



Planning & Transportation Commission

Action Agenda: January 26, 2022

Virtual Meeting
6:00 PM

6 **Call to Order / Roll Call**

7 Approximately 6:02 pm

8 Chair Lauing called the January 26, 2022 Planning and Transportation Commission (PTC)
9 meeting to order and requested that staff call the roll.

10 Madina Klicheva, Administrative Assistant, called the roll and announced that Commissioner
11 Templeton was absent.

12 **Oral Communications**

13 The public may speak to any item not on the agenda. Three (3) minutes per speaker.^{1,2}

14 Chair Lauing invited members of the public to speak to the Commission on items that are not
15 on the agenda.

16 Rob Levinsky emphasized that parking Option E saves more trees in Castilleja School's
17 Expansion Project. Also, Urban Forestry supports Option E for the project.

18 **Agenda Changes, Additions and Deletions**

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

20 Rachael Tanner, Assistant Director, noted that Staff has no agenda changes, additions, or
21 deletions.

22 **City Official Reports**

23 1. Directors Report, Meeting Schedule and Assignments

24 Rachael Tanner, Assistant Director, shared that on Monday, City Council adopted the Interim
25 Ordinance and regular Ordinance for Senate Bill (SB) 9. Staff will be bringing forward the
26 permanent ordinance for PTC's review in April or May 2022. Staff has received one SB9
27 application since the beginning of 2022. Council also discussed the height transition zone in the
28 Objective Standards as well as the setback requirements for the RM40 Zone. In the upcoming

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1 Council meeting, Council will discuss tenant relocation assistance. PTC will continue to hold
2 remote meetings for February 2022 and possibly be holding hybrid meetings in March 2022.
3 Council will be holding their retreat virtually on February 5, 2022.

4 Commissioner Hechtman inquired what action did Council take on the height transition zone.

5 Ms. Tanner answered Council adopted that when a lower-density zone is next to a higher-
6 density zone. From the property line out to 150-feet, there will be a 35-foot height limit for the
7 higher-density project.

8 Commissioner Hechtman remarked prior to Council taking action, was Staff's interpretation
9 consistent with Council's action, or was it a 50-foot distance instead of 150-feet.

10 Ms. Tanner clarified that the transition zone applies to different zones differently. Council
11 approved that the transition zone is applied to abutting properties as well as parcels where the
12 Code is silent on the matter.

13 Chair Lauing announced that Item 3 has been removed from the agenda and was held over to
14 the February 9, 2022 meeting.

15 **Action Items**

16 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.
17 All others: Five (5) minutes per speaker.^{2,3}

18

19 2. PUBLIC HEARING: Recommendation for City Council Adoption of an Ordinance
20 Amending Palo Alto Municipal Code (PAMC) Section 9.68.035 (Relocation Assistance
21 for No-fault Evictions) to Apply to Structures or Lots Containing Ten (10) or More
22 Units, Instead of 50 or More Units.

23 Rachael Tanner, Administrative Assistant, introduced Lauren Bigelow and Clare Campbell who
24 presented the item to the PTC.

25 Lauren Bigelow, Fellow, reported that Staff is seeking a recommendation from PTC regarding an
26 amendment to the Tenant Relocation Assistance (TRA) Ordinance to lower the threshold to 10-
27 unit per City Council direction made on November 29, 2021. The City adopted its Tenant
28 Relocation Assistance Ordinance in 2018. The City applied for the Challenge Grant to continue
29 work on the ordinance and it was granted in 2019. The reason for the amendment was that
30 there was an identified need in the community. The existing language of the ordinance was
31 housed in the Municipal Code, Chapter 9.68, Renter Housing Stabilization. TRA was currently
32 applicable to properties with 50 or more units which equated to 22 percent of Palo Alto rental
33 housing stock. Existing TRA payments were based on unit types which were set in the year

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1 2018. The current TRA provisions also included a supplemental payment of \$3,000 for low-
2 income households, tenants who are 60-years or older, tenants with disabilities, or tenants who
3 are minors. If adopted, 10 percent of rental units with 10- to 19-units will be covered as well as
4 13 percent of 20- to 49-unit properties. Staff identified several cities in the Bay Area that have
5 TRA, including the City of Berkeley, City of Concord and the City of Mountain View. The
6 proposed amendment facilitated Affirmatively Furthering Fair Housing (AFFA) as well as
7 increased stability for goals in the Comprehensive Plan.

8 Chair Lauing invited the Commissioners to ask clarifying questions of Staff before hearing public
9 comments.

10 Commissioner Reckdahl asked if the ordinance applied to scenarios when a lease ends and the
11 landowner does not offer a new lease.

12 Ms. Bigelow clarified that the ordinance only applies to evictions. Assistance can be provided to
13 persons who are being evicted because renovations have to happen to the unit or the rental
14 unit is removed from the rental housing inventory.

15 Commissioner Reckdahl rephrased and asked if a person has a 1-year lease. At the end of the
16 lease, the landlord can evict the tenant with no compensation.

17 Ms. Bigelow explained that it depended on the reason for eviction.

18 Albert Yang, Assistant City Attorney, added that it depended on the term of the lease. If the
19 lease provides for holding over which the tenant pursues. If the landlord evicts the tenant for
20 reasons that are not the tenant's fault, then the tenant can receive TRA.

21 Commissioner Reckdahl asked if it is common for a lease to have a holding over provision.

22 Mr. Yang indicated that it depends.

23 Commissioner Reckdahl wanted to know how many times the TRA has been used.

24 Ms. Tanner mentioned that the ordinance was adopted and used when the President Hotel
25 incident happened. Since that time, it has not been used.

26 Mr. Yang interjected that the City does not administer the program and cannot say how many
27 times the program has been used. It is up to tenants and landlords to follow the law and resolve
28 any disputes that arise.

29 Ms. Bigelow agreed with Ms. Tanner's remark.

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1 Commissioner Roohparvar stated typically a lease does not include a hold over-provision, but
2 the law does provide an ability to hold over 100- to 200-percent rent. If the landlord files an
3 Unlawful Detainer to evict the tenant. Then the tenant does not have a right to TRA.

4 Ms. Tanner clarified that the rights that tenants have are the rights outlined in the law. Beyond
5 those rights, tenants do not have a right to TRA.

6 Commissioner Roohparvar inquired if disputes are sent to mediation.

7 Ms. Bigelow confirmed that there is mandatory mediation, but all that is required is for the
8 landlord to stay for 15-minutes to have a conversation.

9 Commissioner Roohparvar summarized that it is not a formal mediation process with a paid
10 mediator.

11 Ms. Tanner declared that it is formal because it is a process with Project Sentinel. She
12 mentioned that Planning and Development Services does not operate the mediation program.

13 Commissioner Roohparvar inquired if the City monitors the program or tracks it.

14 Ms. Tanner affirmed that the City does receive reports.

15 Ms. Bigelow confirmed that the Palo Alto Mediation Program is monitored by Human Services.

16 Commissioner Roohparvar summarized that the City does not track no-fault evictions or at-fault
17 evictions.

18 Ms. Tanner confirmed that Santa Clara County tracks evictions.

19 Ms. Bigelow added that eviction data is hard to get because it covers a broad spectrum.

20 Commissioner Roohparvar wanted to know how TRA interplays with the Ellis Act.

21 Mr. Yang explained that Ellis Act provisions come into play for jurisdictions that have rent
22 control which the City does not have.

23 Commissioner Hechtman asked if Ellis Act is different than Assembly Bill (AB) 1482.

24 Ms. Tanner confirmed that they are different laws.

25 Commissioner Hechtman mentioned that AB 1482 adds another layer of complexity because it
26 is applied statewide and applied to tenants who have resided in a unit for 12-months or more.
27 He asked how many cities that Staff identified in the Staff report have rent control ordinances.

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1 Ms. Bigelow articulated that a good number of them do have either/or just cause and/or rent
2 control.

3 Commissioner Hechtman remarked that if Staff is going to be comparing Palo Alto, which does
4 not have rent control, to other cities that do, it would be useful to know the differences
5 between Palo Alto and those cities. He inquired if there have been any studies done comparing
6 the impacts of TRA as it is applied to medium-sized complexes compared to 50-units or more
7 complexes.

8 Ms. Bigelow answered no, that was not an area that she studied.

9 Commissioner Hechtman asked what the current number of residential vacancies in the City is.

10 Ms. Tanner articulated that Staff does not have a measure of vacancy in the City.

11 Clare Campbell, Planning Manager confirmed that Staff does have a report from a year or so
12 ago but nothing recent.

13 Ms. Bigelow added that Staff has discussed tracking vacancies in the Rental Survey Program.

14 Commissioner Hechtman summarized that Staff does not know how many vacancies there are
15 currently in the medium-size category.

16 Ms. Tanner answered that is correct.

17 Commissioner Hechtman wanted to know what the legal amount of notice is that a landlord
18 must give a tenant to vacate.

19 Mr. Yang said that he was unsure if the City regulates that.

20 Ms. Tanner believed that the City does not have a specific number and believed it would be
21 governed by Santa Clara County regulations.

22 Ms. Bigelow stated she was accustomed to 60-day notices being performed but they may not
23 be written out and regulated.

24 Vice-Chair Summa wondered if the proposal captured both the landlord's and the tenant's
25 financial needs and if there was a way to capture that better.

26 Ms. Tanner disclosed that the theory of TRA is that it might deter a landlord from evicting a
27 person when there is no-fault eviction. If the tenant and landlord cannot agree, then the tenant
28 shall have the funds to secure another unit that is similar to the unit they are vacating. The idea

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1 was to target complexes of 10-units or more, who may be owned by professional landlords, and
2 perhaps have the resources to provide TRA.

3 Vice-Chair Summa asked what “natural person” means on Packet Page 9, under no-fault
4 description number three. She understood that it was to prohibit corporations or professional
5 landlords.

6 Mr. Yang articulated that the list of one through four was a set of examples and was not the full
7 list of potential no-fault evictions. It was also not a just-cause eviction. A natural person only
8 pertained to a landlord who is evicting a tenant to allow for a family member to live in the unit.

9 Vice-Chair Summa summarized that the Code recognizes that corporations are not people.

10 Mr. Yang answered yes.

11 Vice-Chair Summa requested further explanation why 10-units were chosen.

12 Ms. Tanner emphasized that Staff did offer a range to Council and they selected 10-units.

13 Ms. Bigelow shared that there was not a lot of conversation about the number and Staff could
14 not draw concrete conclusions why Council chose that number.

15 Ms. Tanner added that Staff was trying to capture a larger share of the rental housing
16 inventory.

17 Ms. Bigelow noted the comparable cities in the Staff report cover all of their rental housing
18 stock instead of portions of it.

19 Vice-Chair Summa acknowledged half of the people living in Palo Alto are renters and she was
20 interested in expanding the protection. She believed 10-units was an arbitrary number and did
21 not capture the folks who need the most help from TRA. She expressed that TRA may be a
22 financial burden for small landlords.

23 Chair Lauing referenced Packet Page 9, number two, and asked how long can renovations take
24 place and render the unit uninhabitable. The same concept was referenced on Packet Page 12
25 regarding SB 30.

26 Mr. Yang restated that the list is an example of no-fault evictions. The way the ordinance was
27 written is it listed ways in which a tenant would be at fault. Anything other than those was
28 considered a no-fault eviction.

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1 Chair Lauing remarked if a tenant is evicted and receives TRA. Then the tenant wants to come
2 back in 60-days to rent out the unit because renovations are done. He asked if that would be
3 considered a negotiation between the landlord and the tenant.

4 Ms. Tanner clarified discussions between the tenant and landlord can happen if the landlord
5 cannot or does not want to pay TRA. Under SB 330, depending on the nature of the renovation,
6 there could be rights to return.

7 Chair Lauing determined there was no correlation that folks would have First Right of Refusal
8 and that it would become a new transaction.

9 Mr. Yang confirmed the proposed ordinance does not deal with First Right of Refusal.

10 Ms. Tanner agreed that a tenant would have those rights under SB 330.

11 Chair Lauing invited members of the public to provide their comments on the matter.

12 Anil Babbar, a representative of the California Apartment Association, shared that the
13 association is concerned that the proposal was coming at an irresponsible time. Through the
14 Covid-19 Pandemic, landlords have lost money from tenants who cannot pay their rent for
15 many, many months. The funding from the state and federal government has been very slow to
16 come through and/or it has become depleted. The association was concerned that mom-and-
17 pop owners will be negatively impacted by the proposed changes. They recommended that the
18 item be tabled until the environment is more suited for the ordinance, or when there are
19 concrete answers to questions of concern.

20 Emily Ann Ramos, Silicon Valley At Home, announced that Silicon Valley At Home supports
21 Staff's recommendation.

22 Vice-Chair Summa requested that Staff explain Section F of the proposed ordinance.

23 Mr. Yang remarked Staff does not believe it will be a common problem, but it is possible that
24 the amount of TRA may be too high and may be considered as an unconstitutional taking. Staff
25 conducted a robust analysis of other jurisdictions' ordinances and court cases and believed the
26 amounts were standard amounts.

27 Vice-Chair Summa commented that Section F was not to help landlords with less financial
28 flexibility.

29 Mr. Yang restated a landlord would have to show that the application of TRA would result in a
30 taking of their property.

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1 Vice-Chair Summa inquired if a taking was a complete devaluation of the person's property or
2 was it partial.

3 Mr. Yang confessed there is not a clear rule regarding the matter.

4 Vice-Chair Summa rephrased that Section F was not intended to help a landlord who may not
5 have the financial means to pay TRA.

6 Ms. Tanner explained there are many different reasons why a landlord may try to prove an
7 unconstitutional taking. It was not explicitly an economic hardship relief provision.

8 Mr. Yang agreed with Ms. Tanner's comment.

9 Commissioner Hechtman stated the goal is to help tenants who have been evicted due to no
10 fault of their own and by providing relief to rent-burdened tenants, which furthers AFFA. He
11 expressed concern that adopting the amendment would have the opposite effect and hurt the
12 population that the City was trying to help. He found it unrealistic that a landlord would
13 consider paying two to three months' rent to a tenant through TRA as a cost of doing business.
14 He predicted that landlords would build the money into the process and do that by increasing
15 the rent. There are no laws in Palo Alto that prohibit a landlord from setting the rent of a vacant
16 unit to whatever rent they want. For existing tenants in 10- to 49-unit structures, AB 1482 does
17 limit rent increase on units that are older than 15-years to 5 percent increase plus Consumer
18 Price Index (CPI). He commented that there has been no data or information provided to the
19 Commission that addressed his concern.

20 Commissioner Reckdahl appreciated Commissioner Hechtman's concern and agreed that
21 unintended consequences are real. He noted that Palo Alto has a competitive rental market and
22 landlords compete against other landlords. If rents are raised, the apartment may stay vacant
23 longer and hurt the landlord. He predicted that the most likely cause was that landlords would
24 terminate the lease after 12-month and not be required to pay TRA.

25 Commissioner Roohparvar agreed that many cities have to balance renter protections versus
26 unintended consequences and how landlords respond to policy. She shared concerns about
27 speculation and lack of data. She agreed with Commissioner Reckdahl that a landlord will wait
28 till the end of the lease to impose any rent increases or enact termination. She acknowledged
29 that a tenant pursuing action in a court of law was expensive and unlikely to happen. She
30 concluded that more data would have been helpful for her to make a decision.

31 Chair Lauing emphasized the whole basis of the ordinance is driven by the landlord and he did
32 not agree that every landlord will take the approach that was suggested by Commissioner
33 Hechtman. He noted AFFA will be incorporated in the City's Housing Element and using the

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1 threshold of 10-units and up did not cover over half the rental units that are cost-burdened. At
2 the prior PTC meeting, the Commission discussed how to provide the TRA only to folks who are
3 cost-burdened and the Commission could not identify a process. He announced he was not set
4 on the under 10 as the threshold, but emphasized that was the number Council directed PTC to
5 explore.

6 Commissioner Chang agreed with Commissioner Roohparvar that there should be more City-
7 specific data. She agreed the ordinance is landlord driven and landlords generally do
8 renovations outside of a 1-year lease. She wanted to know how often situations come up, how
9 often the scenarios happen in each category of building size, and more data regarding cost
10 burden units. Given that many tenants are rent-burdened, she stated that the proposal makes
11 sense and predicted that most unintended consequences can be managed by a landlord.

12 Commissioner Reckdahl agreed the City has to strike the balance between small landlords and
13 tenant protections. He inquired how Staff determined that \$3,000 amount for low-income
14 households. If the City is trying to help low-income folks, then the TRA values should be
15 reduced and the supplement payment to low-income folks should be increased.

16 Mr. Yang shared that Staff surveyed what other jurisdictions were providing.

17 Commissioner Reckdahl recommended that Council reevaluate the \$3,000 amount and explore
18 raising it. He shared by reducing the number of units per development from 10 down to four.
19 That would encompass another 20 percent of renters. He acknowledged that would affect more
20 landlords but agreed that landlords control the timeline.

21 Commissioner Hechtman did not agree with the comment that landlords will not raise rents
22 due to a competitive rental market. There was no information about rent increases within 50-
23 units or more structures and no information on whether the landlords have been impacted by
24 the current ordinance. He noted 24 percent of the rental inventory was single-family homes
25 and that was a different market. If the threshold is decreased below 10-units, that
26 encompassed more landlords who may have the desire to raise rents, as was outlined in the
27 Staff report. He understood if a renter is on a month-to-month lease, the ordinance still applied
28 to their no-fault eviction.

29 Mr. Yang answered Commissioner Hechtman was correct that TRA applied to renters on a
30 month to month leases if they are evicted from the property.

31 Vice-Chair Summa associated her comments with Commissioner Reckdahl's and specified that
32 there is a real need for a rental registry. A rental registry would provide the data needed to
33 make more informed decisions. She mentioned that before Covid-19, it was not a given that a
34 landlord would present a 1-year lease to a new tenant. She did not understand why the number

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1 of units on a parcel determined how no-fault evictions are handled and she did not find using
2 10-units as the threshold compelling. If the City believed that folks deserve TRA, then it should
3 be applied to all renters. She found it frustrating that there was no data on tenant and landlord
4 financial ability. She shared her interest was to reduce the threshold to 4- or 3-units because the
5 number of units did not make a difference to a tenant who is having a hard time relocating
6 because of the high cost of housing in the City.

7 Commissioner Roohparvar understood that under the current ordinance, once a 1-year lease
8 ends, a tenant is moved to a month-to-month lease and TRA applies to the tenant.

9 Mr. Yang clarified the City does not have a requirement that there be a month-to-month
10 arrangement after a 1-year lease ends, but there may be state laws. TRA is required to be paid
11 when the tenancy is being terminated no voluntarily by the tenant and not in an at-fault tenant
12 situation.

13 Commissioner Roohparvar asked what about contractually the obligations end.

14 Mr. Yang understood that would be characterized as voluntary termination if that is something
15 that the parties agree on.

16 Chair Lauing understood if a landlord raises the rent and the tenant does not agree. Then the
17 transaction is ended and TRA is not awarded.

18 Ms. Tanner noted if a landlord is proceeding with an eviction that is not on the list of reasons
19 then TRA would be awarded. If a renter says no, I will not pay the increased rent. That is
20 determined to be an at-fault eviction and the tenant would not receive TRA.

21 Commissioner Chang understood a landlord would be forced to pay TRA if the 1-year lease ends
22 and the landlord wants to evict the tenant to allow for a family member to move in.

23 Mr. Yang restated it depends on the term of the lease and whether the tenant has the right to
24 remain in the unit at a specified rent.

25 Commissioner Chang wanted to know what other restrictions there are that may be triggered.

26 Mr. Yang could not speak to the general body of landlord/tenant law. The City has a 1-year
27 lease requirement, TRA, and mediation requirement.

28 Ms. Bigelow mentioned AB 1482 shares the minimum renter protections that cities should
29 adopt and address situations while a tenant is in a unit rather than if the tenant is evicted. SB
30 330 TRA is triggered in cases of demolition.

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1 Commissioner Chang affirmed her assumption that a landlord would wait till the end of the
2 lease to take action. Regarding the number of units per building, she recalled that at the priority
3 discussion the Commission was worried about landlords who may not be able to pay TRA. She
4 agreed that the threshold made no difference to a tenant. Unless there was a concrete process
5 in place for a landlord to apply to have TRA waived, she supported keeping the threshold at 10-
6 units.

7 Commissioner Hechtman appreciated the diverse viewpoints that have been expressed through
8 the conversation. He confessed he had intended to make several motions to request more data,
9 but Staff has indicated that the item will be going to Council in the coming week. To have an
10 informed discussion, the Commission must understand AB 1482. AB 1482 applied to every
11 rental property that is at least 15-years or older on a rolling basis and many of Palo Alto's
12 structures are older than 15-years. AB 1482 has a just-cause provision that applies after the
13 tenant has been at the property for at least 12-months and only allows a 5 percent increase
14 plus CPI. He affirmed his concern that landlords will increase rents to absorb the TRA amounts
15 based on the knowledge that AB 1482 will apply.

