes with overview comments, not directed to  
30 any of the... necessarily to any of the 14 items that we will be taking up individually. But more  
31 big picture and so I'll ask if any of my fellow Commissioners are interested in doing that. If so,  
32 who would like to go first? Ok, I'm not seeing any hands so I'll lead off and see if anybody wants  
33 to follow me.

34  
35 So, we have a discrete issue tonight within the... it's a subset of the ADU discussion and here,  
36 what we are particularly looking at is how can we encourage property owners to do something  
37 that we cannot obligate them to do and that is to provide an affordable dwelling unit. How can  
38 we do that? And so that issue, really to me, begs the question if we develop an ordinance with  
39 incentives to provide affordable housing units, but because of the way we do it, no one ever  
40 builds one, then have we wasted our time and I think the answer to that would be yes. So, my

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1 focus, as I looked at all of these 14 items, is to put myself in the shoes of a property owner who  
2 might be tempted to build an affordable unit, and what would it take to actually get them to do  
3 it? So, those are my preliminary overview comments. Any other Commissioners want to speak  
4 before we go to the individual 14 items? Commissioner Summa.

5  
6 Commissioner Summa: I did have a question for Staff and I was wondering if Staff had looked at  
7 other Cities? Maybe it's too soon in the lifetime of ADUs but if other Cities had had success in  
8 this quest for incentivizing affordable ADUs?

9  
10 Ms. Tanner: So, I don't know if Garrett... there you are. I know Garrett did do that. Do you want  
11 to describe where you were able to look, Garrett?

12  
13 Mr. Sauls: Sorry, I was talking but I was muted. Yeah, no, I've definitely taken a look at the  
14 number of those and the task force was helpful in identifying a specific instance that is included  
15 in the Staff report here related to potentially proving an additional accessory dwelling unit. The  
16 City of San Diego actually has a program or it had established a program around the same time  
17 that we did our ordinance last year with City Council. Where they effectively established that  
18 you could, in a transit priority area, if for every unit that you provided that was an affordable  
19 unit. You could get another unit on top of that to an unlimited amount and for every area that  
20 was outside, that was outside of a transit priority area. You'd only get one. That so far has been  
21 the only program I've been able to find that has mostly anything, to say the least. I've looked at  
22 a number of others in the Bay Area and even looked at Santa Cruz. It didn't necessarily seem  
23 like there was a lot of information out there just yet as to how successful the program even was  
24 in the City of San Diego. It's so [unintelligible] that it's only a couple of months old  
25 unfortunately so I couldn't find anything that described how much interest there was on that  
26 yet.

27  
28 Ms. Tanner: I think just to build on that. I think there... it is a pretty new untrodden territory for  
29 Cities in terms of how to have affordable ADUs and so we're on the cutting edge. So, that's  
30 awesome, but also could sometimes be the bleeding edge. So, you try something and see if it  
31 works. I think there are more programs in Cities to help make it easier to build an ADU. Either  
32 providing pre-approved plans or financing programs. Some of those things which we do hope to  
33 get eventually, but that's more about increasing production, not necessarily the affordability of  
34 the unit to the prospective tenant.

35  
36 Commissioner Summa: Ok thank you for that.

37  
38 Chair Hechtman: Any other Commissioners want to make preliminary comments before we go  
39 the individual items? Alright, see no hands let's move then to our first of the individual items  
40 which is Item Number One. The length of time for the deed restriction. Mr. Sauls?

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1  
2 Mr. Sauls: So, I'm sharing my screen again right here. So, overall, the topic discussed in the Staff  
3 report about the duration of affordability really gets to what Assistant Director Tanner just  
4 mentioned. This is a new territory where typical affordability is thought more of the 50- to 99-  
5 year time span. To echo what is identified in the Staff report. What we have looked at so far,  
6 which like I mentioned before was the City of San Diego and limited other communities that  
7 have tried to establish an affordability aspect to their ADU development program, has really  
8 looked at shortening that timeframe significantly. And what their recommendation at the time  
9 was 15-years for most units. We had also spoken with the task force about this back in  
10 December of last year to identify to them also that we were looking at how we can think of  
11 more ideas to put into this to try to address Commissioner Hechtman or Chair Hechtman what  
12 you're kind of getting at in general. Which is we want to spend the time to make something  
13 that works, not end up wasting it. So, overall, their thought and from what they had heard was  
14 that the residents that they had reached out to felt more that a 5-year time period was  
15 appropriate in terms of meeting affordability. I think Staff has some concerns as it relates to the  
16 shortness of that period relative to the type of unit we're trying to provide. So, what we are  
17 looking from the PTC to give input on is if there's a duration of affordability that we establish?  
18 That we have a clear understanding of what we're trying to go for and it could be even  
19 something that may be tiered based off of the level of affordability. So, for low or very-low-  
20 income units, perhaps there may be a lower threshold or a shorter span to the length of  
21 affordability that may be provided where as standard units might receive a more standardized  
22 15-, 20-year or 30-year timeframe.

23  
24 Chair Hechtman: Thank you. So, I think the way that we're going to need to do this probably  
25 logically is to take any Commission questions before we start our lightning round.  
26 Commissioner Templeton, I see your hand is up. Do you have a question or do you want to start  
27 the lightning round?

28  
29 Commissioner Templeton: I just have a question. I was wondering about recently we had a  
30 presentation about rents and the structure was such that the new homes for a period of 15-  
31 years or whatever could be regular rent and then afterward the rent where controlled more.  
32 Had you thought any about a structure like that for ADUs where you'd have a faster chance of  
33 recovering the cost of the ADU before going into the affordable price bracket? And if you did  
34 think about it, why is this is the recommended way to go? Thank you.

35  
36 Mr. Sauls: In an earlier draft of the Staff report while we were working on it, that idea was  
37 considered in that maybe we could establish that in conjunction with other policies like  
38 providing an additional unit. Perhaps we establish a threshold that says 15- or 30-years is what  
39 needs to be achieved and you as the homeowner may be able to choose which unit you want to  
40 assign to what. So, that it might be something like maybe a year or 5-years for one unit, 25- or

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1 29-years for the other. So that, like you suggested, you may be able to recoup that cost in a  
2 shorter timeframe as most of these developments can, especially in the Bay Area, be fairly  
3 expensive. Between what we've seen numbers from \$20... \$250,000 to \$300,000 depending on  
4 the materials, the size, and most other things as a result to it.

5  
6 In the end of it, I believe... and we also have our housing planner today with us, Tim Wong, so  
7 he may be able to speak to this a little bit more. From my recollection, there were some  
8 complications with how that might get actualized in a program. And so more so we were  
9 looking to establish maybe an easier metric of just saying here is one threshold and then here is  
10 another. For a standard unit maybe a moderate income, 80 to 120 percent, has this threshold  
11 and a very-low or a low-income has a lower threshold or a different one. So, it's a little bit  
12 easier to implement than trying to ensure that the homeowner is following through with  
13 maintaining a certain amount of timeframe because those can be very difficult to track. It is not  
14 necessarily this day... you know January 1<sup>st</sup> it's affordable and it stopped at January 30<sup>th</sup>  
15 because they had a tenant move out and they had to find somebody else. That time period kind  
16 of continues and so that was a little bit more difficult to figure out that nuance.

17  
18 Commissioner Templeton: Thank you.

19  
20 Mr. Tim Wong, Senior Housing Planner: And good (interrupted)

21  
22 Chair Hechtman: Commissioner Chang, question or you want to start the lightning round?

23  
24 Commissioner Templeton: Chair, Chair?

25  
26 Chair Hechtman: Oh, I'm sorry.

27  
28 Commissioner Templeton: Sorry to interrupt. I think Mr. Wong wanted to add a comment as  
29 well.

30  
31 Chair Hechtman: Oh, sorry.

32  
33 Mr. Wong: Apologizes. Yes, Tim Wong, Senior Planner, just to address Commissioner  
34 Templeton, generally, it is administratively harder to enforce when we have suspended the  
35 restrictions for X amount of years. Understanding your sentiment to try to have the  
36 homeowner recapture their cash sooner than later but it is difficult to enforce to go from a  
37 market-rate unit to a restricted unit later in the future.

38  
39 Commissioner Templeton: Thank you.

40

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1 Chair Hechtman: Commissioner Chang, question?

2

3 Commissioner Chang: I had a question. So, Mr. Sauls could you expand a little bit more on how  
4 Staff arrived at the recommendation for 15-year? You had mentioned that you were looking at  
5 a few other Cities and I'd be curious to know specifically which Cities and just any other thing...  
6 any other information you can give us about how you arrived at that number?

7

8 Mr. Sauls: Sure, so this timeframe matches or mirrors the City of Diego's timeframe that they  
9 had established which was 15-years. Ideally, it's again this unique situation where we don't  
10 have these kinds of units as a framework to base it off of. And again, those typical affordable  
11 units are a much longer timeframe which a homeowner may not be so much... so willing to  
12 continue, or it just may be difficult as we've already discussed to recoup those costs after such  
13 a long period of time. So, the idea here was to try to establish a timeframe that would provide a  
14 meaningful amount of time for people to cycle in and out of these units. Rather than say give  
15 say a year or two or a couple of years that may be at a moderate-income level or a very low-  
16 income level. The idea was really to try to create a bit of a middle ground. That it would still  
17 give the City affordable units for a decent amount of time and not necessarily create one that  
18 was too short or especially long.

19

20 Chair Hechtman: Any follow-up question Commissioner Chang? Alright, then let's hear some  
21 Commissioner comments on this idea of a length of time for deed restriction. As I said, I'd like  
22 to have this be a lightning round where each of us spend a minute sort of getting our idea, our  
23 thought out on the table, and we can have a second round to react to other Commissioners and  
24 hopefully have a motion. So, Commissioners who would be willing to step up first?  
25 Commissioner Lauing, thank you.

26

27 Commissioner Lauing: Thanks. You know the standard right now is 55- to 99-years for  
28 inclusionary BMR and obviously affordable is the highest demand that we have to solve for in  
29 the next round of RHNA and beyond. I guess my concern is we're going everything we can to  
30 get more inclusionary units at 15. If we drop below the 50 to 99, number one we're making  
31 these slightly less permanent. They're actually more like temporary compared to 50 to 99 and  
32 does that raise the question that we're intending to go back and revisit the 50 to 99 on other  
33 inclusionary? So, whatever number is picked above 15 and below say 50, that reduces the  
34 amount of time that these affordable units are going to be standing basically. So, we're actually  
35 building up with this approach a problem down the line that these folks are going to be taking  
36 that off because they can get more rents after X numbers of year; 10, 15, 20 whatever. So,  
37 that's a concern that there's an inconsistency there and that we're essentially putting up almost  
38 temporary affordable housing that's going to go away. I'm not even sure that would actually  
39 qualify under the RHNA definition if that's... that was our intent. So, those are some of the  
40 concerns in my lightning round.

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1  
2 Chair Hechtman: [unintelligible – no audio] Commissioner Lauing. Commissioner Summa.

3  
4 Commissioner Summa: Thank you, Chair. I am... I share the same concerns that Commissioner  
5 Lauing shares and really, I don't know... I mean 15-years is a really short time. Where does the  
6 person go after that? If... I mean it's very challenging for us to find groups that want to finance  
7 affordable housing so where does the person go? 15-years isn't even a generation and does  
8 that unit them get removed from our... is there a deficit now? Are we down an affordable  
9 housing unit with regards for RHNA numbers? That's problematic for me and just to... I mean  
10 people tend to stay in affordable units when they get them for quite a long time because they  
11 wait so long to get them. So, I... 15-years would not be suitable for me. I would me more along  
12 the lines of closer to 50. Maybe there's a sweet spot somewhere in the middle that's below 50  
13 but 55 and 99 being the normal, 15 doesn't really do it for me. Thank you.

14  
15 Chair Hechtman: Commissioner Templeton.

16  
17 Commissioner Templeton: Thank you. I'm also concerned about the timeframe. It doesn't make  
18 a lot of sense to me. It also does feel flipped as far as being able to recover the cost. We're not  
19 talking about major corporations. We're talking about people that own a home and are trying  
20 to add an additional place to live on their property. I'll be it small, so I feel like that's a long time  
21 for a homeowner to carry the financial burden of creating these units and eventually perhaps  
22 after their lifetime being able to rent it then at a higher rate. We lose the affordability so it just  
23 seems a little bit backward to me and I'm happy... I invite Staff to feel free to respond. These  
24 are my lightning-round comment but I'm just baffled because this feels like a lose-lose. I don't  
25 know how this helps motivate towards our goal of building the affordable unit because it's  
26 harder for the builder and harder for the renter because they have a cliff when they have to  
27 move out. So, I would love to brainstorm a little bit about what we can do to make this more  
28 appealing but it's problematic. Thank you.

29  
30 Chair Hechtman: Commissioner Alcheck followed by Commissioner Chang.

31  
32 Commissioner Alcheck: I originally organized my thoughts on the items tonight in the order the  
33 Packet treated them. I'm comfortable addressing this question ahead of the eight ideas but I  
34 want to make a broad point about the eight ideas and how they relate to this item; which is  
35 that they are of course extremely related. And if our goal is to actually incentive wide adoption,  
36 to actually succeed and encouraging the development of ADUs as our Chair eloquently said at  
37 the beginning for the purposes of affordability. Then the extent in which this body supports the  
38 flexibility proposed should be directly proportional with this item's length.

39

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1 So, I mean, frankly, I think including 55- to 99-years in the Staff was a mistake because it sets us  
2 in this perspective that this is somehow related to below-market-rate housing which it is not.  
3 Below-market rate housing developers often partner with federal or state funding sources.  
4 They're in the business of developing units. It's... the whole model of the ownership of the  
5 property is related to this concept. That's not what we're talking about here.

6  
7 What we're talking about... first of all, to address something that Commissioner Templeton just  
8 said. Any amount of ADU development in this City addresses our housing needs. Every time we  
9 put a unit that could theoretically house an additional family unit, person, couple, elder. We  
10 create an opportunity to address the crisis which is entirely supply-related.

11  
12 Now, there's the lofty goal of affordability. I'm sorry about this sunlight on this window but this  
13 other idea of affordability is exceptional because we're saying in addition to the expenses that  
14 you're going to undergo to build this house. We want to also encourage you to consider not just  
15 renting it but also renting it for less than you get and that is a huge ask. So, I would assume  
16 anyone that supported the shockingly high 55- to 99-years would be very, very encouraging of  
17 the other eight items. Essentially, you might as well allow them to build a four-story multi-  
18 tenant dwelling because (interrupted)

19  
20 Chair Hechtman: Commissioner Alcheck, can I have you wrap up your first 1-minute, please?

21  
22 Commissioner Alcheck: Yeah, sorry, it's 1-minute. Anyways, so I will say this, the Packet didn't  
23 discuss a couple of the ideas that I've already said in the three previous meetings. Number one,  
24 if we can measure the gift, for example waiving Impact Fees, then we can allow someone to  
25 opt-in or opt-out. If after 5- or 7-years their incapable of continuing this relationship. They pay  
26 you back what they did with interest, something like that. We are probably kidding ourselves if  
27 we think that someone's going to opt into this for I imagine anything over 10-years.

28  
29 I would just add one more item here that what is the difference between the deed restriction  
30 and the requirement that the unit be rented? If a homeowner builds this, rents it out for a few  
31 years, then sells the home. Is the next homeowner obligated to actually rent it to a below-  
32 income person or could it sit vacant? I think those are questions we have to understand.

33  
34 Chair Hechtman: Thank you, Commissioner Alcheck. Commissioner Chang, I see your hand but I  
35 also see Ms. Tanner and let me go to her first. Ms. Tanner?

36  
37 Ms. Tanner: I don't want to interrupt the lightning round. I just want to... when it's done I know  
38 Commissioner Templeton had raised some question so whenever this finishes.

39  
40 Chair Hechtman: Ok, alright, we'll come back to you after this first round. Commissioner Chang.

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1  
2 Commissioner Chang: I'd actually like to hear the answers because maybe I won't have to speak  
3 but I will just say that I... without the deed restrict I think this is... we may as well just... without  
4 an adequate deed restriction. I would say that we can just have a conversation about ADUs,  
5 right? My concern is that if we're really talking about doing bigger ADUs that might house  
6 families and like Commissioner Summa said. When people move into affordable housing, they  
7 want to make their lives there. If this affordable housing is going to go away shortly, then we  
8 have a problem. Where are people going to move and I'm all... I love these ideas of slightly  
9 larger affordable units where a family could actually set up. You know we always talk about the  
10 school teacher who needs affordable housing. Well, they want to be able to have affordable  
11 housing with their family and so I'm really concerned about the... 15-years seems just really  
12 short because people are going to get booted, and then what do we do? So, that's where I  
13 come out on this. I don't know how to solve the problem though because I do understand that  
14 it can be a pretty big barrier to homeowners.

15  
16 Chair Hechtman: Thank you, Commissioner Chang. I think all the Commissioners except me  
17 have spoken so I will say that today I can build an ADU not deed restricted and I can rent it out  
18 for the market price. So, the question is what's it going to incentive me to not do that? To not  
19 maximize my income from the ADU and recognizing that if I have... if I deed-restrict it and am  
20 limited to satisfying some component of affordability, I hope you can still hear me, then what it  
21 means is I'm probably going to rent that for less than it's costing me and so I'm going to lose  
22 money. So, the question is, on the front end, how many years will I be willing to lose money  
23 before I just say, you know what, I'm not doing that. So, I think the number should be 10-years  
24 because I think that's a long time and I think that if this works and we get 20 people building  
25 deed-restricted ADUs every year, then 10-years from now we'll have the first 20 roll out but  
26 we'll have 20 new ones coming in and we'll always have 200 at any time. And as they roll out, of  
27 course, then they are just market-rate housing which we also need which I could have built in  
28 the first place.

29  
30 So, I like 10-years and then we're going to talk later about a possibility of a second or sorry, a  
31 third ADU, a bonus ADU. I think that should be 10-years longer than whatever term we agree  
32 on here.

33  
34 Alright, so that's our first round. Ms. Tanner, you want to respond to some questions?

35  
36 Ms. Tanner: Sure. Yes, thank you, Chair. I did hear a question from Commissioner Templeton  
37 about kind of the order of operations. I think as Mr. Sauls explained, putting the affordable time  
38 period on the other end, let's say 10- or 15-years after development, I think does create a bit of  
39 a similar challenge but different in that whomever is living there at that time would need to be  
40 removed from the unit unless that person's income qualifies for the affordable unit. And I think

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1 it could create an administrative challenge of making sure that we have appropriate flag in our  
2 system that is there 10- or 15-years in the future to notify that that owner that they now must  
3 rent to someone else different from who've they've been renting too. So, it may be easier to  
4 have the affordable portion be in the front end for a given period of time. It clearly begins on a  
5 clearly begins on a certain day and it clearly ends on a different date.

6  
7 I do think just to perhaps going along with what Chair Hechtman has said. Part of this is to recall  
8 that this is additional. So, again the existing ADU rules apply and are available to any property  
9 owner where residential property is allowed. Residential uses are allowed. We typically see  
10 single-family homes adding ADUs, although multi-family buildings are eligible to add ADUs  
11 under state law as well. And so, this is talking about what incentives, which are the later items,  
12 would the Commission and the City ultimately be willing to extend in exchange for a period of  
13 time for which the unit is affordable? And I would say 99- or 50-year is longer than a typical  
14 mortgage in the United States and may be longer than the typical homeowner ten-year and so,  
15 that could be a challenging timeframe for a homeowner to commit to. And again, to actually  
16 yield the affordable ADU and I certainly do agreed, whatever timeframe is used, even if it's 99-  
17 years or 50. When those affordable units turn into market rate, there's always a challenge and  
18 it's not necessarily pleasant. And so, I do want to recognize that that's a fundamental just  
19 discomfort with the program and that it isn't forever but for a fixed time period.

20  
21 Chair Hechtman: Thank you, Ms. Tanner. Alright, we're ready for round two now.  
22 Commissioners, you've heard each other's preliminary thoughts. Does... do any Commissioners  
23 wish to speak more or react to anything they've heard? Commissioner Alcheck.

24  
25 Commissioner Alcheck: Thanks. I'll just try to jump in. I have lots of thoughts on this. I didn't get  
26 a response from the Director or any of the Staff members about what happens if a new  
27 homeowner decides not to rent at all.

28  
29 Ms. Tanner: If... go ahead, Garrett.

30 Mr. Sauls: Sorry, I mean the deed restriction runs with the property, so they would be  
31 behold to it as well.

32  
33 Commissioner Alcheck: Right, [unintelligible](interrupted)

34  
35 Mr. Sauls: Any future homeowner would need to be rent that unit as an affordable unit as well.

36  
37 Commissioner Alcheck: So, the homeowner is required to be a landlord or if they elect to be a  
38 landlord, they have to be an affordable landlord?  
39

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1 Ms. Tanner: I think we would argue the former and I think we, unfortunately, have our normal  
2 City Attorney here. So, we would need to look into the legality of that. I know there are some  
3 efforts underway in Cities to ensure that ADUs are actually rented or typically it's creating a fee  
4 or some type of penalty if you don't rent it. So, it's... so there's a way to get around it but those  
5 are also not full developed or implemented.

6  
7 Commissioner Alcheck: I think these are some of the questions we need to better understand  
8 because maybe being a landlord in a certain period of life makes more sense but being a  
9 landlord forever doesn't. I think what you're asking tonight... first of all, let's just... I want to  
10 state for the whole concept which is there are a lot of people interested in ADUs. There's  
11 nobody interested in affordable ADU development right now. The only way someone gets  
12 interested is if you give them something really exciting tonight. And so, my concern is that for a  
13 large number of the items, one through eight, I don't think they're particularly appealing for the  
14 sort of person who wants to build an affordable ADU. I don't want to get into them now but  
15 basements are the most expensive part of an ADU so or most expensive part of construction  
16 and they add a tremendous amount of time. So, the sort of person who's trying to create  
17 something affordable isn't likely trying to build the most expensive version of that. And so,  
18 what happens when you say it's got to last for 55-years and you're... but you're trying to appeal  
19 to someone who wants an 1,800-square foot ADU which is the sort of ADU only the kind of  
20 person who probably has no financial constraints could build? And then what sliver of the  
21 population is that?

