



# Planning & Transportation Commission Action Agenda: February 9, 2022

Virtual Meeting  
6:00 PM

## Call to Order / Roll Call

Approximately 6:03 pm

[note - The meeting video began with oral communications. All Commissioners were present and there was a quorum.]

## Oral Communications

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

Chair Lauing: Okay, thank you and so far, I see one speaker for oral communications. It's Carrie Wagner.

Madina Klicheva, Administrative Assistant: Yes, let me quickly start sharing my screen with the timer and Ms. Wagner, you can share your comments with us.

Carrie Wagner: Hi, this is Carrie Wagner and I live in Charleston Meadows in South Palo Alto.

And I want to ask the PTC to include an investigation of separated bike and pedestrian in South Palo Alto and to include this as part of your 2022 Work Plan for several reasons.

North Ventura housing needs better connections to Mid-Town once all that housing is in place and South Palo Alto desperately needs a separated bike and pedestrian crossing somewhere.

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1 Two crossings would be even better. We also need improvements at the Charleston/Alma and  
2 East Meadow and Alma intersections. Particularly, when those grade separations are  
3 constructed.

4  
5 The last thing I want to bring up is that safer bike and pedestrian construction... crossings would  
6 support all four of the City Council's priorities that they just adopted. So, I really hope you can  
7 put this in your Work Plan and thank you so much for your time.

8  
9 Chair Lauing: Thanks very much.

10  
11 Ms. Klicheva: Thank you. I see our next speaker is G, J-E-A and you are unmuted now. So, you  
12 should be able to share your comments with us.

13  
14 Rachael Tanner, Assistant Director: You may have to unmute on your device.

15  
16 Jennifer Acheson: I'm so sorry, J-E-A is just Jennifer Acheson, I'm not here to speak on  
17 something that's not on the agenda.

18  
19 Ms. Tanner: Oh okay. Thank you.

20

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1 Ms. Acheson: Sorry.

2

3 Ms. Tanner: No worries.

4

5 Chair Lauing: That's the last public speaker for that, oral communications.

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

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

8 Chair Lauing: So now we ask if there's any agenda changes, additions or deletions from Staff or

9 Commissioners?

10

11 Rachael Tanner, Assistant Director: Chair, Staff don't have any agenda changes.

12

13 Chair Lauing: So, moving along, we'll do the City official report from Ms. Tanner.

## 14 **City Official Reports**

15 1. Directors Report, Meeting Schedule and Assignments

16 Rachael Tanner, Assistant Director: Thank you, good evening Commissioners. Good to see you

17 all this evening. Just a few updates, it seems like it's been a while since we had a Covid update

18 but today there's quite a bit going on. We're into whatever next period of time we're in. Some

19 are calling it endemic, some are calling it whatever they want to but I'm just calling it at least

20 the next few weeks. So, we are having in California the mask mandate is going to be an... indoor

21 mask mandate lifted next Monday. In Santa Clara County the mask mandate is continuing and

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1 so for indoors in Santa Clara County, regardless of vaccination status, folks will be asked to wear  
2 masks. That will include at City facilities; at City Hall, libraries, other facilities like that. And the  
3 message that came out from the county, I believe it was this morning, indicated that the county  
4 is working on developing metrics to indicate when it will be able to lift that mandate. And  
5 they're looking at things like case rates, hospitalizations, and other indications of when they  
6 believe that it will be safe to lift that. I believe LA County similarly is continuing their indoor  
7 mask mandate. So, that's happening here in Santa Clara County.

8  
9 And so, Council is still planning to go back to Chambers, Palo Alto City Council, I believe starting  
10 next week. And so, we'll continue to wear masks when we're in Chambers. So, Council  
11 Members will be wearing masks. Staff, any members of the public will be asked to be wearing  
12 masks during those meetings, which was what was happening before when Council did resume  
13 at the end of last year when they resumed their meetings in person. We're anticipating that  
14 Council will allow the Boards and Commission to begin meeting in person in March and we're  
15 getting ready for that. My self, Ms. Klicheva, other Staff are attending training tomorrow and on  
16 Monday to get oriented to the many things we'll have to learn to operate not just a safe  
17 meeting in the time of Covid, but a hybrid meeting. And so that hybrid meeting is going to allow  
18 members of the public, consultants, Staff and even Commissioners if needed and Council  
19 Members, to participate remotely. In particular, folks still may have exposure to the versus as  
20 we go about our business. Some folks may have health issues that would prevent them from

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1 safely participating in Chambers and so Council will be considering extending that flexibility to  
2 allow that. And so, we'll keep watching that and let you all know and so if as we get closer to us  
3 resuming in person. If you're feeling uncomfortable meeting in person, please let me know. Let  
4 the Chair, also possibly and Vice-Chair, know so we can try to answer your questions, see if we  
5 can make accommodations that can make you feel comfortable and be more comfortable. And  
6 let us know what the status is and how we can help you.

7

8 Right now, we have scheduled for ourselves on March 9, so a month from today, to have our  
9 meeting in the evening and to have that be dedicated to the retreat. So far, two folks have let  
10 me know that they're not very comfortable meeting in doors. Maybe that will change as we get  
11 closer and hopefully, case rates and other metrics continue to trend in the right direction. So, if  
12 you do change your preference, please let me know. But we will plan to be meeting indoors in  
13 City Hall in possibly the community meeting room so that's that room on the ground floor. We  
14 can crack the door, we can also open the wall so that really the whole lobby and the room are  
15 available to us and members of the public. So, have a lot of space and can even kind of crack  
16 the front doors and so get a little cross breeze with the side doors and front doors there. So,  
17 and we also have portable air filters that we can bring down from the 5<sup>th</sup> floor to get help  
18 circulate that air and make sure that we are doing what we can to mitigate any risk of spreading  
19 the virus when we're together.

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1 On the customer service front, we are going to be resuming in-person appointment at the  
2 Development Center on Monday, February 28<sup>th</sup>. We paused those this month and last month  
3 due to the surge and the spread from omicron and again, with the numbers looking good. We  
4 are going to be presuming those in-person services and continuing to offer virtual services to  
5 those who want to engage or contact Staff via just a good old fashion phone or using a video  
6 conference appointment.

7

8 So, those are the updates that I have. I know that was quite a bit and happy to answer any  
9 questions that you might have about this topic or about other items that you're curious about.

10

11 Chair Lauing: Commissioner Chang.

12

13 Commissioner Chang: What is coming up for City Council that might relate to items that we've  
14 spoken about on the PTC?

15

16 Ms. Tanner: Let me just pull up the calendar really quickly. I think in the next meeting... let me  
17 just pull it up instead of just trying to remember. So, and maybe I'll just give an update to since  
18 it's been a bit since we've met. This past... well, not of this past, last week on the 31<sup>st</sup> of  
19 March... of March? Of January, Council heard the Renter Allocation Assistance Ordinance which  
20 you all heard and recommended to them so the Council did pass that. They stayed at 10-units

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1 as the threshold. There was a suggestion from one Council Member to lower that to 5-units as  
2 the threshold but that did not get support. And so that motion died for lack of a second and so  
3 it's 10-units. They did consider additional... the suggestion from PTC around having additional  
4 language regarding and aligning with the state on the at-fault and no-fault and just-case. They  
5 had given previous direction for Staff to work on that very topic. And so, I think we'll likely see  
6 that topic again and maybe with your help, we can incorporate some of that. But they did not  
7 incorporate that at this time into that particular ordinance but again, had looked at revisiting  
8 just-cause protections locally anyhow and so that might be a chance to do that.

9

10 Coming up at Council we had... oh sorry, and I'll just continue the retrospective. We also  
11 allocated City Council funding to an affordable housing project, 231 Grant, and more on the  
12 transportation side but again shared between the departments. They took public comment and  
13 heard the Staff report regarding whether the Council would like to explore permanently closing  
14 parts of California Avenue and permanently closing a part of Ramona Street to vehicular traffic.  
15 So, it was pretty late when we got through the presentation and public comment and so that  
16 will be taken up on February 28<sup>th</sup>. So, that will be at the end of this month that they will take  
17 that up.

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1 And coming up at the next immediate City Council meeting, we don't have any items it looks  
2 like on the 14<sup>th</sup> that I'm seeing and then the 21<sup>st</sup> is a holiday. So, there will be no City Council  
3 meeting on February 21<sup>st</sup>, it will be President's Day that day.

4

5 Chair Lauing: Any other questions for the Assistant Director? Seeing none, we can move on to  
6 the action items.

7 **Action Items**

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

10

11 2. PUBLIC HEARING / QUASI-JUDICIAL. 985 Channing Avenue [21PLN-00167]: Request  
12 for Public Hearing of a Preliminary Parcel Map with Exceptions to Remove Recorded  
13 Height Restrictions on the Underlying Parcel Map. Staff Recommend the PTC also  
14 Make Findings for an Amending Map. Environmental Assessment: Exempt from the  
15 provisions of the California Environmental Quality Act (CEQA) in accordance with  
16 Guideline Section 15315 (Minor Land Divisions). Zoning District: R-1 (Single Family  
17 Residential).

18 Chair Lauing: The first one is a public hearing/quasi-judicial for 985 Channing Avenue. Request  
19 for public hearing of a Preliminary Parcel Map with Exceptions to remove recorded height  
20 restrictions, etc. Staff recommends PTC make findings for an Amending Map, exempt from  
21 CEQA. So, Staff over to you. Is that Mr. Sauls?