16 Commissioner Reckdahl inquired if a landlord can insist that a tenant sign a 1-year lease after
17 they move from month to month or are there legal obligations that month to month rents must
18 go indefinitely.

19 Ms. Tanner restated it depended on what the terms of the lease are. She emphasized that the
20 situation would have to be that the landlord is going through court proceedings to evict the
21 tenant from the unit.

22 Mr. Yang recommended Staff clarify that point in the ordinance. He believed that there was no
23 right for a tenant to maintain a lease indefinitely month to month. Under AB 1482, one of the
24 at-fault evictions was when the tenant refused to sign a long-term renewal.

25 Commissioner Reckdahl asked if a tenant is a month to month and the landlord terminates the
26 contract. Would that be considered at fault?

27 Mr. Yang answered no, not under the City's ordinance. It would be considered a no-fault
28 eviction.

29 Commissioner Reckdahl summarized that now the tenant can stay in the unit indefinitely
30 month to month. He asked can a landlord insist that the tenant sign a new 1-year lease.

31 Mr. Yang answered yes and that is covered under AB 1482.

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1 Ms. Tanner suggested that the Commission include in their motion that in the list of causes that
2 would be considered no-fault. Adding number 11 and outlining the situation that many
3 Commissioners have raised concerns about.

4 Commissioner Reckdahl shared he was bothered by the situation that a tenant can stay in a unit
5 indefinitely and then can receive TRA. He requested that Staff explained number 10, for no
6 specified cause, on Packet Page 16.

7 Mr. Yang agreed that Staff should clarify the point in the ordinance, but there was language in
8 the ordinance that stated that number seven through 10 were no-fault evictions.

9 Chair Lauing acknowledged Commissioner Hechtman's comment that certain state laws can top
10 local law.

11 Mr. Yang confessed the ordinance was drafted before AB 1482 was adopted and he suggested
12 that the ordinance adopt AB 1482's definitions.

13 Ms. Bigelow noted that AB 1482 will sunset in the year 2030.

14 Commissioner Roohparvar remarked that the relationship between AB 1482 and the proposed
15 ordinance should be shared with Council. She recalled at the prior meeting, Staff had outlined
16 that evicting a tenant to allow for a family member to move in would not trigger TRA. Now,
17 because of AB 1482, that situation would no longer be considered just-cause and would trigger
18 TRA.

19 Mr. Yang clarified in that situation, it is just-cause but was considered no-fault. AB 1482 does
20 not speak to TRA if it's no-fault but the Palo Alto ordinance does and would require TRA.

21 Commissioner Roohparvar confessed she felt rushed and was making an off-the-cuff
22 recommendation to Council. She did not support reducing the threshold hold below 10-units.

23 Vice-Chair Summa inquired if the City has a way to follow up and confirm that the landlord
24 reposed the unit.

25 Mr. Yang answered no and the City does not track evictions.

26 MOTION

27 Chair Lauing echoed Commissioner Chang and Commissioner Roohparvar's comment regarding
28 the threshold being at 10-units. He confessed he misunderstood, and suggested that TRA be
29 targeted for low-income households, but acknowledged that was for a different conversation.
30 He moved the Staff recommendation with the incorporation of the definitions from AB 1482 as

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1 well encouraged Staff to investigate or refer to PTC the type of payment if it can for skewed for
2 lower-income persons.

3 SECOND

4 Commissioner Roohparvar seconded.

5 Commissioner Reckdahl summarized that Commissioner Lauing was under the impression that
6 it was not legal to have additional payments to low-income persons.

7 Chair Lauing clarified that during the original discussion, he understood that it would be
8 administratively impossible to target low-income folks.

9 Ms. Tanner noted the ordinance kicks in after the tenant is evicted and it may be possible for
10 the City to target low-income persons. She recalled that the Commission discussed having a
11 mechanism that happened before a tenant is evicted.

12 Vice-Chair Summa restated that 10-units seemed arbitrary and she wanted to see the
13 ordinance have a concrete waiver process for landlords. She wanted to know if the ordinance
14 would disincentive landlords from renting to Section 8 tenants.

15 Ms. Tanner shared that property owners viewed Section 8 differently. If a landlord increases
16 the rent, it may be beyond Section 8's maximum, and so the landlord may not be able to accept
17 Section 8 payment.

18 Commissioner Hechtman stated he wanted to help Palo Alto tenants and in particular, rent-
19 burdened Palo Alto tenants. If there was data that proved that the amendment would not have
20 the opposite effect, then he could support it. He found it perplexing that Council needed the
21 ordinance back so quickly. He concluded he cannot support the motion due to the reasons he
22 previously stated and the unintended consequences outlined in the Staff report.

23 Ms. Tanner remembered that the difference between the original conversation and now was
24 that the additional payment in the proposed ordinance was for low-income households and
25 PTC had suggested that TRA be applied to only rent-burdened households in the original
26 conversation.

27 Commissioner Roohparvar supported the concept of building into the ordinance a waiver
28 process for landlords who are financially burdened.

29 MOTION RESTATED AND REVISED

-
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1 Chair Lauing restated the motion was to move the Staff's proposal and incorporate definitions
2 from AB 1482. He understood that TRA should not be skewed based on Ms. Tanner's
3 recollection.

4 Commissioner Roohparvar re-seconded the motion.

5 Ms. Campbell asked if all of the definitions from AB 1482 were to be incorporated.

6 Mr. Yang answered the list of at-fault and no-fault causes and incorporate those into the
7 ordinance.

8 Chair Lauing emphasized the ordinance is driven by landlord-driven evictions.

9 FRIENDLY AMENDMENT

10 Commissioner Chang proposed a friendly amendment to add that Council considers a waiver
11 process for landlords.

12 Chair Lauing inquired how would the City determine there is a financial burden for a specific
13 landlord.

14 Commissioner Chang was not sure but believed it should be investigated. She agreed that it
15 could be difficult to legislate.

16 FRIENDLY AMENDMENT DECLINED

17 Vice-Chair Summa acknowledged that many folks are not large real estate aggregators and they
18 depend on the income from the property. She recommended that the waiver not be
19 prescriptive and made so broad that it becomes a loophole.

20 Chair Lauing saw that as an argument to increase the threshold from 10-units.

21 Vice-Chair Summa answered no because there is no data available.

22 Chair Lauing clarified that the presumption was that below 10-units it was owned by mom and
23 pop and above 10-units it was owned by a corporation.

24 Vice-Chair Summa emphasized that there should be a safety valve for folks.

25 Ms. Tanner commented that the City does not know who mom and pop are but 5-units or more
26 do not qualify for the same type of mortgage that a 1- to 4-unit property does. Usually, 5 or
27 more units require a commercial loan.

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1 Chair Lauing remarked if a mom-and-pop owned 30-units, then the assumption would be that
2 there is more incoming and they can pay for TRA.

3 Commissioner Reckdahl was nervous about speculating and stated that public policy should not
4 be made unless there is data. He requested that data be collected and that Staff bring the item
5 back to PTC for further discussion on the appeal process and low-income payment. He inquired
6 why Council needed the policy back so quickly.

7 Ms. Tanner answered she could not speak to Council's decisions, but there was concern about
8 rising evictions in Palo Alto.

9 Commissioner Reckdahl acknowledged that there are trade-offs between negative impacts to
10 landlords and positive impacts on tenants. He found it uncomfortable to choose a side, but
11 because he had to choose, he stated he would choose the side of the tenant because the
12 landlord controls the timeline.

13 Chair Lauing mentioned the item will be heard by Council at their next meeting and there will
14 be PTC representation at the meeting.

15 Commissioner Reckdahl asked who will be representing PTC at Council's meeting.

16 Chair Lauing answered Vice-Chair Summa.

17 Commissioner Chang strongly emphasized that PTC wants more data.

18 Chair Lauing clarified that in terms of the friendly amendment, he did not understand what PTC
19 was recommending for a waiver.

20 Vice-Chair Summa agreed that PTC should revisit the ordinance when more data is available.
21 She confessed she did not know a lot about mortgages but suggested that dropping the
22 threshold down to 5-units would be more in alignment with mortgage lenders.

23 Commissioner Roohparvar shared that it is easier to qualify for a loan for 5- or more units than
24 it is for under 5-units.

25 Chair Lauing recommended Staff include in the Staff report that PTC was concerned about the
26 lack of data to make the decision and requested to see the ordinance again when more data is
27 available.

28 VOTE

29 Chair Lauing requested Staff conduct a roll call vote on the motion.

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1 Ms. Klicheva announced the motion carried 5-1 with Commissioner Templeton is absent.

2 MOTION PASSED 5(Chang, Lauing, Reckdahl, Summa, Roohparvar) – 1(Hechtman)-
3 1(Commissioner Templeton absent)

4 Commissioner Hechtman appreciated the inclusion of relaying to Council that PTC was
5 hampered by the lack of data.

6 **Commission Action:** Motion by Lauing. Seconded by Roohparvar, motion carried 5-1-1.

7 3. PUBLIC HEARING/LEGISLATIVE: Review and Discuss Potential Ordinance Changes to
8 Palo Alto Municipal Code Chapter 18.09, Accessory and Junior Accessory Dwelling
9 Units. Environmental Assessment: Exempt from the provisions of the California
10 Environmental Quality Act (CEQA) pursuant to Public Resources Code Section
11 21080.17 and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305.

12 [This item was moved to the Planning and Transportation Commission meeting to be held on
13 February 9, 2022]

14 **Committee Items**

15 None.

16 **Commissioner Questions, Comments or Announcements**

17 Rachael Tanner, Assistant Director requested the Commission provide comments on the PTC
18 meeting calendar for 2022, establish a summer break if needed, discuss the retreat and content
19 of the retreat. City Council's approved summer break was June 22, 2022, through July 31, 2022,
20 and from December 21, 2022, through January 8, 2023. There are no PTC meetings that fall on
21 holidays and March 1, 2022, maybe the first in-person meeting.

22 Commissioner Chang agreed it made sense to cancel a meeting or two in the summer months
23 when folks have their vacation schedules. She requested that no additional meetings be
24 adopted for December and January.

25 Vice-Chair Summa remarked other than one time, PTC has not historically taken a summer
26 break.

27 Commissioner Hechtman shared he will be out of town for the July 27, 2022 meeting. He
28 recalled for 2021, PTC canceled the last meeting of July and the first meeting of August. He
29 confessed it was a nice break.

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1 Commissioner Roohparvar noted she too will be taking a vacation in July or August. Also, she
2 may not be available for the April 13, 2022 meeting.

3 Commissioner Reckdahl remarked he will be taking a vacation but can work around the
4 schedule.

5 Chair Lauing determined that the logical time for PTC to cancel a meeting was the meeting on
6 July 27, 2022. Commissioner Hechtman will be absent and it was during Council's summer
7 break.

8 Commissioner Chang supported canceling July 27, 2022, but suggested waiting for another
9 month or so to determine when to take a summer break. That way Commissioners can plan
10 their vacations and then corresponding meetings can be canceled.

11 Chair Lauing agreed as long as the Commission identifies what meetings to cancel at least a
12 month in advance. That would be helpful for Staff.

13 Ms. Tanner mentioned that if the Commission plans a summer break, then Commissioners can
14 plan their travel within the break.

15 Chair Lauing supported canceling the July 27, 2022 meeting.

16 Commissioner Chang recommended that if there is a meeting where three Commissioners are
17 gone. That meeting should be canceled instead.

18 Chair Lauing found it remarkable that there is no overlap between holidays and meetings. As
19 proposed, there is only one meeting for December 2022.

20 Ms. Tanner confirmed that Staff will try to limit the number of meetings in December. She
21 shared the Chair and Vice-Chair have discussed having a retreat on March 9, 2022, with the
22 hope that in-person meetings are taking place. She requested that Commissioners share if they
23 preferred evening or daytime for the retreat.

24 Chair Lauing added that February 9, 2022, and February 23, 2022 meetings are booked with
25 items, and Council's retreat was scheduled for February 5, 2022.

26 Vice-Chair Summa remarked that March is far away. She shared she would like to attend her
27 dad's birthday at the end of March and mentioned she may miss the March 30, 2022 meeting.

28 Chair Lauing asked if the Commission was comfortable meeting in-person for the retreat.

-
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1 Commissioner Reckdahl supported meeting in person. He asked if the meeting will be hybrid or
2 all in-person.

3 Ms. Tanner disclosed they will be hybrid meetings.

4 Commissioner Reckdahl remarked that the advantage of hybrid meetings was that folks can call
5 into a meeting.

6 Commissioner Hechtman stated that March 9, 2022, was fine for the retreat and he wanted to
7 meet in person if possible.

8 Chair Lauing asked when does the Work Plan need to be submitted to Council.

9 Ms. Tanner specified that a retreat on April 13, 2022, would be too late because Council will be
10 reviewing Boards and Commissions Work Plans on April 18, 2022. She shared that she would
11 talk with the City Manager and see if an exception can be made to allow PTC to meet in person
12 for the retreat.

13 Chair Lauing asked if Commissioners want to have the retreat during the regular meeting or
14 scheduled a special meeting for an offsite retreat.

15 Commissioner Chang wanted to meet sooner rather than later because a retreat earlier in the
16 year helps with agenda-setting. If the retreat is during a weekday, she preferred that the retreat
17 be held at night. If the retreat is on a special meeting, then she preferred it be held on the
18 weekend during the day.

19 Commissioner Reckdahl echoed Commissioner Chang's comments.

20 Commissioner Roohparvar confirmed that March 9, 2022, works for her as well.

21 Chair Lauing shared that the retreat could be held at night on March 9, 2022.

22 Commissioner Roohparvar asked if the retreat will be held indoors.

23 Chair Lauing answered yes.

24 Ms. Tanner confirmed there are spaces indoors with doors and windows that can be opened.
25 Also, City Hall has portable air filters.

26 Commissioner Chang disclosed she is fine with being indoors wearing a mask but she will not be
27 eating if the retreat is indoors.

-
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1 Chair Lauing summarized that the retreat will be held on March 9, 2022, possibly at night, and
2 members of the public can attend the retreat if they so choose. For the retreat, he suggested
3 that the Commission discuss the Work Plan. The Work Plan did not have to just include items
4 that Council would like the Commission to work on. He suggested the Commission include
5 items in the Work Plan to explore California Avenue retail and plan new neighbors for the
6 proposed new housing units.

7 Commissioner Hechtman supported the concept of PTC taking an initiative. He acknowledged
8 that many times throughout various discussions at PTC, Commissioners have requested more
9 data. He supported a process where PTC can relay to Staff what information they need to make
10 a decision. Then allow Staff to gather that information and bring it back to the Commission for
11 final determination.

12 Vice-Chair Summa supported both of Chair Lauing's ideas.

13 Commissioner Chang also supported Chair Lauing's idea as well as Commissioner Hechtman's
14 process suggestion. She suggested PTC explore retail along El Camino Real.

15 Commissioner Reckdahl remarked that retail for California Avenue, El Camino, and planned
16 neighborhoods will require a lot of information. He suggested that PTC share with Staff what
17 type of information will be needed to make the final decision for larger projects.

18 Chair Lauing mentioned that Ms. Tanner will supply a list of items that the Council will be
19 requesting that PTC review.

20 Ms. Tanner concurred. She requested if Commissioners have questions regarding the Staff
21 report for projects. To share those questions with Staff ahead of time, so that Staff can bring
22 the answers to the meeting.

23 Chair Lauing requested that Commissioners share any other ideas with Staff.

24 Commissioner Hechtman appreciated Chair Lauing's leadership and the way he runs the
25 meeting.

26 Chair Lauing requested Staff share a little bit about 985 Channing.

27 Ms. Tanner specified that 985 Channing is a Parcel Map and then PTC will be reviewing the site
28 selections for the Housing Element Update. Accessory Dwelling Unit (ADU) code changes will
29 not be heard by PTC until Staff can review the proposed changes suggested by the California
30 Department of Housing and Community Development (HCD).

31 Chair Lauing requested Staff provide the material for the Housing Element site selections early.

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- 1 Ms. Tanner confirmed Staff can provide the Packet that the Housing Element working group
- 2 considered.
- 3 Chair Lauing adjourned the meeting.
- 4 **Adjournment**
- 5 8:55 pm

-
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Planning & Transportation Commission Action Agenda: January 26, 2022

Virtual Meeting
6:00 PM

Call to Order / Roll Call

Approximately 6:02 pm

Chair Lauing: Let me official call to order the regular meeting of the Planning and Transportation Commission for January 26, 2022. Following that notification, we are only online tonight and would Ms. Klicheva please call the roll?

Madina Klicheva, Administrative Assistant: Chair Lauing?

Chair Lauing: Present.

Ms. Klicheva: Vice-Chair Summa?

Vice-Chair Summa: Present.

Ms. Klicheva: Commissioner Chang?

Commissioner Chang: Present.

-
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1

2 Ms. Klicheva: Commissioner Hechtman?

3

4 Commissioner Hechtman: Present.

5

6 Ms. Klicheva: Commissioner Reckdahl?

7

8 Commissioner Reckdahl: Here.

9

10 Ms. Klicheva: Commissioner Roohparvar?

11

12 Commissioner Roohparvar: Present.

13

14 Ms. Klicheva: Commissioner Templeton absent. We have a quorum.

15

16 Chair Lauing: Thank you.

17 **Oral Communications**

18 The public may speak to any item not on the agenda. Three (3) minutes per speaker.^{1,2}

19 Chair Lauing: Are there any... well, let's see, let's do any oral communications? So, anyone

20 wishing to speak on a subject that's not on the agenda. What we would like you to do is raise

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1 your hand at the bottom of your screen. If you're dialing in from a phone, press 9 and Ms.
2 Klicheva, can you see if there are any public speakers for oral communication? I think I see one.

3

4 Madina Klicheva, Administrative Assistant: Yes, we have... our first speaker is Rob Levinsky.

5

6 Chair Lauing: Okay great, welcome and go ahead.

7

8 Rob Levinsky: Hello Commissioners, I'm speaking in regard to the PTC meeting a week ago on
9 Castilleja, and there was some question as to whether Scheme E or Scheme D saved more trees.
10 And the Chief Planning Official was kind of ambiguous about this and let me be very clear.
11 Scheme E is the one that saves trees. It's the one that Urban Forestry supports and at the ARB
12 meeting, December 2, Staff was in favor of Scheme E and then a few days later at your meeting.
13 They were ambiguous and said well, how about D or E as D gives us more parking. Well, D does
14 not... may give you more parking but basically threatens half a dozen oaks and redwoods. And
15 so, Scheme E, I want to repeat, is the one that saves trees that Urban Forestry will support and
16 the community is in favor. Thank you.

17

18 Chair Lauing: Thank you. That appears to be the only speaker for oral communications tonight
19 so moving along are there any agenda changes, additions, or deletions from Staff or
20 Commission?

-
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1 **Agenda Changes, Additions and Deletions**

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

3 Rachael Tanner, Assistant Director: Chair, we don't have any additions or deletions from Staff's

4 side.

5

6 Chair Lauing: Okay.

7 **City Official Reports**

8 1. Directors Report, Meeting Schedule and Assignments

9 Chair Lauing: Ms. Tanner, you're up for Director's report.

10

11 Rachael Tanner, Assistant Director: Great, thank you. Good to be with you all this evening. Just

12 a few things to update. We were just together last week and so not a ton has transpired in that

13 time. But just to update, this last Monday Council did have a meeting. They did adopt on

14 second reading the Interim Ordinance and Permanent Ordinance, but not the permanent

15 permanent ordinance but regular ordinance for SB 9 and integrating that into our Code. Just to

16 explain, we have both the Interim Ordinance, that was adopted on an emergency basis to be in

17 sure that it could be in place on January 1st. And then also a regular ordinance that's just the

18 duplicative of the Interim Ordinance but you all will be considering the Permanent Ordinance

19 soon. We should be bring that to you in April or May. We do have one item with SB 9 to take to

20 Council first. Another kind of addendum to the interim piece of legislation and we'll bring that

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1 whole package and then some more back. So, we can think about long-term how do we want to
2 adjust our rules for SB 9, so we will keep you up to date on that. If you're curious, thus far we
3 only have one application under SB 9 that's been submitted but it is only January 26th. So, not
4 too many days of that being the law of California.

5

6 Council also discussed an item that's kind of related to the Objective Standards that we're
7 developing and this was really specifically looking at height transition areas. You know, when
8 you have a low-density residential next to a higher-density or higher capacity for density and
9 height proposed building. What is the transitional height zone that's needed next to that lower-
10 density building? And then also they took up making the setback requirements for RM 40
11 similar and actually identical to the setback and front... both the front and side for RM 40 are
12 similar to RM 30 and RM 20. So, they all have similar setback requirements which is also easy
13 applicants to understand and also then easy for the City to administer.