22  
23 So, for me, subsidizing waiving fees, waiving permits, faster services, not necessarily creating a  
24 whole slew of different looking or different sized or different placed ADUs are more  
25 appropriate to this discussion. And then the question is because those don't mean you're living  
26 with an ADU that you wouldn't have otherwise had. Then the issue... then the discussion of the  
27 affordability becomes easier because you can say look, you were granted this and we expect  
28 this, like a contract, and if you can't live up to that. Then we can maybe have a claw back. Now,  
29 I don't... I'm not necessarily saying I know exactly how that works but I just... I have some real  
30 concerns that we're working on something that won't succeed.

31  
32 And so, I second this notion of a 10-year and I would... I don't know that it will result in 200-  
33 units over 10-years or what not but I would suggest that the only way... what I would suggest  
34 from everyone is you all have the sense of where you're going to be on the other issues tonight.  
35 So, unless you're really bullish on the other items, I just can't imagine who's going to do this.  
36 Who's going to build the 55-year deed-restricted property and what about this setup is going to  
37 encourage them to do it? And I'm... I think that you have to imagine how you're going to act on  
38 the other items when you vote on this one because if you plan on being conservative. Then this  
39 is the nail in the coffin to the whole thing.

40

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1 Chair Hechtman: [unintelligible – no audio] Commissioner Alcheck. Other Commissioners for a  
2 second lightning round? Commissioner Summa, thank you.

3  
4 Commissioner Summa: Yes, thank (interrupted)

5  
6 Chair Hechtman: Followed by Commissioner... I'm sorry.

7  
8 Commissioner Summa: Sorry. Not to say that 55- to 99-years, I agree that may be unrealistic for  
9 homeowners opposed to affordable housing or so maybe 30-years is a sweet spot. A lot of  
10 mortgages run in that direction. I just think... and I'm really concerned that hardly anybody will  
11 want to take advantage of this. Even with... the incentives to me aren't really great but I do  
12 think if we're going to do it. We have to make it a meaningful contribution to the lives of people  
13 that want to live in Palo Alto and can't afford to do that. So, I don't want to jump ahead of the  
14 process Chair I would be willing to make a motion here when you're ready.

15  
16 Chair Hechtman: I'm sorry, my internet cut out. I think you were saying you'd be willing to make  
17 a motion? You're muted now.

18  
19 Commissioner Summa: Sorry, I said I didn't want to jump ahead of the process but I'm willing to  
20 make a motion when you are ready to entertain one.

21  
22 Chair Hechtman: Ok, thank you. That could be very shortly. Right now, I only see Commissioner  
23 Lauing's hand up.

24  
25 Commissioner Lauing: I have... can you hear me ok?

26  
27 Chair Hechtman: Yes, thank you.

28  
29 Commissioner Lauing: Ok, you're as well so I'm not on screen. So, do we have any data... a  
30 question to Staff I should have asked earlier. Do we have any data at all on what average rents  
31 are for ADUs and I have a follow-up point on that?

32  
33 Mr. Sauls: Sure, so unfortunately there's not really a lot of databases available for this. Primarily  
34 what we're able to find is what we can see online on things like Craig's List or Apartments.com  
35 and the prices that we found have varied significantly. Any from something being \$1,800 a  
36 month to \$4,000 a month for any size of these units which has also varied between 300 and  
37 900-square feet. So (interrupted)

38  
39 Commissioner Lauing: When you're looking at these numbers, you know they're actually  
40 detached ADUs?

- 
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1  
2 Mr. Sauls: From what we can gather, they appear to be, yes. The imagines aren't always so  
3 great in terms of what people upload onto the internet, but most of what we're able to see are  
4 ADUs. It's unclear if most of them are detached, some of them may be attached.

5  
6 Commissioner Lauing: I don't think actually any of them are yet but anyway. So, the question is  
7 as a couple are eluding to here, Commissioner Alcheck and Commissioner Summa. You know  
8 we may not actually have a problem here. In other words, if they're already getting very low  
9 rents like \$1,800. That doesn't sound low but it is in Palo Alto. Then jumping through all of  
10 these hoops to also potentially later down the line in our conversation add potentially a third  
11 ADU based on just data from San Diego. Maybe that's just too much because they're already  
12 getting a good deal on the cheap ADU which is exactly what we expected. So, I think we have to  
13 keep that in mind.

14  
15 Chair Hechtman: Commissioner Templeton.

16  
17 Commissioner Templeton: Thank you. As we start to think about making motions, I'm going to  
18 just throw this out there that personally, I think we... this proposal from Staff has... could  
19 benefit from this discussion and another bite at the apple. Because I'm not feeling very  
20 confident in the Staff recommendations. I do think the discussion is really helpful and I wonder  
21 if there's any possibility that people would be interested in continuing this discussion but  
22 potentially continuing this item. So, I just wanted to throw that out there. I feel like there's  
23 going to be a lot of feedback tonight and it's going to be hard for us to necessarily come to  
24 consensus on recommendations at this point. Thank you.

25  
26 Chair Hechtman: Let's see, Commissioner Lauing, I think your... is your hand still up from  
27 before?

28  
29 Commissioner Lauing: No.

30  
31 Chair Hechtman: It's newly up?

32  
33 Commissioner Lauing: No.

34  
35 Chair Hechtman: Now it's down.

36  
37 Commissioner Lauing: Yeah.

38  
39 Chair Hechtman: Sorry, I'm frozen here. Commissioner Alcheck.

40

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1 Commissioner Alcheck: So, I picked up on Commissioner Summa's motivation to make a  
2 motion. Look, I think we... bullet three on the slide in front of you. No one... you haven't... no  
3 one's even addressed that. The idea that we have a motion right now that wouldn't even  
4 touched upon bullet number three seems insensitive to the goal. Would we create a shorter  
5 timeframe for deeper affordability? Yeah, why not? I mean again, I think you're asking the most  
6 affluent community in the world to out of the goodness of their house... you know, out of the  
7 goodness of their hearts to spend anywhere between I guess as little as \$30,000 and as much as  
8 \$200,000 on building something. That those who have... the individuals with less finances to  
9 build this are less than fine to walk away from affordability and it's not the affordability. It's not  
10 how much rent they get. It's the idea that they're going to go to this list of people who qualify,  
11 that can't housing anywhere else in Palo Alto, that those individuals may have a chance and  
12 that's going to set a new market. So, the rate that they're getting on the market, \$1,800, is low  
13 but when you only can offer it to the three or four or 2,000 people on a specific list. That  
14 number gets even lower because the number of people who are on that list is much lower than  
15 the number people in general who'd like to find a place in Palo Alto. So, this is market-driven. If  
16 you can't get a person on the list to take the number because it's too high, you need to keep  
17 dropping. So, there's a lot here to unpack and I agree that the City should get something if it  
18 gives something. The question is, what the City is going to give an unlimited basement isn't it.  
19 And making the permit process so they don't have to build the garage and then refile to use the  
20 garage as an ADU. That's... you should be doing that anyway. That's not it. Those aren't the  
21 things that are going to get people to do this. I would suggest to you and I've suggested in the  
22 last two times we've talked about this. That a City subsidy to encourage this would go a long  
23 way and that (interrupted)

24

25 Chair Hechtman: Commissioner Alcheck, we're focused right now the term.

26

27 Commissioner Alcheck: I know (interrupted)

28

29 Chair Hechtman: The City subsidy actually is coming up later in the meeting.

30

31 Commissioner Alcheck: I acknowledge that. My point is, is that if we're going to come together  
32 here and say 15-years. Then my assumption is that collectively there's some acknowledgment  
33 that we'd have to be really bullish on how we're going to incentive a random Palo Altan to take  
34 on that deed restriction; which basically is us asking them to operate like a charity because  
35 nobody builds affordable housing for profit. They're required to do so. In the City of Palo Alto,  
36 we require for-profit developers to build a certain number of units for affordable. The only  
37 people that are doing it for... not for free but for a living are the non-for-profit.

38

39 And so, there are number of things that we're going to talk about tonight that probably should  
40 be allowed anyway. Like other Cities are having a much easier time allowing flexibility in the

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1 ADU process. There are some things we need to figure out tonight that are going to create  
2 these incentives and so I guess what I'm trying to say is there's a sliding scale here. Right now,  
3 based off the... my sense of what we're going to accomplish tonight, I don't think 5-years is  
4 going to be enough... short enough. And if... but if there was some sense from the makers of the  
5 motion or the people who are going to get behind a higher number. That they're willing to get  
6 really, really bullish, then ok, fine. Then this exercise is worth the time.

7  
8 So, I agree with you that those items aren't on the discussion table but they are because to  
9 completely under mind... I can't... if I say, you know what? I'll come together with you on 15-  
10 years but we don't get any consensus on anything else. Then my first vote was useless.

11  
12 Chair Hechtman: Alright, thank you, Commissioner Alcheck. Let me... I guess... Commissioner  
13 Templeton asked an interesting question and let me talk about that for a minute. This was...  
14 this a challenging item and that's I think a little bit reflective in the way we tried to reorder it  
15 because it's interdependent in a lot of ways. And Commissioner Alcheck was just making  
16 comments along that line too and so it's really problematic. How do we decide term before we  
17 decide the next item, income level? But if we did it the other way, you'd be asking the same  
18 question. How can we decide income level before we decide term? And so, this is the quandary  
19 of this and I don't know how we solve that problem in 2-weeks or 4-weeks. I think... and so  
20 that's why we decided to do this it this way, take these over arching issues first, term and  
21 income level, and then dig into the particular incentives. So, that's... now if it's the will of the  
22 majority of the Commission to continue this, I'm willing to go along with that if we have some  
23 concrete plan for how we're not going to be in a near-identical situation whenever we do  
24 reconvene. And I'm open to hearing those ideas. Commissioner Templeton.

25  
26 Commissioner Templeton: Thank you, Chair. One way we could approach this perhaps is to  
27 have the discussion on all the items before making a motion. So, that we can understand those  
28 inter-dynamics and where we're converging. I don't know if it's a great idea but that's what  
29 came to my mind and I wanted to share that. Thank you.

30  
31 Chair Hechtman: Commissioner Summa.

32  
33 Commissioner Summa: I almost... well, I did want to ask Staff a couple things. We don't have a  
34 legal representative here tonight. Do we have people from Alta Housing here tonight?

35  
36 Ms. Tanner: We do not. We do have a legal representative, it's just that Mr. Shimizu is not the  
37 land-use experts that Mr. Yang is.

38  
39 Commissioner Summa: Oh ok, I'm sorry. I misunderstood that. I agree with Commissioner  
40 Alcheck that there's an awful lot to unpack here and you make a decision on one thing and it

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1 affects the others. I think we're talking about this as an action item when perhaps because  
2 there's so many... so much to understand here and so little... so few comparable programs.  
3 Really just one that Staff found to look at but Council wanted... specifically directed us to talk  
4 about this issue. So, I'm happy to do that but I do feel like it's pretty premature in a way.

5  
6 But I want to hear from more of my... I have a strong feeling that if we do this. It should be a  
7 meaningful contribution to affordable housing and that the same number of people would  
8 probably... there may be people out there that would offer an ADU to another family on their  
9 property at a lower rate anyway but that aren't going to be happy with a deed restriction. So, I  
10 know of one person that is building an ADU for that precise reason because a lot of people care  
11 about that regime in Palo Alto. So, I have very mixed feelings about it but if we do go ahead  
12 with this, I think it should be a at meaningful level. So, I would be willing to make a motion kind  
13 of following that line of thinking.

14  
15 Chair Hechtman: Alright, so I'm interested... before we have that motion, I'm interested in  
16 feedback on Commissioner Templeton's idea that maybe we go through the... we do it a little  
17 differently. Instead of having 14 discrete votes one subject at a time, we talk about all 14  
18 individually, and then we have a series of motions perhaps in the order that I had intended to  
19 lay this out; one, two, then the first eight, and then the last four. I'm open to that idea and I'd  
20 like to know what other Commissioners think about it.

21  
22 Commissioner Alcheck, your hand is up. Is it from... to talk about that?

23  
24 Commissioner Alcheck: Yeah, I'll just... yeah, I'll respond to the question. I was hoping that... I  
25 like this idea. I think actually for the purposes of memory and since we have a little bit of an  
26 interesting breakup tonight. I think if we went through the other... the ideas and did decide how  
27 we feel about each one of them and then came back to this item. It would be easier and I would  
28 suggest to you that I think some of the suggestions fall into the camp of realistically appealing  
29 to the sort of person that would build this. And also, a large group of the items don't and so  
30 once we separate those two in the discussion. I think we'll be in a position where we can say  
31 you know, I don't think anybody here would disagree with the idea that the longer  
32 commitment, the better. The question is, is what we're going to agree on here going to be  
33 sufficient to justify that commitment? And that's so... I think that that suggestion that  
34 Commissioner Templeton made is good. I think we could even have a little more formality. Not  
35 necessarily go back to item one at the end of 14 and then vote on it. We could do one, then  
36 two, then three and the come... or roman numeral one through eight and then come back and  
37 say ok, do we think we have enough to justify this kind of commitment and how do we want it  
38 to work with the levels of affordability and etc.?  
39

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1 I also agree with Commissioner Templeton sentiment that understanding how this is works in...  
2 how it's exercised I think would help. I don't think we really appreciate how the mechanics of  
3 this would work and that might need more time from Staff to develop it.

4  
5 And then the last thing I would mention is I'm a little concerned with the mention of San Diego  
6 and their program and their 15-years. Because their 15-years might be based on a specific set of  
7 flexible options that we may not even be entertaining. And so, it's hard to compare one to the  
8 other but it would have been nice to maybe for the next time we did this to have a slide that  
9 says just do they have tranches for affordability? How do they... if this is adopted, I don't know,  
10 how do they execute the deed restriction and how does it work in terms of a homeowner who  
11 doesn't comply? What happens to them? Can they opt-out and whatnot? So, I'm in favor of this  
12 idea that you asked for responses of and I'd be keen to do the lightning round version to get  
13 back to this point.

14  
15 Chair Hechtman: Thank you, Commissioner Alcheck. Other Commissioners want to weigh in on  
16 this process idea of running through the items before we vote on any of them? So, we can at  
17 least get a sense of where we all are. Commissioner Lauing?

18  
19 Commissioner Lauing: I think that's fine and I appreciate the suggestion from Commissioner  
20 Templeton. Part of this, as we've already seen, is that there... this whole thing is new for us,  
21 ADUs in general. Secondly, it's new for lots of folks and so there's no data and we always get I  
22 think appropriately frustrated when there's no data. So, when it comes down to a lot of these,  
23 it's going to be we're going to be speculating just on the point that you made Chair Hechtman  
24 which is what would I do if I wanted to put this up and get benefits from my ADU? That's kind  
25 of market research with one person so I think it's going to be tough with the lack of data and  
26 sort of defining the problems. But anyway, of getting out of that is what Commissioner  
27 Templeton is suggesting so I support it.

28  
29 Chair Hechtman: Alright, thank you. So, I'm inclined to do this, and let me ask Commissioner  
30 Templeton a question as the originator of the idea. Do you think it would be sufficient if, for  
31 each of these items that we'd go through before voting on any, we just had a minute lightning  
32 round on each; or do you think we need two rounds to discuss each and the move on? Ok, two  
33 rounds.

34  
35 Commissioner Templeton: Yeah, I think that we were able to come with our initial thoughts and  
36 then respond to each other and that was really helpful with the item we looked at so far. That's  
37 just my opinion but it was helpful for me to hear where everyone stood and then talk it  
38 through. Oh, Commissioner Hechtman [note – Chair Hechtman] may be having internet  
39 troubles there. Ok.

40

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1 Chair Hechtman: I can't tell you how frustrating this is to get fragments of sentences and that's  
2 why my... I keep turning on and off the video to try to capture it a little bit better. At some...  
3 maybe at the break, I'll try to relocate and sit on top of our router and see if that (interrupted)

4  
5 Commissioner Templeton: And reboot, I can't tell you how often that helps with Zoom but I  
6 digress.

7  
8 Chair Hechtman: Ok, well then let's do it this way and so I'd like to... we'll move from this length  
9 of time discussion to item two, the income category. We'll do everything I said before except  
10 take a motion and vote. So, we'll hear from... we'll get the Staff bullet points, we'll have two  
11 lightning rounds and then we'll move on... and hopefully get a sense of where each of us is and  
12 then we'll move on to the next item for the same process. So, can we have the Staff slide on...  
13 there it is.

14  
15 Ms. Tanner: Great, Garrett (interrupted)

16  
17 Mr. Sauls: Sure, so this (interrupted)

18  
19 Ms. Tanner: If you can go over this and then I do have something to add when you finish up the  
20 slide.

21  
22 Mr. Sauls: Sure [unintelligible], so this is fairly straightforward. Primarily we would want to  
23 understand PTC's interest and appetite for directing or organizing the category that we're trying  
24 to achieve in terms of our income levels with this program.

25  
26 Right now, we currently meet our market rates fairly well. It's really the moderate to low-  
27 income target areas that we are currently not doing... not performing well. And I have a table  
28 that I can show you at the end of this, but overall, we're wanting to understand if PTC has a  
29 preference for directing these units to satisfy the moderate-income categories or target  
30 specifically any sort of low-income category and whether that is of value in terms of how we  
31 establish this program or not.

32  
33 So, before Assistant Director Tanner, if you want to go ahead, I'll move down to the slide that I  
34 was thinking to share.

35  
36 Ms. Tanner: Great and the slide that Garrett's going to show, shows how we're doing right now  
37 in our current RHNA cycle with the production at the different income levels. So, with very-low,  
38 low, moderate, and then above moderate. And then the percentages on the right are the  
39 percentage complete of the assigned RHNA allocation. So, you can see in above moderate or in  
40 moderate we're at 9 percent and in low-income, we're about 15 percent.

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1  
2 The information that I wanted to add I think might help with the conversation and I want to  
3 thank Tim Wong for sharing it with us. It's the income table that shows the rents with  
4 associated incomes and so our locate Palo Alto housing table has not been updated. So, Tim  
5 was able to located the San Jose table. It would be pretty similar in that was have the same  
6 overall our county has the same area median income and that comes down from HUD, the  
7 Department of Housing and Urban Development, federally. And so, the AMI is from the federal  
8 level and then down to the Cities. So, I think you can see my screen, it's a wonderful, and I  
9 mean this is in the best way, government-created table. So, it's kind of hard to read and what  
10 you'll see here is the kind of the apartment along the top. So, the efficiency apartment, a  
11 studio, 1-bedroom, 2-bedroom, 3-bedroom, 4-bedroom, and then in this center column or the  
12 most right column on the screen is the income level of that unit. So, 100... if someone is at 120  
13 percent of Area Median Income, which you may recall 80 to 120 for our category is the above...  
14 the moderate group, sorry. The efficiency rent limit is, for example, \$3,177 a month, and if you  
15 go down to let's say 80 percent, and if it were let's say a 2-bedroom ADU or apartment. The  
16 rent limit is \$2,724. So, again, the person's income is decreasing and so the rent amount is  
17 decreasing. That's why even though it's a 2-bedroom, it's less than the efficiency of the 120. So,  
18 could give you a sense of what those limitations might be on those theoretical affordable ADUs  
19 at the different levels, just to try to get a little bit of perspective because we don't have a lot of  
20 data on how much the rents actually area in existing ADUs. But we can think about what the  
21 limits would be under the program that could be established. So, I can send this to you all by  
22 email so you'll have it and then also we can make sure that it's added to the post on our  
23 website for this Staff report and this item.

24  
25 Chair Hechtman: Alright, thank you, Ms. Tanner. So, let's have... so we have heard from Staff.  
26 Are there questions of Staff on this discrete segment? I see Commissioner Templeton's hand  
27 up. Question or lightning round?

28  
29 Commissioner Templeton: I do have a question. Yes, thank you, Chair. The slide that we had up  
30 before the HUD one had percentages of levels of housing. Can you remind me, I believe you  
31 said earlier that we don't know what portion of any of these levels is represented by ADUs? Is  
32 that correct?

33  
34 Mr. Sauls: So currently, they would fall underneath the above moderate or the market category  
35 because we don't have a program that establishes anything specifically for moderate or low-  
36 income.

37  
38 Commissioner Templeton: Well, didn't somebody just say that the rents were like \$1,800. Was  
39 that you?

40

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1 Mr. Sauls: Yes (interrupted)

2

3 Ms. Tanner: Thank could be the real-world rent that someone is paying, but that doesn't  
4 necessarily dictate where it falls in RHNA. So, RHNA doesn't say what are the actual rents that a  
5 unit is charging and divided up. It says is this unit deed-restricted to be affordable or not? Then  
6 it gets to go into one of the categories. If it's not deed restricted and it's not an affordable unit,  
7 then it's assumed to be market rate. Even if that market rate is lower than the average rate.  
8 Does that make sense?

9

10 Commissioner Templeton: Yes, it does. So, by implementing a deed restriction program on  
11 ADUs which are already by their nature very affordable. We will automatically move numbers  
12 from this section to or from above moderate to any of the other categories. Is that what you're  
13 saying?

14

15 Ms. Tanner: That is correct.

16

17 Commissioner Templeton: I see. Ok, thank you.

18

19 Chair Hechtman: Alright, let's have a lightning round on this income category. Who would be  
20 willing to speak first? Ok, thank you, Commissioner Chang.

21

22 Commissioner Chang: Thanks. I think it's really attractive if we really can target the 50 to 80  
23 percent AMI. I've always wondered why we consider 120 percent of AMI to be low income  
24 when it's market, right? I mean it... more than 50 percent of people can do it, then it's market.  
25 So, I think it's a very attractive idea. That's my comment.

26

27 Chair Hechtman: Other Commissioners for the 1-minute lightning round? Commissioner  
28 Templeton.

29

30 Commissioner Templeton: Sorry, I've got another clarification question because Commissioner  
31 Chang just asked a really good question. Can you clarify... can Staff clarify why we think 80 to  
32 120 percent of AMI would be affordable housing in Palo Alto? Does that have something to do  
33 with the HUD numbers being county-wide or?