22

23 Rachael Tanner, Assistant Director: Great. We'll have Mr. Sauls give the brief presentation and  
24 you may have heard this item a couple times. I think this might be its fourth time back and  
25 then, of course, Mr. Yang also has contributed significantly to the analysis in the Staff report as  
26 well and is available for questions. Go ahead, Garrett.

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Garrett Sauls, Planner: Good evening, Commissioners. As Assistant Director Tanner mentioned, this project has been before the PTC a number of times. So, this being the third time, we're hoping we may be able to reach a conclusion for this project today.

So, to give a little bit of a background on this application. Again, this is located within the Crescent Park neighborhood. It's an existing R-1 zone district property that has a single... existing single-story home on a single-family lot within this space and it is also surrounded by similar R-1 lots with a mixture of one or two-story homes.

So, the property was originally subdivided in 1980 from 911 Channing Avenue and at that time there was a... there were a number of restrictions that were recorded on the Parcel Map that are of the subject of our discussion today. The first being that all the structures on the site could not be allowed to exceed 13-feet tall. That there couldn't be any two-story homes developed on the site and addition, lastly, that there weren't any allowances for a Variance or fence height exceptions permitted on this parcel. At the time, to give some additional background, at the time the City's Zoning Code allowed for homes to be built up to 35-feet tall and there were no privacy provisions in place at that time. So, there was no individual review process which we have today for two-story homes.

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1 So, the project goal would be for the applicant is seek or that the applicant is seeking to remove  
2 these limitations on their parcel, so that they may be able to develop a two-story home. The  
3 dimensions of the lot would remain the same and the new Parcel Map would be recorded not  
4 include any sort of previous limits that had been established or that had been put in place or  
5 existed at that time. Again, the purpose would be allow for the applicant to proceed with their  
6 two-story home IR project which they have submitted to the City back in 2020 and is currently  
7 still waiting to be reviewed based on the outcome of these discussions.

8  
9 So, the previous item or this item was previously heard in October and November and in  
10 December as well. And at the 12/15 hearing, prior to the hearing, there was a letter from the  
11 neighbor's attorney which the applicant had not been able to review in advance of that  
12 meeting. And so, they'd requested that that item be... that this item be postponed at that time.  
13 There is an error in the Staff report, I believe it's on Page 10 or 11, where it talks about this  
14 section and it actually says that it was the applicant who has sent that letter and that was  
15 incorrect. It was the neighbor's attorney who had sent that in and then the applicant had  
16 requested some additional time to review that in order to prepare for a future meeting.

17  
18 And upon further review of that application and all the information that's been provided. Staff  
19 believes that a Parcel Map with Exceptions is the appropriate method to get any project... to  
20 get this project approved in order to remove those limitations that are currently on the site. An

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1 Amending Map is an alternative method but not necessarily provide the same mechanisms or  
2 means that a Parcel Map with Exceptions allows for. In terms of providing opportunities for  
3 members of the public to be engaged and to be aware of changes that are occurring. But Staff  
4 recommends that the Amending Map Findings should also be made given that there's some  
5 procedural uncertainties surrounding the application and how unique this issue that we're  
6 discussing tonight.

7

8 So, partially for reference, we have included the findings for the Parcel Map with Exceptions as  
9 well as the findings for an Amending Map. So, that we can have that available on discussion  
10 night for the Commissioners.

11

12 Some key considerations are that these limitations are imposed on this property and from what  
13 we've been able to determine, this property only throughout the City. So, there are some  
14 unique circumstances that are applied to this individual parcel that doesn't seem to be  
15 replicated in other areas of the City in the same manner.

16

17 The lot today is or would be considered substandard based on its dimensions. However, it  
18 would not be considered in the manner that we have a limitation on the total number of stories  
19 available or allowed to be developed on a site. So, there are certain dimensions in our Code  
20 that identify if a site falls within two categories... it's width or lot, fall within a certain dimension

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1 or less than that and the overall size is less than 83 percent of the allowable size that's there.  
2 Then they're... the property is not allowed to developed a two-story home. However, this  
3 property does not have that scenario. Additionally, since 2000, the City had adopted the IR  
4 Guidelines which is a process that specifically seeks to address any sort of privacy and massing  
5 concerns that were raised during the initial subdivision process by some of the neighbors at the  
6 time.

7

8 Staff would recommend... Staff would be seeking for the PTC to recommend approval of the  
9 project in conformance with the findings in Attachment B for both the Preliminary Parcel Map  
10 with Exceptions as well as an Amending Map and subject to the conditions of approval in  
11 Attachment C and that concludes my presentation.

12

13 Chair Lauing: Right and then the attorney for the neighbors gets about 10 minutes to present.

14 We can do that first and then ask for Staff... questions of Staff.

15

16 Albert Yang, Assistant City Attorney: I'm sorry, Chair. It's the applicant has the opportunity to  
17 present at this time.

18

19 Chair Lauing: Oh, okay. Alright.

20

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1 Ms. Tanner: Thank you. Bring up Mr. Hammond, is that correct?

2

3 Steven L. Hammond: Correct. Commissioners, my name is Steven Hammond, H-A-M-M-O-N-D.  
4 of Clark Hill LLP. We represent Frank and Peimin Lin Dunlap regarding their application to  
5 remove the three restrictions that you've heard about. The height Variance and second story  
6 restrictions as shown on their current Parcel Map that was created over 40-years ago by the  
7 City of Palo Alto. Since then, as you heard in the Staff report, conditions have radically changed  
8 that the render these restrictions no longer necessary or appropriate.

9

10 After multiple continuances to allow PTC Staff to thoroughly consider the application. Staff  
11 recommends that this Commission and then the City Council approve the Preliminary Map with  
12 Exceptions and alternatively, an Amending Map removing restrictions from the subject  
13 property. Applicants fully support Staff's recommendations and approach for removal of all  
14 three conditions on their Parcel Map. Including, the two-track approval process for both a  
15 Preliminary Parcel Map and in the alternative, an Amending Map.

16

17 Certain written comments that you've heard about submitted by letter were submitted to this  
18 Commission and to Staff. The Staff's updated report I think addresses the concerns contained in  
19 that letter on a point-by-point basis and in an extremely convincing and clear way. So, I won't

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1 belabor the point here, but I'm certainly happy to answer any questions about it after this  
2 presentation.

3

4 Not only is the Dunlap's application supported by the Palo Alto Municipal Code and California  
5 State Law. Critically, it furthers Palo Alto's current public policy goals as seen by the Municipal  
6 Code and the Comprehensive Plan. Let me elaborate, first, it promotes new construction, infill  
7 construction, that is compatible with existing residential neighborhood. It preserves the unique  
8 character of the Palo Alto neighborhood. It helps meet the housing supply challenges facing the  
9 City of Palo Alto by increasing the density of the number of occupants that can live on this  
10 parcel. The existing Parcel Map, these conditions are totally out of character with similarly  
11 situated lots in the neighborhood and local ordinance already address these conditions. The  
12 height concern, which you heard Mr. Sauls tell us was 35-feet back in 1980. It's considerably  
13 lower now, addresses height concerns. The restrictions are no longer necessary because of the  
14 Single Individual Family Review, the SFIR, which came into effect post-1980 when these  
15 conditions were put into place. And the SFIR ensures compatibility and protects neighbors from  
16 unsuitable second-story additions.

17

18 There is no public policy reason for desperate treatment of the Dunlap's parcel. The one-off  
19 restrictions created way back in 1980 by a City official or the City agency at that time no longer  
20 have objective reasons for staying in place. And they undermined the authority of current-day

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1 City officials as well as the purpose of the policies contained in the Palo Alto Municipal Code  
2 and the Comprehensive Plan.

3  
4 The Emergency Ordinance, which I know this Commission is intimately familiar with, which was  
5 passed recently in connection with SB9 establishes Objective Standards governing new  
6 construction. Which furthers the City Council's mission to standardize the approval process by  
7 shifting away from subject varied criteria to quantifiable or objective design criteria. In this  
8 case, these Objective Standards public policy considerations similarly justify the removal of the  
9 restrictions on the applicant's Parcel Map. Specifically, one, objectivity in the approval process.

10 There's no reason why the same rules shouldn't apply to the applicant's parcel as to every  
11 other parcel in the neighborhood. Two, parity among likewise situated neighbors and three  
12 maintaining the character of Palo Alto neighborhoods with consistency.

13  
14 The PTC's approval of this application is not just supported by the laws governing these  
15 applications. It is consistent with well-established public policy, current-day public policy.

16  
17 In conclusion, the Dunlap's respectfully request that this Commission grant applicant's  
18 requested relief as follows. One, approve the applications for the proposed Preliminary Parcel  
19 Map with Exceptions. As Mr. Sauls explained those Exceptions relate to authorizing a lot width  
20 of 52.5-feet as opposed to the 60-foot standard and alternatively, an Amending Map. In each

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1 case removing those certain restrictions described on the 985 Channing Avenue Parcel Map  
2 from back in 1980. The restrictions to be removed are as follows. One, remove no second-story  
3 shall be allowed on any structure. Two, remove no Variance including, but not limited to, fence  
4 exceptions shall be allowed. Three, remove the height limit for all structures shall be 13-feet.