14

15 Next Monday, the Council will actually be taking up the item you are discussing tonight which is
16 the tenant relocation assistance and so they wanted to get that back quickly. So, we will hear...
17 have your deliberation/recommendation today, we will summarize that into an At Places Memo
18 and that will be published tomorrow. They have that on their agenda, it's the Staff report that
19 you all have, and so we'll be adding your information and recommendation to that via At Places
20 Memo.

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So, that's kind of what's coming up. As far as looking ahead, we'll talk about some of this when we talk about the idea of a retreat scheduling. We are going to continue remotely for the month of February for our hearings and possibly could be in person in March. We'll continue to look for Council direction on when Boards and Commissions should begin meeting in person. And the Council itself will have its retreat, which will be virtual, on February 5th and I'm going to look at the time. I believe it may start at 8:30 but I will just want to look that up. But it is a remote retreat, it is on Saturday, February 5th, and of course, I will look up the time and make sure to get it to you before our meeting ends. But I want to say it starts at 8:30 and I think those are all the reports that I have. If you do have any questions, happy to answer them.

Chair Lauing: Any questions for Staff? Okay, then we will jump right into Item Number Two under Action Items And a note for anyone that's an attendee that the ADU item has (interrupted)

Commissioner Hechtman: Chair Lauing, I did have a question.

Chair Lauing: Oh, sorry, go ahead.

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1 Commissioner Hechtman: Ms. Tanner, the... I'm sorry, now I've drawn a blank. The item that...
2 the second item that you mentioned that the Council took up on Monday.

3

4 Ms. Tanner: The height transition?

5

6 Commissioner Hechtman: Yeah, the height transition. Did they reach a decision?

7

8 Ms. Tanner: Oh, yeah sorry. That would be good to know. Yes, they did, their direction for us
9 was to have when you have a lower-density zone next to a higher density zone. That the
10 transitional from that property line of that lower-density spreading across the let's say
11 proposed project site would be 150-feet. And so basically for that first... that 150-feet, that
12 would be a 35-foot height limit for that proposed project that's next to that lower-density zone.

13

14 Commissioner Hechtman: So, if I can just follow-up because I know we had a discussion of this
15 at some point last year and there was some ambiguity or some people felt there was some
16 ambiguity. And I'm remembering... I'm trying to remember back, was the prior... prior to the
17 Council taking this action was the Staff interpretation consistent with this new determination or
18 was it that... my memory was maybe it was... there was a 50-foot issue involved. And so, I'm
19 trying to understand if there's a change or a clarification here at the Council?

20

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1 Ms. Tanner: Yes, I would say there's both a change and a clarification. And so, part of... and part
2 of why I'm kind of not answering directly is because it applies to different zones differently. So,
3 it's not uniform necessarily so that's part of why it's harder to say yes or no or it's just this or
4 it's just that. So, what we did propose that was not ultimately adopted was to have it be
5 uniform, that it's for abutting properties and it's for I think 150-feet. So, that's what Staff were
6 recommending to just bring that into alignment. So, generally speaking, Council did say yeah, it
7 should be 150-feet should be that transitional height zone. It's not necessarily only in abutting
8 instances though. So, where the Code already did indicate that that applied to the abutting
9 property only, that is remaining. If it did not indicate whether it was abutting or not, then it's
10 150-feet regardless of whether the property lines are abutting for the proposed areas so.

11

12 Commissioner Hechtman: Thank you.

13

14 Chair Lauing: Is that all Commissioner Hechtman?

15

16 Ms. Tanner: That is all but you did remind me as you started Chair that we did have one item
17 that was already removed from the agenda. And so, I'm glad that you were announcing that for
18 folks.

19

-
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1 Chair Lauing: Yeah, that's been postponed, so if anybody was here to speak on that issue. There
2 is no issue to speak about tonight.

3 **Action Items**

4 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.
5 All others: Five (5) minutes per speaker.^{2,3}

6
7 2. PUBLIC HEARING: Recommendation for City Council Adoption of an Ordinance
8 Amending Palo Alto Municipal Code (PAMC) Section 9.68.035 (Relocation Assistance
9 for No-fault Evictions) to Apply to Structures or Lots Containing Ten (10) or More
10 Units, Instead of 50 or More Units.

11 Chair Lauing: So, only issue is Item Number Two which is a recommendation for City Council
12 Adoption of an ordinance amending Municipal Code Section 9.68.035 on relocation assistance
13 for no-fault evictions. So, with that, why don't we go into a Staff presentation.

14

15 Rachael Tanner, Administrative Assistant: Great.

16

17 Commissioner Templeton: Ms. Bigelow?

18

19 Ms. Tanner: Yes, we have Ms. Bigelow and then we have her manager Clare Campbell who's
20 here to provide support. Take it away Lauren.

21

22 Lauren Bigelow, Fellow: Good evening Planning and Transportation Commissioners. Lovely to
23 see you again. Give me one second to bring up my shared screen. Okay and a way we go.

24 Alright, my name is Lauren Bigelow and I am the Partnership for the Bay's Future Fellow placed

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1 with the City of Palo Alto to work on renter protections. We're here tonight to discuss an
2 amendment to the tenant relocation assistance Ordinance lowering the threshold to 10-units
3 per City Council direction on November 29, 2021.

4
5 And to give you a little bit more background, the original tenant relocation assistance
6 Ordinance came into being in 2018 as a response to a pending mass eviction at the President
7 Hotel. And as you know, the City applied for the Challenge Grant to get a Fellow so they could
8 continue working on renter protections. And in 2020 I started researching our renters, what
9 protections Palo Alto already had, and what protections the community needed. Over the next
10 year and change, PD Staff reported out findings to the PTC, HRC, and City Council. And on
11 November 29th, 2021, City Council provided Staff with direction on how to pursue the proposed
12 renter protection policies to return to Council. Part of why this is returning so quickly is because
13 it's a simple amendment. Literally changing one number and there's a demonstrated need in
14 the community.

15
16 The existing language is part of Chapter 9.68, Rental Housing Stabilization, in the Palo Alto
17 Municipal Code. This chapter includes requirements for offering a 1-year written leave and
18 relocation assistance for no-fault evictions. Tenant relocation assistance is currently applicable
19 to properties or lots with 50 or more units. Meaning all of the larger rental properties in the
20 City or rather 22 percent of the rental housing stock. Tenant relocation assistance is defined as

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1 monies paid to tenants who have been evicted through no fault of their own. Like an owner
2 needing to renovate the unit or have a family member move in.

3

4 And as you can see here, the assistance provided is mostly based on the unit type. So, a studio
5 would be initially was set in 2018 as a \$7,000 payment, one-bedroom is \$9,000, two bedrooms
6 \$13,000 and three or more bedrooms initially set in 2018 as \$17,000 or at that time was
7 considered three times the rent, the median rent. The existing TRA provisions also include a
8 supplemental payment of \$3,000 for low-income households or a tenant who is 60 years of age
9 or older, a tenant who's disabled, or a tenant who is a minor.

10

11 And based on the table presented we can see the green indicates that this is the large
12 apartment complexes. Those 50 plus units number that is current... that is covered by the
13 current ordinance and the light blue covers the draft ordinance that will be taking up medium
14 size apartments from 10 plus units at the property. That will effectively double the amount of
15 rental units covered.

16

17 And as you can see here, tenant relocation assistance is not uncommon in the Bay Area.
18 Particularly because of the high cost of living. Here's a list of cities that provide varying degrees
19 of relocation assistance that we had discussions with from large cities like San Jose and San
20 Francisco to smaller ones like Santa Cruz and Mountain View.

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1

2 As was mentioned in the Staff report, amending this ordinance falls into alignment with several
3 policies goals. Renter protections are examples of Affirmatively Furthering Fair Housing which
4 has been named as a priority for the state’s Housing and Community Development
5 Department. Tenant relocation assistance is a renter protection. Also, increasing community
6 stability is one of the goals of the Comprehensive Plan and tenant relocation assistance
7 provides greater community stability by incentivizing keeping tenants in their homes.

8

9 Tonight, Staff recommends the Planning and Transportation Commission recommend the City
10 Council adopt an ordinance, which is located in Attachment A, amending Palo Alto Municipal
11 Code Section 9.68.035, which is Relocation Assistance for No-Fault Evictions, to apply to
12 structures or lots containing ten or more units, instead of 50 or more units.

13

14 And after the discussion tonight, the next step will be to consider an Urgency Ordinance and
15 first reading of this ordinance next Monday, January 31, 2022.

16

17 As per usual, please do not hesitate to reach out. We are also posting up dates to this work on
18 the City’s website under long-range planning. As my yellowish is ending next month, you’ll be
19 able to reach me here for a little while longer and the contact information of the City Staff
20 taking over will be on the website as well. And on a personal note, as it has been my pleasure to

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1 listen and learn from you over the last 2-years as we've built out responsive policies that make
2 real change in the community. Thank you so much for your time.

3

4 Chair Lauing: Thanks very much and for your service to the City. So, we want to take a few
5 questions now maybe for Ms. Bigelow or Ms. Campbell and then we'll go to public comment.
6 Commissioner Reckdahl.

7

8 Commissioner Reckdahl: I have a couple just clarifications here. Pardon my ignorance, does this
9 apply only to breaking leases? How about if a lease ends and the landlord does not re-up? Does
10 not offer a new lease, does this apply still?

11

12 Ms. Bigelow: So, the specific cases that they mention are related to evictions. Rather than if a
13 lease is ended and they decide not to re-up. The things that they're talking about is when a unit
14 basically has to be renovated to the point that it can't be lived in, or the unit is... the rental unit
15 is removed from the rental housing inventory. Things like that.

16

17 Commissioner Reckdahl: So, if I have a 1-year lease, at the end of the lease the landlord can kick
18 me out with no compensation. Is that correct?

19

20 Ms. Bigelow: It depends on the reason they're kicking you out.

-
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Commissioner Reckdahl: For, yeah, no-fault.

Albert Yang, Assistant City Attorney: Well, so I guess I'd say it's going to depend on the term of that lease. If the lease provides for holding over and I... you are holding over and then the land lord is seeking to evict you for a reason that's not at your fault. Then you would be entitled to the relocation assistance.

Commissioner Reckdahl: Okay is... this holding over I'm not familiar with it. Is that common?

Mr. Yang: It really depends. I can't say really if it's common or not.

Commissioner Reckdahl: The second question is do we know how many times this has been used so far? Zero.

Ms. Tanner: Well, I think the President Hotel was applicable so that would be when the relocation assistance was used but since that time it has not been used.

Commissioner Reckdahl: Okay.

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1 Mr. Yang: Well, actually, you know we really can't say because this isn't program that the City
2 itself administers. It's a... we are creating a private right for tenants. So, it's up to landlords and
3 tenants to follow this law and then to resolve any disputes in a private forum.

4

5 Commissioner Reckdahl: Okay.

6

7 Ms. Bigelow: But to the best of our knowledge, the President Hotel was the one point in time
8 where buildings 50 units or larger caused this to come into play.

9

10 Commissioner Reckdahl: Thank you.

11

12 Chair Lauing: Commissioner Roohparvar.

13

14 Commissioner Roohparvar: Thank you. Those were great questions Commissioner Reckdahl, I
15 had similar ones. I'm still a bit confused with respect to the question Commissioner Reckdahl
16 raised. So, at the end of a lease when it terminates, typically there's not a hold over provision.
17 However, the law does provide an ability to hold over at 150 to 200 percent rent. If you then go
18 in and file for an Unlawful Detainer to kick out the tenant. Do... they don't have a right to
19 relocation, that's what you're saying?

20

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1 Ms. Tanner: So, the (interrupted)

2

3 Commissioner Roohparvar: Even though it was no specified cause like number four.

4

5 Ms. Tanner: So, the right that the tenants have are the rights that are enumerated in the law.

6 Beyond those rights, they don't have a right to this and so if it's a situation... and I think

7 important is that in this is that it's up to the tenant and the landlord to work it out and then

8 proceed in court if they do not agree. So, we don't know everyone's lease terms and so we

9 can't speak to that but what does count and what is the enumerated in the ordinance are the

10 situations where a tenant is entitled to that. So, it really depends if it's being triggered through

11 that. If it's just we're not going to offer you a lease and there's no right to be held over. Then it

12 may not trigger an eviction that's no-fault and therefore it may not trigger the right to have

13 that. But, you know, the circumstances would vary across the City.

14

15 Commissioner Roohparvar: And then would this get sent to mediation? I think Palo Alto has

16 mediation requirements or would it go straight to court? How does that work for disputes

17 between landlord/tenants? Isn't there (interrupted)

18

19 Ms. Bigelow: So, there is a mandatory mediation but it's, in truth, not the most perfect of things

20 just because all that's required is for a... required required for a landlord to do is to stay for 15-

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1 minutes to have a conversation while they're going through mediation. There's some room for
2 improvement and enforcement there I think.

3

4 Commissioner Roohparvar: So, it's not a formal mediation process with a paid mediator or
5 anything? It's an informal conversation (interrupted)

6

7 Ms. Tanner: It's formal in terms of that it's a process with Project Sentinel but I think what Ms.
8 Bigelow is indicating is that to satisfy the mandator nature of it. A minimum of 15-minute must
9 be spent in the conversation but it's not... that could be the extent of it if the landlord or either
10 party choose not to pursue that mediation path further.

11

12 Ms. Bigelow: That's right. It could come down to what's too akin to virtue signaling, right? It...
13 like they're (interrupted)

14

15 Commissioner Roohparvar: Like a lack of faith.

16

17 Ms. Bigelow: They're checking the box. How much does it get used in these cases? How much
18 of the time do landlords just hang out for the bare minimum? I don't think that it's a ton of time
19 but I do not [unintelligible] (interrupted)

20

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1 Ms. Tanner: I think we shouldn't speak on it if we don't know. So, let's just not speculate about
2 that program because we don't operate it.

3

4 Commissioner Roohparvar: And we don't monitor it or track any of (interrupted)

5

6 Ms. Tanner: We do get reports, but (interrupted)

7

8 Ms. Bigelow: We do.

9

10 Ms. Tanner: We don't... I don't think that we know the level of detail to report out the number
11 of times that situation has occurred.

12

13 Ms. Bigelow: Yeah, the Palo Alto Mediation Program is monitored by Human Services and they
14 helped create it, but those are the folks who specifically work on that program.

15

16 Commissioner Roohparvar: Okay and then we do we track... I'm just going back to
17 Commissioner Reckdahl's question, just for clarification. Do we... we don't track no-fault
18 evictions or at-fault evictions or how they occur? That's just between the landlord and the
19 tenant. So, we don't have the data on how many times this being used, etc. Aside from the
20 obvious President Hotel.

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Ms. Tanner: We don't track evictions as a City. Those would be handled through the county and that system and we don't track those as a City.

Ms. Bigelow: And eviction data is notoriously difficult to get because it's an entire spectrum that occurs.

Commissioner Roohparvar: Right. Okay, I had one last question, is... does this interplay with the Elis Act and if so, how? Because I know these... some of these points seem to overlap with Elis Act provisions and I know the Elis Act provides relocation assistance. Does that not come into play or is that relocation assistance in addition to this one; or does this supersede the state relocation assistance? How does that all work?

Ms. Bigelow: I'm going to kick it to legal.

Mr. Yang: So (interrupted)

Commissioner Roohparvar: Albert.

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1 Mr. Yang: To my knowledge, the Elis Act's provisions for relocation assistance only come into
2 play for jurisdictions that have rent control.

3

4 Commissioner Roohparvar: And we don't.

5

6 Mr. Yang: And we don't so this is kind of our version of relocation assistance. It's not stacking
7 on anything else.

8

9 Commissioner Roohparvar: Got it, so this is relocation assistance without rent control.

10

11 Mr. Yang: Right.

12

13 Commissioner Roohparvar: Got it. Interesting, thank you.

14

15 Chair Lauing: Good questions. Commissioner Hechtman.

16

17 Commissioner Hechtman: Thanks. I had some questions along the same line. Let me just
18 piggyback on Commissioner Roohparvar's. Is Ellis Act is different from AB 1482 or is it the
19 same?

20

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1 Ms. Tanner: Different.

2

3 Commissioner Hechtman: Different, right?

4

5 Ms. Tanner: Yes, they're different. They're different laws.

6

7 Commissioner Hechtman: Okay, alright, alright, yeah, so I do think AB 1482 also adds a layer of
8 complexity on this issue because it applies state-wide. In circumstances where it applies to
9 leases that have been in effect for at least 12-months under certain circumstances and when
10 you couple that with Palo Alto's requirement that 1-year leases be offered, you're usually going
11 to get to that point, so it's just a further complication.

12

13 I had... I wanted to confirm that we don't have rent control and I just heard that we don't.

14

15 Ms. Tanner: That's correct.

16

17 Commissioner Hechtman: Ms. Bigelow, thank you for the presentation by the way, crystal clear
18 as always. You had a table showing eight cities that have relocation assistance and I think for
19 those eight cities it stated in the staff report that those are across the board. All rental sizes,
20 under of units for per parcel. Is that right?

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Ms. Bigelow: Yes.

Commissioner Hechtman: Okay and how many of those eight cities that you identified have Rent Control Ordinances?

Ms. Bigelow: Oh gosh, I would have to go back and check my notes but a good number of them do have either/or just cause, or and/or rent control already in place.

Commissioner Hechtman: I do think that that's... if we're going to be comparing this City that does not have rent control to other cities, I think it's important for us to understand if there's any differences between our existing regulations and theirs. So, I think that would be useful information for the Commission.

Ms. Bigelow: Of course.

Commissioner Hechtman: Let's see, are there any studies that you're aware of, or that you have conducted since you got this direction from Council, comparing the impact of this relocation assistance program on these medium-size apartment properties compared to the large size 50 plus apartment properties that it currently applies too?

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Ms. Bigelow: I didn't study that, so I can't speculate, unfortunately.

Commissioner Hechtman: Do we know what the current number of residential vacancies in the City is based upon advertisement, Craig's List, however these things get advertised?

Ms. Tanner: We don't have a measure of vacancy in the City, unfortunately, not at the large. We could look at some different sources but that's not something that we have right now. Clare, does Chitra do a vacancy report? I'm not sure when the last one was published. I'm not sure if it was very recently or not.

Clare Campbell, Planning Manager: We don't have a recent report. We have something from maybe a year or so ago.

Ms. Bigelow: It was one of the things that we were talking about tracking in the rent registry or the rental survey programs. So, we could have access to more of that information in the future.

Commissioner Hechtman: Alright, so it sounds like at present, we don't have any knowledge of how many vacancies are right now or even a year ago in this particular category that we're looking at tonight which is these parcels with 10 to 49-units right?

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Ms. Tanner: That's correct.

Commissioner Hechtman: And this might be a question for Mr. Yang and I'm sorry I don't know the answer. But when a landlord in Palo Alto wants to give a tenant notice to vacate, assuming it has the right to do that in the lease and particularly I'm thinking of once the 1-year lease term has run its course and now they're on month to month, in Palo Alto, is that a 30-day notice, or I have some memory that it might be a 60-day notice or does it depend?

Mr. Yang: Sorry, I don't know the answer to that question off the top of my head or if we even regulate that locally.

Ms. Tanner: I would be... I don't think we have a separate number. I think Lauren you'd probably be aware of that if that was in our Code that we had a separate number and we've never discussed that. I think it would be governed by perhaps county regulations around that.

Ms. Bigelow: I'm accustomed to 60-day notices being performed but that isn't to say that they're written out and regulated.

Commissioner Hechtman: Those are my questions. Thanks very much.

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Chair Lauing: Commissioner Summa [note – Vice-Chair Summa].

Vice-Chair Summa: Thank you. Thank you to everyone for the report and I was just wondering so the tenant relocation assistance is based... the financial amount of it is based on the number of bedrooms? And then the... what we're considering tonight is the rental housing stock how many units that would apply to and I'm just kind of wondering if that captures fully the financial need on both sides? Perhaps the landlords and the tenants and how we can... if there's a way to capture that better? Kind of related to that is... well, you can... maybe help me with that first.

Ms. Tanner: Yeah, I think that's a great question and when you say capture it. What I interpret that to mean is I think the theory of tenant relocation assistance is that it might deter a landlord from evicting somebody when there's a no-fault eviction and try to work with that tenant to come up with a plan to keep them housed there. Even if they need to renovate, can they come back and things like that. I think that's part of the goal and that if it's not... cannot be avoided, that then that tenant has the funds to secure another unit that's similar to their unit they have. So, that's why if you're running a three-bedroom, that's going to be more expensive than a studio and so the amount of money that is being provided to that tenant relocating is higher.