34

35 Ms. Tanner: So, the... sorry, continue.

36

37 Commissioner Templeton: Nope, go for it. Thank you.

38

39 Ms. Tanner: So, I think it's important to separate the Area Median income from the housing  
40 market. So, what HUD does is calculate what is the Area Median Income. Just because an Area

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1 Median Income, for example in Santa Clara County for a household of four is \$151,000 roughly  
2 a year. That's a fairly high income in most United States and even in quite frankly, in most of  
3 California. However, a household's ability to pay their rent depends on what the housing  
4 market prices are. So, the housing market prices in the Bay Area are very, very high. So, even a  
5 high-income earning household may be low income when it comes to being able to afford the  
6 market rents that they are facing. So, you might recall from previous conversations, if a  
7 household is spending more than 30 percent of their income on their household... housing cost.  
8 Then they are cost burdened and their housing that they have is not affordable to that household.  
9 So, I hope that helps to understand why 120 percent of Area Median Income, that household  
10 still could have a hard time competing and paying a reasonable amount of their income for rent  
11 in the Bay Area and in Palo Alto.

12  
13 Commissioner Templeton: Thank you so much, Ms. Tanner. That's very helpful.

14  
15 Chair Hechtman: Alright, so I'm seeing Commissioner Alcheck, followed by Commissioner  
16 Summa, then Commissioner Lauing. Lightning round, Commissioner Alcheck.

17  
18 Commissioner Alcheck: I mean I think that this is a common... this particular knowledge about  
19 how the 120 percent factors in I think is a really important thing for Commissioners to  
20 understand. The big takeaway here is that 126 average thousands is the median income in  
21 Santa Clara for a four-person household. And if you made 120 percent of that, you'd be, I don't  
22 know, let's say, \$150,000 and there's no household making \$150,000 that could afford to live in  
23 Palo Alto. It just doesn't work and it's certainly not to buy, right? And so, I like to use a different  
24 number which is the starting salaries for teachers. It's very easily assessable. I can send that  
25 [unintelligible] to any of you if you'd like. Palo Alto Unified starting teacher salary is \$67,000. I  
26 think what we should be asking ourselves is do we want to be the kind of town where a local  
27 teacher can live here when they're just starting their career, or do we need to them commute  
28 from Hercules? And then the question becomes from affordability standpoint is, if you make  
29 \$70,000 a year, what is the determination that you're housing is unaffordable? Well, we... that's  
30 on... that discussion is in our packet, right? I think... maybe Staff can help me find the page. It  
31 has to do with the degree to which something is unaffordable as how much of a percentage of  
32 your income you're required (interrupted)

33  
34 Ms. Tanner: 30 percent, 30 percent or... if it's higher than 30 percent it's unaffordable.

35  
36 Commissioner Alcheck: Right, so we're really trying... that's who we're talking about and you  
37 have to qualify and so would it be great if we could provide housing for individuals who meet  
38 the criteria of very low, yes. Those aren't the individuals employed in the Unified School District  
39 but so I'm not suggesting that we only consider teacher housing. Or but what I'm trying to  
40 suggest is it's a distraction to think of it as 120 percent is somehow like these people are doing

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1 fine. I think the bigger question is... here's my advice which is that if it's good enough for the  
2 City, it should be good enough for us. So, if the City operates within the 80 to 120 percent AMI,  
3 I think we should apply the same standards. Not just because it makes sense, but because it's  
4 going to be easier for the typical resident to identify the salary that they're assisting. It's going  
5 to be very easy to say look when you are helping somebody... when you're looking at someone  
6 between 80 and 120 percent AMI. You're looking at somebody like a first-year teacher and I  
7 think that that would be a selling point for the program.

8  
9 And again, I think if you're talking about trying to create housing and ADUs in R-1 from just very  
10 generous residents. It's going to be a bigger sell to say oh well, we actually really want this just  
11 targeting 60 to 80 or even lower. I think that's complicate so for those reasons I would support  
12 the first paragraph of item two on Packet Page 15.

13  
14 Chair Hechtman: Commissioner Summa followed by Commissioner Lauing.

15  
16 Commissioner Summa: First, I am comfortable with 80 AMI for the high end. I think what... I  
17 don't think it's just teachers. I think it's anybody that works in Palo Alto. It could be janitors, it  
18 could be bus boys. I mean for me it's not just teachers and even though I also care about that.  
19 But I was wanted to ask Staff why on the other slide, you don't need to go back to it, but you  
20 recommended 50 to 80 percent instead of 30 to 80 percent which more consistent with kind of  
21 the range for BMR housing. BMR is typically 30 to 60 but I think a lot of people think 80 is  
22 appropriate here too.

23  
24 Ms. Tanner: I think we align our recommendations with the BMR program which is I believe the  
25 80 to 120 and so typically the very-low-income and then there's extremely low income, which  
26 in RHNA is wrapped into the very low-income numbers, are served by 100 percent affordable  
27 housing which I believe did indicate. I believe the current BMR program is set at the 80 to 120  
28 range. Tim, did you want to add to that?

29  
30 Mr. Wong: Yeah, just to clarify a little bit more. Yes, our BMR ownership requirements are 80 to  
31 120, and when we did have BMR rentals they were lower though. They were in the 60 to... 50...  
32 60... sorry, it's been a while; 60 to 80 range but for rental it was lower, but 80 to 120  
33 (interrupted)

34  
35 Ms. Tanner: Right, so I think we did align with that and so we didn't push lower because again  
36 those are typically units that are provided in 100 percent affordable housing. Again, doesn't  
37 mean the Commission can't choose that but we also I think had in mind, our typical applicant  
38 which is a homeowner, not a larger multi-family building that's adding ADUs. So again, trying to  
39 think about how that might be administered or again how they would recover some of their  
40 investment in the ADU and have that be sustained.

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Commissioner Summa: Ok, I guess I was thinking of the larger BMR housing projects which was typically 30 to 60 AMI. I... if my colleagues are comfortable with 50 to 80, I guess I would go along with that. I sort of think it leaves out those very low people that we're also trying to house but maybe we think that's not realistic for this situation. But that's where... but need is very great there so I'm tending a little bit more towards that depending on what the comfort level is with my colleagues.

Chair Hechtman: Commissioner Lauing.

Commissioner Lauing: Yes, thanks. I would actually disagree with Commissioner Alcheck's comments, starting with this table that's in front of us where it shows that the major problem is moderate on down. Not with above moderate or all which we've already almost hit in a pretty bad cycle. And when you look at the goals for the RHNA cycle, 57 percent is what I call truly affordable so that's where we need to emphasize. Over 100 percent for this use I don't think makes any sense at all and I could be comfortable with 80. It's specifically for this use is what we're discussing and I think the use case was cited as if it was the core basic metric of one teacher with a starting salary in his or her first year. I don't think that's the right use case at all. That's not realistic that someone can live in Palo Alto their first year out of college. It's just not but if two teachers moved in together, they made almost \$150,000, then they could. So, it's just the wrong use case to be making a global decision like this, but I think we actually have to emphasize in all of our affordable housing, but we're talking about this tonight, this under 80 percent is really difficult to make happen and it's really what we want for mechanics and gardeners and all kinds of folks. So, that's where I'm at.

Chair Hechtman: Commissioner Chang.

Commissioner Chang: So, this will be my second time. I'm not sure that Commissioner Templeton spoke once on this already so I'm happy to wait.

Chair Hechtman: Thank you for reminding me. Commissioner Templeton and then I will make my initial remarks. Commissioner Templeton.

Commissioner Templeton: Thank you so much Chair and Commissioner Chang for your thoughtfulness. I read this table as moderate as having the highest level of need and while we do also need low and very low-income housing. I feel like what we have heard from our Staff and our affordable housing developers is that that has produced a slightly different way. I do feel that moderate-income housing mirrors the City's BMR program. It does seem to be the most realistic in terms of what we can expect individual homeowners to build. While I do agree there are probably a few people in the City who could build and sustain low and very low-

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1 income housing on their ADU project. I find it very unrealistic that that would be the case for  
2 most homeowners. So, if our goal is to encourage people, the moderate-income housing seems  
3 to be the area of highest need and the most likely to get built-in this program. So, that's the  
4 direction that I'm leaning. Thank you very much.

5  
6 Chair Hechtman: Thank you, Commissioner Templeton. I share those sentiments. To my  
7 thinking, when you look at this table it really tells the tale. We are not developing and haven't  
8 in the last... in the first 5- or 6-years our moderates. That's the most lagging number. I don't  
9 believe that individual homeowners faced with building an ADU which they can rent at market,  
10 so that's part of the 92 percent; or taking a deed restriction, getting some concessions, and  
11 renting it for the kinds of rents that you can charge if you're limited to very low or low. I don't  
12 think that's realistic. I don't think anybody will do that and I think the market has shown us that  
13 people are not generally doing that. That the way that those very low and low are getting filled  
14 is with these not-for-profit builders that are infilling that. So, I think we have this missing middle  
15 of moderate, and if we could move that 9 percent up appreciably with this tool, I think that  
16 would be great and so I'd be supportive of setting the income category for these deed-  
17 restricted affordable units at the moderate level. Commissioner Chang, you're up for round  
18 two.

19  
20 Commissioner Chang: So, just a clarifying question. The moderate is... before I make my  
21 comment. Moderate would be 80 to 120, is that what we're saying?

22  
23 Mr. Sauls: Correct.

24  
25 Commissioner Chang: Ok, so my comment is this. So, I'm looking at the table on Packet Page 10,  
26 at the top of Packet Page 10 and I'm trying to do my own calculations to generate the table  
27 from San Jose. But essentially, if you look at one person and I think that the example that Mr...  
28 that Commissioner Alcheck gave is a little bit misleading because a teacher making \$67,000  
29 would qualify in the low-income category on this table. And what I worry about is all... this  
30 housing getting snatched up by people who... we're not addressing the low-income folks at all  
31 either or hardly addressing it with the table that's on the screen. And if you look at say a  
32 median income individual with \$106,000 and 30 percent of that would be what? 30... I can't do  
33 math right now while also talking.

34  
35 Ms. Tanner: Commissioner, what are you trying to figure out?

36  
37 Commissioner Chang: So, the rent for that person would be around \$2,600 for a studio, right?  
38 That seems like (interrupted)

39  
40 Ms. Tanner: For what the income group? Sorry, what's the percentage?

- 
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Commissioner Chang: For a median at \$106,000.

Ms. Tanner: So yeah, so someone's at the area... is at the area median income, so at 100 percent Area Median Income.

Commissioner Chang: Right, at 100 percent Area Median Income for a studio, you can charge \$2,600 a month-ish (interrupted)

Ms. Tanner: Right, yes.

Commissioner Chang: Approximately and so based on the information that we hear earlier. That's what people are currently charging for their ADUs. That seems plenty reasonable to me. In other words, we need to work on, according to this table, moderate, low and very low pretty badly. So, I would cap it more around that moderate range so that we're... and it seems looking at the numbers on the table and doing my quick back-of-the-envelope calculation. That meets what we're charging what is out there on Craig's List right now for ADUs. So, that's... I think I stick to that range, moderate or lower. I mean like 100 percent of AMI is kind of what I'm saying based on this table.

Chair Hechtman: Thank you, Commissioner Chang. Commissioner Alcheck, you're next. You're muted.

Commissioner Alcheck: So, the \$126,000 represents a household and so the number I cited earlier and I sent the PDF to Assistant Director Tanner so she could share it with you which is the compensation for teachers from 1- to 30-years in our Palo Alto Unified. I think... look, this is a really good example of our Commission's split, and what I would suggest to you is, if you want to allow these individuals the perks considered tonight for developing an affordable housing unit. And you also want to limit to the lowest amount, lowest tranche, then you have to remember that you're creating an incentive for people who maybe not consider this option at all. And I think what I'd like to say is that two teachers in Palo Alto who make \$150,000 together are really incentive not to live here because of the cost of housing.

Now when we're talking about the ADUs, we're talking about potentially things as small as 500-square feet, 400-square feet, and as large as 900. Maybe after today, a little larger, 1,200. These aren't really super large units. I think that using the 2014 to 2020 RHNA number and saying we've done a good job is a mistake. We're about to see our numbers explode and everything that... every story in every paper is about how young people can't afford to live here. The people we need to rely on can't afford to live here. Our caretakers, our service people, our teachers, our police. No one can afford to live and this doesn't... Palo Alto isn't going to solve

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1 that problem for all its employees in the ADU. But this is one of the 1,000 levers that needs to  
2 be pulled all over the Bay Area to increase supply and so I think that this is sort of an irrelevant  
3 conversation. We use the system that's already in place.

4  
5 We... by the way it's... there's missing component here. You don't just go ok, you make... you  
6 qualify to 80 to 120 percent so I get to charge you X. No, not unless there's somebody willing to  
7 pay that on the list of qualified, pre-approved people that you have to spend \$500 to \$700 to  
8 pre-qualify. So, there's this process that... we've all heard the story about how Stanford homes  
9 are cheaper because the market for Stanford homes is smaller. Fewer people can bid on that  
10 home, as a result, the prices are lower. They are not pushed down mechanically. They're  
11 pushed down as a result of demand and so that's not to say a Stanford home can't sell for a lot  
12 of money if somebody really starts a bidding war and they go crazy. But on average, they're  
13 lower because there's less competition and that's what we're talking about here. We're talking  
14 about saying this is reserved. This whole pocket of stuff is reserved for these individuals and so  
15 the results... I think it's wrong to look at the table and go oh, the rents are going to be this  
16 which is that's the average we're getting. No, I think the rents would be significantly lower  
17 because you would have to find someone willing and most people make that decision. How  
18 much of my income do I want to part ways with just so that my commute is lower? Just so that I  
19 can manage my standard of living.

20  
21 And I want to make that bigger point which is this is a story that the teachers are talking about  
22 constantly. It's the hardest part for our local schools and a lot of our local institutions.  
23 Attracting talent to this area is difficult because of the commute and so I use that as reference  
24 because I understand Palo Alto's priorities have a lot to do with children and school. So again, I  
25 think you have to paint a picture. Who are you going to... who are we trying to get this  
26 homeowner to rent to and who do you... who's the example? Who's the poster child and that's  
27 why I would suggest that we don't spend too much time with this because it's so minutiae I  
28 think. I think it's... if you're going to save just very low income, then we're going to have just as  
29 many very-low-income units built as we had in the last 10-years which is hardly any because no  
30 is in the business of essentially operating a charity. That's what it takes.

31  
32 Chair Hechtman: Thank you, Commissioner Alcheck. So, we are looking for second-round  
33 comments on this discrete issue of what you think the appropriate income category is for these  
34 incentivized, deed-restricted ADUs. Commissioner Summa.

35  
36 Commissioner Summa: Just a quick question for Staff, if you could remind me where 50 percent  
37 AMI comes in. Is that low or very low?

38  
39 Ms. Tanner: I'll ask if Tim Wong can ask that or Garrett if you know the answer but Tim  
40 (interrupted)

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Mr. Sauls: I believe that it comes into low and Tim can confirm that.

Mr. Wong: It's right at that border but it is technically very low income. Very low income is defined as 30 to 50 and low income is 51 to 80.

Commissioner Summa: Ok so I would... I'll just reiterate that I... just an observation that one of the reasons Stanford owned homes of cheaper is also because they're not purchasing the land. They have a long-term lease hold so that's an issue there.

I am still comfortable at the 50 to 80. I also observe that once you get up... nobody's going to... who's interested in this idea is going to do it because unless they're really interested in helping out and they see it as a social good. So, I think that when you get up to 1... over 100, the cost of the unit is discounted such a tiny way when you get 100 and 120. And I think people forget that there is still value... there's still rent coming in at 50 to 80 percent AMI. So, I think we should keep that in mind and I'm not sure that any... I'm not sure this will be very successful at all, to be honest, and like I said earlier. I do think people could just decide without a deed restriction to charge less than market rate because they want to and or they might have some sort of relation or know the person from their work or in some way.

But if we are going to do it with the deed restriction, I think it should be at a meaningful income level that we're trying to address and so that would top at 80 percent AMI for me. Thank you.

Chair Hechtman: Thank you. Other second-round comments before we move to the next topic? Alright, I'm not seeing any hands so... oh, I am seeing a hand. There we go.

Commissioner Templeton: Chair?

Chair Hechtman: Commissioner Templeton.

Commissioner Templeton: Chair, sorry to interrupt. I just wanted to remind you of the time. Are we still taking a break and switching topics? Can you remind us of the process, please? Thank you.

Chair Hechtman: Yeah, so I was wanting to wait until approximately 8:05 because our next... I wanted to start our next item at 8:15 rather than early. And so, I was thinking we will at least get the Staff report and questions out of the way on this next item. Then we'll take our break till 8:15, we will pause this Agenda Item Two, take Agenda Item Three, complete it and come back to Agenda Item Three. Alright? So, if we can have the Staff slide for this item is roman one, the expanded reconstruction of non-conforming structures.

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1  
2 Mr. Sauls: Ok, thank you. So, to cap this whole conversation related to this topic, it's really  
3 important to understand what the current standard is. So, the current standard for any sort of  
4 non-conforming walls, which are typically walls that are closer, taller, or closer in terms of  
5 setbacks requirements, that wouldn't typically be allowed; or taller than what would typically  
6 be allowed within those spaces and sometimes it can be both of those. So, the current  
7 standards that we have in our code are to simply think of those buildings as shrink-wrapped in  
8 the sense that they aren't allowed expand. So, if you have a 1950's carriage house garage, that  
9 structure may be limited to a very small height and would, therefore, if there's current... if it's  
10 currently within say a 4-foot setback. The areas within those setbacks aren't allowed by be  
11 expanded at all. Otherwise, it would require the structure to be relocated to a conforming  
12 location in order to be built to the height that would be otherwise allowed by the state and the  
13 City Code. The policy proposal that was worked with the task letter number five and proposed  
14 Staff was that we would be able to allow some minor increase into these non-conforming  
15 spaces to determine them to be essentially or roughly the same type of structure. And so, the  
16 proposal was to allow for up to a foot in height addition as well as up to 6-inches everywhere  
17 else, to be able to expand in order to provide for a... in the result of a conversion of a garage for  
18 example. A non-conforming location to an ADU, it would allow for a minor expansion that  
19 would still result in substantially the same type of structure. So, that was on policy proposal.

20  
21 A potential proposal also would be to establish a pre-determined envelope that applicants can  
22 expand to. So, the Staff report identifies one example as being allowing developers or allowing  
23 homeowners to develop an ADU up to 10-feet or 12-feet with a specific type of roof pitch or a  
24 specific type of day light plane within the area from 0- to 4-feet in terms of your interior or rear  
25 yard setback. Again, when you're converting a structure that is otherwise non-conforming.

26  
27 So, what we're looking to receive input on for the PTC is how open we all are... how open you  
28 all are on these kinds of policies and increasing what would be considered a non-conforming  
29 structure where it's counter to the standard process which is to eventually eliminate those at  
30 some point. Those non-conforming situations or conditions over time would be eliminated at  
31 some point.

32  
33 Chair Hechtman: Alright, thank you, Mr. Sauls. So, we're going to take questions now. I'd like to  
34 have any questions come out of Staff and then we'll take our break. Commissioner Chang.

35  
36 Commissioner Chang: So, Mr. Sauls, a question for you about why one of the... why the  
37 proposal is 6-inches and... 6-inches for out and 12-inches higher. Is that to allow for insulation  
38 or something else that is typically got... why those numbers?  
39

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1 Mr. Sauls: That's correct. It is ideal to provide a better opportunity for providing insulation and  
2 squeezing what is often time the cases that you have this again, shrink wrap concept externally.  
3 But as a result, you also have that internally so you aren't able to really budge or move those  
4 spaces much with when you try to develop something that wasn't intended to be used as  
5 habitable space into habitable space. And so, there are different requirements for say fire or to  
6 meet... sorry, fire and building life safety requirements. And insulation can often times be one  
7 of those things that adds some thickness to it which means interior-wise, it's going to shrink  
8 basically is what's going to happen.

9  
10 So, the idea for the... sorry, the idea for the 6-inches was to again, try to provide some  
11 additional dimension for people to convert these structures. And not necessarily create  
12 something that is going to be overly large relative to the existing structure and try to provide  
13 flexibility while reducing overall impacts.

14  
15 Commissioner Chang: Follow-up on that, so then was the intention, is that only in the event of a  
16 reconstruction then because are you saying that for a complete demolition. The Staff  
17 recommendation would still be just to put the wall back up in the same place but allow it to  
18 further not... allow it to push even further out into a setback?

19  
20 Mr. Sauls: The ordinance currently allows for reconstruction effectively but it would be  
21 reconstruction to the same extent as the non-conforming situation exists. That's how the  
22 current ordinance is written. This would allow for potential reconstruction and expansion to a  
23 minor degree.

24  
25 Ms. Tanner: And perhaps just to add to that, I think part of what we understand from the  
26 architects who've been outreached is that demolishing a structure and starting over is typically  
27 probably more cost-effective. Because you're taking structures that were not intended when  
28 they were constructed for human habitation. A garage, a shed, what have you and so there's a  
29 lot of changes that need to happen to that structure to make it meet, as Garrett said, our life  
30 safety codes and just modern standards of what one would expect in a housing unit. So, to  
31 cram that into or try to fit that into and retrofit a building is a lot of work, but if they can say ok  
32 it can go up a foot. Well, that might give some room for interior spaces again, and as Garrett  
33 kind of said, insulation or other types of things that's the 6-inches on the side.

34  
35 So, to give that flexibility where currently, as Garrett mentioned, as a City we tend to say we  
36 want your non-conforming use to go away eventually. We don't want it to continue to persist in  
37 the same location and so this perhaps being an incentive to try to again ultimately lead to the  
38 affordability. But of course, the PTC could say that they would like to see this just be a general  
39 part of our ADU legislation, regardless of affordability.

40

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1 Chair Hechtman: Ok, Commissioner Lauing, we're asking questions of Staff.

2

3 Commissioner Lauing: Right. The question to Staff is if we were to allow this along the lines you  
4 described and to be specifically codified. What would be the minimum setback at that point? If I  
5 calculate it right, is it 3 ½-feet or can it get even more limited than that?

6

7 Mr. Sauls: One thing that we'll discuss later, it could be lower. It also depends on what the  
8 existing structure is. So many times, you have a garage that may be wedged right into the very  
9 corner of a property. Either in the back, right or left corner of the property and often times as  
10 we've seen in the last 4-years since our new ordinance was taken into effect. That's become the  
11 dominant pattern for people to develop these units is a garage conversion, mostly detached.