5  
6 In conjunction with these approvals, the applicant asks that this Commission make the  
7 necessary findings in connection with an Amending Map and the for going approvals as  
8 described in Palo Alto Municipal Code 21.12 and 21.16.280. If you're interested, but more  
9 importantly, conveniently attached as Attachment Boulevard to the updated Staff report. Thank  
10 you, Commissioners, for considering my statements today. I'm available if you have any  
11 questions.

12  
13 Ms. Tanner: Thank you. So, that the end of the Staff and then the applicant presentation and  
14 it's back to the Commission to either go to questions or to public comment.

15  
16 Chair Lauing: Yes, I was going to go to questions in case there were any first questions and then  
17 go to public comment. Commissioner Hechtman.

18  
19 Commissioner Hechtman: Thank you. So, these are questions of Staff. First question is, the  
20 Staff... there are three conditions on the existing map and I wanted to confirm or clarify that

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1 Staff's recommendation is that the new Parcel Map would contain none of those three  
2 conditions. Am I understanding that right?

3

4 Mr. Sauls: That's correct.

5

6 Commissioner Hechtman: Second question of Staff, so Staff recommend... part of the Staff  
7 recommendation is to approve... for the Commission to recommend to the Council approval of  
8 a Preliminary Parcel Map with Exceptions. And the reason for the exceptions is that this lot  
9 width of 52 ½-feet is shorter than the otherwise required 60-feet. So, my memory is since I've  
10 been on the Commission on at least one occasion we have approved a Parcel Map with  
11 Exceptions for a shorter than required lot width. And I just wanted to confirm with Staff that  
12 there have been instances in the past where the City Council has approved a Parcel Map with  
13 an Exception as to lot width.

14

15 Mr. Sauls: Yes, that is correct and this subject parcel is one example in particular. It was already  
16 approved at 52 ½-feet, so the reason that's it expressed now as a Parcel Map with Exceptions is  
17 because we would be reinstating that same dimension. Which is still non-conforming to or  
18 substandard to the Code's requirements of 60-feet. So, it's not going to change the dimensions  
19 of the lot but because it's lesser than what is required. That would be the correct process.

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1 Commissioner Hechtman: Thank you and then my final question is reacting to some of the  
2 public comment that I reviewed from the neighbors who were, and their representatives, who  
3 were reacting to the two-story home; which has been proposed to the City of Palo Alto through  
4 the Individual Review process. And they were concerned about some of the impacts of that  
5 particular proposed house, but I wanted to clarify where we are procedurally.

6  
7 It's my understand that that IR process, as to that proposal, has essentially been paused while  
8 the City takes up this request to eliminate the conditions from the Parcel Map. And that it will...  
9 if the City Council declines to approve the new Parcel Map so that the 13-foot condition applies.  
10 Then the IR process would not go forward because they couldn't have a two-story house.  
11 Alternatively, if the Council approves... follows Staff's recommendation, then the IR process  
12 would continue forward with the City requiring the applicant for the two-story home to make  
13 such revisions as are necessary through the IR process. Am I understanding our current posture,  
14 right?

15  
16 Mr. Sauls: That's correct. So, if it were to be approved by City Council, that IR project would  
17 then be reopened and reviewed for the applicant to resubmit. So, that we could continue to  
18 process that. If it is not, then that application will be withdrawn.

19  
20 Commissioner Hechtman: Thank you, Chair. Those were my questions.

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Chair Lauing: You're getting just a little bit of break up Commissioner Hechtman but we can hear you. Commissioner Reckdahl.

Commissioner Reckdahl: This was discussed in the October meeting the question of whether the deed restrictions or the deed [unintelligible] restrictions. Have we looked at the deed? I mean that seems material here. Does the deed have these restrictions, do we know?

Mr. Sauls: We don't have access to their deed document itself but it was recorded on the Parcel Map. Mr. Yang, I'm not sure if you want to add any more to that?

Mr. Yang: I haven't reviewed the deeds myself but the neighbors submitted a letter stating that the deed references the Parcel Map which is common, right? The legal description says it's the parcel that is described on the Parcel Map and that's the extent of it. I don't believe there's a claim made by any party that the deeds themselves contain restrictions related to height or Variance, etc.

Commissioner Reckdahl: Some of the public comment used the phrase deed restriction. I'm not sure if they were being loose with terminology or that they had some knowledge that the deed... because this restriction came in when the property was created. So, I would think that

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1 it's quite possible that that deed includes this restriction and that means that even if we change  
2 the zoning. This project could not be legally built if the deed still has this restriction on it.

3

4 Mr. Yang: That may be but that's a matter outside of the City's purview.

5

6 Commissioner Reckdahl: Yeah but I mean the City shouldn't be approving projects that can't be  
7 legally built. That's just not good public policy.

8

9 Mr. Yang: Well, we have control over what we have control over and (interrupted)

10

11 Commissioner Reckdahl: But we also... it'd be relevant for us to pull the deed to see whether  
12 the deed includes those restrictions. Wouldn't that guide our decision-making process, what  
13 can be legally built on this parcel?

14

15 Mr. Yang: Perhaps we could ask the applicant to provide that information.

16

17 Ms. Tanner: Mr. Hammond, did you want to address that? I don't know if you have any  
18 knowledge of if this is part of the deed.

19

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1 Mr. Hammond: I would, thank you. So, whether or not... to the extent that the grant deed  
2 references the restrictions contained on the Parcel Map. Does not create an independent basis  
3 for enforcement contained in the deed. The deed is simply pointing to the Parcel Map and the  
4 Parcel Map is what controls. If for example there was an easement between the properties. The  
5 property owners had entered into an agreement that there would be a restrictive easement  
6 recorded on the property for the benefit of another property. That would be a private  
7 agreement between the parties that would appear on the grant deed or in the record. And that  
8 would be a separate enforceable right and would be a deed restriction. But there's no  
9 allegation there's any kind of private easement or restrictive easement or restrictive covenant  
10 or other deed restriction that has any basis. Other than this... what's referenced external to the  
11 deed which is this Parcel Map. And this Parcel Map and the conditions on it are really meant for  
12 the purpose of what is best for the public. What's best for the community of Palo Alto from the  
13 consideration of Palo Alto as a City in the City agency. It's not about protecting the interest of  
14 individual land owners. It would be (interrupted)

15

16 Ms. Tanner: I think that you've answered the question, Mr. Hammond.

17

18 Mr. Hammond: Thank you very much.

19

20 Ms. Tanner: Unless the Commission has additional questions about the deed.

- 
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Commissioner Reckdahl: So, does the deed include restrictions? Just that's a yes or a no.

Mr. Hammond: The deed cannot contain... it cannot incorporate the restrictions of the Parcel Map. It can... whether or not it references them.

Commissioner Reckdahl: I mean deeds on Eichlers in South Palo Alto, they have a deed restriction. Inside the deed, they restrict the construction to a single story. So, if it's possible for Eichler deeds, it would be quite possible that this deed would have the same type of restriction.

Ms. Tanner: I think... you know it seems like Mr. Hammond's maybe looking in his records. I think what of what Mr. Yang was indicating is that when it comes to what is the City's purview. Even with the Eichler example, we have additional policy that supports that single-story overlay and so it is supporting something that's in the deed. Which I think that's kind of I think what Mr. Yang is kind of indicating like where is the City's purview? Start and end and our purview is over the map and the parcel. It's not over the deed actually and so that (interrupted)

Commissioner Reckdahl: And that's... but that's why we have the single-story overlays be that developers were trying to put single... two-story projects on Eichlers. The City would approve

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1 them and the neighbors would have to hire lawyers to prevent the second story from being  
2 built.

3  
4 Ms. Tanner: Right and I think that's exactly what Mr. Yang is indicating is that the City's purview  
5 is the map. The City's purview is not the deed and so regardless of what the deed says. The City  
6 can make a decision, the PTC can make a recommendation to the Council regarding how the  
7 City would like the land uses to be governed and how the Parcel Map should be recorded. And  
8 so that's what's before us is changing that Parcel Map. If it is in fact referenced in the deed,  
9 then they would align so they would point to a new Parcel Map. And I think that it's possible  
10 that the comment... you know sometimes folks will use interchangeably that are not the same  
11 but can seem the same to the public or to folks who are not as involved in land use matters.

12  
13 Commissioner Reckdahl: It just seems bad public policy to approve a project that can't legally  
14 be built. That doesn't seem to be a smart thing to do but anyway, thank you.

15  
16 Chair Lauing: Commissioner Templeton.

17  
18 Commissioner Templeton: Thank you. Chair, I wanted clarity on whether or not the deed  
19 restriction is agendized tonight?

20

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1 Chair Lauing: To the extent that it's part of our deliberation to make a recommendation, yeah.

2

3 Commissioner Templeton: Are we allowed to consider that in our deliberations is the question?

4

5 Chair Lauing: I'm not the attorney but I think so yeah.

6

7 Commissioner Templeton: It sounded like the City attorney said we're not so that's why I'm

8 asking for clarity. Thank you, Chair.

9

10 Chair Lauing: Oh sure, go ahead.

11

12 Mr. Yang: I think it's an acceptable question and line of inquiry I guess. I was just stating earlier

13 that the... it's not something that we can affect one way or another regardless of what the deed

14 says with our actions so.