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1 I think part of the thought behind to what size developments does it apply could be many. We
2 don't want to presume to know the minds of policy makers but an idea could be that larger
3 buildings, even at 10-units or more, may be more owned by folks who are professional
4 landlords or professional property companies. They are in the business certainly of renting
5 property and perhaps have the resources to provide that assistance should they decide the best
6 course of action for their business is to have that tenant to vacate that unit. So, that's kind of
7 the idea and I don't know if that helps answer your question Vice-Chair.

8
9 Vice-Chair Summa: So, Packet Page 9, the no-fault eviction description, one, two, three, four.
10 On three you say a natural person. I'm assuming that's to capture the idea that it's not a
11 corporation or solely an entity that is expressly not personally interested but maybe I'm putting
12 words in your mouth. But I think that's suppose to prohibit maybe is corporations or land...
13 people who aggregate a lot of land and make money off of it from having the same rights as
14 maybe smaller property owners. Am I understanding that correctly?

15
16 Ms. Tanner: I'll ask Mr. Yang to answer in part. I don't... that neither myself nor Ms. Bigelow
17 were here during the development of the original ordinance.

18
19 Mr. Yang: So, this is... that list of one through four is just a set of examples and it's not the full
20 list of potential no-fault evictions and we... it's also not a just cause eviction list. So, we're not

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1 saying that you have to have one of these basis in order to evict. This was just common
2 example of no-fault evictions and the reference to a natural person is because the reason that's
3 listed there is because if the landlord is evicting the tenant so that another person can... that
4 one of their relations can reside in that unit. It really only makes sense if the landlord is a
5 person rather than a corporation because corporations don't have spouses, grandparents,
6 brothers and sisters, etc.

7

8 Vice-Chair Summa: So, it recognizes that corporations are not people.

9

10 Mr. Yang: Yes.

11

12 Vice-Chair Summa: Thank you. Okay and then I'm also wondering why 10? Really appreciate
13 that Council thought that 10-units was the sweet spot but could Staff and maybe Ms. Bigelow
14 help me to understand that because I don't understand it?

15

16 Ms. Tanner: Certainly, I think we can try to recount to the best of our recollection what the
17 Council intended and what they stated but certainly, that is the number that they selected. We
18 did offer them and as to the PTC, a range of it could be lowered from 50 to any number of
19 gradations lower than that. Ms. Campbell or Ms. Bigelow, do you want to opine? I was at the

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1 Council meeting but honestly, it was a while ago so my memory is quite rusty on this particular
2 topic.

3
4 Ms. Bigelow: Yeah, I was going to say the only thing that it wasn't really... there wasn't a lot of
5 back and forth conversation about the number in all honesty. We used the numbers three, five
6 and 10 when we initially proposed and they seemed to think that 10 was the way to go. And
7 because there wasn't a lot of conversation about it, it's hard to say exactly why they landed on
8 that number.

9
10 Ms. Tanner: I can say for our part I think part of what we were looking at is capturing a larger
11 share of the rental units in Palo Alto. And I think as the one part of the slide showed just having
12 more tenants be protected than fewer.

13
14 Ms. Bigelow: Because as Commissioner Hechtman pointed out, the cities that we call attention
15 to had coverage for all of their rental housing rather than just portions of it.

16
17 Vice-Chair Summa: Very much appreciate that and considering that nearly half the people that
18 live in Palo Alto are renters. I'm very interested in expanding the protection. I'm just wondering
19 if 10 is a little bit of an arbitrary number and isn't... won't capture all the people that needed to
20 be helped by relocation assistance. And on the other end, for some landlords, it may be a

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1 burden financially for some small landlords that just won maybe one building or something. So,
2 it's hard to find the right number. So, thank you, I'll leave it at that for right now.

3
4 Chair Lauing: Any other Commissioner questions? I have a couple if there aren't any others.

5 Also, on Packet Page 9, Item Number Two, I was a little bit... well, I won't say I was confused but
6 my question is perform work on the building or building housing the rental unit that will render
7 the unit uninhabitable and my question is for how long? So, if it's going to be uninhabitable for
8 2-months or a year. Does that mean that they automatically get back in? There was a
9 references to something that I'm sure was unrelated but the concept is the same on Packet
10 Page 12. That SB 30, tenants displaced from their housing for construction of new housing have
11 some rights to return and relocation payments. So, I know that's not directly coordinated here
12 or correlated but the question remains. What would have to qualify under that second one
13 without it being arbitrarily tossing them out?

14
15 Mr. Yang: Again, this is just a list of examples of no-fault evictions and the way that the
16 ordinance is written. We actually... what we do is we list the circumstances in which we would
17 consider the tenant at fault and if it's anything other than that. It's considered a no-fault
18 eviction, so (interrupted)

19

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1 Chair Lauing: Yeah, I know but that doesn't really address the second part of my question which
2 is that if they get evicted and they get paid to move and they want to come back in 60-days
3 because the inhabitable part was only 60-days. Does that result in a negotiation? Is that what
4 you're... I think that's what Ms. Tanner was kind of indicating is that instead of doing that.
5 They'd like to keep the tenant but they still can't live there for 60-days so are they paying hotel
6 bills for 60-days? I mean (interrupted)

7

8 Ms. Tanner: I think what I was trying to say is that that could be something that happens. So, if
9 I'm a landlord, instead of paying let's say \$7,000, whatever thousands of dollars to the tenant
10 to have them permanently be no longer a tenant. I might say well, I'd rather just put you up in a
11 hotel instead of going through eviction which also has its own costs if we're not able to reach
12 an agreement that's amicable. I'll just put you up in a hotel for two months and then you're just
13 going to continue your tenancy. That could be something that occurs. It's not... that's not the
14 law but just it's trying to discourage evictions right and help people to find ways to avoid it.

15

16 However, if I... a landlord chose hey, I'm renovating and I just want to have you leave and I want
17 to be able to have a new tenant when I finish up. Under SB 330, depending on the nature of the
18 renovation and the development. There could be rights to return but again, it's not necessarily
19 at the guarantee that it's going to be the same rental rates. So, (interrupted)

20

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1 Chair Lauing: Sure.

2

3 Ms. Tanner: Maybe the cost goes up, etc.

4

5 Chair Lauing: But there's no correlation that these folks would have First Right of Refusal or
6 anything? It would be just kind of a whole new transaction. Hey, we're open again, here's the
7 rent. If you want to come back, come back because I already paid you to move away. Is that
8 what you're saying?

9

10 Ms. Tanner: I don't know that it would be a Right of First Refusal certainly.

11

12 Chair Lauing: It doesn't like it. That's just what I wanted to confirm.

13

14 Ms. Tanner: But so, I think the right (interrupted)

15

16 Mr. Yang: This ordinance does not do anything like that.

17

18 Chair Lauing: Got it.

19

20 Ms. Tanner: That would be SB 330 that they would have those rights for returning.

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Chair Lauing: Okay, those are my two questions. Seeing no other questions, we'll see if there's any public comment on this issue.

Madina Klicheva, Administrative Assistant: We have one raised [note – audio cut out] (unintelligible)

Chair Lauing: Welcome and go ahead.

Anil Babbar: Hi, can you hear me?

Ms. Klicheva: Yes.

Chair Lauing: Yes.

Mr. Babbar: Great, thank you. Thank you, Commissioners, for allowing me to speak tonight. I'm... my name is Anil Babbar. I am a representative of the California Apartment Association. We are very concerned about this proposal. We feel that it's coming at a very irresponsible time. Owners have lost money from tenants who've been unable to pay their rent for many many months, if not a year or more. The funding that the state and the federal government

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1 have offered to help recover much of the missed rent has been very slow to come through. And
2 when it was come through, it's not always enough because oftentimes tenants are continuing
3 to unable to pay the rent. And then were compounded, that problem is only further
4 compounded by the fact that we're seeing that money drying up. Also, of states have reported
5 inability to fund those programs and we're afraid that California might be soon one of those
6 states where they've run out of the funds to compensate for missed rent.

7

8 And this is particularly acute for mom-and-pop tenants. Many of them who are... will be swept
9 under this new program that you are proposing with such a low threshold as Commissioner
10 Summa [note – Vice-Chair Summa] very rightly recognized.

11

12 These financial problems will also take many years for owners to recover from and just because
13 the state has recommended that proposals like are... help Further Affirmative Action. Doesn't
14 mean it's coming at the right time or coming at the right time at all.

15

16 I want to commend also Commissioner Hechtman for [unintelligible] questions he asked. Many
17 of which were unable to be answered. Which only leads me to believe that this particular
18 ordinance hasn't been fully thought out and should probably be shelved until such time when
19 A) the environment is more suited for this kind of ordinance, or B) there's more answers. And

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1 the answers will probably tell you that this is not the right ordinance for Palo Alto or for any City
2 for that matter.

3

4 I appreciate again the opportunity to speak tonight and I look forward to your decision. Thank
5 you.

6

7 Chair Lauing: Thank you. I think that's the only public speaker. So, we will come back the
8 Commission. Put the timer down.

9

10 Commissioner Reckdahl: Wait a second.

11

12 Ms. Klicheva: Chair Lauing?

13

14 Chair Lauing: Yes.

15

16 Ms. Klicheva: We have one more raised hand (interrupted)

17

18 Chair Lauing: Oh, okay.

19

20 Ms. Klicheva: From... yeah, it just... it has just appeared from Emily Ann Ramos.

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2 Chair Lauing: Okay, great, go ahead.

3

4 Emily Ann Ramos: Hi, can you hear me?

5

6 Chair Lauing: Yes.

7

8 Ms. Klicheva: Yes, we can.

9

10 Ms. Ramos: Oh, wonderful, sorry. My name is Emily Ann Ramos, I'm with SV At Home, and I'm
11 here in support of the Staff recommendation to recommend... Staff's recommendation to
12 recommend to the City Council to adopt the changes to the TRA Program. Now, on behalf of
13 Silicon Valley At Home and our members, we are happy for this change to help the residents of
14 the City of Palo Alto to ensure that they can have their best shot of staying in their City. Despite
15 the fact that they may need to be evicted from their home. We think that this is a very good
16 change from 50 to 10-units and is part of a larger package of tenant protections that Palo Alto is
17 leading on and we're so happy the City is doing that. So, thank you so much for your work and
18 thank you so much for moving forward on these packages of tenant protections. And we look
19 forward to seeing the rest of the policies come forth to this Commission and to the City. Thank
20 you so much for your time.

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Chair Lauing: Thank you. Alright (interrupted)

Ms. Klicheva: I don't see any raised hands. I believe this concludes our public comments.

Chair Lauing: It does, thank you. Okay, returning to Commissions. Let's just do a round of comments before motions and then see where we want to go. So, who would like to go first?

Commissioner Summa [note - Vice-Chair Summa].

Vice-Chair Summa: Thank you. I had another question for Staff and that's in the proposed ordinance... sorry... Section F, which addresses how a landlord might request a waiver or adjustment. Could Staff... that was kind of hard for me to understand. I don't know if other Commissioners understood it but could Staff talk about that a little?

Mr. Yang: Sure, there... we don't think that this is going to be a common problem but it is I suppose possible that there are going to be factual circumstances where the amount of relocation assistance that is required under this ordinance would be basically too high. That it would reach a level of being an unconstitutional taking. We think we've set the amounts so that that is unlikely to happen. You know when we first adopted this ordinance it was based on a pretty comprehensive review of what other cities have done and what courts have upheld. But,

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1 you can't account for all factual patterns and so this is just kind of a pressure relief valve in case
2 we do encounter something we hadn't considered.

3

4 Vice-Chair Summa: So, this is not to help a landlord who may actually be less... have less
5 financial flexibility but it's just to protect the City from an unconstitutional taking or?

6

7 Mr. Yang: Yeah, so, the burden that the landlord would need to show is that the application of
8 the tenant relocation requirement would result in a taking of their property.

9

10 Vice-Chair Summa: Can you help me understand if a taking is a complete devaluation of the
11 person's holding or is it partial?

12

13 Mr. Yang: So, there's not really a bright-line rule and the way that the courts have expressed
14 what constitutes a taking in this sort of context. There're three or four different formulations
15 and one of them is just that a taking occurs when "government goes too far". So, I can't give
16 you a clear answer on that. It... yeah.

17

18 Vice-Chair Summa: Okay, thank you, but that... but Letter F is not to help... it's not really
19 intended to help a landlord that may not have the financial means to pay the relocation. It's
20 just meant to actually protect the City? Is that fair?

-
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Ms. Tanner: Well, I think it... maybe I'll venture just to say Albert that we can't say who would or wouldn't take advantage of it. But unlike some other laws, like I'm thinking of our Retail Preservation that explicitly has an economic hardship as a reason you can apply for a waiver. That's part of that law. This is not necessarily built like that. This is a different rationale and perhaps a landlord in that situation might try to make that case. But it could be a variety of cases that might bring a landlord to say this is an unconstitutional taking. It is not explicitly an economic hardship relief provision.

Mr. Yang: Yeah (interrupted)

Vice-Chair Summa: [unintelligible]

Mr. Yang: I think you could have it... you could have an extremely wealthy landlord who, based on the type of investment that they made and the amount that is being required, could still claim that there was an unconstitutional taking.

Vice-Chair Summa: Thank you for clarifying that.

Chair Lauing: Commissioner Hechtman.

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2 Commissioner Hechtman: Thank you. So, the solitary goal of the ordinance amendment we're
3 talking about tonight is to bring to tenants on properties with 10 to 49-units what I'll call a soft
4 or softer landing in the event of a no-fault eviction, where they haven't done something wrong.
5 And that goal we recognize helps all the tenants in that category, but in particular, we are
6 aware of the rent-burdened tenants. Because a lot of the tenants in those units are rent-
7 burdened by the definition that we have in our... that's provided in our Staff report, and by
8 doing all those things to help those tenants, we're actually furthering the AFFA because what
9 statistics show is the rent burdening is kind of an insidious form of discrimination. It's just it's
10 the way it works out and so those are undeniably laudable goals.

11

12 My concern with this ordinance amendment is really unintended consequences because I'm
13 concerned that taking this action could have the exact opposite, nearly the exact opposite
14 effect and hurt the exact population that we are trying to help and let me try to articulate the
15 concern.

16

17 The payment required, the relocation payment required is... and I'm just going to talk about
18 round numbers... two to three months rent generally. It could be more in some situations, it
19 could be a little bit less because we have a wide range of rents. We see in the Staff report, I
20 think the average rents are something like \$2,600 - \$2,700 a month so you can do the math. Of

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1 course, three-bedroom units are going to go for more and studios less but it's basically two to
2 three months rent. And to imagine that the landlords who own these 10 to 49-unit per parcel
3 properties are just going to say okay, that's the cost of doing business, is unrealistic. They are
4 going to ask themselves how can I get that money? How can I build that money into this
5 process so that I make the same profit tomorrow that I'm making today? And the answer is of
6 course they're going to increase the rent and so I asked the question earlier how many... do we
7 know how many units in this 10 to 49 category are vacant? We don't right now. I just looked at
8 Craig's List while we were having this meeting and I did that because in this conversation last
9 year one of our Council Members actually referred to listings on Craig's List. So, and I just did
10 Palo Alto rental units and came up with nine. I don't know how many are in the 10 to 49 range
11 but to the extent, there are any, if I'm a landlord and I own one of those, I'm going to increase
12 the rent because none of the state laws limit rent... well, we don't have rent control. And none
13 of the state laws that might apply in Palo Alto stop a landlord with a vacant unit from setting
14 the rent wherever they want. And so, I'm going to immediately raise the rent on all my vacant
15 unit to account for... to assume, because I have to give a 1-year lease, a recovery by me of that
16 \$9,000... whatever it is; \$8,000 to \$17,000 depending upon the unit size in the cost of the rent.
17 And when I sign a tenant and that tenant stays for more than a year on that 1-year lease which
18 they often do, I'm actually going to start making money beyond just the reserve I need to pay
19 their relocation. So, we're going to be... so in that scenario we're going to increase rent.

20

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1 Now, AB... as far existing tenants in those 10 to 49 unit properties, AB 1482 I think does provide
2 that as to those units that are more than 15-years old on a rolling basis, you've got a... you're
3 limited to 5 percent plus CPI but for any of our buildings that are less than 15-years old, that
4 doesn't apply and so, if I've got tenants on my 1-year lease who are now month to month in
5 those units and I've got a building less than 15-years old, I'm going to bump up their rent,
6 knowing that this is going to apply. And as to if my building is older than 15-years old and
7 maybe I've been not too aggressive in rent increases but I'm going to be aggressive now. I'm
8 going to do that 5 percent plus CPI every time.

9
10 So, the risk I think is that we're going to see in units of 10 to 49 per property rent increases to
11 cover these costs and that's going to hurt most more than anyone else the rent-burdened
12 people. And as they want to come into Palo Alto they're going to see these higher rents and not
13 be able to afford them or have to basically step down and take a smaller unit. A less desirable
14 unit and so I don't... I feel like I haven't heard any information tonight that's going... that
15 addresses that concern, that tells me that this actually is going to do what we want it to do
16 rather than hurt the people we're trying to help. So, those are my concerns and I'll leave it
17 there. Thank you.

18
19 Chair Lauing: Commissioner Reckdahl.

20

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1 Commissioner Reckdahl: Yeah, I'd like to respond. I appreciate that thought process.
2 Unintended consequences they're real and we have to be very careful that what we're doing is
3 careful. And so, I can see situations where landlords will think that and say well, I better save
4 this money... get this money ahead of time because I may be penalized down the road. But we
5 have a competitive rental market and they have to compete against landlords and if they raise
6 their rents. They may not... their vacant apartment may stay vacant longer. And so, I suspect if
7 they're doing the math, they're going to say well instead of raising this rent and potentially
8 increasing the length of this vacancy. I'm instead just going to wait till the end of my leases and
9 terminate at the end of the lease. There's no penalty at the end of a lease and if they have a 1-
10 year lease. That means they on average wait 6-months. If you're planning any type of
11 renovations or something like this. You're going to have a 6-month lead, so I think that's the
12 most likely case. That they will rearrange their schedule so that any type of action ends... occurs
13 at the end of the lease as opposed to in the middle.

14

15 Chair Lauing: Did you have anything else, Commissioner?

16

17 Commissioner Reckdahl: That was it. I have some more question but I've already talked. So, I'll
18 let people go around and (interrupted)

19

20 Chair Lauing: Commissioner Roohparvar.

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2 Commissioner Roohparvar: Thank you. [unintelligible] gather my thoughts. I think that... and
3 this is an issue that comes across... comes up all the time in a lot of different cities where
4 balancing renter protection versus unintended consequences and how are landlords going to
5 respond and react. I think I've raised this issue before and I continue to struggle with it. We
6 have a lot of speculation and we've asked for data before. I understand maybe we don't have
7 the data available but again, we're speculating. I wish there was a way where the City could
8 provide us or there's some kind of study. Well, do landlords actually raise rents? I mean can
9 track these sorts of things and see do they raise rents? Are there instances where they raised
10 them at the end? Are there instances where now we're seeing more evictions because
11 landlords are finding excuses to kick people out; or are we seeing any issue with deterrents and
12 delay of renovations? Does that actually happen? Because I constantly struggle because I feel
13 like I'm assessing this in a vacuum and trying to speculate and think what a landlord and tenant
14 might do or not do in these situations. And I think, I actually think this type of data should be
15 available and should be able to be tracked.

16

17 And then with respect to the comment by Commissioner Hechtman and Commissioner
18 Reckdahl. That's really interesting. I tend to agree, with all due respect Commissioner
19 Hechtman, that my experience many, many years working with both landlords and tenants. I
20 think what a landlord is more inclined to do is not raise the rent up front, but wait till the end of

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1 the lease. Jack up the rent and they know that the tenant's not going to be able to pay or
2 whatever or find some other way to get them out.

3
4 And I think the other issue, again having worked with a lot of landlords and tenants, that I've
5 come across is the realities of litigation. Trying to actually for a tenant to pursue in court or
6 even like an actual mediation. A lawsuit Unlawful Detainer Action for a tenant to go and pursue
7 this is going to be way more expensive. They're never going to do it. I would say 90 percent of
8 the time I've seen them not pursue this. Even though they might have the rights and try to kind
9 of resolve things.

10
11 So, again, long-winded way of saying I wish we had more data that we could actually kind of
12 make a data-driven assessment on. Instead of, how I feel, just trying to speculate and base it on
13 my own personal experience. Thank you.