12

13 Commissioner Lauing: Ok.

14

15 Chair Hechtman: Alright, I'm not seeing any other questions of... I am seeing a question of Staff,  
16 Commissioner Summa?

17

18 Commissioner Summa: Yes, thank you. So, if demolitions and a new conforming structure is  
19 preferable and is often less expensive. Why wouldn't we want to incentivize that instead of... is  
20 it because a historic look or something of the garage or?

21

22 Ms. Tanner: I think that Commissioner Summa, that this would... the building would still be non-  
23 conforming. I think as Garrett is referencing, we have a lot of garages that are converted that  
24 are at the corner... rear corner of the property. So, they're not setback at all and so if someone  
25 wanted to demolish that and say let's... I want a 16-foot tall ADU. Well, they're going to have to  
26 move that 4-feet off the property line. Because now they're heading into the territory where  
27 they're getting rid of their non-conforming building and so we're saying ok, well you're new  
28 ADU has to conform. This is proposing to say you can keep that same footprint or that same  
29 location in that corner but you get 6-inches on the side to make sure that the walls can  
30 conform. Maybe you get 6-inches or a foot or whatever the PTC decides on the roof structure  
31 but you're not moving the building 4-feet off of the property line. Does that help make it a little  
32 clearer?

33

34 Commissioner Summa: Yeah, I just... I was just wondering why if it's cheaper and easier to do it,  
35 demolition than a new one, but I guess what you're saying is it might eat up the yard. And so,  
36 for me, this is a little bit related to roman numeral six, which is also about setbacks, and I will  
37 say that because of all my years on the Development Center Customer Advisory Group and Mr.  
38 Sauls just mentioned this. That structures that are in the corner, which a lot of garages are, on  
39 the property line and I don't know if this law was changed. I know that people at the  
40 Development Center very much wanted to change this law. They become a conflict because to

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1 fix up or paint your building, you have to have access to the neighbor's yard when they're right  
2 on the property line. So, and I know that was a big problem historically. So, I wouldn't want to  
3 create that situation where it doesn't exist. You really do need to have room to go around the  
4 backside of the building, whether they're dwelling units or garages, to do maintenance. So,  
5 that's my concern.

6  
7 Chair Hechtman: Thank you. Right now, we're just asking Staff questions. Later on, tonight we'll  
8 get into our lightning round.

9  
10 Commissioner Summa: I'm sorry. I should have phrased it more as a question.

11  
12 Chair Hechtman: Is there an answer you need?

13  
14 Commissioner Summa: No, but I just would... would this allow for that situation to occur, where  
15 it takes something that was not on the property line and puts it on the property line?

16  
17 Chair Hechtman: Alright, I'm not seeing any other questions of Staff on this item. So, we are  
18 going to pause this item, Agenda Item Number Two. We're going to take a 9-minute break. I  
19 have 8:11, we'll come back at 8:20, and at that point, we will take up Agenda Item Number  
20 Three, the Board Handbook. We'll complete that item and then we will return to Agenda Item  
21 Two and discuss where we are in the evening and in that item. So, we'll see you back in 9-  
22 minutes. Thank you.

23  
24 [The Commission took a short break]

25 [The Commission moved to Agenda Item Three] \*See page 60 for Agenda Item Three

26  
27 Chair Hechtman: And I will note that it's 9:30. We are going to as close to 9:55 as a break in our  
28 subject matter will allow, I want us to have a discussion about whether we want to go past  
29 10:00 tonight and see what that yields. But that's what I'm intending to do in a little more than  
30 20-minutes. I do note that there is, unlike many of our items, there's no particular urgency that  
31 we're facing with this ADU incentives item tonight and so that may play into come the  
32 Commissioner's thinking.

33  
34 Alright, so where we left this item, we had received Mr. Sauls cheat sheet for the first item on  
35 our list... sorry... allowing reconstruction expansion of non-conforming structures. We had  
36 taken questions of the... from the Commissioners of Staff and we're ready to start the  
37 discussion. And so again the format that I'd like to use here is 1-minute lightning round to get  
38 out succinctly what your thoughts are about this item. We'll do that once, then we'll have a  
39 second round where people can react, and then we're not doing motions yet so we'll move  
40 onto the next item. And this frankly is a very good reason why we're going to need verbatim

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1 minutes because I don't think we're going to finish this tonight and we may not get to any  
2 motions. And so, all of us are going to have to remember some number of discussions and I  
3 think the minutes might be helpful.

4

5 Alright, Commissioner Templeton, you want to lead us off with a lightning round?

6

7 Commissioner Templeton: Sure. So, we're on point I, is that right?

8

9 Chair Hechtman: Correct.

10

11 Commissioner Templeton: Ok. I'm generally supportive of these kinds of modifications to ADU  
12 rules but I don't understand why we only want those for affordable ADUs. I feel like this could  
13 be pretty beneficial to the ADU program overall and yeah, I'll leave it at that. Thank you.

14

15 Chair Hechtman: Commissioner Chang.

16

17 Commissioner Chang: I have still a clarifying question of Assistant Director Tanner or Mr. Sauls.  
18 If I understood correctly, you said, Assistant Director Tanner, that current ADU Ordinance  
19 allows for reconstruction of a non-conforming structure as long as it stays. Not... sorry,  
20 complete demolition of a non-conforming structure and rebuilding it in the same spot as long  
21 as the shrink wrap is not expanded. Is that correct?

22

23 Ms. Tanner: Mr. Sauls has appeared to answer because I may have spoken errantly so let us  
24 hear what he says.

25

26 Mr. Sauls: That is correct. It is effective that you would be able to tear it down and rebuild it to  
27 the exact same extent that it existed as a non-conforming structure.

28

29 Commissioner Chang: Thank you for that clarification. Ok because I wasn't clear on that when I  
30 was studying up on this. So, then, in that case, I am... this again, it seems to make sense to allow  
31 an additional 6-inches or 12-inches as the case may be. But my concern would be that we... that  
32 there's enough space to maintain the structure. In other words, in the instance where you only  
33 have 6-inches between it and the property line. If you can't get onto the other side for  
34 whatever reason. That's a problem and creates a problem for the ADU and its longevity. It's  
35 just... it creates like a... it's just a problem. So, I would be ok with it as long as we said something  
36 about sufficient... as long as there's sufficient space to maintain... sufficient access to maintain  
37 the structure. Right, to paint it on that side, to do whatever it is that you need to because if it's  
38 going right up against the fence that's shared with the neighbor. You only have 6-inches or no  
39 space at all, you're going to create a problem. So, that would be my comment.

40

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1 Mr. Sauls: Yeah and I can briefly speak to that. As Commissioner Summa had mentioned earlier,  
2 we have this problem occur quite regularly with an accessory structure. Mostly because our  
3 standards are pretty loose in terms of where you can locate them. Staff always tries to  
4 encourage applicants for anything to try to give that space for maintenance purposes. There's a  
5 difference obviously between encouraging and requiring. And that's where we often times run  
6 the gambit of working with the applicant as best we can and other times when... and it's not a  
7 negative or a positive. It's just an applicant may want to utilize their backyard space and shifting  
8 that structure eats into that. And so, a lot of the complications that have come around to this is  
9 really starting from what is my lot like and how much space do I have to develop? That kind of  
10 starts the location design for a homeowner so it certainly can become an issue. I think probably  
11 eliminating like you're suggesting where that can occur when there's not enough space is  
12 certainly important.

13

14 Chair Hechtman: Commissioner Alcheck.

15

16 Commissioner Alcheck: Lightening round try attempt number one. This isn't a sufficient enough  
17 carrot if you will. It's just not. First of all, I think a lot of us, including Commissioner Chang, have  
18 struggled with why we would allow someone to demolish something totally and rebuild it in a  
19 place where we really don't want it. So, I think her instincts are right there. I don't actually think  
20 that's what the architects are asking for and in fact, the other component of this if we would  
21 just consider them as separate because the second one really feels like a poison pill to me. The  
22 first concept which is this idea that we would allow some flexibility to address this issue where  
23 we have a lot and lots of garages that are structurally perfect but non-conforming. And in order  
24 for them to become habitable space... in order for them to comply with the code in order to be  
25 habitable space, they need a little flexibility there because otherwise, you've got to demolish  
26 them. I think that's what we need to do here. The irony is that it would be completely  
27 reasonable to adopt this, and we've had this discussion, as it applies to all ADUs. There are a  
28 1,000 examples of garages that are kind of in the back of a property that someone could  
29 immediately turn into an ADU if they had 6-inches... if they had this exact flexibility. And then  
30 when they're told, you know what, you'd have to demolish this and move it and they're like  
31 forget it. So, the housing supply would... the ADU production would go up with this very  
32 reasonable addition.

33

34 My two issues are number one, the second part is unreasonable and I think unasked for. And  
35 the larger component is that by couching it into discussion of affordability. You almost make it  
36 sound like it's a generous gift when it should be reviewed in the space of this is what we should  
37 already be doing. And so, this isn't going to encourage affordable housing development.  
38 Certainly, the second part of demolishing the whole thing and rebuilding it right where it is, I  
39 don't think is a productive, appealing option. I think people want to take what they have,

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1 improve upon it which in theory would cost less, and the adjustment of 6-inches here or there  
2 is reasonable.

3  
4 So, I share Commissioner Templeton's sentiment here that we should be doing this in... we  
5 should already... this should already be a part of our code. And I think I'm piggybacking on some  
6 of the other Commissioner's struggle which is that this second piece of allowing demolition and  
7 then rebuild on the same spot is not... is probably not a good part to include. We should just  
8 stick with existing structures in order to bring them into compliance.

9  
10 So, yes, we should do... add this, push it to apply to all units and we shouldn't include both parts  
11 of this.

12  
13 Chair Hechtman: Alright, while I'm waiting for other Commissioner's to raise their hand on the  
14 first round for the lightning I... thank you, Commissioner Summa.

15  
16 Commissioner Summa: Ok, thanks. I share the concern about structures that are too close to  
17 fences to maintain, but I don't think adding 6-inches is significant. You know, it's so hard to  
18 decide about this because it really... it is... it really depends on the exact property. So, you  
19 know, I think privacy is a challenge but, in some situations, it wouldn't be at all and others it  
20 might be. So, I guess I'm for the flexibility as long as it doesn't create a problem with  
21 maintenance or a problem with privacy.

22  
23 And maybe Staff could just answer but I feel like I'm having déjà vu. I feel like we did discuss  
24 this for ADUs in general and I guess that's something that the Council didn't adopt is some  
25 flexibility for non-conforming... because I remember because we were even thinking how far  
26 into the setback should... would we be comfortable with it being. So, did that not make it into  
27 the ADU... the general ADU law?

28  
29 Ms. Tanner: I think that there are some state requirements that are about... that address  
30 existing structures which we did adopt. And so, I think what this would suggest is to add greater  
31 flexibility which certainly is within the City's purview and to some Commissioner's points, could  
32 be for all ADUs if that's what the Commission would like. So, I think we may be recalling that  
33 this is a topic covered in state but not this specific allowance for the additional room.

34  
35 Commissioner Summa: Right, ok, thank you.

36  
37 Chair Hechtman: Commissioner Lauing.

38  
39 Commissioner Lauing: Yeah, just briefly as a couple of my colleagues have noted. This is  
40 seeming to get to frankly a more important point which is how can we get any ADUs built in a

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1 way that they're safe and they're inhabitable. So, if we're forcing people to be in non-  
2 conforming things where they have 6-foot ceilings instead of 8 or no insulation. I mean that's  
3 no way to live so I don't have any problem with making this is adjustment generally with the  
4 exceptions that were also noted by a couple colleagues that if we get down and we can't do any  
5 maintenance where it's within 6-inches from a fence. That's just the problem. That's just it and  
6 we may get there in some cases and it needs a Variance so that's ok too.

7  
8 But I think that... so, technically this doesn't even seem like it should be part of this report  
9 because it's not really just for affordable and that's a problem I think inherently with this  
10 report. Because a lot of these things are not just what are big incentives for doing affordable  
11 ADUs.

12  
13 I think the privacy concerns are not just perceived, they're real, but we got to make some  
14 sacrifices here and be sensitive to how we fix that particular small problem. But I think in  
15 general, you know this kind of de minimis increase in roof size and walls to get inhabitable  
16 structure I think is quite appropriate generally. That's all.

17  
18 Chair Hechtman: Thank you, Commissioner Lauing. So, I'm generally supportive of the...  
19 allowing the expansion along the lines that Staff has recommended. But where I have concern  
20 really is the... primarily the side yard and to a lesser extent the rear yard setback because that's  
21 where you start to impact more your neighbor. And so, under state law, they've decided that  
22 it's ok for an ADU to be 4-feet from a property line. Now we have existing structures that are  
23 closer than that. So, what I was thinking is, if we were allowing this 6-inch expansion at least on  
24 the side yard and I'd be interested in hearing from others on the rear yard. What we said is you  
25 can't use that 6-inches if you are... if the structure currently is 4-feet or less from that side yard.  
26 So, if you're 3 ½, you're stuck at 3 ½ but you can add the 6-inches on the other side which  
27 would be 12 on the other side to make up for it. And that way we keep, when it's 4-feet or less,  
28 at least the existing area for maintenance which as Staff has pointed out is sometimes going to  
29 be zero. It's built right up against the fence and this isn't going to solve that problem. But so, I  
30 think... so that, I thought, is... would be my suggestion on that is hold the line at 4-feet or  
31 existing, whichever is less.

32  
33 The other thing that I wanted to mention is because I've heard a couple... at least a couple...  
34 three Commissioners say this should apply to all ADUs and I don't necessarily disagree. But you  
35 can make the same statement on maybe all eight of these items that we're going through and  
36 every time we decide... and so we could just flush this whole idea of making affordable ADUs  
37 and just go back to making flexible ADUs. But tonight, we're talking about affordable ADUs and  
38 I just want to make the point that on this first item,... if we allow it, somebody could be in a  
39 position of saying well, ok, I can get this flexibility if I'm willing to deed restrict or I don't get it if  
40 I'm not. And for that person, it might tip the scale and make them commit to an affordable ADU

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1 and that's the purpose of the exercise we're going through right now. And so, I think if we... we  
2 need to distinguish between regular ADUs and affordable if we're expecting to create any  
3 affordable ADUs.

4

5 Commissioner Summa followed by Commissioner Alcheck. You're muted.

6

7 Commissioner Summa: I didn't have my hand up. I forgot to put it down. Sorry.

8

9 Chair Hechtman: Oh, it's alright. Commissioner Alcheck then we're back to you and your hand  
10 up again Commissioner Summa.

11

12 Commissioner Summa: Sorry.

13

14 Commissioner Alcheck: Ok, so I just wanted to [unintelligible]. I agreed with you, we can't... all  
15 these could apply to the regular ADU process. This one, in particular, is just bad policy because  
16 what... there are two kinds of people that are going to build ADUs. The ones that are going to  
17 build those brand-new models and then the other people who are going to take something that  
18 exists and turn it into housing. And for that population, whatever they've got is what they've  
19 got and I think, and my understanding from architectural task force is that this inflexibility is a  
20 major hurdle. That basically they go oh, if I have to move it, then forget it. I mean there's a  
21 perfectly good garage there if I can beef up both walls.

22

23 And I don't think it's like you can take 6-inches from one wall and move it to the other because  
24 they have to create a compliant wall. Whether that means insulation or fire-retardant materials  
25 or whatever it is. They've got to make it thicker on both sides and they have to increase the  
26 height by such and such so that it's code compliant. And I agree with you, there are some  
27 instances where homes are right on the fence and they are there... I mean the accessory  
28 structures are there on the fence. I'm familiar with that but I think... so, I agree with you. We  
29 can't treat every policy but this is one of the hurdles that for whatever reason we're stuck with  
30 and I think it's poor ordinance writing. And so, this to me is a false offer because if we really  
31 care about ADU development, then we should allow these structures to be built like that, and  
32 the second part which I want to reiterate.

33

34 I don't think we should allow a structure to be completely demolished and then rebuilt in a  
35 place that we don't actually want them to be rebuilt in simply because it's cost-effective. If it's  
36 cost-effective to tear something down and build it somewhere else, great. If it's cost-effective  
37 to tear something down and build it in the exact same place. That's you making a decision  
38 about how you want to use your backyard. You're making a decision that you're willing to pay  
39 whatever it is to have it in that spot, but that's not the spot we want new construction.

40

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1 And so, I wrote in my notes, allowing expansion in redevelopment, right? In demo and  
2 redevelopment would exacerbate the privacy concerns and pit affordable housing developers  
3 against consistent application of our Building Code and resident expectations related to privacy.  
4 So, many people buy into homes in Palo Alto and assume that the non-conforming structure  
5 that existing just over their fence will one day be removed as part of a larger remodel or new  
6 construction project. So, creating a path to not simply legalize but expand the non-conformance  
7 of these structures is problematic. That said if all you're talking about is taking that structure  
8 and slightly adjusting it so that it can become code compliant for habitability. That to me seems  
9 like the pathway for ADU development in general.

10  
11 And so, I'm concerned that we've lost a big opportunity to have ADUs in general because we've  
12 never bit the bullet on this one. And I don't believe that this, even in conjunction with all the  
13 other ones, is the sort of thing that will create an ADU person into an affordable ADU person. I  
14 think that this isn't in the barometer. So, that's kind of where I stand on this and I appreciate it.  
15 I don't intend to say this on everyone. This is the only one I intend to... well, this is the only one  
16 I really strongly feel that way. I also think there's an inconsistency with the basements and I  
17 can't make sense of it. But other than that, I really think this is the only one where this should  
18 be our policy. We should be encouraging the transformation of these parking garages into ADUs  
19 because that's important right now and I think that the half... the abutted thing. That might... I  
20 wish that there was an architect here to be like you know what? When that's the case we have  
21 no option or we build in. I wish there was someone here to tell us that either moot or  
22 something not to worry about or maintaining the exist... I just think that that's probably not a  
23 concern. I think that that's less likely to be a project that architects will take on because of the  
24 complexities of being on the property line. And so, I... anyway.

25  
26 Chair Hechtman: Mr. Sauls, your (interrupted)

27  
28 Mr. Sauls: So, to one extent to get to the items that Commissioner Alcheck was talking about.  
29 To one extent the state law adopted regulations that effectively said you can kind of tear down  
30 and rebuild something. So, to that point, we obviously can't do any less or take that  
31 requirement out and I think what has been discussed tonight really has highlighted that the  
32 Commission is open to allowing this flexibility to go beyond that. Not just to say sure, you can  
33 tear down because it's an old shed that's kind of leaning to the side. You know, you can tear it  
34 down and rebuild it but also, you can expand it to a small extent.

35  
36 I think Chair Hechtman, you had suggested that in the instance when, your specific example I  
37 think you had suggested, in the instance where there's an existing side that's closer than 4-feet.  
38 They would be required to maintain that rather than expand closer into it so say, with your  
39 example, you said 3 ½-feet. So, if they were at 3 ½-feet, you're suggestion was that they would  
40 stay at 3 ½-feet along whichever side that was occurring and the expansion could occur on the

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1 other side. I think it is... I think there may be some value in the discussion as to when you're at  
2 closer to a zero-lot-line situation or that more proximal situation where there isn't the space  
3 which is what I think Commissioner Summa and Chang and Templeton were identifying. That  
4 maybe there's an opportunity to shift what otherwise would have been an opportunity to  
5 expand 6-feet or 6-inches sorry on that side that's at that zero to 6-inch side and shift it over to  
6 another location. All of this obviously is a vestige of a code that really highlights the importance  
7 of removing something that's non-conforming and overall, what we're trying to encourage, or  
8 at least what it sounds like the Commission is trying to discuss at this point is allowing this to  
9 occur on any other sort of unit. Not specifically something that's portable and if that's what the  
10 interest is. We can certainly pursue that and we can generate some language related to that in  
11 the future ordinance that we have. So, that it could be better discussed because right now it is a  
12 very nebulous topic at the moment and so a lot of these can be often times just kind of  
13 nebulous as it's a meaty subject that we always don't think about.

14  
15 Chair Hechtman: Let me ask a question of Mr. Sauls. So, from the slides you had up earlier, it  
16 was my impression that in our current code where you are working on the existing non-  
17 conforming structure, you have to hold the existing line, so wherever it is and so... and that's  
18 true whether you try to remodel it, you know, tear some stuff off and put some new stuff on or  
19 tear it down to the ground and build anew. So, what that tells me is there... for us to have that  
20 provision, there must be construction techniques where you can hold the line, or else we would  
21 have a requirement that couldn't be met. And so (interrupted)

22  
23 Mr. Sauls: Yeah, go ahead, sorry.

24  
25 Chair Hechtman: So, it might not be ideal. I mean maybe... and I had a client who got in trouble  
26 with this because when they rebuilt a wall, they did add more insulation and they moved that  
27 wall out 2-inches., not realizing that that wall was already right at the 10-foot setback line. So, I  
28 know that there are construction techniques that will expand a wall, but from our code it  
29 makes me believe that there are also construction techniques that won't.

30  
31 Mr. Sauls: Yeah and so from what I've heard in conversations with the architect group and with  
32 our own consultants that we have on other projects. There are things like spray foam insulation  
33 that kind of serve that purpose. But overall, the other thing that we often times run into with a  
34 lot of properties in Palo Alto is they're really old. I don't use the example of the 1950s carriage  
35 house lightly because we run into that pretty frequently and so this is obviously an issue that is  
36 sensitive to contractors and developers when they come into propose these kinds of units. And  
37 I imagine they run into this a lot more often in any City really that Zoning Ordinances are very  
38 specific about you have this mesh or this envelope really that you can't punch out of. Where  
39 you otherwise, if you shift it a couple feet, the City says now it's not a big problem. That's a  
40 matter of comfort, right? The City has come to acknowledge over decades of implementing

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1 their regulations to say are we comfortable now with expanding that threshold to an extent  
2 that we deem it's acceptable. And that sounds like the discussion that occurring tonight and  
3 overall, I think what we're getting is that the Commission is open to allowing that for all ADUs.  
4 Not specifically as an incentive to accessible... affordable, sorry, affordable ADUs.

5  
6 Chair Hechtman: Alright, I think that's a good place to stop our discussion of subitem I and take  
7 stock in the time which is 9:58. And I'd like to hear from the Commission what your pleasure is.  
8 I am certain that we cannot finish this item tonight. I don't think anybody is willing to stay that  
9 early in the morning to get that accomplished. So, the question is, I think, do we stop now, do  
10 we go a little longer? I'd like to hear from the Commissioners. Commissioner Templeton.