15

16 Commissioner Templeton: Does it factor into our discussion?

17

18 Mr. Yang: It can.

19

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1 Commissioner Templeton: What I'm really asking Mr. Yang and I apologize if it sounds a little  
2 nuanced. What I'm really asking is does this line of questioning endanger any recommendation  
3 that we may give?

4

5 Mr. Yang: No, I don't believe that.

6

7 Commissioner Templeton: Okay, great, thank you and for Ms. Tanner, regarding public policy.  
8 You know I recognize my Commissioner's concerns about making sure that we spend our time  
9 on doing good public policy. So, my question is if things are broken in two places for example  
10 and we have the purview of being able to fix it in one place and not in the other place. Does it  
11 seem reasonable to discuss it in the place that we have the ability to make changes in?

12

13 Ms. Tanner: You know I leave the reasonableness to the Commission. I certainly have my own  
14 thoughts about it but I think the question before the Commission is whether or not you  
15 recommend the Parcel Map adjustment. That is what you have the authority to make decision  
16 over. We don't have the deed. It doesn't seem like Mr. Hammond has been able to... he's been  
17 able to [unintelligible] locate it. You can ask him if he's been able to see if the deed references  
18 the map or if the deed contains the restrictions in the map and so I think there's a lot of ways to  
19 look at it. I'm not trying to be evasive.

20

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1 It's just, for example, the Eichler example is relevant but I think actually illustrates the fact that  
2 to effectuate the enforcement of that is actually outside of the City's purview and they had to  
3 file a lawsuit. And the City then reacted with public policy to say well, we'll just make it this  
4 way. This is one house, this is not something that's going to be a policy that would be I think  
5 stretching to many many homes in the same way that the Eichler example does.

6  
7 So, I really think the question for the Commission is whether they feel agree with Staff  
8 recommendation that the dangers proposed are there or not and whether or not it seem  
9 reasonable to remove these restrictions. And then if they are in fact in the deed, then that is a  
10 matter for the neighbors and the applicant to sort out with court authorities quite frankly  
11 because that is where that jurisdiction would lie.

12  
13 Commissioner Templeton: So, okay, thank you. To recap what I think I understood you to saying  
14 is we should still go through the exercise of this discussion regardless of what's happening in  
15 the deed?

16  
17 Ms. Tanner: I'm not saying you... of discussion of whether or not the Parcel Map should  
18 approved? Yes, you can discuss the Parcel Map regardless of what is in the deed.

19  
20 Commissioner Templeton: And that's what Staff is asking us to do?

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Ms. Tanner: That is correct.

Commissioner Templeton: Okay great, thank you for clarifying and thank you Chair.

Chair Lauing: Commissioner Chang.

Commissioner Chang: So, I had a question about some of the language on Packet Page 15. It would be the one, two, third paragraph down where it... the Staff report reads ‘first the neighbors argued that the Subdivision Map Act and PAMC do not author the removal or amendment of a condition on a Final Map providing an analysis of Government Code Section 66469 and PAMC Section 21.16.280 which implements Government Code Section 66472.1. This analysis misses the mark as the application at issue here is approval of a Preliminary Parcel Map’ etc. etc. Can, Mr. Yang can you explain to me how it misses the mark because after reading this paragraph. My question is okay, even if it misses the mark, can you... can we remove a condition on a Final Map? So, I’m just trying to understand what’s going... I’m trying to understand the rebuttal to the argument made by the neighbors.

Mr. Yang: The applicant’s letter analyzed a section of the Government Code 66469 that deals with minor clerical corrections. If you misspelled the name of a street, you can go through this

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1 process to correct that. It also analyzes a section for amendments to Final Maps and it sets  
2 forth the... which sets forth the findings you have to make and we discuss those findings and we  
3 recommend that you can and should make those findings. The applicants argue that you can't  
4 make those findings but Staff disagrees on that point. And but more broadly, Staff's primary  
5 analysis here is that this... these conditions can be removed through approval of a new  
6 Preliminary Parcel Map followed by approval of a Parcel Map. Its... which is a totally separate  
7 procedure than the clerical corrections that are contained in 66469 I believe? Yeah, and it's also  
8 a different... a totally different procedure from the amending map which is contained in  
9 66472.1 and Municipal Code Section 21.16.280 so yeah.

10

11 Commissioner Chang: Can I just restate to make sure I understand?

12

13 Mr. Yang: Yeah.

14

15 Commissioner Chang: So, you're saying that the section that says... that authorize the removal  
16 of amendment or condition is irrelevant is because there's a different section that allows for  
17 the removal by going through these other processes that we've talked about.

18

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1 Mr. Yang: That's right, there... so the neighbors analyzed two sections. One of them which is  
2 very narrow and it's just for little clerical changes. One of them that's slightly broader  
3 (interrupted)

4

5 Mr. Hammond: Yes sir.

6

7 Mr. Yang: And they (interrupted)

8

9 Mr. Hammond: Okay, yeah.

10

11 Mr. Yang: I'm sorry, Mr. Hammond you're unmuted.

12

13 Mr. Hammond: Apologies.

14

15 Mr. Yang: So, they analyzed that one section that's just for the clerical changes. They analyzed  
16 another section which they believe the City couldn't make the findings required and Staff  
17 believe we could make the findings. And they... but in addition to that, Staff believes there's a  
18 totally different section that applies and authorizes this as well.

19

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1 Commissioner Chang: Okay and so the part that they analyzed that has the clerical sections  
2 does that or does that not allow the removal of an amendment?

3

4 Mr. Yang: It is not intended to apply to this sort of request, but neither Staff nor the applicant  
5 have suggested that we would rely on that section in any way.

6

7 Commissioner Chang: Thank you.

8

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

10

11 Vice-Chair Summa: Thank you. So, this seems like a really complicated issue because part of it  
12 might be a civil matter and the other part might be under our purview. But I have a question  
13 about I frankly thought it wasn't a deed restriction but I know these restrictions are recorded at  
14 the county level. So, where would those restrictions be recorded at the county level? Would be  
15 on the map? Would be on a deed or would they be other places?

16

17 Mr. Yang: So, deed restrictions would typically be a separate document that is recorded. It  
18 could be in language included on the deed itself, but a condition on a Parcel Map is not a deed  
19 restriction.

20

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1 Vice-Chair Summa: Then where, at the county level, why were these incorporated and recorded  
2 if they hadn't been presented? I mean I think what you're saying is that the City's action  
3 wouldn't have been recorded at the county level.

4  
5 Ms. Tanner: Well, there's a difference between being recorded and I think where it's recorded.  
6 So, I think what Mr. Yang is saying where are these restrictions? They're on the Parcel Map for  
7 sure and that is where the City has purview.

8  
9 Mr. Yang: So, Parcel Maps are recorded by... at the county as well.

10  
11 Vice-Chair Summa: Okay but would it be recorded on a Parcel Map if it didn't exist in a legally  
12 documented way is my question?

13  
14 Ms. Tanner: You can have items in Parcel Maps that aren't necessarily in a deed.

15  
16 Mr. Yang: Yeah.

17  
18 Vice-Chair Summa: Yeah but aren't they legally binding?

19  
20 Ms. Tanner: The recorded map?

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Vice-Chair Summa: Yes.

Mr. Yang: Yes, so the Parcel Map has... is a legally valid document. It describes the boundaries of the lots. It can describe conditions that apply to those lots and yeah. You know but that is distinct because it is a governmental approval. It's distinct from a privately enforcement deed restriction.

Vice-Chair Summa: Okay, thank you.

Chair Lauing: Just a comment, others have spoken. I just wanted to say that there is some reference to this in the Ropers Majeski letter of December 22<sup>nd</sup> at the top of Page 2; where they write that the question came up about whether the restrictions are documented on the grant deeds. And they say that with respect to their deed, it is but they don't have a copy of the other deed but with respect to their deed. It's recorded in the grant deed and there's a lot of verbiage there but anyway if that's helpful at all. Commissioner Hechtman.

Commissioner Hechtman: Thank you, Chair. So, we do have in the administrative record a copy of the grand deed for 991 Channing. The other half of the larger parcel. It's Exhibit 7 to the letter from that owner's counsel and I'd like Mr. Sauls to pull it up. So, this is in the public

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1 comment that was distributed to the Commission yesterday which is 116 Page. This is on Page  
2 81 and it's the like I said, it's the grant deed to the current owners of 991. So, I work with grant  
3 deeds a lot and grant deeds will show two things. One they will describe the parcel you own  
4 and second, they will describe rights you have over a neighbor's parcel. So, for example, if I  
5 have a right... an access right across my neighbor's parcel. My grant deed will say Bart owns  
6 parcel X on Channing Avenue and he owns this easement over his neighbor.