14
15 Chair Lauing: I'll make a couple of comments since I haven't spoken yet. The whole basis of this
16 is driven by the landlord. This is a no-fault eviction. This isn't something that somebody's asking
17 the landlord to do. So, they're totally in control of the decision and I understand that Page 9 is
18 not comprehensive of all the examples. But if you want your father-in-law or your mother-in-
19 law or son-in-law to move in. That's your deal and you're probably going to lose rent anyway. If
20 you want to take the rental unit off the market. You're going to build something else there. If

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1 you want to change it up in some way, the question I asked earlier, probably to release it and
2 make more money later. So, all of these things are driven by the landlord. That's point one.

3
4 Point two, I really don't agree that every landlord is going to in mass take the approach that
5 Commissioner Hechtman suggested. It just won't work that way. Some might but I don't
6 understand why they would speculate that someday I'm going to do one of these things and
7 now I'll be protected. So, for the next 3-years, I'm going to raise the rents on everybody. They
8 would be one of the least places in the City, so I just I don't sort of buy that economic analysis.

9
10 The AFFA thing as Commissioner mentioned earlier is a big deal. We'll see that in the Housing
11 Element, so doing everything we can to make sure that our housing is up to snuff in that area is
12 important to do.

13
14 Using the 10 number, which has come back to us from Council, we didn't give that to them. Still
15 leaves over half of the folks in town still cost burden on their rent. And in our last meeting, I
16 believe it was our last meeting on this issue, we've seen it twice. We actually talked about is
17 there a way to give this kind of assistance more or less to folks that are less or more rent-
18 burdened? And there really isn't a way to administer that, so that has to be off the table, right?
19 If somebody's making \$200,000 a year or \$20,000 a year. We can't really address that at all. So,
20 I think that there's a lot of reasons to do this. I'm not fixed or wooden in the number 10 if there

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1 are arguments on either side. But I will underscore that that's what's come back from Council
2 that they're suggesting that they want. So, at least we should comment on that and if we're
3 going to recommend something else or an alternative, we should be specific about why.

4
5 So, that's all right now. Let's see, Commissioner Chang hasn't spoken yet. Unmute, please.

6
7 Commissioner Chang: Sorry about that.

8
9 Chair Lauing: That's better.

10
11 Commissioner Chang: Thank you, Chair. I haven't spoken because much like Commissioner
12 Roohparvar so much of what I want is more data, but I know that we don't have a lot of the
13 City-specific data that I'm particularly interested in.

14
15 I think... I hear... I'm really appreciative of the discussion here. Both Commissioner Hechtman
16 and Commissioner Reckdahl made some really great points and I think where I'm coming out in
17 this is that like Commissioner Lauing [note – Chair Lauing] said. This is landlord-driven and most
18 of what would need to be done to a unit, because I was very concerned about, you know,
19 potentially increasing the overall quality of our housing stock over time. But really, things can
20 be done outside of a 1-year lease. People can wait... a landlord can wait to do most of the work

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1 that they would like to do short of completely raising a building and I think that that's what
2 landlords generally do already. So, I think that... I wish I knew how often these situations came
3 up in Palo Alto? How often does that happen the most in units... in buildings with under 10-
4 units? With 10 to 15-units? With 15-25? 25-50? I wish I had that granularity of data and I also
5 wish that we knew what... I think we had asked for in the past, I think it was Commissioner
6 Hechtman at a prior meeting had or maybe Commissioner Roohparvar, had asked for more
7 granular data on knowing when buildings with 10 to 49-units. What percentage of those people
8 are cost-burdened, or what are the... what's the rents... what are the rents that are charged?
9 But unfortunately, we don't have that information because we don't have the rental data.

10

11 So, given all of that and given the situation that we're in with a lot. We know that at least
12 globally a lot of our tenants are rent-burdened. This seems to make sense given that the most
13 unintended consequences can probably be managed by the landlord but it's a big guess. And
14 so, I think that's where I'm coming out on it. It's like I'm kind of waffling on both sides. All are
15 valid arguments but we just don't have the data and so we have to do what we think is right.

16

17 Ms. Tanner: I just want to say, Commissioner Chang, thank you for your comments. We heard
18 all of them. I do think your air pods may be breaking up a little bit. So, it wasn't as clear as you
19 normally have sounded. I don't know if that was just me, but I think it might have been

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1 breaking up just a little bit. But we did capture what you said so we heard you but maybe if
2 future comments might consider that.

3

4 Chair Lauing: Commissioner Reckdahl.

5

6 Commissioner Reckdahl: Yeah, I mean this is a balancing act because as Commissioner Summa
7 [note – Vice-Chair Summa] said. Not every landlord is deep pocket and we have to be careful
8 that we're just not thinking that we have this infinite supply of money that's going to pay for
9 these.

10

11 And so, if we look at the... what slide is this? Slide Five in the presentation where they have the
12 amounts in it. They also specify the \$3,000 for the local... low-income households. How is that
13 \$3,000 come up with because just of my cuff I would think I would want... we're really trying to
14 address the rent-burdened people the most? So, I would think I would make the values in the
15 table less and have the additional cost of the low-income people higher. So, how is it that these
16 numbers come up with?

17

18 Ms. Tanner: I will ask Mr. Yang if he recalls from that period of time how we arrived at this
19 number.

20

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1 Mr. Yang: I believe it was a survey of what other jurisdictions were providing.

2

3 Commissioner Reckdahl: Okay, so if I have one comment to Council I would say I would want
4 them to reevaluate what that \$3,000... where that came from and do we want to raise it?
5 Because if we are going after these rent-burdened households, that's the number that we really
6 want to look at.

7

8 And I also... Commissioner Summa [note – Vice-Chair Summa] was saying what about five
9 versus 10 or where... the number of units per development, where do we draw the line? If you
10 look at the Staff report, there was by going from 10 down to four. We would get another 20
11 percent of the renters and I would think that that would be a good thing. Now, we are... now
12 that also means 20 percent more landlords affected but again, as Commissioner Lauing [note –
13 Chair Lauing] said, is that the landlords control the timeline. And I think that's a big thing and
14 I'm more willing to impose on the landlords knowing that they can get out of it just by
15 controlling the timeline. So, I would be interested in moving that break point down from 10
16 down to four or perhaps even lower. That's all, thank you.

17

18 Chair Lauing: Commissioner Hechtman.

19

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1 Commissioner Hechtman: Thank you. Just a couple of responses to... Commissioner Summa

2 [note – Vice-Chair Summa] I see your hands up. Did I jump out of turn? Vice-Chair (interrupted)

3

4 Chair Lauing: No, I called (interrupted)

5

6 Vice-Chair Summa: No, no, no. No, no, go ahead.

7

8 Chair Lauing: No, I called on you. That's right.

9

10 Commissioner Hechtman: Alright, so just to further the dialog. I think just the kind of claim that

11 oh, landlords won't uniformly raise rent because of the competitive market is a little too

12 simplistic here. I mean here's the reality in this market from the statistics we have in the Staff

13 report. We've got about 22 percent of these... of the rental units in Palo Alto are in 50 plus unit

14 structures. But we don't have any information about in the 2-years since the law was applied...

15 was adopted by the Council and applies to them about rent increases within those units. Now

16 this change today is supposed to apply to 24 percent of our housing stock, our rental housing

17 stock. And I don't know any rationale that's reasonable to think that all of these landlords who

18 own these larger units are not similarly profit-driven. Because we're not talking about non-

19 profit housing here and they are going to be similarly impacted and similarly want to raise the

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1 rent. So, I think all of those people are in the same boat and they will act similarly in their own
2 self-interest.

3

4 Then, at the far end, you've got 24 percent of our housing is single-family homes. Again, that's
5 our rental housing on the table we have. That's really a different market. First of all, it's on the
6 high end generally and people who are in those 10 to 49-unit structures are not realistically in
7 the market for a full house cost it provides. And if, as a couple of our Commissioners have
8 discussed, we actually broadened this and have the starting point instead of 10 at five or four or
9 any lower number than 10, every time you do that, you're actually broadening the group that
10 will have an incentive and desire to raise the rent, to make sure that they have the... this
11 reserve of money which Staff even describes in the Staff report. The recognition that property
12 owners could increase monthly rental rates to provide reserves should they need to make a
13 relocation payment.

14

15 So, my concern persists and also, I think I'm confused and maybe could use some clarification
16 because my impression is that in Palo Alto we require a 1-year lease. At the end of a 1-year
17 lease, if the tenant stays, they're on a month to month but they're still a renter. And my
18 impression, and I'd like to hear if I'm confused, is that even once they're in that month to
19 month, this ordinance would apply to their no-fault eviction say in the 15-month or the 18-
20 month, whenever it was that the landlord wanted to move on for any reason because one of

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1 the reasons specified on Page 9 is no specified reason. So, anytime the landlord just wanted
2 them out, maybe he wanted to raise the rent more than the tenant would pay. So, I guess my
3 question to Staff is, does the relocation assistant today for 50 unit plus structures apply even
4 after the terms stated in the lease when the tenant's month to month?

5

6 Mr. Yang: Yes, it would in the event that the tenant is evicted from the property.

7

8 Commissioner Hechtman: Thank you.

9

10 Chair Lauing: Commissioner Summa [note – Vice-Chair Summa].

11

12 Vice-Chair Summa: Thank you. So, I would like to associate my comments with Commissioner
13 Reckdahl who I think makes a lot of sense. And I think what's really been demonstrated here
14 tonight is a real need for the rental registry. Half... almost half of the people that live in this City
15 are renters and there's... we really need data on that so that's a good thing.

16

17 With regards to the 1-year lease, I mean before COVID I don't think it was given that a landlord
18 would give you the 1-year lease that was required. I have had personal knowledge of people
19 only being offered month to month which creates a lot of uncertainty and hardship for renters.

20

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1 And when it comes to understanding... I don't quite get why how many units are on a parcel
2 would really change our mind about how we wanted these evictions, no-fault evictions, to be
3 handled. I mean so there's 10-units or so there's 4-units. If you're just renting a house. How is it
4 any different for the tenant? If what we're trying to do is to provide some certainty and
5 assistance to tenants. Why does it make a difference how many units there are on a parcel? So,
6 I guess there's a little bit of a difference for a single-family home that's rented, but I don't
7 know. It comes to mind that a lot of people share renting single... a lot of young adults share
8 renting single-family homes also because that's one of the options available to them in Palo
9 Alto. And so, I understand that the Council was trying to come up with something to give us to
10 react to but I don't find the 10-units compelling at all. I think if we believe people deserve
11 tenant relocation assistance. We should believe they all deserve it.

12
13 What's frustrating to me and what I don't think we can get to tonight is to understand every
14 tenant and every landlord's financial ability or and so we have to make some kind of
15 recommendation. But I would much more comfortable with going much lower than 10 because
16 that just seems not to capture what we're trying to do here, which is to help tenants relocate
17 when they've been kicked out to through no fault of their own. So, I would be very interested in
18 discussing Commissioner Reckdahl idea of four or maybe even three or something because the
19 amount of units. It doesn't make a difference to the tenant that's having a hard time relocation
20 because of the high cost of housing here so I'll leave it at that.

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Chair Lauing: Commissioner Roohparvar.

Commissioner Roohparvar: A clarifying question for Mr. Yang. So, when we first began this conversation we were saying that after a year the lease ends and thereafter, it wouldn't be a no-fault eviction. But what Commissioner Hechtman just said is pursuant to the Palo Alto Ordinance, that's not what happens. When a lease ends after a year, our ordinance then requires a month-to-month lease and you just said that this ordinance would apply. Therefore, based on that the ordinance would always apply. It wouldn't not apply after a lease term ends. Am I understanding that correctly?

Mr. Yang: So, I don't believe that our... that we have any local regulations that requires a month-to-month arrangement. But although, you know I understand there might be some state laws that speak to that. But on the question of when is some relocation assistance required to be paid to the tenant? It's in any circumstance where the tenancy is being terminated not voluntarily by the tenant and not in an at-fault tenant fault situation.

Commissioner Roohparvar: What about contractually? What if it's being terminated just per contractually? The relocation assistance would not apply?

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1 Chair Lauing: You mean by rent? A rent dispute, is that what you're saying Commissioner
2 Roohparvar?

3

4 Commissioner Roohparvar: No, I'm saying like contractually the obligations end. So, the lease
5 ends at the end of the year. It's a contractual term ending.

6

7 Mr. Yang: Right.

8

9 Commissioner Roohparvar: Right, that's not a no-fault.

10

11 Mr. Yang: Right, I guess I would characterize that as voluntary termination if that's something
12 that the parties agree. You know, at the end of the year, this tenancy is going to end.

13

14 [note – several people started talking at once]

15

16 Chair Lauing: Can I just point (interrupted)... I had some of the same questions, can I just put a
17 point on it?

18

19 Commissioner Roohparvar: Yeah, [unintelligible](interrupted)

20

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1 Chair Lauing: I've got a lease for \$2,000 a month as a landlord and I want to raise it to \$2,200
2 and the leasee says no. Aren't we done? I don't have to pay them relocation assistance just
3 because we don't agree on a new rent number. That's just we decided not to do a new
4 transaction together. That... I don't see how that could possibly apply to what we're talking
5 about here of I would have to, as a landlord, have to be forced to pay whatever this number is
6 just because we couldn't agree on a new rental number.

7

8 Ms. Tanner: Right, I think part of it depends... and these circumstances there's a lot of variables
9 and I think what we can clearly say is that if that ended up leading to an eviction proceeding in
10 court that is not covered in that list of things that are at fault. Then it may, but I think we just...
11 it's hard to... if parties are agreeing hey, lease is over. Rents going to be this much, I don't want
12 to live here. There's no question but if a landlord is proceeding with an eviction that is not on
13 that list of reasons... which are actually I think one through 10 is it... of causes. Then again,
14 eviction is a proceeding through court. It's not just like please leave. It's an eviction. That is
15 when these relocation assistance are needed.

16

17 Chair Lauing: Well, not split hairs (interrupted)

18

19 Ms. Tanner: Is that fair to say, Albert?

20

-
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1 Chair Lauing: And we're not all lawyers, but if that... the tenant can say I'm not paying that rent
2 and I'm not going to leave for 6-months. And there would be an eviction notice that went out
3 because the landlords trying to get the tenant out.

4

5 Ms. Tanner: Right and if they're not [unintelligible](interrupted)

6

7 Chair Lauing: But they'd already (interrupted)

8

9 Ms. Tanner: Non-payment of rent is an at-fault eviction. If you're not paying rent, you can be
10 evicted and you don't get relocation assistance.

11

12 Chair Lauing: Right, exactly what I'm saying, exactly. So, it doesn't seem like this would apply at
13 all in just a rent dispute that they don't want to up the lease after the rent is raised. Which is
14 what was said earlier in this conversation of a way to get people out is just to say it was \$2,000
15 and now it's \$4,000. Do you want to stay or not and whether that's disingenuous or not, that's
16 legal so. Sorry Commissioner Roohparvar, I was just trying to clarify that point.

17

18 Commissioner Roohparvar: Yeah, no that was super helpful. I appreciate that and then there's
19 no... just taking that one step further. There's no... just confirming, there's no requirement that
20 things get kicked to month to month? Could you just confirm that Mr. Yang? Right?

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Mr. Yang: Not from the perspective of Palo Alto’s regulations.

Commissioner Roohparvar: Okay, thank you.

Chair Lauing: Commissioner Chang.

Commissioner Chang: Thanks. Can you hear me now? I think I’m having problems. You can?

Chair Lauing: That sounds better.

Commissioner Chang: Okay. I am still confused about how this really works. Kind of trying to ask Commissioner Roohparvar’s question again, so let’s say the lease ends. At that point, if I want to have my grandmother live in the unit and don’t want to renew the lease because of that. I would be forced to pay tenant relocation assistance. Is that correct?

Chair Lauing: Are you the landlord in this case?

Commissioner Chang: I’m the landlord, yes, sorry. I am the landlord.

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1 Mr. Yang: So, again, it really depends upon the terms of the lease that you had and what...
2 whether the tenant any rights to remain in that unit at any specified rent. And so, if the
3 tenant... if the rent was not specified, you would have the ability to say, or the tenant didn't
4 have a right to remain. You would not have to pay relocation assistance. In that event, if the
5 tenant stayed beyond the date that they no longer had a right to remain there. They would be
6 at fault. They would either be not paying rent or they would have violated some portion of the
7 lease agreement.

8
9 Commissioner Chang: That's helpful and then to push the point a little bit further because
10 there's a lot of questions initially by Commissioner Hechtman and Commissioner Roohparvar
11 about other legislation that is in place. Are there... I mean my understanding is that Palo Alto
12 requires that we give tenants a 1-year lease. Although, as Commissioner Summa [note – Vice-
13 Chair Summa] says that doesn't always happen, but other than that, we are not rent-controlled
14 right now. What other restrictions are there globally that are not based on any individual
15 contract in terms of whether somebody's forced to asked somebody... forced to... whether a
16 landlord is forced to allow a tenant First Right of Refusal or anything like that? I'm just trying to
17 understand. If I don't have any other contractual obligations in my lease and at the end of the
18 lease I want to have grandma move in or remodel the whole building or raise it. Does this... is
19 there any other law in place that would then trigger that just because I'm not letting that
20 tenant continue? Then I would have to pay tenant relocation.

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Mr. Yang: Right, so I can't really speak to the general body of landlord/tenant law. I don't know generally what rights exist in state law or in... for renters to remain or not. I know as far as what Palo Alto had put into place in its Municipal Code. We have the 1-year lease requirement, we have this tenant relocation assistance requirement, and we have the mediation requirement. Ms. Bigelow might be able to speak to some of the more general rights that are provided by state law, but that's beyond my immediate knowledge.

Ms. Bigelow: The 1482 is the big one and the reason why in a lot of ways it was talked about as the very base of renter protections that we should provide to people. And it talked about just cause and it talked about a rent cap. And so, those two things have more to do with what happens in the unit rather than what happens after an eviction happens.

And one other thing that was kind of talked about briefly was SB 330 talked about relocation benefits as well but those really only happen in cases of demolition. So, when you're removing the units from the market as I understand it.

And, so I don't think that there are other ones that come into play. I haven't seen them. I am missing a JD though so, you know, that's the caveat there.

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1 Commissioner Chang: Thanks, that's really helpful because then I just wanted to make sure that
2 my kind of initial statement that gee, a landlord can just wait until the end of the lease pretty
3 much still holds. And I think it does based on what... how you've answer... based on how both of
4 you have answered.

5
6 I wanted to respond to Commissioner Summa [note – Vice-Chair Summa] and Commissioner
7 Reckdahl's comments about lowering the number of units per building. I think if I... if I
8 remember our prior discussion and also if I understand City Council's intent. It's that I think we
9 were all worried about the impact of tenant relocation assistance on a landlord who may not be
10 able to pay. And again, here I wish there were... was data about how many... and I think that
11 there is a concern that a corporate player might be more able to pay than say a mom and pop.
12 And so, I believe that that was some of the logic going into the threshold. Obviously, it makes
13 no difference from the perspective of a tenant, but from the perspective of a landlord and given
14 that we don't have a lot of the data that we would like to have from a rental registry. To me, it
15 seems more conservative in this experiment with respect to meeting the needs of the tenants
16 and meetings the needs of the landlord. That yes, it's an arbitrary number but the theory and it
17 seems like a reasonable hypothesis would be that if it's a smaller number of units. It's more
18 likely to be a mom-and-pop landlord. So, I think that I am... I mean I see the benefits obviously
19 to increase tenant renter protections for a lot more people. That would be fantastic but I would

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1 much more worried about doing it unless I understood that there was a good way for a landlord
2 to apply to have this waived if they could demonstrate that this is an undo burden. Thanks.

3

4 Chair Lauing: Thank you. Commissioner Hechtman.

5

6 Commissioner Hechtman: It's been a really robust discussion and I appreciate it and I
7 appreciate the diverse viewpoints that are coming out through this discussion because it
8 really... I mean it's really our function, is to wrestle with these things and parse what is truly a
9 complex issue.

10

11 So, I'm going to kind of make these my concluding remarks pending any motion. I had actually
12 come into this meeting prepared to make a couple of motions that were really to get more
13 data. But that was before I heard at the beginning of the Staff report that this is going to
14 Council next Monday and that the data that I was interested in, it is whole unrealistic to expect
15 it to be collected in next... two working days. So, I'm not even going to bother. Staff... if Council
16 wants this back without the ability to collect more data, so be it.