11  
12 Commissioner Templeton: I share your concerns. I don't think we'll finish tonight. I'm  
13 personally ready to continue. I'd love to hear from the other Commissioners before making any  
14 kind of motion though just to see what the other folks think. But I think we've had a really good  
15 discussion tonight honestly. I think we've accomplished a lot but there's the law of diminishing  
16 returns after 10 o'clock and since we don't have a chance of finishing it. It's kind of... I wonder if  
17 it would still be valuable to continue our discussion at this point. Thank you.

18  
19 Chair Hechtman: Commissioner Summa.

20  
21 Commissioner Summa: Thank you. I don't think there's a chance we're going to finish it tonight,  
22 to be honest and so I am flexible with the rest... how late the rest of the group wants to go. I  
23 would say that once to get the second part of this, it's the administrative aspect and there has  
24 been some discussion already with Alta Housing. I think it would be almost impossible to really  
25 have that part of this discussion without a representative from Alta Housing here. So, for that  
26 reason alone, I think it would be good to continue this and try to get... I think if that's ok for me  
27 to ask to try to get Alta Housing here. Because if they're really planning on doing this it's kind of  
28 different than what they've expressed in the past about administering small, individual  
29 properties instead of larger multi-family properties. So, I would be very interested in continuing  
30 it and having some more representation for the Commissioners.

31  
32 Chair Hechtman: Other Commissioners have anything to add? I guess I will add, I'm open to  
33 taking on the next item which is the removing the garage carport requirement for conversion.  
34 Get to the end of that discussion and see what time it is and see if that's a good place to stop or  
35 we want to take on another one. So, I'm not... Commissioner Chang. I have a thumbs up from  
36 (interrupted)

37  
38 Commissioner Chang: Ditto, the thumbs up.

39

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1 Chair Hechtman: Ok. Alright, well let's dive right into that then and so we'll ask Mr. Sauls to key  
2 up the slide for that. Lead us through it, please. You're muted.

3

4 Mr. Sauls: Sorry. Alright, can you see my screen now?

5

6 Chair Hechtman: Yes, we can. Go up one.

7

8 Mr. Sauls: Yeah.

9

10 Chair Hechtman: There you go.

11

12 Mr. Sauls: So, this topic discusses the potential to allow for removal of the need for existing  
13 parking requirements or existing... or a garage to exist in order to benefit from what the City  
14 previously had and now the state has adopted replacement parking requirements. And so, what  
15 is the typical situation is that for any new single-family home, they're required to have two  
16 parking spaces which at a minimum one is covered and the other is uncovered. In any situation,  
17 those requirements for the parking are that they have to be beyond a front yard setback and in  
18 some instances, can't encroach into a street-side setback. The other instance that I was bringing  
19 up earlier is that when these garages are converted to an accessory dwelling units. The state  
20 has identified that there is no longer a requirement to replace that parking on site. So, not even  
21 an instance of confirming or requiring uncovered spaces to be on the site, but even just no  
22 parking required effectively. What the state code didn't do when they updated their ordinance  
23 and what we did as a result of updating our ordinance was to allow for junior ADUs to benefit  
24 from a garage conversion. As how we had established before for accessory dwelling units which  
25 was that when you convert an attached garage to a junior accessory dwelling units. You are  
26 able to replace those parking spaces as uncovered spaces within the front or street side  
27 setbacks where it would typically needing to be passed a typical 20 or 16-foot setback on a site  
28 plan.

29

30 The policy proposal would be to treat that then as in lieu of providing parking on a site. Say as a  
31 result of construction of a new house, where a new house is required again to have at least one  
32 covered space. In lieu of providing that or in lieu of requiring that, we could say that or PTC  
33 could suggest that in lieu of that we identified something on the plan that there's going to be  
34 an ADU in place of a garage. We could still require that those spaces to be uncovered because  
35 it's a different kind of tier system basically where the State Code says there has to be an  
36 existing structure there. Obviously, there needs to be something existing to be converted. We  
37 can not say remove the need or classification of a conversion but simply say in lieu of  
38 developing a garage on your new... on your property as a result of a new single-family house  
39 development. You could, in essence, simply replace that with an accessory dwelling units and  
40 then you would show uncovered spaces along the driveway or what have you on the property.

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1 So, that there's still a code requirement met and we're still meeting the parking requirements  
2 as adjusted for the house, for the main house.

3  
4 The other thing obviously would be... another opportunity would simply be to reduce the  
5 amount of parking that is required for the main house. But the idea is really is just related to is  
6 this an incentive that is successful or could be successful to eliminate what otherwise creates a  
7 two-step process for a new single-family home. You produce... you develop your home, you  
8 build a new house that requires at least a detached or an attached garage and then if you are  
9 wanting to convert that space rather than build a separate detached structure. In that instance  
10 then we could say ok, you can do that all in one permit. Where as now, you'd be required to  
11 submit the plans, get them reviewed, issued, approved, and inspected. And then you would  
12 have to come back afterward to submit a permit to convert the structure to an accessory  
13 dwelling unit.

14  
15 Chair Hechtman: Alright, questions of Mr. Sauls? So, I think I have one because I'm a little... I  
16 thought I understood this but the slide has me a little confused. I understand the basic concept  
17 is we collapse a two-step process into a one-step process and in so doing, we essentially relieve  
18 them of the need to build a covered garage that is going immediately be converted. So, I think I  
19 get that concept but what I'm not understanding is when I look at the policy proposal on the  
20 screen, are these two alternative proposals because both start with when an affordable unit is  
21 providing in conjunction with the construction of a new house. Are these two different choices  
22 for us to talk about?

23  
24 Mr. Sauls: Yeah, so the first choice is in lieu of building a new garage, you build an ADU and you  
25 show or we require then that uncovered spaces have to be located on the site plan or  
26 demonstrated on the site plan. Either we decide that it has to be beyond a setback or we  
27 decide it can be within the front yard setback where traditionally it is not considered or allowed  
28 to be counted towards the required parking for the site.

29  
30 The other is that we could simply say, you don't have to provide parking whatsoever if you are  
31 substituting an affordable ADU for a garage when you build a new home.

32  
33 Ms. Tanner: I think the difference is between do we change the parking requirement or do we  
34 allow the parking requirement to be satisfied in a different manner?

35  
36 Chair Hechtman: Ok but under the current regulations, if I have a house, I necessarily have one  
37 covered and one uncovered space minimum. Now I come in and I convert the garage and I lose  
38 the covered parking space but I still have one uncovered space.

39  
40 Ms. Tanner: That's correct.

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1  
2 Chair Hechtman: And so, in the first policy proposal alternative, what confused me is you have  
3 this language could be provided as uncovered spaces, plural, which makes me think what  
4 you're saying there is we do a one-step but we still get two parking spaces. It's just they're both  
5 uncovered rather than one covered, one not.

6  
7 Ms. Tanner: Exactly, yes.

8  
9 Chair Hechtman: Ok and in the second possible iteration, we allow the one-step process and we  
10 don't require any parking.

11  
12 Ms. Tanner: Or it could be just that... so right now the requirement is for two spaces; one  
13 covered, one uncovered. So, it could be reduced that it's only one uncovered space that's  
14 required for the primary house.

15  
16 Chair Hechtman: Ok, alright, that's very helpful. Thank you. Alright, other questions of  
17 Commissioners? By Commissioners or comments? I'm not seeing any questions so let's go to  
18 lightening rounds. Commissioners, tell me what you think. Commissioner Summa, thank you.

19  
20 Commissioner Summa: Thank you. I... this is another one I thought we already eliminated this  
21 two-step process for ADUs but maybe it didn't get in there. I am very much in favor of  
22 eliminating the two-step process but retaining the current parking... required parking spots on  
23 site.

24  
25 Chair Hechtman: That was lightning fast, thank you, Commissioner Summa. Commissioner  
26 Chang.

27  
28 Commissioner Chang: What Commissioner Summa said.

29  
30 Chair Hechtman: We're on a roll. Other Commissioners? So, I was think similarly that we should  
31 eliminate the two-step process and condense it to one and I was thinking that ideally when we  
32 condense it, and again, we're looking at this as possibly an incentive to do something deed-  
33 restricted... we're do... for a deed-restricted unit. So, we're going to give them something they  
34 can't normally get, and normally through the two-step process, you can get one parking space  
35 on site uncovered. So, I was wondering whether somebody who was attracted to this one-step  
36 process might be willing to provide two uncovered spaces. Even though they cannot have deed-  
37 restricted, going with the two-step process, and only end up with one. I was wondering if Staff  
38 had given some thought to whether someone who's interested in building an ADU would  
39 actually decide, I'm going to go with the two-step process because I don't want to have to

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1 provide a second parking space anywhere on site, setback or otherwise. Did Staff wrestle with  
2 that or seen examples of it?

3

4 Ms. Tanner: Yeah, I'll (interrupted)

5

6 Mr. Sauls: I mean (interrupted)

7

8 Ms. Tanner: Have Mr. Sauls give some examples possibly but I think part of what it comes down  
9 to is dimensions a bit in the parcel size too. So, if you're providing uncovered space to the first  
10 white box on the right-hand column. You know, that takes up more space and as Mr. Sauls said,  
11 we may have to decide well where can the car park? Can it park in the front setback because  
12 normally that's not allowed, even though there may be a driveway there? That wouldn't be...  
13 approve a plan that says that's where the car parking space is. And so maybe Garrett, you can  
14 talk a little bit about some examples but I think that is an important aspect to consider.

15

16 Mr. Sauls: I'll give an example of a standard and a narrow lot. With a narrow lot what you  
17 typically experience is a long driveway leading to a detached garage in the back corner of the  
18 lot. In that instance, you'll almost always have the ability to locate a parking space along that  
19 drive aisle leading to the garage. For a standard lot where you don't have more constraints in  
20 terms of the narrowness of the house or the narrowness of the site and how the setbacks apply  
21 to it. Something like a forward or front-facing attached garage will typically have a driveway  
22 obviously in front of it. And, you know, I haven't seen any projects where we don't have a  
23 driveway. It's very integral and important to many people when they do any sort of project. We  
24 also have a very specific threshold to which the driveway can't expand beyond. We say you can  
25 have a 16-foot wide driveway that is effectively 20-foot deep which is the standard front yard  
26 setback. Now, our uncovered parking space dimensions are 8 ½-feet by 17 ½-feet... 8 ½-feet  
27 wide by 17 ½-feet deep. So, roughly that can accommodate two spaces if we were to really  
28 squeeze it. Anytime that there are adjacent to walls, we typically require that they be shown  
29 dimensionally as 9-feet so that there's proper swing, clearance for the vehicles, and passage for  
30 the vehicle.

31

32 So, there are... it is likely that most people would be able to satisfy this requirement by  
33 demonstrating it within the front yard setback. Currently, the code doesn't really get to that  
34 point because it's still... and even the State Code even has this... requires on this fundamental  
35 idea that something exists. All of this is based on a conversion, rather than a new structure.

36

37 ADUs aren't required to provide parking. We haven't... we as Palo Alto haven't had that since  
38 before 2017 I believe even and the state, as of recently, only required it if you have very, very,  
39 very niche examples which Palo Alto doesn't really satisfy. And so, as a result, you know parking  
40 became a really big issue that the state was trying to tackle which is why they identified that

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1 parking for a conversion does not have to be replaced in any kind of configuration whatsoever.  
2 But again, fundamentally, that something exists to be converted. It does not... they don't  
3 discuss anything in their ordinance about the interplay of how this creates a multi-pronged or  
4 multi-stepped process.

5  
6 Ms. Tanner: And I would just add very, very briefly. I do think this is an item where Staff did  
7 consider could this apply to all ADUs to prevent that two-step process which I don't think  
8 anybody wants to go through process just to go through it or have folks build stuff just to  
9 change it later. But it is something that has this interplay with parking which is a very sensitive  
10 issue in our community and so we'd certainly want the PTC to opine on the conditions under  
11 which this could occur.

12  
13 Chair Hechtman: Alright, thank you. Other Commissioners want to weigh in on this idea?  
14 Commissioner Alcheck.

15  
16 Commissioner Alcheck: I waited till the end of the lightning round so I could have a little more  
17 time because I need that for this one. First thing I want to say is there's a couple context issues  
18 here that I want to raise. Number one, in a lot of new construction where detached garage has  
19 to be in the rear or a lot. The prevailing trend has been to develop a one-car garage and utilize  
20 the lengthy driveway as the secondary, non-covered parking space. This trend developed  
21 because people wanted to reduce the usage of the rear area in a way that they were covering  
22 the ground and then also because our FAR includes the garage. And so, they were able to use  
23 more FAR in the house by minimizing the size of the garage. I believe that if we eliminated this  
24 two-step process, you would see that switch. People would begin to develop these 800 or 900-  
25 square foot ADUs and they would be much more suitable for habitability.

26  
27 I would suggest to you Director or Assistant Director Tanner that we... I could read you the  
28 minutes of the last time we talk about this and the time before where I suggested this is bad  
29 policy mostly because it harms neighbors. Neighbors have the burden of living through 3- to 5-  
30 more months of construction and also there's an environmental impact here. Why are we  
31 building a garage if the intent of the developer or the builder to then immediately take it apart  
32 and build it into something else? There's a loss there.

33  
34 I would suggest to you there'd be no point in paving the 100-feet of driveway that's typical on a  
35 lot of these or 85-feet of driveway that's typical on a lot of these situations to a structure that  
36 will no longer be a garage. That's another example we contend in our Building Code a lot with  
37 covered and permeable surface.

38  
39 So, there's so many reasons why this is a bad process. This when people go a Palo Alto process.  
40 This is about process. Making someone come back after they've finalled, only to then

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1 reconfigure that unit with now appliances, did they lay the plumbing in advance because they  
2 knew they were going to do it, do they have to break the concrete? I mean the whole thing  
3 seems so wasteful that I'm shocked that this hasn't been already adopted.

4  
5 I think my biggest concern with this is that I don't think this is a carrot that makes any  
6 difference to somebody who is going to be asked. Are you going to deed restrict to save  
7 yourself 2-months? I don't know. I'm worried that we're missing this bigger picture of it has to  
8 be so juicy to get someone to adopt the 15 or 20-year... ok, let me just say one more thing that  
9 maybe I see that Ms. French is on this conversation. Maybe, I don't know if she's here or not,  
10 but this is something that maybe she'd appreciate.

11  
12 Once we start eliminating... assuming we do adopt this policy of eliminating the two-step  
13 process which is a waste of money, time, and its environmental unfriendly. Assuming we did  
14 that, at some point you start building homes without garages, without covered parking, and our  
15 code has some specific determinations when it comes to streets and parking. If you've got the  
16 majority of homes with covered parking in the front or covered parking in the back. If you have  
17 a JADU that's converted to the front garage that's converted. Will that change the calculation of  
18 contextual setbacks? These are actually important questions.

19  
20 I agree with you that there's sensitivity in our community about parking. I would suggest to you  
21 that if you want to pit the residents against affordability. Then we pass... then we recommend  
22 something that says you don't need to find parking on the street... on the property. And that  
23 would be a problem because our two-step solution doesn't create that problem. Our two-step  
24 solution right now allows... you have to build at least one space accommodate on the property  
25 uncovered and if you convert. Well, the state exempts you from having to satisfy the parking  
26 requirement in general. If we go to one step, we do have to have a scenario where we try to  
27 maintain street parking because that is... off-street parking because that's incredibly important  
28 to the community. And I don't want the community to go no, this is bad policy. We don't want  
29 parking and affordable housing to be fighting with each other. And so, there's some complexity  
30 here with respect to contextual garage placement. There's some complexity here with respect  
31 to the setting the community in affordable housing against each other and when it comes to  
32 parking.

33  
34 So, I misspoke earlier because I was going to tell you there's only one of these that I really think  
35 should apply no matter what. Now that this was dealt with, I'm thinking to myself like I would...  
36 I think this... my hope is that maybe Staff could look at this again and say ok. If we really want to  
37 be sensitive to the community, how can we fix that? And if we really want to be sensitive to the  
38 environmental, how can we fit that? If we really want to pursue our permeable surface policies,  
39 how does this align with that and what do we do about the fact that if there is no parking  
40 provided on a property and that begins... because we want to encourage affordable housing.

- 
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1 How will that affect other homes that have garages in certain places on their property if their  
2 statistics change?

3  
4 And so, there's actually a lot of complicated questions in this idea but I would agree with  
5 Commissioner Summa, who also felt like we already dealt with this in that the two-step process  
6 makes not sense. So, if we're going to fix that problem and I guess if we fix it for all ADUs which  
7 I would assume would be the right policy. I think you can't miss the opportunity to address the  
8 other issues which is figure out a way to maintain at least the minute uncovered space off-  
9 street in a code-compliant way that it is now. And then number two, address some of the  
10 ancillary situations that might develop with respect to streets with very close ratios of parking  
11 placement which I think could create an issue.

12  
13 Mr. Sauls: To that, I can talk just briefly to that last point. We currently established that any  
14 property that doesn't have a garage or in this instance what would be created effectively if they  
15 didn't have a garage. You know that would be considered as a rear placement effectively.

16  
17 Commissioner Alcheck: Right. No, that actually (interrupted)

18  
19 Mr. Sauls: So, the transition would then be is that if everything, like you're saying, if everything  
20 was 50/50, right? Front or rear. As soon as this policy were to be adopted and more people said  
21 I want to do an ADU. Then (interrupted)

22  
23 Commissioner Alcheck: Or JADU

24  
25 Mr. Sauls: What that [unintelligible], it's going to be... or JADU, yes. It would then become that  
26 most of these properties are going to follow underneath or fall under the criteria of rear  
27 detached garage basically.

28  
29 Commissioner Alcheck: Right and I would just add to you that the irony of that is that when the  
30 Planning Department and the Council address that particular context garage placement issue a  
31 couple years ago. One of the ironies was this notion that you can... that we should be able to  
32 maintain the streets existing relationship forever. And what I'm highlighting to you is there is no  
33 pathway where a street can change in one direction and if, for example, someone builds a  
34 brand-new home and they put this... they turned a four-place garage into a JADU. Effectively  
35 creating a home that has no garage, no covered parking. They could affect the home next door  
36 which would then want to pursue a project of its own and then have a potentially less amount  
37 of rights than they had a year before. And that sort of... that would be unsettling I think for  
38 some residents. I don't know, at least I think that's potentially unsettling and so I think what we  
39 have to do is we just say well what if... if this happens on a street. Do we add some language

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1 that says well whatever was before the garages started disappearing is maintained or are we  
2 going to have a situation where front-facing garages become extinct?

3  
4 Chair Hechtman: Alright, other Commissioners want to talk on this item, the conversion issue?  
5 Alright, I'm not seeing any other hands so what I'm hearing, to summarize on this issue, it  
6 seems like among the Commissioners there's strong support for condensing the two-step  
7 process into the one-step process. I don't think we've heard enough from Commissioners at  
8 this point to understand whether there's consensus about what to do with the parking. I think  
9 we've heard some comments but I haven't heard a common thread yet on that, other than, I  
10 think it is a common thread that all of the Commissioners are sensitized to the parking issue.

11  
12 Now it is 10:25 and so I will ask the Commissioners again what's your pleasure? Do you want to  
13 take on the next item which is whether to allow a second ADU which really third... well, two  
14 ADUs and a JADU it would be. Anyway, do you want to take on that topic and see how long it  
15 takes us, or are we ready to conclude for the evening on this. Commissioner Templeton, I see  
16 your hand.

17  
18 Commissioner Templeton: I am ready to conclude for this evening and ready to make a motion  
19 but I wanted to give the other Commissioners an opportunity to weigh in first.

20  
21 Chair Hechtman: Commissioner Alcheck, something to say on this timing issue?

22  
23 Commissioner Alcheck: I share Commissioner Templeton's sentiments. I think, to be honest,  
24 there's a benefit to having a greater a proportion of the items reviewed by seven if seven will  
25 ultimately vote on this. And so, to the extent that we push the remaining items to a time when  
26 Commissioner Roohparvar [note – Vice-Chair Roohparvar] will join us. I think actually that will  
27 improve our discussion at that time.

28  
29 Chair Hechtman: Commissioner Lauing.

30  
31 Commissioner Lauing: I agree we should continue, particularly since I think the next three to  
32 four are substantive and will take a long time.

33  
34 Chair Hechtman: Ok. I do... and I'm fine with continuing. I do note that at our June 9<sup>th</sup> meeting,  
35 we already have the PTC review of Objective Standards which I understand from Ms. Tanner is  
36 a... it's going to be a substantive and lengthy item. We're also missing at least Commissioner  
37 Chang that night who has participated meaningfully tonight and I'm sure would like to be  
38 around the remaining discussions on this item. So, if we are going to continue it, Ms. Tanner is  
39 there a date out in the future that looks like we might want to bring it to? Keeping in mind that  
40 I think we're going to try to get somebody from Alta at that next round.

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Ms. Tanner: Certainly, I would suggest June 30<sup>th</sup> as the date certain if the Commission is going to continue which I believe is our second meeting in June.

Chair Hechtman: Commissioner Templeton, I see your hand.

Commissioner Templeton: Thank you, Chair. Do we anticipate any other absence on that date in June? I know travel schedules may start appearing again so.

Commissioner Alcheck: Is it the first Wednesday?

Commissioner Templeton: This is the 30<sup>th</sup> which is the last day and bumping up against the July vacation week usually.

Commissioner Alcheck: I won't be present.

Ms. Tanner: Yeah, I think it's a few days... a day before the 4<sup>th</sup> of July weekend or.

Commissioner Templeton: On the 30<sup>th</sup>, you... who said they would be absent? Commissioner Alcheck?

Commissioner Alcheck: It's my... Commissioner Alcheck. I'm... I will be... I can't make it that evening.

Commissioner Templeton: Ok. Should we do... Chair, what do you think about maybe a... just a date uncertain and figure this out behind the scenes with a poll or something because I think we have had a really good discussion. It's great to hear all the different perspectives.

Chair Hechtman: I'm comfortable with that, particularly because, as I mentioned earlier, there isn't a particular, this is important work but it's not time-sensitive work and so I think we can... we have the luxury of waiting till we have a full complement of Commissioners and we can figure out when that might be.