7

8 And so, if we can... Mr. Sauls, are you able to pull up that? Are you looking for it?

9

10 Chair Lauing: There you go.

11

12 Ms. Tanner: I think you have to zoom in a little bit Garrett.

13

14 Commissioner Hechtman: Yeah.

15

16 Ms. Tanner: There you go.

17

18 Commissioner Hechtman: Alright so and conversely, it's unusual for grant deeds to include  
19 restrictions. Those are usually encumbrances against a property which show up on a Title  
20 Report. But here we can see Rogosa grant deed and it's from 1980 and you can see in the

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1 middle of the page is the legal description of what they own. Parcel A is shown on that certain  
2 Parcel Map filed in 1980, Santa Clara County records and that is the reference I think Ms.  
3 Acheson was making in her letter. Saying that the Parcel Map is referenced and as Mr. Yang  
4 said, that's how you describe parcels created by map in a legal description. So, what we're  
5 seeing here is an indication that the parcel that the Rogosa's own and no indication of deed  
6 restrictions benefiting them over the adjacent parcel. So that doesn't entirely answer the  
7 question of what does it say on the 985 deed but it's an indication of what we could expect to  
8 see. And what I would expect to see is just Parcel B as shown on that certain Parcel Map from  
9 1980. So, I wanted be everybody... everybody to be aware that we have this document in our  
10 record to review.

11

12 Chair Lauing: Is there anything on the next page of this?

13

14 Commissioner Hechtman: Just the deed of trust, they borrowed money secured against the  
15 property and again, you can see there, just above where Ms. Saul's has scrolled. The same  
16 description of the parcel as Parcel A with no further description of any rights they may have  
17 over other parcels.

18

19 Chair Lauing: Was there anything else Commissioner Hechtman?

20

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1 Commissioner Hechtman: No, thank you.

2

3 Chair Lauing: Back to Commissioner Summa [note – Vice-Chair Summa], your hand's still up.

4

5 Vice-Chair Summa: Thank you. Wow, so one, I'm surprised that the applicant didn't provide  
6 their grant deed for this conversation all these months. That would have been helpful but I have  
7 a question. If we take the recommended action tonight which is to remove the restrictions that  
8 the City imposed. Will... is the applicant free to do what they want or do they have to then  
9 remove the restrictions in a civil manner?

10

11 Mr. Yang: It's... there are not necessarily any restrictions contained outside of the Parcel Map.  
12 It's... perhaps Mr. Hammond can answer if the Commission is interested if he's been able to  
13 find the 985 grant deed but we don't have any reason to believe that there are restrictions  
14 contained anywhere other than in the Parcel Map. With respect to what then can the applicant  
15 do, this was a question I believe Commissioner Hechtman touched on earlier. They would still  
16 then need to apply and have approved their home plans by the City.

17

18 Vice-Chair Summa: Thank you.

19

20 Chair Lauing: If there aren't any other questions we can go to public comment.

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Madina Klicheva, Administrative Assistant: Let's see, someone... oh okay. I see on raised hand.

Let me quickly share my timer and the first speaker is with the user name JEA.

Jennifer Acheson: Yes, it's Dr. Rogosa, David Rogosa, the owner of 985 Channing.

David Rogosa: 991 Channing.

Ms. Acheson: Sorry, 991 Channing, I was looking at my notes and he is in my office here and he's going to be speaking to you. It's unfortunate that we don't have a visual, is that not possible?

Ms. Tanner: Did you have something that you wanted to display?

Ms. Acheson: No, no, we just like to be seen and not just heard as you would be if we were in... if we were present. Is that possible? If it's not possible let's just go ahead.

Ms. Tanner: It hasn't been our practice.

- 
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1 Ms. Acheson: Okay, well for the record, this is just an oral presentation then without your  
2 ability to see the presenter. Okay, go ahead.

3

4 Mr. Rogosa: When do I start?

5

6 Ms. Acheson: You can start now.

7

8 Mr. Rogosa: David Rogosa, I am the occupant/homeowner of 991 Channing, since June 1980.

9 The legally recorded restrictions that are the focus of this meeting actually appear on my Parcel  
10 Map and incorporated into my grant deed which was have submitted to you previously. I am  
11 not just a neighbor. The 1908 subdivision of the original 11,000-square foot lot produced two  
12 residences in very close quarters. Along the 40-foot length of each structure, there exists the  
13 most minimal and minimum 6-foot setback on each side. The 13-foot height limitation on 985  
14 Channing should be regarded as protection for and owned by 991 Channing. Protections  
15 recorded in the 991 Channing Parcel Map and grant deed from 1980 protections against the  
16 destruction of livability at 991 Channing by the proposed construction at 985 Channing.

17

18 The two-story construction plans show that 985 Channing would tower over the adjoining  
19 residence. Violating existing scale, livability, privacy and other criteria. The minimal setbacks

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1 cannot support this dominating two-story structure at 985 Channing. Construction would  
2 produce a bad row house situation.

3

4 I was hired as Stanford facility in June 1980. As a potential purchaser, these protections were  
5 essential for the viability of my purchase and I regarded such as a guarantee of future privacy,  
6 livability of my residences.

7

8 I framed the entire 985 Channing issue as a long-time absentee landlord seeking a large  
9 financial windfall from removal of the Parcel Map restrictions to the great detriment of  
10 longtime residents who have had the clearest possible legal protections.

11

12 The unprecedented act of removing residential Parcel Map restrictions has no sound legal basis. Of  
13 course, such an action would be challenged repeatedly.

14

15 Please consider what Staff is asking you to approve. Inventing new law to double-cross long-  
16 time residents who poses the clearest legal protections. How can you support that? Thank you.

17

18 Ms. Klicheva: Thank you. Our next speaker is Mr. Weager. Mr. Weager, you would need to  
19 unmute yourself.

20

- 
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1 Jim Weager: Just a moment. Okay, how's that?

2

3 Ms. Klicheva: Yes, we can hear you now.

4

5 Mr. Weager: Alright, I'm Jim Weager and I've owned 975 Channing Avenue since 1965. In 1980 I  
6 circulated a petition to deny the subdivision on 991 Channing. I collected 35 signatures from  
7 residents on Lincoln and Channing Avenue. This petition was submitted to the Planning  
8 Commission on January 30<sup>th</sup>, 1980. A decision was made and the lot was split but the  
9 restrictions were placed on newly created 985 Channing parcel. These restrictions should be on  
10 any title report given to every purchaser of 985 Channing at the time of purchase. That included  
11 the applicant who state that he one, became aware of restrictions during the IR process. That is  
12 absolutely false. At the time of this purchase of 985 Channing, he stated to me that the height  
13 restrictions were of no concern. It was clear to me then that he had no intention to honor the  
14 restrictions.

15

16 Currently, and in spite of the daylight planes, the house at 985 Channing blocks a portion of our  
17 natural morning sunlight as you can see in the attached photos I have submitted for your  
18 Packets. That photo is one of our windows on the wall facing 985 Channing and as you can see  
19 it is clouded at the lower level because of the given structure as it stands now. And on the  
20 second picture, you can clearly see the outline of the roofline at 985 Channing. This is the only

- 
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1 window at 975 Channing that sees daylight. The others are bedrooms that are setback and are  
2 protected by the existing roofline. So, this is the only window that 975 Channing has for  
3 daylight purposes in the living and the dining room, period, and if the restriction is removed  
4 from the building at 985 Channing. This grey area in the picture itself will become greater to a  
5 great degree.

6  
7 I'm trying to read. I'm trying to pick up where I was. I apologize for my stumbling here.  
8 Currently, and in spite of the daylight planes, the house at 985 Channing blocks a portion of our  
9 natural morning sunlight as you can see in the attached photos I submitted for your Packet.

10 Sorry. They are of east side facing living room window... I'm repeating myself. The addition of  
11 the second story will increase the negative impact to us. We don't wish to see less sunlight  
12 because of inexact daylight planes. Nor do we want to experience further financial  
13 repercussions of continued higher utility bills as it will stress our fixed income and continue to  
14 be financial hardship to us.

15  
16 Twenty years ago, we planned to construct a second-story on our home in order to improve our  
17 living conditions. We found the building regulations would not allow our building specs for  
18 height. Thus, this eliminated our ability to place living quarters on a second floor. We sadly  
19 modified our plans and only built a small storage attic that met all zoning ordinances and codes.

- 
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1 I ask you to deny removing the long-standing restrictions that's set on 985 Channing. Honor the  
2 City's promise and help maintain our quality of life. Thank you.

3  
4 Ms. Klicheva: Thank you. I see one more hand from Ms. Weager and see that Ms. Weager  
5 lowered her hand so I move on to Mr.... oh I see Ms. Weager again raised her hand.

6  
7 Bev Weager: Thank you. This is Beverley Weager and I reside with my husband Jim at 975  
8 Channing Avenue. In 1980, the City of Palo Alto PTC and Council made a promise to us, the  
9 adjacent neighbors to 985 Channing, to restrict the height of any home built at 985 Channing.  
10 The restrictions were not arbitrary. They were founded as valuable and essential for our  
11 livability and quality of life. Something the current Palo Alto City Council Members state as a  
12 goal for their all Palo Alto residence.

13  
14 The applicant's attorney has called the restrictions "blunt instruments" as building codes the  
15 SFIR or other regulations have changed over time. But what has not changed is the fact that Jim  
16 and I still live next to 985 Channing and that should be respected. The legally documented  
17 promise in 1980 should remain solid while we continue to live at 975 Channing, our home of  
18 well over 50-years. That promise which has no sunset clause should be upheld and considered  
19 our fundamental right as long-term resident property owners.