17

18 I do want to say I think really to have this conversation in an informed way, we really have to
19 understand AB 1482 which Ms. Bigelow and Staff did a really nice job of summarizing for us last
20 April 12th I think in the Staff report when this item, as well as a number of other possible renter

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1 protections, came to us for recommendation. And the thing you have to know about AB 1482 is
2 it applies... other than single-families and duplexes, it pretty much applies to every rental
3 property in California that's at least 15-years old on a rolling basis. Now, here in Palo Alto, I
4 suspect if I ask, we don't know how many of our units... our 10 to 49 or two to 49-units are at
5 least 15-years old but I've lived here 30-years. I kind of see when things are being built,
6 particularly larger complexes. We don't have a lot. Nearly all of our housing stock is at least 15-
7 years old. And as to all of that housing stock, under 1482 it's state law, as I understand, is that
8 you have a just cause eviction. And it's not just during the 12-year... the 12-month term of a
9 lease because it doesn't even kick in until the tenants have been at the property at least 12-
10 months. So, if we're thinking that all a landlord has to do is basically honor the lease, 12-
11 months, and then I can offer the... tell the tenant I want to increase the rent and if they say no.
12 Then I can evict them and don't have to incur this relocation assistance expense, I don't know
13 that that's right. I do know that in that situation if I'm subject to 1482 and use Commissioner...
14 Chair Lauing's hypotheticals, if I say hey, your rent was \$2,000 during the last year but now your
15 lease is over. I'm happy to continue at \$2,200. That's a 10 percent increase which violates 1482
16 because 1482 only allows you to have a 5 percent increase plus CPI and we haven't had 5
17 percent CPI in a number... decades. And similarly, if I said I want to increase the rent to \$4,000
18 from \$2,000, that's an even stronger violation, but if the landlord wants to do that, they need
19 to get the tenant out to increase the rent presumably to market of \$4,000 and what I'm saying
20 is that going to... if the Council adopts this, that's going to have cause or I haven't seen any or I

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1 haven't heard anything that convinces me that it's not going to cause landlords to start
2 increasing rents to prepare for the day when that happens.

3

4 So, again I thank all the Commissioners for the discussion and I'm looking forward to somebody
5 making a motion.

6

7 Chair Lauing: Commissioner Reckdahl.

8

9 Commissioner Reckdahl: I still am confused about what happens with the month to month after
10 the lease. Let's say you have a 1-year and that converts to a month to month. Then does the...
11 can the landlord insist somewhere along the way. Let's say someone has been there for 17-
12 months. Insist that they sign a 1-year lease or is there some legal right that you go month to
13 month indefinitely?

14

15 Ms. Tanner: Mr. Yang I think is going to probably say it depends on what the terms of the lease
16 are which we would not be privy to and we do not regulate that particular portion. Go ahead,
17 Mr. Yang. Did you want to add anything? He's got his son there I think and so I'll talk until Albert
18 you interrupt me. And so, I think that that's... I think part of... I think there may be a part to
19 keep in mind is that the situation would have to get to the point where the landlord is evicting
20 the person for reasons that are not listed there. Where they're actually going through the court

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1 proceedings of evicting the person from that unit for reasons that are not listed I believe. And
2 so, I think that's kind of what we're trying to get at. If it's just the lease is up, they're asking for
3 a 1-year lease and that term has expired. Again, it kind of depends on these variables that we
4 wouldn't know about what is in that lease. Albert, do you want to add something?

5

6 Mr. Yang: I think this is a point that could probably be clarified in our ordinance and it's
7 something that we'll try to look at in the next few days. I guess before it goes to the Council but
8 in response to your question. I don't believe there's any right of a tenant to maintain a lease
9 indefinitely month to month.

10

11 I do know that one part of AB 1482 is as one of the at-fault causes for eviction is if the tenant is
12 offered a renewal and refuses to sign the renewal of the lease for a long-term. And the landlord
13 can evict that tenant and that would be considered an at-fault eviction.

14

15 Commissioner Reckdahl: So, if someone is month to month and then the landlord terminates it.
16 Is that at fault?

17

18 Mr. Yang: It is not under our ordinance.

19

20 Commissioner Reckdahl: Okay.

-
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Mr. Yang: That would be a no-fault eviction (interrupted)

Commissioner Reckdahl: No fault.

Mr. Yang: Under our ordinance.

Commissioner Reckdahl: Oh, it would be no fault if the landlord terminated.

Mr. Yang: That's right.

Commissioner Reckdahl: Is there any way... so that person could stay there indefinitely month to month. Unless can the landlord insist that they sign a new 1-year lease?

Mr. Yang: Yes, that's... so that is a part of AB 1482 is that the landlord can offer a renewal of the lease on similar conditions. If the tenant refuses to sign that renewal then they can be evicted.

Ms. Tanner: So, Commissioner what you might consider depending upon your persuasion overall is Council could add a number 11 for example to what is on I think it's Packet Page 16. The list of causes that would be no fault and so if it was similar to what Mr. Yang had outlined.

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1 You know we could present that to Council for their consideration to address this situation that
2 we're hearing a lot of concern about.

3

4 Commissioner Reckdahl: It bothers me more if the tenant can stay there indefinitely and then
5 eventually gets cashed out. The whole process is to give these people a heads up that hey, at
6 the end of the year we're not going to renew this and there's going to be no payment. At least
7 they have now 9-months or 6-months to plan to find a new spot and arrange that. Thank you,
8 that was helpful.

9

10 I am looking at the proposed ordinance and also the existing ordinance and I think there's a
11 mistake in it. If you look on Packet Page 16 where it lists all the reasons, so look at B at the top.
12 For the purposes of this section, the no-fault eviction means an action to recover the
13 possession of rental unit for any reason other than the following and it lists a whole bunch
14 there. And those, one through nine, all list things that people can be kicked out at. The tenant
15 has failed to pay rent for which landlord is entitled and so forth. So, all these things are reasons
16 that a landlord can kick out the tenant and not have to pay the money. And then number 10 is
17 for no specified cause which means that if the landlord doesn't give a specified cause. He
18 doesn't have to pay anything. Am I reading that right?

19

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1 Mr. Yang: So, this is not as clear as it could be in the ordinance and something that we can
2 address but there is a sentence right in the middle between six and seven.

3

4 Commissioner Reckdahl: Oh, gotcha. I missed that, okay. Thank you very much.

5

6 Mr. Yang: Seven through 10 are no-fault evictions.

7

8 Commissioner Reckdahl: Yeah, clarify that but okay. I was misreading that. Thank you.

9

10 Ms. Tanner: I think the enumeration is supposed to start over probably, perhaps.

11

12 Commissioner Reckdahl: Thank you, that's all.

13

14 Chair Lauing: I want to keep going but I want to acknowledge the fact that Commissioner
15 Hechtman correctly raises the issue that certain state laws can trump local laws here. But we
16 might have heard this tonight but we don't have that data in front of us.

17

18 Mr. Yang: Well, so (interrupted)

19

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1 Chair Lauing: And we're asking tonight to get something to Council on Friday... I'm sorry, by
2 Monday so. Sorry, go ahead. I think it was Commissioner Roohparvar was next. Oh sorry, Mr.
3 Yang did you want to speak first?

4
5 Mr. Yang: I guess just had a suggestion that I thought might help resolve some of these issues.
6 We drafted this ordinance before AB 1482 came into effect and so there's no real kind of
7 uniform concept of just cause, at fault, or not at no-fault. But now, you know, we do have a
8 state law that does define all of those and perhaps it would be better if we just adopted those
9 definitions so that we were aligned with state law. And so, if something that's considered no-
10 fault in Palo Alto is the same as it's going to be considered throughout the rest of the state and
11 is considered at-fault in Palo Alto will also be the same as what... you know how it's applied
12 throughout the rest of the state.

13
14 Ms. Bigelow: The only comment that I would make in addition to that is that 1482 only exists
15 until 2030. So, that's just only the next 8-years so just to comment.

16
17 Chair Lauing: So, Mr. Yang, are you saying that before Monday you would add that to this
18 ordinance to make those definitions clearer?

19
20 Mr. Yang: Yes.

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Chair Lauing: Okay. Let's go on to Commissioner Roohparvar.

Commissioner Roohparvar: And I think... just one more thing. I think when it goes, just given the lively discussion here, I think before it goes to Council it would be helpful if the interplay between AB 1482 and our ordinance was maybe flushed out a little bit more. I'm just going to ask one more time. So, when a lease goes for a year, I get the negotiation, we're done with that, but because of 1482. A lease goes for a year, the end of the term is a year, it terminates. However, the example that Commissioner Chang gave where if I want my grandmother or a family member to move in. Previously we discussed that that would not trigger relocation assistance because the lease term has ended. However, based on what we just discussed with what Commissioner Hechtman had said. That would not be just cause and therefore, you couldn't kick out the tenant over a reason like that. They would be able to continue to stay and they would be entitled to relocation assistance. I just want to clarify that I think we changed, didn't we Mr. Yang?

Mr. Yang: Yeah so (interrupted)

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1 Commissioner Roohparvar: Because of the just cause that gets triggered by 1482. Palo Alto
2 stock is typically more than 15-years old and so in... and that's not something that's delineated
3 in 1482 like the negotiation of a rent is. Having somebody move-in is not just cause.

4
5 Mr. Yang: So, I guess to be clear, it is just cause but it's not at fault. This two separate concepts.
6 Just cause is anything in our list... for taking our list for example. Anything in one through 10 is
7 just cause but the first half of the list is at fault and the second half of the list is no fault. So,
8 having you relative move-in is considered just cause. It is a valid reason for eviction but it's
9 considered no-fault and 1482 doesn't speak to relocation assistance if it's no-fault but our
10 ordinance would then provide that relocation assistance.

11
12 Commissioner Roohparvar: Got it. Okay, that's helpful. That's super helpful. I'm happy to... I do
13 feel rushed, I'll just be honest. I do feel rushed and a little bit kind of off the cuff making the
14 recommendation to Council on this, to be frank. But I don't... you know they need it back so I'm
15 happy to move forward with it. I think for the reason just to give people a temperature where
16 I'm at. I would not be inclined to go down below 10. I do think... I want to be cognizant of mom-
17 and-pop type of homeowners and what impact that could have. Sorry, landlords as well so I
18 (interrupted)

19
20 Chair Lauing: So, are you moving the Staff motion, Commissioner Roohparvar?

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Commissioner Roohparvar: No, I was just letting people know where I am. So, somebody else wants to make... take a motion they know kind of where people are.

Chair Lauing: Okay. Commissioner Summa [note – Vice-Chair Summa].

Vice-Chair Summa: I just had a question that occurred to me. So, the no-fault evictions is so the landlord can take... can repose the unit for their own use. Do we have a way to follow up on that to make sure that that's what's happened or? To make sure it's not being (interrupted)

Ms. Tanner: Could you repeat your question? I'm sorry.

Mr. Yang: Right so I think the question is (interrupted)

Chair Lauing: Can we prove that grandma moved in.

Mr. Yang: Right.

Vice-Chair Summa: Yeah.

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1 Mr. Yang: So, evictions under 1482 have to be for just cause and is there a way that the City
2 knows that there is in fact just cause. The answer is no, we don't even know when an eviction
3 occurs. So, it's really not something that we monitor and we don't have the resources to do
4 that. This is really the landlord/tenant relationship is generally left to private parties.

5

6 Vice-Chair Summa: Okay, thank you.

7

8 MOTION

9

10 Chair Lauing: I'll just make a comment relative to the motion. I think that... I guess I'm saying
11 given what we're confronted with. Council came back to us with this pretty specific number of
12 10. I embrace Commissioner Chang's comments on that, that we're trying to solve for both
13 sides of the equation, landlord and tenant to some extent and I think Commissioner
14 Roohparvar was there as well. So, I would be inclined to support the Staff motion. Happy to
15 move that and we don't have any other data.

16

17 But the other thing that we could look at and I may have to retract my comment from before. I
18 didn't understand that we could identify the lower-income people legally and give them a little
19 bit more. So, I'd happy to hear that and would retract my understanding from the last meeting.

20 So, there might be an issue of just kind of skewing this in general to the lower-income and

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1 potentially even look at the whole amounts that are here to give more to the lower-income
2 people. But again, that's beyond the scope of this and might need another Council debate or
3 have them bring that part of it back to use. But I think Mr. Hechtman [note – Commissioner
4 Hechtman] a year ago brought this up for the first time, which I totally agree with, which is
5 we're trying to help the rent burden people. Not the market rate people and if there's a way to
6 incorporate that either as we send it back to Council with those comments. I think that would
7 be a superior outcome.

8
9 And I'm willing to go with 10 right now because they came back with and it's urgent and then
10 we look at that. I totally agree that 10 down to two is no different but I think the landlords
11 probably are different. If we decided we go too low, of course at some point we can look at that
12 number too.

13
14 But in the absence of anybody else would like to make that motion, I would move the Staff
15 motion that came from Council at 10 with improvements in the language relative to 1482
16 definitions. And also, encourage Staff to either look at or refer to us the type of payment and if
17 it's available to skew it to lower-income people.

18
19 SECOND

20

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1 Commissioner Roohparvar: I'll second.

2

3 Commissioner Chang: I second that.

4

5 Commissioner Roohparvar: Go ahead.

6

7 Chair Lauing: Okay, further discussion now that there's a motion? Commissioner Reckdahl.

8

9 Commissioner Reckdahl: You're saying that you thought that it wasn't legal to have additional
10 payments to low-income people?

11

12 Chair Lauing: When we originally had this conversation, we talked about we want to help rent-
13 burdened, cost-burdened people. And I thought from there we thought that that was going to
14 be administratively impossible to do that or legally impossible.

15

16 Ms. Tanner: That's a great question. I think that what... and again, this is me reaching way back
17 in my memory. I think part of it is that this is on the back end. So, this person is already
18 departing the tenancy and the location and so at that point, they could submit information that
19 would demonstrate their income or if they have minors, the other clauses where you can have.
20 Their age obviously could be verified and so that is on the back when they're leaving.

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2 I think... I may be misremembering... part of our conversation, which was wide-ranging, was
3 about something that might be on the front end. So, certainly, this could deter a landlord from
4 renting to a low-income person should they take it upon themselves to say... I mean often part
5 of a rental application is providing your income and proof of it. So, landlords are aware of the
6 income of their tenants, if they know their household size, they could pretty easily calculate is
7 this a low, middle, or high-income person on the front end. And so, I think some of the other
8 provisions we were talking about, we were like how would that affect renting to those people,
9 but again, this is a law that already existed. That Council already debated and decided to have
10 that additional thing and I think part of it was to only have it be applied to low-income people
11 versus to everyone. When this applies to everyone, doesn't matter what the income of your
12 tenant is. Expect that you'd have these additional payments to low-income people.

13

14 So, that's a long way to say if you wanted to say hey, this whole thing should apply to low-
15 income people. Certainly, you could recommend that to Council, but it's on the back end that
16 it's... would be calculated. So, hopefully, that wasn't just more confusing.

17

18 Chair Lauing: Commissioner Reckdahl I think is up first.

19

20 Commissioner Reckdahl: That's it.

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Chair Lauing: Commissioner Summa [note – Vice-Chair Summa].

Vice-Chair Summa: Thank you, so I feel like... I feel really torn about this because 10 seems still too arbitrary to me, 10 units and I also feel like there should be a waiver process for landlords. That... because in the ordinance Letter F didn't really address this from what I understand Staff answered. I should be... I do think there should be a waiver process for landlords that can't afford this. And the other question that I have is how might this even further disincentive landlords from renting to Section 8 tenants and maybe Staff can comment on that?

Ms. Tanner: You know, there's different thoughts about Section 8 amongst different property owners. Some review it as a stable source of income for a qualified tenant. Some view it as more paperwork and rules and burdensome because there's less flexibility in the program. To the degree that a landlord is taking a position that gee when I have to evict this person. I better raise the rent to accommodate for the payment. They may or may not be able to accept Section 8 because Section 8 only pays at certain rates. And so, the rent they charge, if it does in fact increase under Commissioner Hechtman's scenario, may be out of reach for what the voucher would pay for. But again, that depends on a number of factors that we can't define today.

Vice-Chair Summa: Thank you.

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Chair Lauing: Commissioner Hechtman.

Commissioner Hechtman: Thank you. To speak to the motion, I would really like to help Palo Alto tenants and particularly, rent-burdened Palo Alto tenants. And if I had... if we had the data to show us tonight that this ordinance amendment will not have the opposite effect of hurting Palo Alto tenants and particularly, rent-burdened tenants, I would be supporting it. I don't understand... but we don't, so I can't.

I don't understand why the Council needs this back so quickly. That's a little perplexing to me because it seems like all of us are interested in that data. Whatever we are feeling, all of us have voiced an interest in getting more information. So, but the Council has said it's got to come back quickly. I mean, to me, that's the arbitrary part of this, is why? I mean it's not like we're about to build some new structure.

So, I won't be able to support the motion tonight, although I wish I could for the reasons I've stated. And also, for a couple of other possible unintended consequences that we haven't really talked about and we don't have any data about but they're identified in the Staff report. And that is the possibility that this ordinance will chill the development of new housing in the 10 to 49 range and that it may even chill upgrades to units in those 10 to 49 clusters. Thank you.

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Ms. Tanner: Chair?

Chair Lauing: Ms. Tanner.

Ms. Tanner: I remembered something when Commissioner Lauing or Hechtman was speaking which is that I... it was the rent burden. That was the difference, so the difference is that this payment... the additional payment is for a low-income household which is much... it was defined. And I think before the direction from PTC was to see if we could find a way to have it apply to only to rent-burdened households which varies greatly and I think it was maybe on one of the things that was coming in the front end. Not impossible but it would be hard to tailor certain policies to just say this only applies if you're rent-burdened. Not to your unit size and things like that, so I think that was the difference.

And then if the Chair, if you could restate the motion before it gets voted on and also who seconded it? We're just trying to get that in our notes accurately.

Chair Lauing: I was hoping it was in the notes because it was so long. So, we can do that but let's... we're not going to vote yet.

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1 Ms. Tanner: We can restate what we have and you can tell us if that seems right. Ms. Bigelow,
2 did you want to restate what we have?

3

4 Chair Lauing: Well, why don't we just go to Ms. Roohparvar [note – Commissioner Roohparvar]
5 first and then back to the motion.

6

7 Commissioner Roohparvar: Yes, super quick comment. I just want to say I do like the appeal of
8 building in some sort of waiver for a landlord who's financially burdened and as long as they
9 meet a significant threshold. So, if there was a friendly amendment to that affect Commissioner
10 Summa [note – Vice-Chair Summa], I would be supportive. I don't know about other people but
11 I did want to throw that out there as something like the Council should maybe consider. Not to
12 hash it out it would it would be tonight but just a friendly amendment. It's part of the package
13 Commissioner Lauing... Chair Lauing put out to also consider this concept of a waiver.

14

15 MOTION RESTATED

16

17 Chair Lauing: Okay, so before we get amendments or whatever. Let's try to go back to the
18 motion. The motion was basically the Staff proposal of 10 in the existing and the add to that
19 was that per Council's suggestion that we should incorporate definitions from 1452? Did I get
20 that number right?

-
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Ms. Tanner: 82.

MOTION REVISED

Chair Lauing: Sorry, 1482 as appropriate to make sure that we're consistent with state law. So, that was the basic one. I think from what... where the discussion has gone is that we may not want to do the third part of that of trying to skew this anymore towards what's already been done. Based on the correct recollection of Assistant Director Tanner that it was a difference therebetween rent-burdened and low-income. So, I think unless people want that, I'll take that part of the motion out. Do you have that one and the second was Commissioner Roohparvar I think on that?

Commissioner Roohparvar: Yeah and I'll second the revised motion if that's needed as well for your record.

Ms. Tanner: Ms. Bigelow, did you get that? Any clarification you need or anything? Okay, great.

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1 Ms. Campbell: I just have a quick question, I'm sorry? As far as the definitions from 1482, are
2 we just going to capture all of them? Albert, is that something that you were thinking when you
3 mentioned that?

4

5 Mr. Yang: Yes, we would take the list of at-fault causes and the list of no-fault causes and
6 reproduce them.

7

8 Ms. Campbell: Okay so those two specific things? Okay, thank you.

9

10 Chair Lauing: So, then the only comment I have on my own motion, just to emphasize, is that
11 this is all driven by its landlord-driven evictions. So, that's the core of the motion. I wouldn't use
12 the word arbitrary but I would use the word that 10 is debatable, one way or the other,
13 depending on where you are on this issue. But I think Council has requested the 10 and we
14 don't have enough data to change it and so I think that's a starting point and we should leave it
15 there. So, then other comments on the motion? Commissioner Chang.

16

17 FRIENDLY AMENDMENT

18

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1 Commissioner Chang: Yes, I was just interested in making a friendly amendment if the maker
2 and the seconder are interested? And the amendment would be to add on that we also
3 recommend that Council to consider a waiver process for landlords.

4
5 Chair Lauing: What would be the definition there? How would one figure out that there was a
6 particular problem with a particular landlord because it seems to me that everyone is going to
7 make that claim?

8
9 Commissioner Chang: That's a good question but I think that's something that we should
10 investigate. I don't know if Staff has already looked at that. I mean it could be an income
11 statement, right? Like but you're right, it could be very difficult to legislate.