MOTION

Commissioner Templeton: We also might be in person by then, could happen. Ok, well then with the input that we've heard so far and I think I see Commissioner Summa nodding her head as well. Maybe I'll just go ahead and make the motion at this point. So, I move to continue this item to a date uncertain.

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1 SECOND

2

3 Commissioner Summa: Second.

4

5 Commissioner Templeton: Thank you, Commissioner Summa.

6

7 Chair Hechtman: Summa seconds. Any discussion? Seeing none, Mr. Nguyen, will you take a roll  
8 call (interrupted)

9

10 Commissioner Alcheck: Just quick point of clarification. Do we need to specify a date uncertain  
11 but not the next meeting or the one after that? Do we have to be specific or does this mean  
12 that we're going to have to collectively find a date sometime in August or July?

13

14 Commissioner Templeton: I think I saw Assistant Director Tanner indicating that we don't have  
15 to specify that and she was present for our comments about trying to coordinate that behind  
16 the scenes.

17

18 Ms. Tanner: Certainly, and also, I think the Chair had discussed in our pre-meeting possibly  
19 talking about summer schedules. So, I do take with this the sentiment to endeavor to find a  
20 date when all Commissioners are available to discuss.

21

22 Commissioner Alcheck: If I just may say one thing about process-wise. I just want to say that I  
23 typically don't prefer that Commission business happens simply because I'm not present and if,  
24 for example, an item like this were there was an opportunity. I would send notes in on the item  
25 if I couldn't attend in person. So, if that... all I'm trying to say is I'd hate to get to July and find  
26 out that there were other absences because of summer and we end up don't dealing with this  
27 until September. So, if the Commission leadership and Staff want to discuss at their next pre-  
28 meeting or whatever when they want to schedule this. I would suggest to you that I'm  
29 comfortable with you proceeding without me present if that makes sense for our business.

30

31 VOTE

32

33 Chair Hechtman: Ok, that... thank you, appreciate that. So, essentially, I think the motion is to  
34 continue to a date uncertain which could be June 30<sup>th</sup>. I think it would be good to find out from  
35 the Vice-Chair whether she has a scheduled conflict that day before a decision was made. And  
36 then Commissioner or Ms. Tanner, you'd need to look at what else we might have on that date  
37 to see if this would be a good fit. Because I think we can judge by the length of time it took us  
38 to get through four items out of 14. Four of which I do think are not very lengthy but six I think  
39 could take some time so we need a good block of time. So, we have a motion, we have second,  
40 we have no further comments. Mr. Nguyen, will you take a roll call vote, please?

- 
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Mr. Nguyen: Commissioner Alcheck?

Commissioner Alcheck: Aye.

Mr. Nguyen: Commissioner Chang?

Commissioner Chang: Yes.

Mr. Nguyen: Chair Hechtman?

Chair Hechtman: Yes.

Mr. Nguyen: Chair Hechtman?

Chair Hechtman: Yes.

Mr. Nguyen: Commissioner Lauing?

Commissioner Lauing: Yes.

Mr. Nguyen: Commissioner Summa?

Commissioner Summa: Yes.

Mr. Nguyen: Commissioner Templeton?

Commissioner Templeton: Yes.

Mr. Nguyen: The motion carries 6-0 with one Commissioner absent.

MOTION PASSED 6(Alcheck, Chang, Hechtman, Lauing, Summa, Templeton) -0-1(Roohparvar absent)

Chair Hechtman: Thank you. We will now move to approval of the minutes.

[The Commission moved approval of the minutes.]

**Commission Action:** Motion by Templeton, seconded by Summa. Pass 6-0 (Roohparvar absent)

3. Review the City Boards, Commissions, and Committees Handbook and Recommend Adjustments to Implement the Handbook's Directions.

- 
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1 Chair Hechtman: It appears that we are all present and so thank you, everyone. I have relocated  
2 from the freeway to the pond and I'm hoping that will help with my internet stability. And we  
3 will move now to pausing Item Two. We move to Agenda Item Number Three, review the City  
4 Boards, Commissions, and Committees Handbook and recommend adjustments to implement  
5 the Handbook's directions. Ms. Tanner, is there a Staff report on this?

6  
7 Ms. Rachael Tanner, Assistant Director: Yes, there will be a brief Staff presentation. Just one  
8 moment and we'll bring that up. Good evening Commissioners, just want to do a really short  
9 presentation regarding the Board and Commission Handbook, and really just want to  
10 emphasize that it will be brief. If I can advance the slide. There we go.

11  
12 So, the purpose is to promote awareness of the handbook amongst all of our Boards and  
13 Commissions. So, the Planning and Development Services Department has three Boards and  
14 Commissions that we Staff. Planning and Transportation Commission, Historic Resources Board,  
15 and the Architectural Review Board. So, we're doing an item like this with all of our Boards. We  
16 also want to allow an opportunity for questions and/or discussion. Will note, the City Attorney  
17 and City Manager's office are the lead on the handbook and associated items. And so, some  
18 questions I may have to take down and get back to you all later on. And so, want to highlight  
19 some of the differences between the handbook and the PTC's practices.

20  
21 I also want to make the Commission aware, and I will say this is something I was only made  
22 aware recently, after the publication of the Staff report, which is that on November 20<sup>th</sup>, 2020  
23 when the Council adopted the handbook. They did create some changes from the dais which  
24 you case in Letters A through H here. The first was to adopt the handbook and to use the ARB  
25 as a template for the Boards and Commissions applications; to direct Staff to implement the  
26 changes in the handbook; update the HRC description around HSRAP... to include HSRAP and  
27 Emerging Needs; modify term limits for three-term positions for the Historic Resources Board;  
28 Architectural Review Board and two terms for all others; keep the membership of the Human  
29 Relationship Commission to seven members and apply term limits to currently serving Board  
30 and Commission Members who would be eligible to reapply for an additional term; and lastly,  
31 to require Staff reports be provided to Boards and Commissions 7-days in advance of each  
32 meeting. So, some of these changes were not incorporated yet into the book itself, and then  
33 additionally, some modifications are going to be further discussed by the City Council. So, for  
34 example, Letter E, term limits, is a discussion that's scheduled for Council on June 1<sup>st</sup> and so we  
35 do look forward to hearing what the Council does decide about term limits and if there are any  
36 changes from the current proposal.

37  
38 And this slide just shows, like the table that's in the Packet, what is in the handbook, what the  
39 current PTC practice is, and if there's any adjusted recommended change. And so, you can see  
40 that one of the most monumental changes just probably would be changing to verbatim

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1 minutes which we currently don't have. Some of minor changes, kind of behind the scene,  
2 yearly attendance.

3  
4 I do want to look at number three or the third one down. Boards and Commissions need to  
5 submit a yearly work plan for Council's approval. So, as of last Friday, departments were  
6 notified that they need to create a work plan by... for submission to the City Clerk by this Friday.  
7 And so, what I will do is create a Staff generated draft plan and then we will discuss that and  
8 agendize that for our June 9<sup>th</sup> meeting. And then if the Commission does approve the work plan  
9 with any modifications. That would be presented as an At Places Memo for the Council's  
10 consideration on June 22<sup>nd</sup>. And I do apologize for that timeline, but we just were made aware  
11 of that at the end of last week.

12  
13 Staff liaison to adjourn meeting if there's a lack of quorum. The last item on this table, terms to  
14 commence on November 1, is an additional item that will be considered on June 1<sup>st</sup> by the  
15 Council when they are looking at the ordinance that would effectuate some of these changes.  
16 My understanding is that term commencement day may change from the proposed. So, we will  
17 wait to see and certainly update you on the change and where it settles.

18  
19 And then... don't know why today I'm having trouble advancing my slides. There we go.  
20 Members... and this again, the term limits is the topic of the first line; letters of resignation,  
21 who to address those too; mandatory training shall be provided, and so we did have trainings  
22 that were provided. And hopefully, you were able to attend or to watch the videos that have  
23 been made available, and then meeting procedures should follow the City Council's Rules of  
24 Order. So, Staff will prepare some changes for the PTC Procedural Rules to conform to the  
25 Council Rules of Order. For example, no substitute motions are permitted I believe and so that  
26 was something that we want to make sure we align.

27  
28 So, that's the end of the presentation. I do want to note and call our Mr. Vinh Nguyen, who did  
29 help with the development of the Staff report. We continue to look for opportunities to  
30 develop our Staff and provide opportunities for growth and so I think he did a really great job  
31 on his first Staff report. So, thank you for that Mr. Nguyen. With that, that concludes the Staff  
32 presentation.

33  
34 Chair Hechtman: [unintelligible – no audio] Ms. Tanner and Mr. Nguyen. A job well done. Let  
35 me start with any questions that Commissioners have on the Staff report and then we can  
36 move to public comment. Commissioner Chang.

37  
38 Commissioner Chang: I don't know if this is quite a question on the Staff report, but it is a  
39 question about other things related to the handbook that I read recently as I was oriented.  
40 Because Mr. Nguyen sent me a bunch of things, including the PTC Procedural Rules. So, I just

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1 noticed an inconstancy between the PTC Procedural Rules and what we have on our agenda  
2 often.

3  
4 So, my understanding is that public comments are limited to 3-minutes but then comments on  
5 any individual agenda item, according to our Procedural Rules, is 5-minutes, but on today's  
6 agenda it says 3-minutes. And then similarly, in our Procedural Rules it says that groups are  
7 limited to I think it's 15-minutes... oh sorry, groups are limited to 10-minutes, but on our  
8 agenda, it says that groups are limited to 15-minutes. And I have no stake in which way it is,  
9 one way or the other. But I'm hoping that we can be consistent because I think it's confusing to  
10 us and confusing to members of the public who are planning to... you know they're timing  
11 themselves. Like I should I maybe time you for 3-minutes or 5-minutes? So, that was just a  
12 question about what it should be.

13  
14 Ms. Tanner: That is a great point. It is an inconsistency and I think what when we do come back  
15 with the updates that we need to do our Procedural Rules, that could be a discussion. I believe  
16 that... in my understanding again as inheriting from past ways the Board has run is that I think it  
17 became... maybe became... maybe Commissioner Alcheck knows. I don't know if it's been  
18 different in terms of his 10-year but that the Chair can I think... it's just to 5 but the Chair can  
19 limit it to 3 and I think perhaps that became the habit I'm guessing. And so instead of saying 5  
20 and then continually limiting to 3. I think that maybe the agenda got updated just to say 3, even  
21 though it's the Chair's discretion to limit it to 3 or to have it be all the way up to 5.

22  
23 With the group comments, I'm not sure how that got confused either but I think it is a point  
24 that we do need to decide what we want to do and then true up all of our documents to be  
25 consistent.

26  
27 Chair Hechtman: So, these are questions of the Staff report before we go to public comment.  
28 Commissioner Alcheck.

29  
30 Commissioner Alcheck: I'll just... I just want to fill some gap in. I think that is the... that's almost  
31 exactly right Assistant Director Tanner. I think the idea originally why they lowered the number  
32 was, and I don't know that they did it in the right place, but was the idea that it's always better  
33 to know you have more than to know you have less. And so, while the... most of the meetings in  
34 the beginning of my 10-year allowed people to speak for 5-minutes, but they maybe didn't  
35 come with 5 and then find out that it was only 3. It was sort of the reverse. They could be the 3  
36 to 5 but they prepared for 3 and if they were given 5 that was a bonus. I think that's why but I  
37 don't know that it's necessarily good.

38  
39 Chair Hechtman: Alright any other questions? I don't see any so we will now open the floor for  
40 public comments. Please raise your hand if you wish to speak. On the Zoom App, there is a

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1 raised hand button on the bottom of your screen. If you're dialing in from a phone, please press  
2 \*9. Mr. Nguyen, are there public speakers for this item?

3  
4 Mr. Vinh Nguyen, Admin Associate III: Yes, we do have a couple raised hands and we actually do  
5 have a group that will be donating their time. And I just want to remind everyone that if you are  
6 donating your time, you do not need to raise your hand. So, I will be lowering the following  
7 people's hands. Keith, Nelson, and Mary. If that's incorrect, please raise your hand again and  
8 we can address that. Ok, our first speaker will be Chris, followed by Fred, and I will also be  
9 lowering... actually, I will also be lowering Annette's hand as well. Ok Chris, ok ahead.

10  
11 Mr. Chris Robell: Thank you Chair and Commissioners. I had actually four points. The first  
12 relates to what the book... the handbook calls successful meeting management and getting  
13 through items in a timely manner. And in my mind, I think that means the Commissioners need  
14 to really stay on point, formulate their thoughts, not rambling, not going off-topic, or what the  
15 handbook calls grandstanding. And I think that's really important to make sure there's sufficient  
16 time to allow everybody to be heard and the agenda items don't get pushed or moved and  
17 there's sufficient progress. So, if anybody is not doing that, I think I would encourage a process  
18 for coaching and warning and I don't know exactly what happens if that's not being met but I  
19 think that's a really important thing that there's always opportunity for improvement on that  
20 front.

21  
22 Second point, which Rachael talked about was the Staff reports being released to the public 7-  
23 days prior which is great. I think that also needs to apply to Colleague's Memos and even more  
24 importantly, presentations. So, sometimes there have been incidences at PTC where there's  
25 material that's really new or slightly different or a different twist and that shows up. And you  
26 don't know what it's going to be in there and it's different than what's in the Staff report. So, I  
27 think those presentations need to be also not 7-days for presentations but sufficient. So, that  
28 the public can and the Commissioners can review them and have a chance to respond.

29  
30 The third topic is about public engagement. I think it's absolutely critical to keep Zoom as well  
31 as YouTube. YouTube allows people to watch it at double speed for people whose brains go  
32 faster than people's mouths. So, I think YouTube and Zoom are really critical in making people...  
33 that's one of the benefits of COVID along with clearer air quality. So, I think we should keep that  
34 even though that when we go back to City Hall and I know there's legislation contemplating  
35 requiring Zoom, but that to me doesn't matter. I mean the legislation is a minimum  
36 requirement and I think Palo Alto deserves better than just the minimum. We should just make  
37 a policy to keep it and I will mentioned that as well to Council.

38  
39 And then the last one has to do with the transcripts. I don't really... my understanding and I  
40 spoke at this at Finance Committee is the budget went back for or at least it was recommended

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1 to go back, the \$63,000, to do the full transcripts for full transparency. Which I think we can all  
2 agree could... there's opportunity for improvement on that. So, full transcripts and verbatim  
3 should not be discouraged. I don't think... I think Council will hopefully reverse that. I know Pat  
4 and Eric Filseth were proponents of that in Finance. So, I hope we do go back to or keep that I  
5 should say. Thank you very much for your consideration and for putting this book together and  
6 I think it will be very helpful.

7  
8 Mr. Nguyen: Thank you Chris for your comments. Our next and last speaker is Fred. If there's  
9 anyone else who wishes to speak, please raise your hand now. Fred, I see your entire group is  
10 here so you will get 10-minutes. Fred, if you're there, you can unmute yourself now. Fred, if  
11 you're there, can you please unmute yourself and speak?

12  
13 Ms. Tanner: Mr. Balin, if you're speaking we still can't hear you. You should have the unmute  
14 button in the lower-left corner of your screen I believe if you're on a computer. I don't know if  
15 anyone from Fred's group can raise their hand and help us to get through to him, or perhaps  
16 speak in his stead if they are ready. Do you want to try again Vinh to unmute him?

17  
18 Mr. Nguyen: Yes. Still no response.

19  
20 Ms. Tanner: Yeah, Mr. Balin, can you unmute yourself? Is there anyone from Mr. Balin's group  
21 who feels that they could speak in his stead, or we can provide the phone number Mr. Balin and  
22 you can call in to provide your comments? Maybe is Ms. Sanders part of his group or Mr.  
23 Bennett?

24  
25 Mr. Nguyen: Yes, both of them are part of his group. I'll go ahead and allow Ms. Sanders to  
26 speak first.

27  
28 Ms. Tanner: Thanks.

29  
30 Ms. Becky Sanders: Oh, hi there everybody. Yeah, I could call Fred but maybe Mr. Bennett has  
31 something so I'll just call Fred right now and see what's going on with him. Thank you for this  
32 extra time.

33  
34 Ms. Tanner: Thank you and Mr... maybe we can unmute Mr. Bennett and he can share if he has  
35 any insight.

36  
37 Mr. Nguyen: It looks like Fred has rejoined on a second account.

38  
39 Ms. Tanner: Ok.

40

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1 Mr. Nguyen: Fred, go ahead.

2

3 Mr. Fred Balin: Can you hear me now?

4

5 Ms. Tanner: Yes. You may want to log off your other account. You'll have an echo I think until  
6 that happens.

7

8 Mr. Balin: Right, let me try and do that. Sorry for this confusion.

9

10 Ms. Tanner: It's ok. There's got to be some kind of technical issue in a meeting on Zoom.

11

12 Mr. Balin: Let me log off the other one. Let's see, can you hear me?

13

14 Mr. Nguyen: Yes, we can. Thank you.

15

16 Mr. Balin: Alright, so if I'm not... if there is no echo I'll start and thanks for those residents who  
17 donated their time to me. Good evening and many thanks to all the appointed officials present  
18 and past who have lived up to the letter and spirit embodied in the City's new Boards,  
19 Commission, and Committee Handbook throughout their public service. The handbook includes  
20 much-needed codification of expectations for preparation, attendance, and punctuality, of  
21 roles and responsibilities, of procedures, and of adherence to a Code of Conduct.

22

23 The Chair, or Vice-Chair as a stand-in, is entrusted to set a positive tone, ensure the  
24 effectiveness of the group process, that items move along without delay, all members are  
25 heard in a fair and safe manner, and to intercede when called for. Ways to handle conflicts  
26 represented during the March 31<sup>st</sup> training session for Chairs and Vice-Chairs and at a late hour  
27 at the end of your meeting 2-weeks ago. After a Commissioner's question about process was  
28 misinterpreted as an insinuation of unethical Commission behavior and a personal affront. The  
29 Chair calmly and appropriately disabused those notions and the crucial fault line between  
30 addressing the topic, but not the person was upheld.

31

32 Amidst the fine in this guiding document, there are two very significant changes approved by  
33 the Council related to increase transparency and good government. There was also one  
34 recommendation that works counter to those goals. Let's start there and quickly help put it to  
35 bed. Staff is recommending that verbatim minutes of the Commission be discontinued. This  
36 dubious idea has been raised in the past as a way to save money, but with advances in speech  
37 recognition technology such as the Zoom transcription, I get on my screen. It's even harder to  
38 justify. The proposed change would make it much more difficult for the public and Council to  
39 prepare for subsequent meetings, or for citizens to research past issues. The proposed

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1 replacement “sense minutes” will not cut it in word or deed. Enough said. Let's move on to  
2 better news.

3  
4 Not explicitly called out in the Staff report or within the presentation tonight, but within the  
5 handbook is an important change to the process related to quasi-judicial items. Those in which  
6 Commissioners in effect act as judged regarding Variances, Conditional Use Permits, Home  
7 Improvement Exceptions, Planned Community and Housing Zone applications, appeals, and  
8 other matters where exceptions to existing code are requested. To decades ago when Karen  
9 Holman and Pat Bert were on this body, Commissioners instituted a procedural change in which  
10 communication with an applicant or the public was strongly discouraged on such items. This  
11 procedural change led to a shared Commission norm that kept all discussions on quasi-judicial  
12 items in open view and greatly improved public confidence in the Commission’s work.

13  
14 Some applicants however did not like it and brazenly displayed their disdain in front of the  
15 Commission and/or excoriated the Commission afterward. Particularly, during two notorious  
16 Planned Community applications for what are now Alma Village and College Terrance Center  
17 who’s plans this body did not recommend. Both decisions would be appealed to a City Council  
18 which has no strong prohibition on speaking with interested parties at any time. That policy  
19 leads some Commissioners as well as members of the public to view the Commission’s work as  
20 greatly diminished if concurrent with or even prior to the Commission’s hearings on a quasi-  
21 judicial matter. Applicants and/or their agents were interacting with Council Members and  
22 counting noses. Moved by this dissatisfaction, Council changed its Procedures and Protocols  
23 Handbook in 2011 to support the role of Boards and Commissions in making independent  
24 recommendations to Council by discouraging such communications outside of any noticed  
25 public hearing prior to the final recommendation of the Architectural Review Board or the  
26 Planning and Transportation Commission.

27  
28 But by that time a gradual change in this Commission’s composition had produced a majority  
29 that wanted act more like the Council and so akin to ships passing unnoticed to each other in  
30 the night. Just as the Council was tightening its rules, the Planning Commission, that Planning  
31 Commission voted to loosen up its own by removing its strong prohibition on such  
32 communications. They tried to soften via new disclosure options which were soon ignored. The  
33 City Council this past November 30<sup>th</sup>, reinstated the former Commission policy. On your Packet  
34 Page 63, or also handbook Page 24, middle of the page. For quasi-judicial hearings,  
35 communications with an applicant or any member of the public is strongly discouraged  
36 beginning from the time an application has been submitted and until final decision is reached.  
37 In amending this body’s procedural rules to include the Council’s directive, the added disclosure  
38 options from 2011 should be removed.

39

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1 Also, of great significance is a new Council requirement, not in the handbook but thankfully  
2 mentioned tonight, requiring Staff reports to be provided to Boards, Commissions, and  
3 Committee 7-days advance of those meetings... in advance of those meetings. This is a much-  
4 needed and belated follow-up to the aftermath of the two projects cited earlier. In those days,  
5 Council Packets were released on the Thursday prior to a Council meeting and to often followed  
6 with significant later revisions before or even at the scheduled meeting. City Manager James  
7 Keene moved the Packet release date back first by 1-day to Wednesday and following the  
8 implementation of a new agenda management system, an additional one full week. Agenda and  
9 Staff reports, a major change in transparency win that Staff and the Clerk's Office was able to  
10 seamlessly implement.

11  
12 It is very important now, that once again Staff, the Clerk's Office, and the City Manager work  
13 together to implement this new policy of an extended Packet release window for all Boards,  
14 Commissions, and Committees as soon as possible. Of course, this mandates these items be  
15 simultaneously released to the public. I noticed that this week's PTC Packet was released on  
16 Thursday, 6-days prior. Rather than Friday or often Monday. You're getting closer.