20

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1 It was stated earlier by the applicant that if a taller house is built at 985 Channing it would not  
2 harm neighbors. That's not true. for 40-years and in spite of daylight planes as Jim pointed out.  
3 We've witnessed the reduction of east-side sunlight into our home. That occurred when 985  
4 Channing was built and if you had dug back to the exhibit photos, that's great. If not, I  
5 encourage you to do so. This has impacted us. Should the height of 985 Channing increase  
6 anymore and again, in spite of daylight planes, I can promise you we will see further reduction  
7 of sunlight. We have felt the financial repercussions of less light and warmth through higher  
8 utility bills. Eliminating the promised height restriction will not change the situation and impact  
9 will only... and the impact will only worsen and because we are on fixed incomes as Jim  
10 mentioned. We will be... it will be a hardship for us.

11

12 Another item stated previously by the applicant was that two-story dominate the structures of  
13 the neighborhood. That's something that was sort of eluded to today also is the neighborhood.  
14 I found the applicant's calculations were not really complete. They only considered the homes  
15 in what was called the Boyce Addition and that's akin to gerrymandering. It's a lopsided  
16 geographical consideration of homes near 985 Channing. They did not count the homes across  
17 the street on Channing even. They did not count those directly around the corner on Lincoln. If  
18 homes on both sides of the street, as well as flag lots within the simple 1-block radius of 985  
19 Channing, are considered. One would find there's an equal number of single-story homes as  
20 there are two-story homes.

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Regarding that same issue, the Staff report continues to mislead all by printing erroneous information that may be outdated. The privacy concerns in your Packet Page 14 indicate “the predominate pattern on the block appears to be two-story homes”. However, if they just count those homes alone, just that 1-block of Channing, two sides including flag lots. There will be found six two-story homes, 10 single-story homes, and one former two-story home which is currently in the build process of becoming a single-story home. So, the actual predominant pattern, if you just consider that 1-block of Channing, is single-story.

My strong request of this Commission is to honor and uphold the promise made to us in 1980 and maintain the restrictions on the parcel of 986 Channing Avenue. Thank you.

Ms. Klicheva: Thank you. Our next speaker is Mr. Loftus.

David Loftus: Thank you, Commission. My name is David Loftus. My wife Juanita (interrupted)

Ms. Tanner: Mr. Loftus... can we pause the time? Mr. Loftus, you may have... if you’re on two devices, that may be causing an echo.

- 
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1 Mr. Loftus: Get your computer out of the room. [unintelligible]. Sorry, excuse me. Alright, begin  
2 again.

3

4 Ms. Tanner: If you can start the time Klicheva.

5

6 Mr. Loftus: My name is David Loftus. My wife Juanita, our two boys and I live at 911 Lincoln  
7 Avenue. Together we stand in firm opposition to the proposed Preliminary Parcel Map for 985  
8 Channing, or any other legal instrument that would remove the long-existing height restriction  
9 of 13-feet. The height restriction and other restrictions have been in place for many years and  
10 all previous owners of 985 Channing have abided by these restrictions. Kudos to those previous  
11 owners for following the rules with integrity.

12

13 I note with some consternation that the current applicants, Frank Dunlap and Peimin Lin were  
14 quote... quoting from the Staff report “notified of the height limitation during the Individual  
15 Review application review process”. That notification should have taken place much earlier.  
16 Even before the submission of plans took place. This whole mess might have been avoided if  
17 the applicant had been notified of the height restriction in a timely fashion.

18

19 I’d like to comment on some of the City of Palo Alto Comprehensive Plan policies since several  
20 of those were cited in the Staff report. Policy L-1.6, encourage land uses that address needs of

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1 the community and manages change and development to benefit the community. Existing  
2 homeowners adjacent to 985 Channing are part of the community too. It's not just about the  
3 applicant. Policy L-1.11, hold new development to the highest development standards in order  
4 to maintain Palo Alto's livability and achieve the highest quality development with the least  
5 impacts. Livability and impacts for the existing long-term homeowners are very much at stake.  
6 Removing the parcel height restriction would be a violation of this policy. Policy L-6.4, in areas  
7 of the City having a historic or consistent design character encourage the design of new  
8 development to maintain and support the existing character. The Staff report missed this one.  
9 Our neighborhood has many older homes. Removing the height restriction to allow a modern,  
10 much too large, second-story home to dwarf the existing homes is a bad idea. Policy L-1.8,  
11 support existing regulations that preserve exposure to natural light for single-family residences.  
12 This is a big one. It should have been mentioned in the Staff but wasn't. Removing the existing  
13 height limitation at 985 Channing would have a profound negative impact on natural light for  
14 the existing adjacent homeowners. The City needs to support the existing regulation. A legally  
15 recorded height restriction on the Parcel Map that is working well to preserve exposure to  
16 natural light for the adjacent homeowners. An important aspect of livability. A new Parcel Map  
17 that completely disregards the well thought out intentions of the current Parcel Map restriction  
18 would be wrong and would be a violation of this policy.

19

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1 I will close by pointing out that the families who live in the homes immediately adjacent to 985  
2 Channing are owner-occupants. Collectively, these three homes have been owned and  
3 occupied for 126-years. The current owners of 985 Channing on the other hand never lived at  
4 985 Channing Avenue. They live in San Francisco. They are absentee landlords. That's zero  
5 owner-occupied years. Let's give the adjacent homeowners who live in the neighborhood and  
6 who have sustained the neighborhood a chance to maintain the livability of their homes.  
7 Respectfully submitted, David and Juanita Loftus and boys. Thank you very much for hearing my  
8 concern.

9

10 Ms. Klicheva: Thank you and I see one more raised hand by a person with the user name JEA  
11 and they already shared their comments Chair Lauing. What should I do? Oh, they lowered  
12 their hand right now. They raised their hand again.

13

14 Ms. Tanner: At this time, I don't believe we're adding additional public comments. So, unless  
15 there's a different speaker, I don't think that they have more time Chair.

16

17 Chair Lauing: That's right. I think she was with another person who spoke but I don't know that  
18 there's anything different here so.

19

- 
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1 Mr. Yang: Yeah, can we perhaps unmute the speaker just to clarify if it's a different person in  
2 the same location.

3

4 Ms. Acheson: Yes, it is a different speaker and I would like to have a moment for public  
5 comment, if I may?

6

7 Chair Lauing: So (interrupted)

8

9 Ms. Tanner: There's another speaker?

10

11 Chair Lauing: Sure, we're just trying to be clear here on the rules and regs. So, you're  
12 (interrupted)

13

14 Ms. Acheson: Yes, I understand.

15

16 Chair Lauing: Speaking now on this time on your own as opposed to being in the room with  
17 another speaker? Is that the distinction?

18

19 Ms. Acheson: That's correct. It was simpler for us (interrupted)

20

- 
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1 Chair Lauing: Okay, that's fine.

2

3 Ms. Acheson: To have both in the same. Okay, so (interrupted)

4

5 Chair Lauing: That's fine.

6

7 Ms. Acheson: So, I would like to point out that there's a mistake in the Staff report on Page 15.

8 In the administrative record, I have submitted three pieces of correspondence. One was  
9 omitted and the one that was omitted in the Staff report was December 30, 2020, in addition to  
10 the December 15 and December 22... December 15, December 22, 2021 letter. So, I've  
11 submitted a total of three letters and I hope that the Commissioners will take the time to  
12 review those.

13

14 Contrary to Mr. Hammonds argument, the applicant's real property... he said the applicant's  
15 real property is not like... is like every other parcel in the neighborhood. That's not right. This  
16 parcel is unique and I think that the Staff has recognized that because of the comments that  
17 this is a procedurally vexing area. This is an esoteric area of the law. The application appears to  
18 present novel issues. The Staff is unaware of how the turn the owners of real property should  
19 be interrupted. I did not hear any of those questions answered really by the applicant's  
20 attorney and so I think one thing that's very important to remember. I've already said this in my

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1 correspondence but it bears repeating which is if this body finds in the negative on any of the  
2 positive findings they're suppose to make under GC, Government Code, 66747. Then it shall  
3 deny the application.

4  
5 And I think that contrary to Mr. Hammonds's arguments we're getting the cart before the horse  
6 when we consider... when you're talking about land-use policies. The Staff report seems to  
7 place more emphasis on the land-use policies than it does on the law and I think Commissioner  
8 Hechtman clarified that tonight.

9  
10 The Staff conclusion that on balance, the map is consistent with the Comprehensive Plan and  
11 policies is faulty because before those policies can come into play. The proposed action has to  
12 be legally supported and I disagree, all due respect with Mr. Hammond and with the Staff  
13 attorneys.

14  
15 And the speakers before me have already pointed out that you've omitted... if you're looking at  
16 policies you've omitted two very, very important policies. The historic and consistent design  
17 character. That's be encouraged and protected and then also the daylight... preserving the  
18 exposure to natural light for single-family residences.

19

- 
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1 The Staff report shows that there are recommendations, for example, by the planner Arnold  
2 Mammarella that are in... that are at odds with Saul's Staff report. But very quickly, I do not also  
3 think that you can make the finding that the Staff suggested that the City Council has to  
4 ultimately be required to make the findings as if the lots were being created in their current  
5 configuration. And the most relevant in these circumstances is whether the findings can still be  
6 made in the absence of conditions limiting height and no they cannot in my opinion. You cannot  
7 for all the reasons that have been said by the presenters tonight and by others.