12
13 FRIENDLY AMENDMENT DECLINED

14
15 Chair Lauing: Yeah, I just don't understand what the definition would be that someone could
16 take a look at it and say oh, you qualify. You don't have to do it. Would it be net income on the
17 property as a percentage of the units or I'd have to hear what that would be. Did you have
18 anything else or? Commissioner Chang?

19

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1 Commissioner Chang: I don't think I have a definition because I don't think we can hash it out.
2 We don't have that information. I think the reason for making that friendly amendment would
3 be to sort of signal our thought process to Council in a time-pressured situation.

4

5 Chair Lauing: Commissioner Summa [**note – Vice-Chair Summa**].

6

7 Vice-Chair Summa: I think it was kind of my idea so I'll speak to that and I just... there's a lot of
8 people that inherit property, or they're not big land speculators, or real estate aggregators that
9 have a little bit of property. And they depend on the income from that property and I can also
10 see situations where they might need to use a unit in that property for their family. I think it
11 would be very, very specific and that's why I think Commissioner Chang was finding it difficult
12 to be specific about it. But I think there are cases where it might become really a financial
13 burden for small property owners to understand how they're going to come up with that big
14 chunk of money which it could be. Especially for larger units that have more bedrooms and just
15 to have a little bit of a safety valve. And I think we can for those situations and they're probably
16 few and far between. So, we wouldn't want to be too prescriptive here and make it so broad
17 that it becomes a loophole because our main... our primary goal here is to protect tenants. So, I
18 have an interest in that too.

19

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1 Chair Lauing: Wouldn't that, what you just said, just be an argument to not pick 10 but to pick
2 30? I'm not suggesting that but (interrupted)

3
4 Vice-Chair Summa: No, because I don't have any information to tell me that oh mom and pop
5 owners only own properties with lower number of units. I mean that's what I'm trying to get to
6 here is that I (interrupted)

7
8 Chair Lauing: Well, we were... earlier on in the discussion, we were going with the presumption
9 that Council picked this number because below that it was mom and pop and above that, it was
10 more corporate who could afford it.

11
12 Vice-Chair Summa: But, you know, I look at the interest in a develop here recently in my
13 neighborhood, in College Terrace, who wanted to use the Planned Housing... Planned
14 Community Zone for housing to develop in a low-density residential zone 10 units because it
15 was profitable. Not because they wanted to and I think property is so valuable and rents are so
16 high here. And I think about, I live very close to El Camino and in kind of a mixed-use area, more
17 dense for Palo Alto, and so I think about some of the property owners I know that might really...
18 it just should be... and that's why I brought up the case of do we have a way to follow up on
19 whether a family member is using the property in the way it was... we anticipate? I just think
20 there should be a little safety valve a little bit and that's all I'm thinking about.

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And I mean maybe we can signal that to Council and let them really hash out the details as Commissioner Chang said. Because I just don't think it's a case that everybody that owns a piece of property because they're people that have owned property for a very long time. They've inherited it and they depend on the rent but they also may need to use the property for a family member or something and the tenant may have more money than the landlord. More income. I'm just trying to think of a way to make it fair.

Chair Lauing: Yeah, I hear... I'm just trying to understand as a specific amendment what we would be recommending. That's all I'm trying to do right now. Ms. Tanner has some comments.

Ms. Tanner: I was just going to comment, you know we don't necessarily know who mom and pop are. But we can know that 5-units or more does not qualify for the same type of mortgage that a 1- to 4-unit property does. So, that is pretty standard across the US. When you're getting to 5- or more units, it's a commercial loan. It is not a typical 30-year kind of loan you might get for a 1- to 4-unit property. Generally speaking, some data that I've seen suggests that most landlords only own a few properties and then you've got folks who own lots so you kind of have a bigger gap. Either they're like really small mom and pop or they're much larger kind of aggregators of property.

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1 Chair Lauing: I mean if a mom and pop own 30-units instead of 10. Then one would think that
2 there's more income there to pay what we have here. So, I think the number of units might be
3 enough to drive this without an amendment that we don't have a concrete suggestion about to
4 go to Council. Commissioner Reckdahl.

5

6 Commissioner Reckdahl: Just, once again, we're speculating because we don't have data and
7 that makes me uncomfortable. We really shouldn't be making public policy if we don't have
8 data. But the two things, to both the ability for the landlord to appeal the process and also
9 whether the amount is \$3,000 for low-income or \$4,000 or \$5,000. Those both are not easy
10 decisions and they're not going to get that in this turn, but I think both those things are going
11 forward. Eventually, we want to be looking at this with data. And so, I think we should be
12 requesting that we get data and that we further investigate this ordinance. Particularly, those
13 two things about the appeal process and the low-income value.

14

15 So, if the... and I guess the other question comes back to what Hechtman... Commissioner
16 Hechtman was saying. What is driving this? Is it the concern that the economic issues are going
17 to cause a bunch of evictions or why are we in a rush?

18

19 Ms. Tanner: I can't speak to all of Council's decisions. I don't know... I'm not privy to all of that
20 information. I think there is concern around potential for rising evictions in Palo Alto and they

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1 had given this to us last year. This was the first item we were going to bring back and so they
2 wanted us to move quickly on it.

3

4 Commissioner Reckdahl: In general, we... you're doing a trade-off here. You have negative
5 impacts to landlords, positive impacts to the renters, and we have to trade these offs. You have
6 to pick a side and that makes me very uncomfortable. I... if I have to pick a side here, I'm going
7 to pick the side of the tenant just because the landlord controls the timeline and I think that...
8 the fact that these are landlord-controlled evictions. Makes me think that if we're going to air
9 one, air on the side of the tenant but it does make me uncomfortable.

10

11 Chair Lauing: So, Commissioner Reckdahl, just because I want to be clear about what you said.
12 Are you trying to attach something else to this motion or just send our comment relative to we
13 prefer more data after we vote on this motion?

14

15 Commissioner Reckdahl: I don't think it has to be part of the motion, but I think (interrupted)

16

17 Chair Lauing: Okay.

18

19 Commissioner Reckdahl: I would want Council (interrupted)

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1 Chair Lauing: I didn't want to excluded it if that's what you intended.

2

3 Commissioner Reckdahl: If people think we should add it, I'm happy to bat, but I also don't
4 want to complicate things. So, if we... but I think Council should know that we're not... we don't
5 think this is the final version of this ordinance. We need... it needs more work.

6

7 Chair Lauing: Well, it is going Monday and we do have a PTC rep Monday so we could speak to
8 that potential.

9

10 Commissioner Reckdahl: Who is the PTC rep on Monday?

11

12 Chair Lauing: I think Vice-Chair Summa, right? Yep. Another 6-hours like last Monday, right?
13 Commissioner Chang.

14

15 Commissioner Chang: I mean it sounds like that the maker doesn't necessarily have the
16 appetite to add this to the motion and that's fine. I do just want to make sure though that
17 somehow, it's memorialized that we should have more data because exactly as Commissioner
18 Reckdahl has said. We're doing this flying blind. We're making a trade-off flying blind and so
19 right, like if... and I hate unintended consequences. Especially, if there's this situation where
20 we're trying to... where we're helping a tenant as Commissioner Summa [note – Vice-Chair

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1 **Summa**] mentioned. There could be one case out there where you're helping a tenant who has
2 more money than the landlord right at the edges of the 10-unit building, so that's my concern. I
3 (interrupted)

4
5 Chair Lauing: I think communicating the request for more data on decisions like this is
6 absolutely fine. I think it's essential frankly, but I don't know that it should be coupled to the
7 motion. That was my only point and relative to the other idea. I just didn't know what we would
8 be recommending in terms of a possible waiver. I didn't feel like there was enough
9 concreteness there to put that in the motion. That also could be sent along if you think that
10 there's ways to do that. Send it back to us for study which they would probably do.

11
12 Commissioner Chang: Well, I'm not proposing that we don't... I mean I would still recommend
13 to Council that we go ahead and do this. But I would say that we need to come back and look at
14 it once that renter registry is put in place.

15
16 Chair Lauing: I was saying the same thing. Commissioner Summa [**note - Vice-Chair Summa**].

17
18 Vice-Chair Summa: I agree and maybe we can make that part of the motion is that we need to
19 relook at this when we have more data about the makeup of the rental community and the
20 landlord community. And also, I don't know much about mortgages and things like that but

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1 Assistant Director Tanner did mention that there's a break at 5-units in terms of mortgages. So,
2 I don't know anything about that, but maybe that would have some bearing on where we...
3 maybe that would have some bearing on how... what number of units per parcel this takes...
4 our recommendation. Because maybe five makes more sense with... is more in alignment with
5 the way lenders view landlords. I don't know.

6

7 Chair Lauing: Commissioner Roohparvar.

8

9 Commissioner Roohparvar: Just to speak on that. So, the break on five, it's five and more
10 becomes commercial. Under that, it's not but it doesn't tie to necessarily a commercial landlord
11 versus an individual and the reasoning, just to add a little bit of flavor to that, is it's actually
12 easier to qualify for a loan for five-plus units. Then it is both under 5-units because under 5-
13 units, your actual income gets considered. Like if I want to apply for a loan, 1- to 4-units, they'll
14 look at my W-2, they'll look at a whole bunch of different things and make sure that I can cover
15 the cost of it. But when it's over five, what they actually look at is the income from the
16 property. Therefore, you can have less money and qualify for five, six, seven plus loan than you
17 would for a one to four. So, I did want to add that because I don't want us to make the false
18 assumption that just because it's five or more it's commercial, so you necessarily have a larger
19 landlord. It's actually harder to qualify for one to four than it is five to plus. That's all. It doesn't
20 affect the motion.

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VOTE

Chair Lauing: Okay, so I think it's perfectly acceptable to do the motion and then since you'd be almost writing the Staff report in real-time. Say that the Commission was concerned about the lack of viable data to make this decision and would like to see if, again when there is more available data to look at, the number and possible relief for some landlords. Just do that, I mean by stating that I know my comments are in the minutes, but you might state that so they understand that was the environment in which we took the vote. Would that... for all the other Commissioners, does that kind of make sense? Because there are risks to unintended consequences, there's no questions. Alright, let's go to the motion and Madina if you could (interrupted)

Ms. Klicheva: Get the roll... the vote called right? Yep.

Chair Lauing: Yes.

Ms. Klicheva: Chair Lauing?

Chair Lauing: Yes.

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2 Ms. Klicheva: Vice-Chair Summa? Vice-Chair Summa?

3

4 Chair Lauing: You're muted.

5

6 Vice-Chair Summa: Sorry, yes.

7

8 Ms. Klicheva: Thank you. Commissioner Chang?

9

10 Commissioner Chang: Yes.

11

12 Ms. Klicheva: Commissioner Hechtman?

13

14 Commissioner Hechtman: No.

15

16 Ms. Klicheva: Commissioner Hechtman, did you say no?

17

18 Chair Lauing: That was a no.

19

20 Ms. Klicheva: Okay, thank you. Commissioner Reckdahl?

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2 Commissioner Reckdahl: Yes.

3

4 Ms. Klicheva: Commissioner Roohparvar?

5

6 Commissioner Roohparvar: Yes.

7

8 Ms. Klicheva: And Commissioner Templeton is absent. Motion carries with 5-1 with

9 Commissioner Templeton absent.

10

11 MOTION PASSED 5(Chang, Lauing, Reckdahl, Summa, Roohparvar) – 1(Hechtman)-

12 1(Commissioner Templeton absent)

13

14 Chair Lauing: Okay, thank you very much. I also agree with Commissioner Hechtman that the

15 discussion was rigorous and helpful. It shows what we can do before 10 o'clock. Commissioner

16 Hechtman, speak to your no vote, please?

17

18 Commissioner Hechtman: Yes, very briefly. I particularly appreciated the conversation during

19 the discussion of the motion about letting the Council know that we felt that we were

20 hampered by lack of data. And I'm hoping that Vice-Chair Summa gets an opportunity to do

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1 that at the Council meeting on Monday but in the absence of the data that we would like, I
2 suppose I'm interested to see if the Council will consider how many tenants are going to pay
3 higher rent as a direct result of this amendment before we think it was perhaps misguided. So,
4 I'll be interested to see if they discuss that on Monday.

5

6 Chair Lauing: Okay, thank you. That ends this item and the next item that we are going to is any
7 Committee items?

8

9 **Commission Action:** Motion by Lauing. Seconded by Roohparvar, motion carried 5-1-1.

10 3. PUBLIC HEARING/LEGISLATIVE: Review and Discuss Potential Ordinance Changes to
11 Palo Alto Municipal Code Chapter 18.09, Accessory and Junior Accessory Dwelling
12 Units. Environmental Assessment: Exempt from the provisions of the California
13 Environmental Quality Act (CEQA) pursuant to Public Resources Code Section
14 21080.17 and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305.

15 [This item was moved to the Planning and Transportation Commission meeting to be held on
16 February 9, 2022]

17 **Committee Items**

18 Chair Lauing: Okay and then we're going to talk about Commissioner questions, comments,
19 announcements and future agenda items.

20 **Commissioner Questions, Comments or Announcements**

21 Chair Lauing: And one of those is going to be our whole meeting schedule which Ms. Tanner is
22 going to speak to and then, in connection with that, potential retreat schedule. And then after

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1 we talk about the schedule, I want to talk about the content and get your input on that. So, I'll
2 turn it over to Assistant Director Tanner.

3

4 Rachael Tanner, Assistant Director: Great, thank you, so we're going to do two things for
5 scheduling. First, just looking at the whole year and seeing if there's moments where we do
6 want to plan for any recess or canceled meeting. Whether it's a chunk or just like hey, there's
7 holidays. We know we're going to have absences that are going to take you all away. If you
8 don't know your full vacation schedule, don't worry. You can still plan your vacations and let us
9 know if you're going to be absent on a meeting day. Although we hope you'll of course plan
10 around our meetings, wouldn't you because they're very important?

11

12 So, here is, you hopefully you can see this. It should be just like a word document that's
13 showing up on your screen and I'm going to try to, if it's not clear, hopefully, zoom in case you
14 can see everything. So, just to start off with, Council did approve this as their break schedule for
15 summer and for wintertime and so you can see that reflected here. These greyed out meetings
16 are just saying this is... these... during these meetings are when Council will be in recess. If the
17 Commission did want to have recess, it may be aligned there. It doesn't necessarily need to be.
18 I'm also just noting holidays that are proximate to meetings. There are no meetings that fall on
19 holidays this year, unlike last year, and so I'm just going to go over it.

20

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1 We've... well, hopefully, you're not canceling any of these meetings because we have items for
2 you. So, please don't cancel the 23rd meeting. As I said, we may be meeting in person for the
3 first time in March so March 9th could be an in-person meeting. Of course, we will update you
4 as soon as we know. Pass over and Good Friday fall on the end of that week of the 13th. So
5 again, not... the holiday is not on the day, being Wednesday we're in the middle. This is just
6 prior to Memorial Day. The first day of school for high schoolers will be August 10th and for I
7 think K through 5, August 11th at PAUSD. We've got Rosh Hashanah, we've got
8 Columbus/Indigenous People's Day following on the Monday of the week of October 12th. And
9 then this meeting, November 30th is the week after Thanksgiving. That Wednesday after
10 Thanksgiving. So, again as I've said you're not going to get a break from me voluntarily. So, if
11 you at all want to have a certain stretch of time where there's not a PTC meeting to come to.
12 It's probably best to plan for it, so that's my two sense I'll leave you with. Did you want... and
13 then maybe Commissioner Lauing or Chair Lauing, after we kind of settle this. We can talk
14 about the possible scheduling of the retreat and when that might fall, so take them one at a
15 time.

16
17 Chair Lauing: I guess the biggest question is whether or not to take a break and whether or not
18 if we do, to have that overlap with the Council's schedule. So, just folks raise their hands and
19 contribute to that discussion. Commissioner Chang.

20

-
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1 Commissioner Chang: I don't have a particular perspective on taking a break but I do think that
2 as we get our schedules. You know, any summer or travel schedules, or our annual schedules in
3 place. It may very well make sense to cancel a meeting or two there, but I don't have a
4 particular perspective on a break. My only request would be let's not shoehorn in additional
5 meetings in December because that was pretty brutal this year. If we can avoid that.

6
7 Chair Lauing: Yeah, we paid the price in January too. Commissioner Summa [note – Vice-Chair
8 Summa].

9
10 Vice-Chair Summa: I have never felt the need for us to an official break. We haven't done so
11 historically and we did recently. Because we don't... we typically meet two times a month and I
12 feel like that leaves us enough time to kind of organize travel but that's just my perspective.

13
14 Chair Lauing: Commissioner Hechtman.

15
16 Commissioner Hechtman: So, I know I'll be away on the July 27th, so I'll miss that meeting. Last
17 year we canceled or took off the last meeting of July and the first meeting of August. Which
18 similarly last year, also was pretty close to the first day of school in Palo Alto Unified School
19 District and frankly, I enjoyed that. It works out to a six-week break between the 13th and the

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1 31st and for me, it was the pause that refreshes. So, I liked it and maybe if people want to meet
2 on August 10th, I'm game for it but I thought it was welcomed last year.

3

4 Chair Lauing: So, you're saying you're out 7/27, but not any other times? Okay. Anyone else?
5 Commissioner Roohparvar.

6

7 Commissioner Roohparvar: Sorry, yeah, I'm probably going to be out sometime this summer
8 from probably July-ish to just roughly July or August and I might be out on 4/13. Nothing set in
9 stone but I do tend to take summer vacation.

10

11 Chair Lauing: Commissioner Reckdahl, any input particularly?

12

13 Commissioner Reckdahl: I'll be out but nothing set yet so.

14

15 Chair Lauing: So, if we were going to do (interrupted)

16

17 Ms. Tanner: What did you say? I'm sorry. I couldn't hear Commissioner Reckdahl. Did he have a
18 date he was going to be absent?

19

20 Chair Lauing: No.

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Commissioner Reckdahl: No, nothing set yet so I'll work around the schedule.

Chair Lauing: So, if we were going to take a break, then the only... using data, the day that we have is that Commissioner Hechtman's going to be out on the 27th which is during the Council recess. So, that would be the logical time to take a single day off which is fine with me if that's kind of a compromise of folks that want a lot of time off versus no time off. Yeah, until recently we never took any time off but I'm not religious about that. If we want to take that particular week, I think that's fine. Yeah, Commissioner Chang?

Commissioner Chang: I'm fine with that but I know that Commissioner Roohparvar and I'm likely going to be gone at some point during the summer as well. And I'm just wondering that if we do it, do we want to try to see where... and it sound like maybe same thing for Commissioner Reckdahl. If we want to hold off a little bit just to see where things might stack up because if we are going to cancel a meeting. Again, my priority is not to... my priority is to do our work so that we don't have a whole bunch in December and January. I'm just wondering that if it makes sense that if we're canceling a meeting. That we cancel one where there's multiple Commissioners gone if that happens to be the case. Otherwise, I'm fine with the 27th.

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1 Chair Lauing: I think that will work as long as we make the final call about a month in advance.
2 No later than so that Ms. Tanner can plan our agenda.

3
4 Ms. Tanner: I mean the other way to think about it, not to play devil's advocate but why not, is
5 to say if you plan the break then you can plan your travel. Now obviously travel has multiple
6 factors but that's part of why Council I think does their planned breaks so that they can then
7 plan a break. Obviously, I'm not saying you're the Council but just I think that's part of their
8 theory.

9
10 Chair Lauing: I think the other thing is that if we... let's say that we pencil in that we're taking off
11 the 27th and a couple of Commissioners are going to miss 8/10. Well, we still have five
12 Commissioners and if they're important then we just go and get the work done. You know,
13 that's one reason we have seven. So, I'm good with that if we want to pencil in 7/27 as a
14 possible recess and then look at it a little bit closer to that time. Any other... sorry,
15 Commissioner Chang, is your hand still up?

16
17 Commissioner Chang: Yes.

18
19 Chair Lauing: Oh sorry, go ahead.

20

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1 Commissioner Chang: Yeah, I'm fine with penciling it in. I just think that yes, it sure would be
2 nice if we blocked it out and then I could plan my life around that but that's... I mean there's so
3 much going on. Right, so many other people's schedule to juggle and school schedules and who
4 knows. So, I don't... to me, that's why it doesn't matter if we block it out or not but I'm totally
5 fine with penciling it in. I would just say that if we have a meeting where three Commissioners
6 are gone and if people are okay with it. Then maybe it makes sense to cancel that instead.

7

8 Chair Lauing: Yeah, I think that's the game plan. Just as long as we give enough time before the
9 new date or this date. Did anybody else have any comments on the holidays and so on? Great
10 job Ms. Tanner, get all the detail on there for us. It's remarkable that there aren't any direct
11 overlaps from holidays so that's good.