17  
18 We have been living in very strange times. Tremendous hardship and disruption and yet for  
19 those who make it through, ways to see the world differently. For anyone who complained that  
20 voices here are skewed because only certain people can attend and speak to Commission  
21 meetings. A new argument will now be needed. Can you imagine any way in which Palo Alto's  
22 future for public meetings here, at the Council and other Boards, Commissions, and Brown Act  
23 compliant Committees, whether decentralized across public official homes or gathered  
24 together once again within City Hall or at other location, can ever go back to a world in which  
25 the public must appear in person in order to speak? That is history. So, let the new fuller  
26 engagement continue and flourish with continued release of verbatim minutes here, full  
27 compliance with the new quasi-judicial procedures, and release of agendas with complete Staff  
28 reports for this and all other Boards, Commissions, and Committees a week prior to their  
29 meetings. Thank you.

30  
31 Mr. Nguyen: Thank you Fred for your comments. Chair Hechtman, that concludes public  
32 comments for this item.

33  
34 Chair Hechtman: Thank you and thank you to our members of the public who spoke tonight. So,  
35 I will bring this back to the Commission for a discussion. And so, I'm not intending to put a time  
36 limit on our discussion here, but I would encourage everybody to get to the point if they have  
37 comments on the handbook. And then let's figure out what... well actually, let me start with a  
38 question because it's not entirely clear from the agenda what Staff is looking for here. First of  
39 all, it's an action item so I would think it would need some kind of motion, and would the

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1 motion be to either adopt it or to recommend adjustments to implement its directions? Ms.  
2 Tanner?

3

4 Ms. Tanner: Certainly... yes, can you hear me?

5

6 Chair Hechtman: Yes.

7

8 Ms. Tanner: Certainly, the Commission could simply concur that we agree... we've received the  
9 handbook, we understand its contents and we will adjust our Commission accordingly because  
10 that's what the Staff... work Staff would do afterward. The only caveat is just that the handbook  
11 is changing again but what I assume is that if the Council changes it. Then those changes will  
12 kind of flow down to them. So, that might be the motion that could be made. Certainly, if there  
13 are things that the Commission would like us to push back or write comments to Council  
14 regarding, that could be another item that the Commission may wish to convey comments to  
15 Council.

16

17 Chair Hechtman: Thank you for that clarification. So, Commissioners, who would like to lead off  
18 with their compliments, questions, or concerns about the handbook? Commissioner Chang.

19

20 Commissioner Chang: First, thank you so much Mr. Nguyen for putting together that table that  
21 kind of digest where we are now, what we're supposed to be able... what we need to do to  
22 close the gap. That was well done.

23

24 I just have one opinion on something which is... which aligns with the most recent public  
25 comment. The handbook says that verbatim minutes are discouraged but it doesn't say that  
26 they're not allowed and to understand that they are cumbersome. That said, they're also really,  
27 really valuable for understanding the context because as Commissioner Alcheck so often says.  
28 He wants to put more information into the motion so that any reader of the motion can  
29 understand what we were really trying to get at and I think that the value... since what the PTC  
30 does is create a recommendation. It's really hard to get the color behind the recommendation  
31 without the verbatim minutes and so what I would suggest is that we do have summary  
32 minutes. I think that's also very, very valuable. If somebody just wants to understand bottom  
33 line what happens at the meeting. It's very cumbersome to dig through 100 pages of verbatim  
34 minutes, but I would say I want to keep the verbatim minutes too. So, can we have both would  
35 be my question and suggestion?

36

37 Ms. Tanner: Certainly, so just for information and I don't want to say yes or no because I kind of  
38 don't know, but I would assume we probably can. We do have a service that transcribes our  
39 minutes and so that's how we do get that... those done. So, we can check to see if they could...

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1 you know, they've already transcribed it. Could they do sense minutes as well would be what I  
2 would want to ask that firm if that's a service they provide?

3  
4 Chair Hechtman: I would note on that while I am waiting to see other Commissioner's raise  
5 their hand, that if you look at our minutes even today, at the end of each item, there... and in  
6 fact, maybe at the end of the document, there's already a summary of all the motions from that  
7 meeting. So, I would imagine that it might not be difficult to break that off into a separate  
8 document and give us both minutes; verbatim minutes and summary.

9  
10 Ms. Tanner: Yeah and then we could post that with the minutes. Often what happens with  
11 Council is you'll see the action minutes and then the full minutes, or I don't know if they're  
12 going to do full minutes... verbatim minutes as well but we can have both posted separately for  
13 ease of access.

14  
15 Chair Hechtman: Commissioner Summa.

16  
17 Commissioner Summa: Thank you. I just wanted to agree with my colleagues. I think verbatim  
18 minutes are invaluable. Especially for very complicated motions for the public and even for us. I  
19 mean sometimes I like to go back and read them. And it's actually easier to flip through the  
20 minutes than to flip through a video and find what you're looking for. So, I just... I'm glad it's a  
21 suggestion and not a requirement so I think that's about it. Thank you.

22  
23 Chair Hechtman: Commissioner Lauing.

24  
25 Commissioner Lauing: Yes, thanks. I think we should stay with the current minutes and then do  
26 the sense minutes as well. They both add value and I think the cost is de minimis and you heard  
27 from whatever it was essentially five or eight members of the public that that would be  
28 advisable.

29  
30 The biggest issue for me on this is the PTC work plan. So, I think we should chat about that. I'm  
31 actually surprised sort of globally that the requirement is for each Commission to be done by  
32 June with their annual plan. Which they only have 6-months to implement and then evaluate so  
33 I don't really buy that but that's outside of our purview. But in our case, we're so at the mercy  
34 of... and this is a good thing... at the mercy of delivery of stuff from Council for us to take a look  
35 at and laws and applicants. That... and I say this respectfully... we can't even figure out 2-weeks  
36 in advance what our next issue is. Let alone our strategic plan for the year. So, this is going to  
37 take some work on our part to meet the requirements. I appreciate Ms. Tanner doing the draft  
38 of the first one, but maybe at the same time, there's an opportunity for us to, in doing that as I  
39 did on other Commissions, propose to Council that there's some things that we think that's in  
40 our next 6-months, 12-months we really should be looking at and kind of get their sign off on it

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1 in advance. So, I think it's an opportunity as well but I think that's going to need some work. So,  
2 that's the fundamental thing for me.

3  
4 Chair Hechtman: Commissioner Templeton.

5  
6 Commissioner Templeton: Thank you, Chair. I was wondering if Staff could clarify. There was a  
7 public comment that said that Commissioners should not interact with applicants and I was  
8 wondering if you can clarify that? Because I know in the past applicants have reached out to us  
9 and sometimes we meet with them and sometimes we don't. But it would be good to really  
10 understand what the expectations there are. Thank you.

11  
12 Ms. Tanner: Certainly, and I will say my internet is also been troubling so if something happens,  
13 please shake your head or do something to let me know and that's why my camera has also  
14 been off a couple times. And I'll ask Mr. Wong or Mr. Shimizu, he may have some additional  
15 comments on this but my understanding is that when we have a quasi-judicial item where we  
16 are acting kind of... you all are acting as the judge. Once the application is submitted, you... I  
17 understand that it's discouraged to meet with applicants outside of the Commission meeting.  
18 That I think is the advice and so you know an applicant may reach out before they've submitted  
19 their application or before it's subject to PTC and I understand that that's kind of what the  
20 focus is. It certainly isn't in the hearing, but it's really more about the ex parte communication.  
21 Mr. Shimizu, do you have any knowledge or further advice to add to that? I'm assuming it might  
22 be similar for Council in terms of how they are advised to deal with quasi-judicial that they may  
23 have?

24  
25 Mr. Tim Shimizu, Deputy City Attorney: I'm sorry, could you just say that one more time? The  
26 original question.

27  
28 Ms. Tanner: Yeah, Ms... Commissioner Templeton's responding to a comment from the public  
29 kind of suggesting that Commissioners at certain times should not have ex parte  
30 communication with applicants who have a project. And I was surmising and using my lawyerly  
31 instincts I've picked up from working for a City to say I think that's particularly applicable to  
32 quasi-judicial items. That perhaps after the applications been submitted or the matter is before  
33 the PTC. That's really when the ex parte communication would be discouraged to occur. I don't  
34 know if you have further insight into how that should be handled by Commissioners.

35  
36 Mr. Shimizu: So, I think as in the handbook is a new... as new living document, we'll see if  
37 Council would like to give additional direction or guidance on how much emphasis they're  
38 placing on this. And what... so it's a question that I'll take back to my office and Albert and Ms.  
39 Tanner can fill you in as we get better guidance.

40

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1 Chair Hechtman: Thank you, Mr. Shimizu, and incidentally welcome to the PTC. We're happy to  
2 have you filling in tonight. Other Commissioners with initial impressions or comments? Alright,  
3 well I'll provide a couple of my own. Oh, Commissioner Templeton, do you want to... I see your  
4 hand.

5  
6 Commissioner Templeton: Yes, sorry, I wanted to throw in my comments. I agree with what  
7 Commissioner Lauing mentioned about the work plan. I think that this is... it seems unusual for  
8 the Planning and Transportation Commission given our current setup is so dependent on  
9 Council. I believe that was his phrasing and it is. And we do have a hard time with a look ahead  
10 and I believe we are more a responsive body than one that looks ahead as the Commission  
11 itself not understand that the department of planning and the department of transportation  
12 may have goals for the years that they work out with Council. But I'm curious how that would  
13 work and we're happy to try it this year and give feedback but I'm concerned that it may eat up  
14 a lot cycles and we're a very busy Commission. Thank you.

15  
16 Chair Hechtman: Alright, I guess I have a few comments. First of all, on the verbatim minutes, I  
17 really think that that is the essence of our work and other Commissioners I'm going to be  
18 echoing to some extent things I've already heard you say, but that's really the heart and soul of  
19 it. And I think for us just to provide summary minutes to the City Council on our  
20 recommendations is nearly valueless because our items are almost never simple. And you really  
21 have to understand the context for the motion which can be simple and without verbatim  
22 minutes to look back on, you just can't do that. So, I'm glad that they are discouraged rather  
23 than prohibited. I intend as the Chair to keep using them and will provide the summary version  
24 until we're told by Council that that is a problem.

25  
26 I do think that in putting together this handbook, the Council seemed to have tried a one size  
27 fits all approach and I don't think it really works. Because the natures of our various  
28 Commissions and Boards are very different. And so there may be Commissions or Boards where  
29 you really don't need verbatim minutes and that's fine and this work plan I think is great  
30 example. I was in a meeting last week where somebody from the Arts Commission was there  
31 and it turns out they have... they set goals. They want to get X number of pieces of art in public  
32 place in the coming year and for that, you need a work plan. But as Commissioner Templeton  
33 said, we are responsive or we're really almost purely reactionary. We just take what is sent our  
34 way. We're not trying to accomplish things that originate here and so I think a work plan is  
35 awkward for us. But it sounds like Ms. Tanner and Staff are going to give it the university try  
36 and we'll see what they come up with. And I expect what us... what we will see is a pretty  
37 flexible document that recognizes the nature of the fact that we don't know what... pretty  
38 much what will be in front of us 3-months from now.

39

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1 And then the last item that I want to talk about was this language in the handbook that one of  
2 our speakers has mentioned about communications with an applicant strongly discouraged on  
3 quasi-judicial matters. So, those are things really for which we get an application from a  
4 member of the public. You know either an owner of a property or business and I just find this  
5 concept problematic. I'm curious to know if the Council is imposing the same limitation on  
6 themselves? I know working in many jurisdictions that most of them don't do this. Most of  
7 them recognize that there are safeguards to protect the public process. Disclosure  
8 requirements but there's also benefits to allowing your decision-makers to obtain full  
9 information before making a decision or in our case a recommendation. And sometimes to get  
10 that full information you need communication with somebody that is going to provide  
11 information. And then you need to make sure that the information is shared with your body;  
12 with the Commission in our case or the Council. And one place I think that this is particularly  
13 important is sometimes there are applications benefit greatly from a site visit. And when you go  
14 to a site, I mean theoretically you could tell the applicant or appellant. I'm coming to the site at  
15 6 o'clock tonight, stay away from me, don't talk to me, but the reality is oftentimes whoever is  
16 asking whether it's an appeal or an application. They want to make sure you... that you see  
17 something that you might not otherwise notice and so that communication I think is really  
18 important. And I'm not really understanding why the right process is to avoid gathering  
19 information rather than disclose the information we get because I think that if we can gather  
20 information, disclose it with the rest of the Commission. The Commission makes better  
21 recommendations to Council. So, I don't know what to do about it. It's in the handbook but I  
22 would... I'd be interested in pushing back on that. Commissioner Summa?

23  
24 Commissioner Summa: Thank you, Chair Hechtman and I have to say I agree with you on that. I  
25 think... I kind of thought the way they were going with this is to not... to discourage meeting  
26 with the applicant while a matter is being heard through the various steps of it being heard. But  
27 I would find it difficult for instances when we get an appeal, you know it comes to us after it's  
28 gone through a lot... it would be impossible for us to talk to that person before they submit the  
29 appeal. And it's often very necessary to go and look at the situation which is private property.  
30 And so, I agree that sometimes that's really necessary. I mean I've gone and looked at sites  
31 without meeting with the applicants but sometimes you kind of have to and as long as it's  
32 disclosed and people are honest about that. I think it's more helpful than not. I did want to  
33 mention that.

34  
35 And the other thing is just I think there's one sentence on Packet Page 58 which is Page 19 of  
36 the second to last paragraph. I think the first sentence is really confusing. It... maybe Staff  
37 would just like to look at that without us... I don't have to read it or anything but.

38  
39 Ms. Tanner: Commissioner, can you repeat the Page number?  
40

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1 Commissioner Summa: Yeah, it's Packet Page 58 but it's Page 19 of the handbook and it reads,  
2 during the BCC meetings, Staff liaisons will ensure there's a quorum prior to the Chair calling a  
3 Commission meeting to order and adjourn a Commission meeting in the event there's a lack of  
4 quorum 15-minutes after the start time of the meeting. Maybe it's just me but that's seemed  
5 like the second clause of that sentence contradicts the first but.

6  
7 Ms. Tanner: Yeah, I think this probably should be two sentences and I think what it's saying is  
8 after the appointed... the stated or agendized start time. If there's not a quorum, then 15-  
9 minutes after that time the liaison should adjourn the meeting.

10  
11 Commissioner Summa: It just seemed confusing to me so I just wanted to mention it. Thank  
12 you.

13  
14 Chair Hechtman: Commissioner Chang.

15  
16 Commissioner Chang: So, I just wanted to chime in with some of my thoughts about this work  
17 plan idea. I think the timing is a little strange, you know being 6-months into the year but  
18 whatever. I would just say then if it's 6-months into the year, then we have 12-months to work  
19 on it and we shouldn't be asked to assess until the following year. But that said, because of the  
20 nature of our work, because we're responding and reactive. Maybe our work plan is like you  
21 said Commissioner Hechtman [note – Chair Hechtman], a flexible document with a couple of  
22 three to five priorities or something. Where if we have a light meeting, we can insert something  
23 in there. So, it's a little bit more of a prioritization or a recommendation of what we could talk  
24 about.

25  
26 And one of the things that I'm most curious about and had asked Assistant Director Tanner  
27 about during my orientation for the PTC was I see the items that come from City Council to the  
28 PTC. But I keep hearing about things that oh, City Council said that to send this to PTC but then  
29 it kind of never makes it here. So, I would love to see the list of items that have been referred  
30 to the PTC that haven't actually come before us because perhaps we could offer some  
31 assistance in terms of prioritizing those things. So, sometimes Council doesn't attach a deadline  
32 to it and so then I think that that might be a good starting point with respect to topics that we  
33 might want to prioritize.

34  
35 Chair Hechtman: Other Commissioners? Commissioner Alcheck, you ready to weigh in?

36  
37 Commissioner Alcheck: Sure. You know I agree with the sentiments about the work plan. I think  
38 it's busywork. I don't... I think maybe what the Council was sort of... maybe what they were  
39 interested in is better understanding how the Planning Department is going to study different  
40 topics over the course of the year with... in conjunction with the Planning Commission. That's

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1 what I think. I think they want to have a little oversight over what topics we go into when we  
2 study them as opposed to just whenever an item comes up and they go, you know what? We'd  
3 like to direct the Planning Commission to study this. Maybe they also want to have a long-range  
4 goal of what items get studied in a year and so I guess I would suggest we respond to that item  
5 by saying is that what you're interested in? And if so, can you clarify that that document is  
6 something that the Planning Departments come to you about and it's not really something we  
7 have draft control over? We've had a lot of... we don't have any control over our agendas and  
8 in the past, we've been accused of that. And the irony is, is that maybe this would be a clear  
9 way of saying this is not something we direct.

10

11 I'll move on. I agree with everyone on the verbatim minutes and I think this is something that  
12 I've said a lot. I actually don't think the motion process is even that valuable. You know we do  
13 all these topics as if they're binary, one or zero, and that's a mistake. And no offense intended  
14 but I feel like 70 to 80 percent of the solutions brought to us by the Planning Department are  
15 imperfect. And so, we spend a lot of time trying to navigate discussion around them and then  
16 get stuck when we have to up or down a particular issue when maybe we want to draw around  
17 the edges and say look. In a more perfect world, you would focus on these goals and objectives.  
18 This is the right intent but this is the wrong tool and so the notion that verbatim minutes would  
19 be not available. I mean that's a mistake.

20

21 I think... look, verbatim minutes are only useful for a kind of Council Member that will read  
22 them and so if they can't get a majority of individuals suggesting that they think they're  
23 valuable. I think that sends a really negative message to I think what we have collectively said  
24 tonight which is that the bulk of our discussion is the value. That we basically have very  
25 different understandings of the value we add. That presents a much bigger problem.

26

27 This goes into two other changes they made. The substitute motion. We removed the  
28 substitute motion no because it's not a great tool for policy advancement. We removed it  
29 because it's a political tool. It was an easy way for someone who wasn't happy with the process  
30 to high jack it and takes a lot of time off the table. Our constraint is our time. When we spend a  
31 lot of time and it's true. I'm not one that hasn't been long-winded before but when we spend a  
32 lot of time pursuing something that doesn't have the full support of the Commission. That's a  
33 lot of time wasted and I like that this year we've kind of tried to be shorter when we talk about  
34 process. Don't talk about process for 45-minutes, only for us to not get to the meat. The  
35 substitute motion in the past was like that. It would take up a big chunk of time, only to find out  
36 maybe it didn't have full support. I think the friendly amendment process was much more  
37 productive because it asked us to work together and come up with a better solution. And what  
38 I've seen actually, in this particular year without the year of the substitute motion. Is that a  
39 number of times we've come up with something and then we sort of go, you know what, let  
40 me... would someone else like to put it out there? We've been really gracious about how we

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1 put together our motions I think because there's a sense of respect there that I would suggest a  
2 substitute motion doesn't confer. So, I'm sad to see that and I would suggest that that would be  
3 the City Council politicizing. Giving us a sort of a more political maneuvering tool that I don't  
4 know that we need.

5  
6 I want to just tag onto the meeting with applicants and getting a chance to do site visits. This  
7 again goes to this idea that these quasi-judicial items, we're the judge. I think that's also... no  
8 one... I don't think we should be approaching this job with that sense of an impact or authority.  
9 Our best... the best thing we can possibly do is offer a diverse set of opinions to the Council.  
10 Opinions that come from individuals who on a weekly or bi-monthly basis grapple with these  
11 issues have some consistency with the topics and have some relevant memory about how the  
12 City deals with them, and how people in the City have been sensitive to them. And so, I... to me  
13 walking a project in the past has been profoundly informative and maybe for some people  
14 looking at the map is good enough. But it's true, the same information exists on GPS than it  
15 does when you're walking it, but sometimes when you're walking it in the 3-D it becomes more  
16 real. So, I'm sad to see that and I would also support a motion where we would push back a  
17 little on that.

18  
19 And then I would just say finally that as... I think I'm the one Commissioner that I can remember  
20 in history that probably is being affected by this new term limit. I don't necessarily think I would  
21 probably pursue another term on this Commission if they didn't... if they hadn't passed that.  
22 But I do think that the emphasis to sort of create... a term limit is valuable if you can create  
23 some consistency. So, for example, if you have a lot of retirements or resignations from the  
24 Commission at a particular time. Having the remaining members get termed out could be really  
25 problematic to the composition of the Commission. There's something sort of inorganic that  
26 can happen when we have too many new people and to be honest I think that happened to me  
27 to some extent. There's so much turnover between 2013 and 2015. And so, I guess what I  
28 would say is I mean maybe if that ever happens they'll be able to deal with that. But one issue I  
29 think that they need... that needs to be grappled with is what does it mean to have many new  
30 people at the same time. And anyway, so that's something to... that they'll need to address.

31  
32 Chair Hechtman: Thank you. So, I think we've heard at least once from each Commissioner. I  
33 think I'm... the common themes I'm hearing are related to retaining verbatim minutes. I don't  
34 know that we need to do... take any action to do that since again the language is just  
35 discouraged. I'm hearing some interest in pushing back on the absence of communication with  
36 applicants on quasi-judicial and I would think that... as I understand from Ms. Tanner the  
37 Council is going to be reconsidering certain items or refining certain items. And I would think in  
38 a motion we might be asking them to throw that issue in with the other items they're looking  
39 more deeply at, at least as it regards to PTC. That might be one form of getting this back before  
40 them.

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And then the third thing I'm hearing is some confusion and really desire for some clarity on the work plan. Whether we get that clarity from the Council or as Commissioner Chang I think suggested, we give that clarity in the work plan and we just take the pretty blank canvas that they've given us to work with and just put our own vision in there. And so, it's not clear to me if... depending on how we want to do that. We may need to include something in our motion to ask a question of the Council or tell them this is how we're interpreting that mandate as it applies to the PTC.

So, that's my attempt to organize what I've heard so that one of you can hazard a motion. Anybody want to try? Commissioner Alcheck, thank you.