8  
9 You know you do have here a covenant between Parcel A and Parcel B and it is referred in the  
10 deed. The restrictions themselves are not referred but I would submit to any... to you  
11 respectfully and to any court of law that it was the intent of the parties that the deeds have  
12 these restrictions. And it was also the intent of you, the Commissioners, to protect the adjacent  
13 neighbors, and some of whom you have heard from tonight, in agreeing with the original  
14 developer to impose these restrictions on the properties. And really what's... the two findings,  
15 the two key findings, the burden not to impose any additional burden on the present the owner  
16 [note – video stopped] will not alter any right title or interest in the real property reflected on  
17 the recorded map. Those cannot be made. Nether one of those can be made. The real property  
18 reflected on the recorded Parcel Map is Parcel A and Parcel B and certainly, you are impacting  
19 the right title and interest of Dr. Rogosa (interrupted)

20

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1 Ms. Tanner: Ma'am, your time has expired.

2

3 Ms. Acheson: Okay, if you approve these... the Staff recommendations. I would urge the Council  
4 to consider this very carefully. Also, just as matter of procedure (interrupted)

5

6 Ms. Tanner: Ma'am, your time has expired.

7

8 Chair Lauing: [unintelligible] time.

9

10 Ms. Acheson: Let me just say one thing as a matter of procedure, I want to be very clear. I  
11 believe the applicant... I believe that this will have to go to the Town Council for approval if it is  
12 approved tonight and then interested parties may have a right of approval... a right of appeal of  
13 the Town Council depending on what the Town Council's decision is. Is that correct?

14

15 Chair Lauing: Thank you. Yes, it does go to Council. We're not back to Commissioners so we can  
16 start actual discussion rather than questions of Staff. So, I will look for hands and who would  
17 like to speak? Commissioner Hechtman, thank you.

18

- 
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1 Commissioner Hechtman: Okay, Commissioner... Vice-Chair Summa often break the silence by  
2 offering to go first but and I was waiting for her to do that but since she held back. I'm leading  
3 off for no particular reason.

4  
5 Actually, I want to start my remarks by, first of all, I appreciate all of the public comment that  
6 we received tonight from the applicant, from the neighbors and from the counsel from one of  
7 the neighbors. I did hear from two of the neighbors part of their comments a reaction to the  
8 house... the two-story house that has been proposed and this really relates to that question I  
9 had asked earlier about where are we in the IR process. And I don't know how this is going to  
10 turn out when Council rules on it but one thing I do know is the house that was proposed is not  
11 going to be built. If you look at I think it's Exhibit 6 to Ms. Acheson's one of her letters. She  
12 includes the whole IR Packet, including eight pages of critical comments by Staff on what was  
13 proposed. So, that design is not before us tonight but I just want everybody to understand that  
14 that design if it goes forward, is under scrutiny. Like every IR application is under scrutiny to  
15 make sure that the... any second-story built meets the requirements of the City of Palo Alto.

16  
17 So, I want to start with the neighborhood context. I have toured the area and I found a mix of  
18 one and two-story houses in the area generally. The owner of 975 spoke tonight and said her  
19 analysis there may be an even number of each, one- and two-story homes and I did quantify  
20 but I think that's about right. There's just a... there's a mix of the two and the three closest

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1 neighbors, all of whom have provide comment, either have a two-story home, that's 911  
2 Lincoln or they have a right under City of Palo Alto rules to build a second story. And I think  
3 that's an important piece of information for us to remember is that it may have been 40-years  
4 ago that there were fewer two-story homes in this neighborhood. But the trend,  
5 notwithstanding this interesting example, that one of the neighbors spoke about tonight if  
6 given land values people are generally building up. So, over time I would expect to see more  
7 two-story homes, not just in this neighborhood but throughout all of Palo Alto's single-family  
8 residences.

9

10 When we look at the characteristics of the particular property, 985 Channing, and again, I went  
11 to the site and looked. There is nothing unique about this parcel physically that I could see that  
12 would require a special rule giving it a unique limitation that does not apply to any other  
13 residential parcel in Palo Alto. There's nothing physically different about this parcel. It's small  
14 but in fact, it's not so small that it even qualifies as substandard as defined in our Code. So,  
15 despite the fact that it's a pretty typical small but not yet sub... not quite substandard lot. It has  
16 this unique restriction. It's the only parcel in Palo Alto we've been made aware of where the  
17 height limit is 13-feet. And I thought that the project architect made a note worthily point at  
18 our October 13<sup>th</sup> meeting when she said that the result of this condition is that this parcel is  
19 more restricted than any substandard lot. Because substandard lots in Palo Alto are allowed 17-

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1 feet of height, even though they are smaller than this lot. So, I just wanted to set context in this  
2 initial rounds. I have more comments but I'll hold those for round two. Thank you.

3

4 Chair Lauing: Commissioner Chang... oops, Mr. Sauls you had a comment?

5

6 Mr. Sauls: I just wanted to note that Mr. Hammond did send the Planning Commission and I can  
7 share my screen to show a copy of the deed title. The grant deed for 985 Channing Avenue and  
8 they have a very similar representation for their title, their information, as what we'd identified  
9 for 991 Channing. This was highlighted by Commissioner Hechtman about this Parcel A, Parcel  
10 Boulevard scenario.

11

12 And then in addition to that, in response to Ms. Atcheson's comment about the letter sent on  
13 December 30<sup>th</sup>. That is included in the public comment attachment to the Staff report. So, it  
14 available and it is on the agenda and the web page and was sent to or made available to the  
15 Commissioners and the public as a part of this review.

16

17 Chair Lauing: Mr. Sauls, on that title that you just put up there. I happened to see a... I thought  
18 it was a notary from 2002. [unintelligible].

19

20 Mr. Sauls: 2000. It looks to be 7-28-2000.

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Chair Lauing: Right, okay, just it's not the document from 1980. That's just what I wanted to determine.

Mr. Sauls: Anyway, apologizes, continue.

Chair Lauing: Commissioner Chang.

Commissioner Chang: Thank you, Chair. So, we find ourselves in a very strange situation, a unique situation and I feel for all parties involved. That said, as I looked at our instructions, I had a really hard time making the findings or reverse findings as the case may be.

So, I was looking at the Map Amendment requirements and I just cannot find that the modifications do not oppose an additional burden on the present fee owner of the property given that the Parcel map governs both parcels. And removing the restriction would most definitely burden Mr. Rogosa who's the owner of the other parcel. Right, it's one Parcel Map governing both parcels. A change to it negatively affects the other parcel.

I also can't find that the modifications don't alter any right title or interest in the real property. It definitely alters a right it seems. I mean I'm not a lawyer so I don't know what the legal

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1 definition of all these words are but it changes some of the protections for the property most  
2 certainly.

3  
4 And then I also walked the neighborhood many months ago and did a little tally on a map of  
5 whether the houses were one-story or two-story and there's... it's not a predominantly two-  
6 story neighborhood. I didn't see that. There was a mix of one-story and two-story and the  
7 conditions that affect the neighboring properties haven't changed and the height restriction  
8 was put in place specifically because of those concerns. So, I can't make those three findings.

9  
10 Aside from those, there's the larger issue where I wonder... I feel like if we... it puts the City in a  
11 bad position. What weight does the City's commitment carry if we can simply reverse the  
12 commitments? Neighbors wouldn't have agreed to the subdivision if they knew that the City  
13 would go back on its word and in doing this we're effectively... if we remove the height  
14 restriction. What I struggle with is that at the time 985 Channing was purchased these  
15 restrictions were already in place and the grant deed does refer to the Parcel Map. So, this has  
16 been known... should have been known information, right? When... and all prior owners abided  
17 by these rules. By changing them now we're effectively redistributing wealth and so that  
18 concerns me also. Those are my initial comments. Thanks.

19

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

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1

2 Vice-Chair Summa: Thank you. This does seem like a tricky one and I'm... well, first of all, thank  
3 you to all the public speakers and thank you to Staff for this Staff report. It has a lot of  
4 information in it that's sort of new actually or at least explained in more detail. And I to am very  
5 uncomfortable with this because for us to go back and remove it this time. These three  
6 restrictions that the neighbors have relied on and at least two of them since the time they were  
7 imposed for a very long time. Doesn't feel like the right thing to do and it does seem like the  
8 applicant, the owner of 985, did know about these restrictions and still chose to invest in the  
9 home... the property.

10

11 So, as to... yeah, I've been on that... I've been to the site also and I do agree that it's a mix of  
12 one- and two-story homes which the Staff report does reflect actually. And also, that block is  
13 uniquely dense because of the flag lot situation. Especially that side of the block and I don't  
14 know if you would call that east or west or south. It's a confusing block because it is where  
15 things start changing and going on more of a different angle.

16

17 So, regardless of whether it's unusual to have these exceptions contained in a Parcel Map and it  
18 would be hard for me to say that no other such restrictions are contained in Parcel Maps  
19 because... in Palo Alto because I don't have any information about that. And I don't see how  
20 Staff could know that either because we haven't looked at them all.

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And I think it's really important that all neighbors should be treated alike and that both... all parties have interests here that I think are real but it doesn't seem to me like removing the restrictions is a clear answer to the problem. So, I'll stop there.

Chair Lauing: Commissioner Roohparvar.