12

13 Ms. Tanner: I know, last year we had a couple that were on the same day.

14

15 Chair Lauing: Yeah, I think relative to December, when we looked at this in the pre-meeting.
16 The screen doesn't show December. There we go. Right now, there (interrupted)

17

18 Ms. Tanner: Yeah, we just have the one meeting.

19

20 Chair Lauing: There's on meeting in December.

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1

2 Ms. Tanner: So, we may add another meeting there to... well, we ended up having to add
3 another meeting in December because similarly, one of the meetings did fall... we were able to
4 have I think two meetings but then we had to have a third. Anyhow, we'll try to limit that type
5 of thing and also do it ahead of time enough that we can predict it as we get closer to the end
6 of the year. So, just (interrupted)

7

8 Chair Lauing: Okay.

9

10 Ms. Tanner: Whoops. I'm messing up my chart there. So, one thing, March 9th may be our first
11 in-person hearing. It also may not be but we were looking at possibly that being a potential day
12 for the retreat. Whether it's during the daytime or during the regularly scheduled evening time.
13 On the hope that maybe our retreat could be in person pending Council or Commissioners
14 comfort with being in-person and pending that we could be in-person. You don't have to share
15 right now if you don't feel comfortable meeting in person on March 9th or you might share that.
16 You can also let us know offline if that's something that you want to think about or see what
17 happens on March 8th and make your decision then. But that was an idea to do perhaps during
18 the daytime or continue it in the evening time. We don't have any agenda items for the 9th, I've
19 been holding it for us and so we always wanted to know if Commissioners preferred evening or
20 daytime for a retreat.

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Chair Lauing: But which is... just to make clear, which is not the case on the two meetings before that. The 9th and 23rd are already booked.

Ms. Tanner: That's correct.

Chair Lauing: So, if we were to do a retreat before then, oh and the Council retreat is on 2/5 to get their objectives/priorities. So, 2/9 would be pretty quick so we could do 2/23 if it weren't so booked. But since it's so booked we would have to do a special meeting, not use that meeting time, which is also fine. I just wanted to show you why we're talking about 3/9 because it might be in-person if we wanted that and there's nothing booked there right now. Not chipped in stone but those are two good reasons for it. Commissioner Summa [note – Vice-Chair Summa].

Vice-Chair Summa: Sorry, it seems like March is far away but it's really not I've realized in terms of our schedule. And so, my dad... should I be so lucky to attend my dad's 90th birthday it will be at the end of March, March 29th. So, I think it's unlikely but uncertain right now whether I would be able to make that March 30th meeting. Just to let everyone know.

Chair Lauing: We were talking about maybe the 9th. We hadn't gotten to the 30th yet so.

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1 Vice-Chair Summa: Right, I know but just...

2

3 Chair Lauing: And if we can meet in person, is that a preference, or do we know yet because of
4 the health situation? Commissioner Reckdahl is up next.

5

6 Commissioner Reckdahl: I would like to be in-person but you know that's a Commission wide
7 decision. Do we know, are we going to go to hybrid or is it just going to go straight from remote
8 to all in-person?

9

10 Ms. Tanner: So, if we follow the Council's lead it could... it will be hybrid and that's the plan and
11 it could be multiple dimensions of hybrid. So, it could be that Commissioners are all in-person
12 but public can come in person or the public can watch and participate online. We have had
13 some Council Members who have not been in-person and some of that has very up and down
14 with folk's comfortable levels is my understanding. Of if a Council Member may or may not feel
15 comfortable being in-person or sadly, have an exposure or other reasons why they have to
16 participate remotely as well.

17

18 Commissioner Reckdahl: The advantage of hybrid is that if people have to travel then they can
19 still call in so.

20

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1 Chair Lauing: Yeah, Commissioner Hechtman.

2

3 Ms. Tanner: It would be hybrid still.

4

5 Commissioner Reckdahl: Okay.

6

7 Commissioner Hechtman: March 9th would be fine for the retreat for me but I would love it if
8 we can meet in person. I think particularly for the retreat there are benefits to that in that more
9 less formal setting to have us all come together and because I feel that way, I'm... if it's... if we
10 can meet in person on say April 13th but it would have to be by Zoom on March 9th, then I'm
11 intentionally jumping over March 30th so that Commissioner Summa [note – Vice-Chair Summa]
12 will be at the retreat. I'd support that. We just don't know yet. That's the issue is we don't know
13 when we're going to be able to gather in person.

14

15 Chair Lauing: Remind us of when we need to submit the Work Plan to Council?

16

17 Ms. Tanner: So, yeah, we need to... April 13th would probably be a little too late because we'll
18 need too... it's suppose to be heard I believe on April 18th. So, we'd need to have it wrapped up
19 about 2-weeks prior to that date but I certainly hear you. You know trying to be flexible to have
20 opportunity. You know something... you know assuming that Omicron has kind of died down

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1 but let's say Council hasn't given the full go-ahead for Boards and Commission in-person. I can
2 talk to the City Manager and see if there's any exception to be made and see if the Council
3 would be willing to accept... make an exception for the retreat scenario. Again, assuming it's
4 not health-related... not kind of just like no matter what, we're going to get together in person
5 but assuming things are improving.

6

7 Chair Lauing: And are folks thinking that they want... well, before you talk I'll throw this out so
8 you can include it in your answer Commissioner Chang. Are you thinking you want to use a
9 regular meeting or schedule a special meeting for the retreat off-site? Okay, to Commissioner
10 Chang.

11

12 Commissioner Chang: I was just going to say that my bias is towards sooner than later because I
13 feel like a retreat... I mean as much as I'd like to meet in person, who knows what's going to be
14 going on with Covid. So, I think my bias would be towards meeting sooner than later just
15 because I think a retreat earlier in the year helps more in terms of setting our agenda.

16

17 And then in terms of whether we do a special, I think there's an initial question about whether
18 we do nighttime or daytime. If it's on the 9th, my preference is for nighttime. If we're going to
19 schedule an additional... so I guess if it's during the week, my preference is for nighttime. If it's...

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1 if we're going to schedule a special meeting, which I'm also okay with. I have no preference,
2 then I would prefer a weekend during the day.

3

4 Chair Lauing: Others on those points?

5

6 Commissioner Reckdahl: I would echo that.

7

8 Chair Lauing: Commissioner Roohparvar.

9

10 Commissioner Roohparvar: I was just going to say the 9th works for me if you want to do it on
11 that day and then also I think Commissioner Hechtman, you said the 13th. Skipping over the
12 30th, that works. Oh no, that might not work for me, but the 9th works if we wanted to do that.

13

14 Chair Lauing: Okay and if it's the 9th and we're together. We can still do that at night together.
15 You know, couple it with dinner and you know some cordial time so it's intentionally more
16 casual. Our compensation has gone way down since we're not in Chambers and getting free
17 dinners every other Wednesday.

18

19 Ms. Tanner: I know, we'll have to renew that process.

20

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1 Commissioner Roohparvar: I had one follow-up question (interrupted)

2

3 Chair Lauing: Sure.

4

5 Commissioner Roohparvar: Commissioner... Chair Lauing. Do you anticipate our retreat to be
6 indoors or would it be outdoors?

7

8 Chair Lauing: Yeah, I was thinking indoors.

9

10 Commissioner Roohparvar: Just my daughter's not vaccinated. Just so that's like for me it just
11 plays into... so you were thinking indoors?

12

13 Chair Lauing: Yeah, just because of noise and stuff like that. I mean (interrupted)

14

15 Commissioner Roohparvar: [unintelligible]

16

17 Chair Lauing: I have done some Parks Commission retreats outdoors and even that wasn't
18 optimal. Relative to the critters and things like that so.

19

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1 Ms. Tanner: We do have some space (interrupted)

2

3 Chair Lauing: And you know you got... you get (interrupted)

4

5 Ms. Tanner: Where we can open some doors or windows so try to get some circulation. We do
6 also have, depending where it is, like in City Hall we have some portable air filter. Like little
7 things you can move around and so we can make sure those are available.

8

9 Chair Lauing: Yep. Okay, Commissioner Chang again.

10

11 Commissioner Chang: Yeah, I was just going to say if it's indoors, I have no problem with being
12 indoors masked but I do not want to eat indoors. Like my family sort of has a we're not eating
13 indoors thing. So, as much as I would like to eat with all of you. That's a family rule that we have
14 so.

15

16 Chair Lauing: Okay so it looks like... putting together all the comments, it looks like 3/9 probably
17 is the best time which is our regular date and we might have it at night. I believe that public can
18 still attend retreats but they generally don't because it's not very interesting to them. But I
19 think legally they're allowed to do that. So, we have that date as the retreat unless we hear
20 something otherwise, and then we have a tentative 7/27 as a week off. And that I think

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1 concludes as far as we can go right now. We're missing one Commissioner's input obviously so
2 we'll have to get that as well.

3

4 So, let's turn a little bit to the content. You know we have to put together a Work Plan and it's
5 approved by Council. But we don't have to just put together what we think they want us to do. I
6 mean we get a vote and we can say look, we know we're going to get certain things because
7 they're required by law. And you're going to make some decisions or you're going to make a
8 new ordinance and so on and that's... some of those we can't even put into the Work Plan
9 because we know what they are. But I think there's certain things we can decide that we want
10 to take an initiative on and put that in the Work Plan for them to approve or push back on. So,
11 tonight, I would just like to begin that conversation of what some of those might be. That are
12 very worthwhile that of course, fix with the strategy as announced on February 5th after their
13 meeting of what critical areas are for the Council this year. But in much of our work beyond this
14 year, so I think we can even take along view.

15

16 So, I just have a couple of examples just to kick it off and I talked with Vice-Chair Summa earlier
17 this week about that. One of the things that's been on the Council's actual agenda, parts of
18 which have come to us, is various parts of retail. And we could decide to take a look at, for
19 example, California Avenue retail because of a lot of things. One, it's been a bit in trouble. It
20 probably needs a new planning process, that's been discussed for years without any action. You

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1 will see that that's going to be impacted by the Housing Element if we approve the units that
2 are suggested to potentially go in there for HCD. So, almost by definition, it's going to have to
3 be re-planned. We could take an initiative on that to try to work on it. Now, we put that on the
4 table, that's doesn't mean we have the money for consultants or the Staff time or whatever.
5 Hence it needs to go to the Council to get approved for them to understand all those
6 implications. Or any other segment of retail we could take, whatever it is.

7

8 Another thought I had that's a little bit broader. Again, just throwing these out to kind of start
9 the thought process. Is one of the things we are defiantly going to have to look at over the next
10 12-years is if we're going to essentially put a lot of new homes where they aren't. From my
11 point of view, I want them to be neighborhoods, not units stacked on top of each other. So,
12 what that means to me is that we need to as a City try to plan a neighborhood and we could
13 come up with sort of guiding principles for planning some of these new neighborhoods. And
14 that could include a certain amount of open space, a certain amount of school proximity, retail
15 proximity and so on as guiding principles for that to guide any of the new things that are going
16 forward.

17

18 So, some of these will automatically tie in with the Housing Element, but I throw them out as
19 just examples of what might be of interest to us to work on. That's really important to the City
20 and that some of these as Council... well, both of my examples actually Council has already

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1 talked about. So, let me just open the floor to see if you like that idea generally and not these
2 ideas, but the idea of working on some of these and what your thoughts might be of what
3 subjects to work on. Commissioner Hechtman, thanks.

4

5 Commissioner Hechtman: Sure, I'll go first. I do like the idea of taking initiative which I think is
6 really at the heart of what Chair Lauing is talking about. You know, when we did the initial Work
7 Plan last year, we're all familiar with it. Although Commissioner Reckdahl might not be, but it
8 was primarily a reactive document because we are primarily a reactive body. We are sent things
9 to opine on and do that. So, I like the idea of sort of stepping outside of that area and of course,
10 the Work Plan goes to the Council for approval. So, if they don't like where we're stepping they
11 can tell us so. One thought as Chair Lauing, as you were describing a couple of possibilities, one
12 thought I had and maybe it's a little more pragmatic and not as visionary. Certainly, not as
13 visionary. There have been a number of our discussions, including the one tonight, including the
14 one a week ago, where I would say a majority of the Commission or at one point or another
15 saying I don't have the information I need to make the most informed recommendation
16 tonight. And it's easy to say that, getting the information is very complicated a lot of times
17 because it takes some Staff prediction of what we're going to want, and Staff time to put it
18 together, but we've never really had the luxury of a time to just talk about whether we can
19 improve that process, so that when things come to us, we have more of what we need. I
20 particularly like the setting last week on Castilleja where we're not supposed to make decisions.

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1 Instead, we're supposed to give Staff direction to bring things back to us. That's an example of a
2 tool that I think that was one of the few times we've used that and I thought it was very useful.
3 And so that's the... that's something that we could discuss in a retreat, is how to work with Staff
4 to get us more of the information we're likely to feel is useful when we're asked to do
5 something.

6
7 Chair Lauing: Okay. Any other thoughts on both issues? If you like this idea at all and if there are
8 any specifics? Vice-Chair Summa.

9
10 Vice-Chair Summa: Thanks. I like both ideas because I think Cal Ave is... I think there's a lot of
11 opportunity there to think about how Cal Ave is going to develop in the future and a lot of
12 different ideas. So, I think that's good and I also really appreciate that.

13
14 And I think Commissioner Chang touched on this last week that we're really thinking of a whole
15 new residential neighborhood basically in kind of south-east Palo Alto. And I think that deserves
16 and warrants a lot of attention to how that works.

17
18 So, I really like both of those ideas and for things that come under the PTC's purview. Those...
19 there's other things I'm really concerned about with Palo Alto but those really are pretty
20 strongly in the forefront for me.

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Chair Lauing: Commissioner Chang.

Commissioner Chang: I also like both of those ideas that Commissioner Lauing [note – Chair Lauing] mentioned but I also like this process suggestion that Commissioner Hechtman has made. Because I do think that... so maybe if we allot some of our retreat time towards topical and some towards process improvement that we think we should explore. That might be a helpful thing to do.

And while I'm just lobbing blue sky idea out there, El Camino and retail along El Camino is one thing that I've always thought about. Particularly, as we look at cities to the south of us and cities to the north of us. I just over the weekend listen... was it this week? No last weekend. I can't remember when it was now but I listened to a bike superhighway meeting and so I'm not necessarily thinking about El Camino from a transportation perspective. But listening to sort of the issues that other cities had to deal with in contemplating a bike superhighway on... along El Camino. It really made me think about how different our El Camino looks from other... for our neighbors. Especially, in terms of retail and it's just so ugly. I feel like we could make it better and more useful. So, given how many... you know, especially given the proximity that so many of our residents have to El Camino but and it's great that we concentrate that we have these retail areas neighbors University and along California and in the neighborhoods. But there's

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1 huge swabs of El Camino that seem like dead zones. So, it's something that I've always thought
2 would be a huge improvement to our City if we could somehow revitalize it.

3

4 Chair Lauing: Commissioner Reckdahl.

5

6 Commissioner Reckdahl: These are intertwined because if you're talking about Cal Ave or El
7 Camino or the Housing Element. Those are big things and we're going to need data. And so, we
8 really do have to break this down and say we're not going to solve this in a handful of meetings.
9 But what's a long-term plan and we have to set the table what do we need in that final meeting
10 to make our decision and plan for that and not just chat. We need to be making plans for what
11 information, what data do we need?

12

13 Chair Lauing: Good and then, of course, Ms. Tanner can put together a list of the reactive stuff
14 that we know we're going to have to deal with. Both from the things that are going to be
15 decided in February, but stuff we know is coming back to us and priorities that are going to
16 come our direction.

17

18 Ms. Tanner: Yeah, we also can share... and I can share, you know we can prepare stuff in
19 advance of the retreat. Just the list of prior Council referrals, when we might take those up. So,
20 we can kind of get a sense of the pace of things. One thing I might suggest, to some degree one

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1 thing that can help Staff in the short-term maybe be more responsive is if you do have
2 questions as you're reading the Staff report to share those with us. We don't presume... we
3 can't know the information that the PTC is wanting if we don't know in advance and so
4 sometimes we may not have that information. Something that only occurs to you in the
5 moment, so you don't know the question until occurs to you. But, you know, we could have
6 perhaps looked at this specific situation of the lease getting let up and talked to some tenant
7 attorney which we're not. And so never feel like you have to wait till the meeting to ask us a
8 question, how big or small it is.

9

10 Chair Lauing: The only problem with that is you don't have the luxury of rewriting the Staff
11 report 3-weeks in advance of the meeting.

12

13 Ms. Tanner: It's true but we can... if we have... we can bring it to the presentation we will. You
14 know if we can bring it ahead of time, we will do that.

15

16 Chair Lauing: This isn't the last time we will discuss it and if you have other ideas I suggest you
17 circulate those through Assistant Director Tanner. And she can collect them and maybe we'll
18 talk about them at the pre-meeting next week and then... sorry, 2-weeks from now and then
19 see how that's coming along. Okay, if there's nothing else on that, other Commissioner
20 comments or questions and then I'll look at the... oh sorry, Commissioner Hechtman.

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Commissioner Hechtman: No, this was other Commissioner comments. I just wanted to comment that this is my second meeting now, mostly on mute. Although tonight I felt like maybe I was not on mute quite enough. But I've really appreciated Chair Lauing, your leadership and the way you're running these meetings. I know this is not your first PTC Chair rodeo but [unintelligible] enjoying having this seat and watching you take the lead here. So, thank you for the work you're doing.

Chair Lauing: Thank you. Lots more to be done. Hold that comment. So, taking a look ahead, will you take us to next week and talk about a whole new brand new item, 985 Channing, that we're going to get to and some other things.

Ms. Tanner: We may have the conclusion hopefully of 985 Channing which you all remember is a Parcel Map changes and then... oh goodness, I've lost my spreadsheet.

Chair Lauing: Housing Element.

Ms. Tanner: Oh yeah, the Housing Element. Sorry, I have way too many tabs open on my screen.

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1 Chair Lauing: Site selection is next, 2-weeks from now.

2

3 Ms. Tanner: Yeah, so it will be site selection. You heard that I think it was 2-weeks ago I believe,
4 the study session, and so that will be coming back. The working group has made their final
5 recommendations to you and then we'd be asking you to take a look at that to make a
6 recommendation to the City Council on that item.

7

8 Chair Lauing: That night, correct?

9

10 Ms. Tanner: Yes, that would be the goal because it needs to get to Council in March. Yeah, in
11 March and then the ADU code changes are not going to be next week. We have receive some
12 indication from HCD that they would like us to make some changes to our ordinance and this is
13 the ordinance that was originally adopted by Council in September of 2020. So, we want to take
14 a look at those. We are corresponding with HCD, we are unpacking that. We'll need to take that
15 to Council to see what they want us to do about what HCD is suggesting and then we will
16 incorporate those changes into the ordinance as Council directs us to or not and continue. Then
17 we'll bring it back to you all. So, we'll have the Housing Element and the 985 Channing.

18

19 Chair Lauing: Commissioner Chang.

20

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1 Commissioner Chang: Sorry, I had a sound glitch so I wasn't... when... can I ask Assistant
2 Director Tanner to please repeat what she's... was talking about when Chair Lauing has asked
3 about feedback that night. What was the item?

4

5 Ms. Tanner: The Housing Element site selection. It's on for action.

6

7 Commissioner Chang: Thank you.

8

9 Chair Lauing: Yeah, it's very large so hopefully you could get that out a little bit earlier than
10 usual since all the data frankly that we have is put together so that's done.

11

12 Ms. Tanner: I don't want to commit to doing our Packet more than a week early so you should
13 get it next Wednesday.

14

15 Chair Lauing: I'm not asking you to commit.

16

17 Ms. Tanner: So, I just want to... I think... I defiantly appreciate that. We'll see what we can do.
18 You know we can probably send you the Packet that the Housing Element looked at because it's
19 already been published and you can take a look at that but you wouldn't be getting your PTC
20 Packet earlier necessarily.

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2 Chair Lauing: Right but it would show the... I mean we basically have it I think, most of it from
3 the last meeting but. It's comprehensive so there's just a lot of stuff there to look at and it
4 could be a longish kind of meeting. And we don't know what, in terms of planning length, we
5 don't know what 985 is going to come up with in terms of the legal aspects of either side of that
6 controversy so. Okay, any other comments? Good, well I really do... really respectfully
7 appreciate the debate tonight on a tough issue and I think we all came at it with an open mind
8 and made some changes and did the best we can. Did the best we could so it was really good
9 debate. Alright, thanks very much. We'll see you in 2-weeks now, not 1-week. We stand
10 adjourned.

11

12 Commissioner Reckdahl: Yeah, you scared me when you said next week.

13

14 Ms. Tanner: Enjoy your break.

15 **Adjournment**

16 11:05 pm

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