Commissioner Alcheck: I'm not ready to make a motion. Since it sounds like everybody's sort of done, I just want to make a few more quick comments. You know I paid close attention to this discussion at Council when it happened. I remember thinking and hearing comments from other members of the public about the media inquiries and social media use and thinking what is the deal there? You know, I don't know that there's a lot of room here for our involvement in editing these new rules, but I remember at the time speakers were concerned with the City Council's effort to essentially censor conversations that happened between Members of the Commission and reporters if you will or news sources. And I think that's a mistake too because... and I don't think one Commissioner or Chair needs to represent the body. It seems to me like if a reporter wanted to get a little bit of an understanding of how a Commission felt about a particular thing because who knows. Maybe the reporter felt that there was an undeveloped thread there. Like what... why wouldn't it benefit the City to have the opportunity to spend time in that in a journalistic standpoint? So, you know, I'm not sure what the problem was but it didn't seem like a broken system at least in our level, and considering how often our discussion gets into the paper. It just seems like if they did reach out or if the media wanted to have a conversation with the Commissioner in some capacity. The Commissioner would be capable of saying look I represent my voice, not necessarily the voice of the Commission, and somehow have a dialog that was meaningful to residents.

And then I'll just say that the... I think there's some... there's maybe something that should be added to the PTC handbook. Some level of additional training. I think as we move forward, it's a big part of my work has always been dedicated to affordable housing policy, and I think that this Commission sort of medium to long-term future will be heavily involved in that. And I think more needs to happen with regards to the education with respect to those... the affordable housing issues and land use issues in general. Some sort of training. The Brown Act is great but also people need to understand what are the levers in the past been for affordable housing development and what are the constraints? Walking into these issues without any sort of background is really hard and I think that the... maybe Planning Commission specific. I can

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1 imagine a scenario where the Director of the Planning Department or with a Staff member  
2 created a curriculum if you will, a handbook of sorts, that really outlines how this works in the  
3 state, how the state process works. You can't come into this Commission without... you should  
4 be expected to join a Commission only understanding how certification of your Housing  
5 Element works. But after you join, there should be a process that helps you understand how all  
6 those pieces work together and that becomes this encyclopedia that you can keep on your  
7 shelf. I think that would be a helpful tool and I wish that they had incorporated something like  
8 that. Thank you.

9  
10 Chair Hechtman: That sounds like something that we could list as a priority in our work plan if  
11 we so felt. We can impose it on ourselves without the Council mandating it through the  
12 handbook. Commissioner Lauing.

13  
14 Commissioner Lauing: Yes, Chair Hechtman, I have a different angle of communication that I  
15 would suggest. I'm not sure that you need a motion because I think you've summarized it very  
16 well. The central issues that we still have questions about and you also pointed out that it  
17 seems like Council is open to making some shifts as Ms. Tanner has said. So, it would be, I think  
18 very helpful if you just did a short meeting with the Mayor as the Chair of PTC and said after our  
19 discussion the other night. I have some feedback for you, take 20-minutes on a Zoom and you'll  
20 hear it right from the horse's mouth or the heron's mouth I guess. But I think that kind of  
21 interaction will be kind of good. So, you'd be able to read his reaction and give him some  
22 reaction and it's obviously an important Commission and they're asking for some substantial  
23 changes. So, that would be good to be heard I think between you and him.

24  
25 Chair Hechtman: I'm open to inviting that dialog with the Mayor but I still think we need to  
26 have a way to tie off this Agenda Item Number Three and because it's an action item, I think a  
27 motion is needed unless we're going to continue it which I'm not proposing. Mr. Shimizu, is this  
28 something that you can guide us on? Do we need a motion to conclude this action item?

29  
30 Mr. Shimizu: I don't think one is strictly required but I think it would be beneficial. Especially if  
31 the Staff have some input about... if there's a motion would underscore maybe some of PTC's  
32 concerns to Council. So, there is clear measure of some consensus, especially on your key... it  
33 sounds like there's a lot of agreement on certain things. So, I would recommend maybe that if  
34 Staff have some kind of recommendation after hearing your discussion.

35  
36 Ms. Tanner: And I might add if there was not a desire for a motion that was comprehensive. It  
37 could be just to receive the report and that's it. But there could be a motion if you were  
38 wanting to do as Commissioner Lauing for the Commission to encourage Commissioner or the  
39 Chair to communicate the concerns expressed to the Mayor and City Council in a letter and/or  
40 meeting. And that might just to memorialize that there's a will to have that information

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1 conveyed to Council or if you wanted Staff to do it then to direct us to convey that information  
2 to the Council or Mayor.

3  
4 Chair Hechtman: What's the pleasure of the Commission? I don't feel strongly in any direction  
5 on this. Commissioner Alcheck.

6  
7 Commissioner Alcheck: Maybe... I mean look, I hate when we assign extra work to one person  
8 involuntarily. So, I actually really like the idea of the putting pen to paper and communicating  
9 what we want and the minutes do that. But I also think what we've asked is that at this next  
10 meeting which I don't know if there's a date when they pick up with discussion again and they  
11 talk. I think it would be helpful if Staff articulated how the Commission felt and where they  
12 wanted maybe the City Council to reconsider some items. And so, I don't know what the  
13 timeframe is there but what I would like... what I would suggest is I'd like to be... to empower  
14 that message to be delivered at that time so that it's effective. Because once that meeting's  
15 over, I suspect changes will begin to be put in place.

16  
17 And so, I guess I would be more in support of a motion that directed Staff to communicate what  
18 we would like communicated and if that means Staff, in conjunction with the Chair puts  
19 together a letter. I think that would be... that just summarizes it bullet point, fine. If that... that  
20 would... basically that would mean that we felt that more needed to be said than what could  
21 simply be fit in a motion. Like we didn't just push back against verbatim minutes. We wanted to  
22 express why and if we... if the Commission felt like they wanted to have that communication  
23 come from the Chair. I would suggest that maybe the Staff could begin a rough draft. I don't  
24 know. I would just suggest that it wouldn't be... I wouldn't want us to miss the opportunity for it  
25 to be presented at the meeting that suggested it's going to take place in the near term. So, it  
26 has to be somewhat in conjunction and I would want Staff to be the voice for the Commission  
27 at that meeting. Unless the Chair decided to make himself present for that meeting as well and  
28 I'm loathed to volunteer someone. So, I guess the question really has to be one between... I  
29 think the Chair needs to communicate what he's willing to do and then in the absence of him  
30 willing to show up and make that communication himself. I think we need to be clear about  
31 what we want Staff to say.

32  
33 Chair Hechtman: Let me ask a follow-up question to that. Ms. Tanner, do we know when the  
34 Council's going to take up these items they're going to be looking at?

35  
36 Ms. Tanner: Yes, well I know that on June 1<sup>st</sup> they'll be considering the term limit and they may  
37 consider other matters to deal with handbook at that time. I would suggest if it is going to be a  
38 letter, that it would... I want to clarify. Staff is not presenting that item and so any feedback the  
39 Commission would have would likely be submitted either as a letter to the City Council that  
40 would be part of the commentary that they would receive; and/or again, if the Chair was

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1 meeting with the Mayor or something. That would obviously be an oral communication  
2 conversation they would have.

3  
4 Chair Hechtman: It sounds like that meeting might need to take place between... before June 1<sup>st</sup>  
5 which is (interrupted)

6  
7 Ms. Tanner: Quite soon, so we could definitely probably get a letter together in the next few  
8 days to turn around and submit to Council. But I wouldn't want to presume that you could meet  
9 with the mayor in that short time.

10  
11 Chair Hechtman: So, yeah, I wouldn't want to presume that either. So, in June our Vice-Chair is  
12 our Council liaison, but on this item, since she's not with... present tonight. I'd probably need to  
13 attend for that anyway which I'm available to do on June 1<sup>st</sup>. I can do the 1<sup>st</sup>, the 8<sup>th</sup>, and the  
14 15<sup>th</sup> I'm available. The rest of the Mondays I'm not. So, I'm fine with doing that, helping Staff  
15 craft a letter, and being the Commission liaison at least on this item. And Ms. Tanner, you'll  
16 have to tell me later if there are other PTC items on that night. But assuming there aren't, then  
17 it would just be this item.

18  
19 Ms. Tanner: Yeah, there are not.

20  
21 Chair Hechtman: Ok, alright. So, I do think I understand... well, let me ask Staff if... let's break it  
22 down a little bit. Do you feel you have enough information from the consensus of the  
23 Commission on the meetings with applicants on... and appellants and others on quasi-judicial  
24 matters? Do you think you've got your arms around that?

25  
26 Ms. Tanner: Yeah, for sure.

27  
28 Chair Hechtman: Then what about the work plan? I think our comments were a little more  
29 diverse on that.

30  
31 Ms. Tanner: Yeah, I can take... tell you what I have captured from that was kind of a sense of  
32 our work plan maybe a bit different than other Commissions because we are... get referrals and  
33 we get applications. I do think that part of the Council goal, as I understood it for getting work  
34 plans, was to make sure that there is alignment. So, I think maybe it was Commissioner Chang  
35 mentioned for example having some items that we might want to study if there's a low or lull in  
36 meetings and then also prioritize the many items that Council does refer to us. I think that  
37 would be helpful and I think that Council, in turn, wants to then prioritize our prioritization to  
38 say well, I know you put this one first but we think this other one should be first or this other  
39 one should be second. So, I think that is part of their idea to have the work plan. I will note it

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1 will be a consent item for them so they won't discuss it unless it gets pulled for discussion on  
2 June 22<sup>nd</sup>. So, we have some leeway to propose what we think should be the work plan for PTC.

3  
4 Chair Hechtman: So, Commissioners, are there any items... other items that anyone feels need  
5 to be included in this letter? Again, I am comfortable with the language of verbatim minutes so  
6 I don't feel like we need to push on that. Commissioner Summa?

7  
8 Commissioner Summa: I was going to say verbatim minutes, but that was before you spoke so  
9 that's fine. I also think with the work plan, I'm... sorry I didn't say this earlier. I think with the  
10 work plan we can acknowledge that most of the work comes to us because it has to be done  
11 and we don't a choice. But then I was... as I thought about it, we could also work... align our  
12 policy issues with the Council prioritizes. So, if Council really wants something... Council  
13 priorities could become policy issues that we might focus on but that was just an idea. So, you  
14 don't need a motion now at this point, correct?

15  
16 Chair Hechtman: We need a motion to... what do we say? Adopt the handbook or acknowledge  
17 receipt?

18  
19 Ms. Tanner: Receive the handbook and direct Staff to craft a letter based on Commissioner  
20 comments and feedback.

21  
22 MOTION

23  
24 Commissioner Summa: Ok, I'll go ahead and make that motion if you want. And that is a motion  
25 to acknowledge that the PTC received and discussed the handbook and also to direct Staff to  
26 write a letter based on the comments and concerns of the Planning Commission.

27  
28 Chair Hechtman: Second to that motion?

29  
30 SECOND

31  
32 Commissioner Chang: I'll second.

33  
34 Chair Hechtman: Thank you, Commissioner Chang. Any discussion?

35  
36 Commissioner Summa: Nope.

37  
38 VOTE

39  
40 Chair Hechtman: Great. Mr. Nguyen, will you call a roll call vote, please?

- 
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Mr. Nguyen: Commissioner Alcheck?

Commissioner Alcheck: Aye.

Mr. Nguyen: Commissioner Chang?

Commissioner Chang: Aye.

Mr. Nguyen: Chair Hechtman?

Chair Hechtman: Yes.

Mr. Nguyen: Commissioner Lauing?

Commissioner Lauing: Yes.

Mr. Nguyen: Commissioner Summa?

Commissioner Summa: Yes.

Mr. Nguyen: Commissioner Templeton?

Commissioner Templeton: Yes.

Mr. Nguyen: The motion carries 6-0 with one Commissioner absent.

MOTION PASSED 6(Alcheck, Chang, Hechtman, Lauing, Summa, Templeton) -0- 1(Roohparvar absent)

Chair Hechtman: Alright, thank you Commissioners for working through that, and thank you to our attendees who either spoke or gave their time so that someone could speak on their behalf. I thought your contributions were very valuable to our discussion. Alright, now we are going to move back into Item Two which we paused.

[The Commission moved back up to Agenda Item Two]

**Commission Action**: Motion by Summa, seconded by Chang. Pass 6-0 (Roohparvar absent)

## **Approval of Minutes**

Public Comment is Permitted. Five (5) minutes per speaker.<sup>1,3</sup>

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1 4. April 28, 2021 Draft PTC Meeting Minutes

2 Chair Hechtman: We have April 28<sup>th</sup> draft minutes as revised. Can I have a motion to approve?

3

4 MOTION

5

6 Commissioner Summa: So, moved.

7

8 Chair Hechtman: Thank you, Commissioner Summa. Second?

9

10 SECOND

11

12 VOTE

13 Chair Hechtman: Commissioner Lauing seconds. Mr. Nguyen, will you call a vote, please?

14

15 Mr. Vinh Nguyen, Admin Associate III: Commissioner Alcheck?

16

17 Commissioner Alcheck: Aye. Aye.

18

19 Mr. Nguyen: Commissioner Chang?

20

21 Commissioner Chang: Yes.

22

23 Mr. Nguyen: Chair Hechtman?

24

25 Chair Hechtman: Yes.

26

27 Mr. Nguyen: Commissioner Lauing?

28

29 Commissioner Lauing: Yes.

30

31 Mr. Nguyen: Commissioner Summa?

32

33 Commissioner Summa: Yes.

34

35 Mr. Nguyen: Commissioner Templeton?

36

37 Commissioner Templeton: Yes.

38

39 Mr. Nguyen: The motion carries 6-0 with one Commissioner absent.

40

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1 MOTION PASSED 6(Alcheck, Chang, Hechtman, Lauing, Summa, Templeton) -0- 1(Roohparvar  
2 absent)

3

4 Chair Hechtman: Thank you.

5

6 **Commission Action:** Motion by Summa, seconded by Lauing. Pass 6-0 (Roohparvar absent)

## 7 **Committee Items**

8 Chair Hechtman: Committee items, anyone have Committee items to bring to us tonight? I  
9 don't see any.

## 10 **Commissioner Questions, Comments or Announcements**

11 Chair Hechtman: Alright, let's got to Commissioner questions, comments, announcements or  
12 future agenda items. Commissioner Templeton.

13

14 Commissioner Templeton: Hi, you mentioned last time about the last part of the bridge going  
15 in. I think that has been delayed due to interstate traffic issues. So, it's not going to happen this  
16 weekend but I believe the following weekend according to the City website.

17

18 So, I also I think I heard you mention you wanted to talk about vacation schedules. Could we  
19 briefly do that now?

20

21 Chair Hechtman: Yeah, I was intending to do that.

22

23 Commissioner Templeton: Awesome, ok.

24

25 Chair Hechtman: If there's not anything else somebody wants to do before. So, I do eventually  
26 want to talk about the possibility of a retreat later this year but I don't really want to start that  
27 conversation at 10:30. So, I'm looking for a meeting where maybe we end closer to 10:00 the  
28 substantive business and we can have that discussion. But we do need to talk, if we're going to,  
29 about a summer break and we talked about this earlier in the year where we were setting our  
30 schedule. And the consensus was we weren't ready to make a decision early in the year, let's  
31 talk about it later, and so now I think we're at later. Not necessarily tonight but I would say, if  
32 not tonight then maybe the 9<sup>th</sup>. Ppeople are trying to plan their summer schedules now that it...  
33 particularly since it looks like things are going to open up on June 15<sup>th</sup>. So, people might be  
34 finding that suddenly they have the opportunity to have a vacation but they need to plan it  
35 quickly to fit some window. So, one thing we had talked about was looking at the August 11<sup>th</sup>  
36 date because that is the week for the school district to start school and so that can be a hectic  
37 week in any event. And so, if we're going to take a summer break, then that might be a good  
38 time to have one of our missed meetings and then we can either go forward or backward from  
39 that point. And I think I mentioned early in the year that if we were going to do that, I'd prefer

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1 to go backward and skip the July 28<sup>th</sup> meeting where I already know I'm not going to be here.  
2 So, that's kind of teeing it up. You know, of course, we have other meetings during the summer  
3 which we could miss or we could miss no meetings and people could just individually take their  
4 vacations and miss the meeting that night. So, do we want to talk about that a little bit now or  
5 do we want to?

6  
7 Commissioner Templeton: I would and I would throw out there I don't know if people who are  
8 working... have a working schedule that deals with July 4<sup>th</sup>. Sometimes they get days the week  
9 before off or the week off and it's on a weekend. So, I don't know really know but I would love  
10 to know if anybody else is going to be absent on the 30<sup>th</sup> and then my other just contribution to  
11 the discussion is where you suggesting having... missing two meetings in a row or having one  
12 meeting month for two months instead of two?

13  
14 Chair Hechtman: What I was contemplating was a break of a month with no meetings. So, we  
15 would skip two meetings in a row, somewhat like the Council does.

16  
17 Commissioner Templeton: Yeah, as far as start week I wasn't planning to miss that but I thought  
18 it was informative depending on what Staff wanted to load on our docket for that week. That  
19 really depends on how the other Commissioners feel as well but that's my concern. Like I don't  
20 think I'll be able to stay past midnight that night for what it's worth but I'm super flexible. I like  
21 the idea of planning ahead so that people can plan their vacations around our meeting schedule  
22 if we happen to all be absent at the same time. Thanks.

23  
24 Chair Hechtman: Commissioner Alcheck.

25  
26 Commissioner Alcheck: I think it would probably be helpful if I just say that on June 30<sup>th</sup> I will be  
27 unable to attend. On July 28<sup>th</sup> I'll be able to unable to attend and on August 11<sup>th</sup> I'll be unable to  
28 attend. The other currently scheduled days I am able to attend so if you do determine that you  
29 will consolidate a month overlapping an actual calendar month and they include the July 28<sup>th</sup>  
30 and the August 11 meeting. That would be very convenient from my perspective but otherwise,  
31 I'm available for the other dates.

32  
33 Chair Hechtman: And that's actually a helpful perspective. Commissioner Summa and Lauing  
34 and Chang, do you already know of vacations that you are either have planned or are plotting  
35 that would be across any of the summer meeting dates?

36  
37 Commissioner Summa: I personally have no plans this summer sadly but I also... I don't think  
38 historically the Planning Commission has taken a break but I guess we can. I guess there's  
39 nothing to say we can't. So, I don't have much to add other than that.

40

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1 Chair Hechtman: Commissioner Lauing. Sorry, Commissioner (interrupted)

2

3 Commissioner Lauing: Did you call me?

4

5 Chair Hechtman: Yeah, I did, sorry. Commissioner Lauing.

6

7 Commissioner Lauing: Alright, I think you only got one syllable out because you cut off. Alright,  
8 no, I don't currently have any plans. I'm always around. Commissioner Summa is correct, that's  
9 the tradition but it's not anything that we have to hold to. I'm actually just more concerned  
10 about getting an opinion from Staff, maybe not tonight, but what's coming up in the next 3-  
11 months that we just have to get to. So, that would be something to check with as well.

12

13 Chair Hechtman: Commissioner Chang.

14

15 Commissioner Chang: I'm gone one other week but it happens to be between meetings right  
16 now instead and so it doesn't affect our calendar.

17

18 Chair Hechtman: So, I would be curious to hear from the Vice-Chair about her summer schedule  
19 which I neglected to think to ask her that before the meeting. But, so what I'd like to propose is  
20 this I think this is a good start to the discussion. Let's... when we come back on June 9<sup>th</sup>, if it's ok  
21 with everybody, let's make a decision and Commissioner Chang, I know you'll be out that but if  
22 you have additional information. Just let me know in advance and I'll or if you have preferences,  
23 let me know and I can at least inform the Commissioners of your thoughts. Alright, on that  
24 issue. Commissioner Alcheck.

25

26 Commissioner Alcheck: You know, I'm... I distinctly remember the year that I was Chair we  
27 were managing the Housing Element process. And at the time we had to decide whether we  
28 were going to push the 90-day review over the summer and it was highly irregular for us not to  
29 take a break over the summer. So, I think the last couple years maybe we haven't taken a  
30 summer break but before that, it was more common to take a month off in the similar way the  
31 Council does. So, because I remember that being a big debate. Some Commissioners were  
32 opposed to pushing through so it was something we had to vote on to not take a summer break  
33 back. I think that must have been 2015 or 2014. Ok, anyway.

34

35 Chair Hechtman: Commissioner Templeton.

36

37 Ms. Rachael Tanner, Assistant Director: Commissioner Hechtman [**note – Chair Hechtman**]?  
38 Sorry, Commissioner Lauing had asked a question during his comment. I didn't know if you  
39 wanted a response now or about?

40

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1 Chair Hechtman: I lost the question.

2

3 Ms. Tanner: He asked about items coming forward and I would just say I think if at the next  
4 meeting we can set our summer schedule. There's not so many items that we couldn't  
5 accommodate scheduling them but I wouldn't want to get too far along and then have  
6 someone find out oh, there's only going to be two out of seven Commissioners or we just have  
7 a quorum of four. I think that gets a little disappointing for items to come in that circumstance  
8 at the last minute.

9

10 Chair Hechtman: Ok. Thank you for that. Commissioner Templeton.

11

12 Commissioner Templeton: Just a recap, I took some notes on the calendar, you may have as  
13 well. But it looks like we're sort of gravitating towards the 7/28 and 8/11 days back to back as  
14 being the ones where we have the most number of people absent and/or other things going on.  
15 So, just to have a strawman to throw out there to respond to for next time. I think that's the  
16 one where it looks like we've got a lot of people out and about.

17

18 You're right about the mask mandate is going to change in mid-June. Is that what you said? I  
19 think that's correct and so we also need to talk about all of that. But I think Ms. Tanner  
20 mentioned that at the beginning of the meeting so there's more work to do on her end than  
21 ours. But it's going to be an eventful and full of change this summer so we'll see how it goes.  
22 But yeah, I would personally appreciate the chance to have a break. We have been going non-  
23 stop. Last year was an unusual one and we've had a lot of meetings this year without any them  
24 being canceled which is wonderful and busy. But with all that's going on, it might be nice to  
25 have a little opportunity to have a brief reprieve to R&R so alright, thanks.

26

27 Chair Hechtman: Alright, so we will make a decision... we'll hopefully make a decision on this at  
28 our next meeting on June 9<sup>th</sup> and I'm not seeing any other hands or other Commissioner  
29 comments. So, I will declare this meeting adjourned. Thank you all.

## 30 **Adjournment**

31 10:46 pm

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1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.