Commissioner Roohparvar: Thank you. I had a question for City Attorney Yang. When it says under I think the reverse findings for the amendment of the Parcel Map where it says (interrupted)

Chair Lauing: Which page?

Commissioner Roohparvar: On Packet Page 23, number two where it says the modifications don't impose any additional burden on the present fee owner of the property. The property being referred to, that's 991... is that 991 Channing? How does that work? I assume 991 and 985 have separate VPN numbers. So, they're separate fees and the property that's being referred to is 985 and the fee owner is just the owner of 985. Is that correct or not because of the A, B and the parcel. Can you shed some light on that?

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1 Mr. Yang: So, I don't think it's clear what the... what is meant by the present fee owner of the  
2 property. I think that could be interpreted to mean either the owner of the applicant's property  
3 or to mean the owners of both properties. I think those are both properties shown on the map.  
4 I think those both acceptable interpretations.

5  
6 I guess I want to point out in this document that there are three sets of findings here under  
7 bold letter A, bold letter B and bold letter C. And the findings under bold letter A and B are the  
8 findings required for a Preliminary Parcel Map with Exceptions. And so, if... I'm hearing... you  
9 know we've heard concerns from some Commissioners about making the findings under bold  
10 letter C. Even if you are unable to make the findings under bold letter C. If you are able to  
11 make the findings under bold letters A and B. Then that would be a recommendation for  
12 approval of the Preliminary Parcel Map. But if you are unable to make the findings under bold C  
13 and either bold A or bold B. Then that would be a recommendation for denial of the  
14 application.

15  
16 Commissioner Roohparvar: So, I have a follow-up question on that. Could you just clarify why it  
17 could refer to 985 or 991? Is it because there's the A and B... in a normal circumstance it  
18 wouldn't. If you just took a property and you said I don't know, 100 Flower Lane, the fee of the  
19 property would be 100 Flower Lane. Why in this instances? Is it because of the split?

20

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1 Mr. Yang: So, it's because this is... these are the findings required to amend a Parcel Map and  
2 typically Parcel Maps will have multiple parcels, but when they are split. They're under sole  
3 ownership, right? So, at the time that the Parcel Map is recorded, you have one owner of all of  
4 these parcels and they're split so that they can be sold separately for conveyance  
5 [unintelligible]. It's unclear to me under the scheme for amending a map that is a Final Map  
6 that has been recorded and it could be amended as in this case decades later. How to interpret  
7 that phrase, the present fee owner, of the property. It could be interpreted to be just one  
8 property, the person who is seeking to make a change to the map. Or it could mean this would  
9 require a little bit of stretching from the precise language, but it could reasonably also mean  
10 the present fee owners of the properties shown on the map.

11

12 Commissioner Roohparvar: And there's no... is there any case law or precedent even in the City  
13 on how we've been interpreting it or just in...

14

15 Mr. Yang: I have not found any precedent in the state on the interpretation of these findings.

16

17 Commissioner Roohparvar: Oh, interesting and in Palo Alto, we don't have any precedent?

18

19 Mr. Yang: We've never considered an Amending Map before (interrupted)

20

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1 Commissioner Roohparvar: Got it.

2

3 Mr. Yang: To my knowledge.

4

5 Commissioner Roohparvar: Thank you.

6

7 Chair Lauing: Commissioner Reckdahl. Unmute please.

8

9 Commissioner Reckdahl: I thought I had it. Okay, there we go. I mean this is difficult. I mean I  
10 understand why the applicant would want that and if the applicant were in the vacuum. I would  
11 happily support them, but they're not in a vacuum. I agree with Commissioner Chang's  
12 assessment about bold letter C and with regard to bold letters A, item one and two. I can't find  
13 that this change addresses the need of the community or benefits the community because  
14 there are four parties in this issue. The applicant and three neighbors and from the applicant's  
15 standpoint it's very beneficial but from the three neighbors it's not beneficial. This project  
16 benefits the applicant but does not benefit the community as a whole and so I can't find for  
17 those items. I mean these restrictions were part of a legal agreement and the neighbors relied  
18 on these restrictions when they purchased their home and the applicants knew about the  
19 restrictions when they bought the home. It's not a surprise. These are stand agreements and

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1 the changing the rules now I feel it's unfair and I feel it hurts the City's credibility. So, this is very  
2 problematic.

3

4 And of the claim that the IR process would protect the neighbors, I think that's a little  
5 misleading because at best the IR process will reduce some of the impacts but it won't prevent  
6 impacts. And the IR process is very subjective and so it's difficult to say what protection if any,  
7 the IR process would provide the neighbors. So, I do find this very problematic. Thank you.

8

9 Chair Lauing: Other Commissioners? Ms. Templeton or Mr. Hechtman?

10

11 Commissioner Hechtman: I do have more remarks but Chair, I wanted to give you an  
12 opportunity to give some preliminary marks first.

13

14 Chair Lauing: Oh, okay, okay. We've had this since October and in October I said some of these  
15 things so it will be repeated because I've studied all of the input from not only the public but  
16 both attorneys. I do find the summary from Ropers Majeski pretty on point with respect to the  
17 issues and some of my colleagues have already stated these things.

18

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1 But I'm glad that Commissioner Reckdahl just threw in the discussion about Individual Review.  
2 Even Staff said it's intended to essentially mitigate some of the problems there but if you don't  
3 even put up a second story. Then you don't have to mitigate any problems.

4  
5 This thing, as we already know, has been here since 1980, been represented by the City to  
6 them. It is different in terms of that but so what? That's just how it happened. I don't think it's  
7 compelling to me that just because this is different than what other people have on their maps.

8  
9 Others have noted and I walked the neighborhood as well. I think it's about 50/50 so I don't  
10 think there's this sort of massive change in the neighborhood that this is the only one-story  
11 house.

12  
13 And I just substantially would support... I mean align my comments with Commissioner Chang  
14 who I thought articulated the arguments quite well.

15  
16 Other Commissioners? Commissioner Hechtman.

17  
18 Commissioner Hechtman: Thank you. So, I do understand the reasons why this condition was  
19 included in the 1980 map. It was helpful to have speakers actually involved in that timeframe to  
20 add color to that. But at that time, we didn't have a mechanism to address second-story design

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1 issues that we do now. It's the Individual Review process which applies throughout Palo Alto  
2 and the purpose of that incidentally is to balance property rights, which are held by the owner  
3 of the property, with privacy interests. And I purposefully used the word interests, not rights  
4 there, because that's what they are. They're privacy concerns. These neighbors don't have  
5 rights over this property or any property absent a document that gives them actual rights. And  
6 so that's the point of the IR process is to balance rights versus concerns. And I have confidence  
7 that that process, which has been in place for a long time and has been revised over time and  
8 refined, does its job.

9

10 So, consider this though. If someone in Palo Alto was proposing a two-story home and their  
11 neighbor during the IR process objected and said they should only be allowed a 13-foot tall,  
12 one-story home. There is no set of circumstances where this City would agree and impose that  
13 13-foot, one-story limit and that would be true even if the applicant was the owner of 991. The  
14 property on the corner that was part of the subdivision and the objector was 985, our applicant  
15 tonight.

16

17 In law, like other fields, there's a right tool for every job. Back in 1980, the tool that the land  
18 owner and the neighbors chose to use to limit height was a condition on a map approved by the  
19 City in its discretion. It didn't have to; the law didn't require the City to approve that condition.  
20 It used its discretion to impose that, but there's a different tool that could have been chosen. A

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1 covenant or a set of CCNRs. So, a condition on a map is something that the discretion... that a  
2 City has a condition... has the discretion to impose and the discretion to remove. By contrast, a  
3 covenant is between private parties only. The City has no say in that and this really relates to  
4 something Commissioner Reckdahl just said about an agreement. There is no agreement here.  
5 There is a condition imposed by the City. It's a rule. By contrast, a convent or CCNR is an  
6 agreement.

7

8 Now I've been, for example, involved in a number of covenants where an uphill property owner  
9 is concerned about his or her view. Bought the property below them when it came up for sale,  
10 imposed a covenant on it, recorded a deed restriction that said that you can't build above a  
11 certain height and then sold the property. And in that scenario, that's a binding, private  
12 agreement that can be enforced in court and a City may treat that the same way that they  
13 would with an easement. They won't let somebody build across an easement.

14

15 In 1980 the owner of both of these parcels and the neighbors had the ability to record a  
16 covenant rather than to ask the City to impose a map condition, but by instead, choosing a map  
17 condition. That owner and those neighbors gave the City the discretion to remove that  
18 condition in the future.

19

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1 It's not the City's job to rescue an owner or neighbor from a choice made 40-years ago and I  
2 don't think it's the City's role to perpetual a limitation that uniquely applies to only one un-  
3 unique parcel in the entire City. I do think that the Preliminary Parcel Map findings can be  
4 made, as stated in Part A of Attachment B. I think that the Conditional Exception findings can be  
5 made as stated in Part B of Attachment B and I think that the Amending Map findings can be  
6 made as stated in Part C of Attachment B.

7

8 And I just want to make a point on this issue of neighbors' consent and how these are  
9 interpreted. I think that property here, that these conditions, these findings, the meaning  
10 property is the parcel seeking the amendment. And the reason I state that is that we're dealing  
11 with a little two-lot Parcel Map here, but there are Parcel Maps of 100-units; 200-units. I've  
12 dealt with some of them and the thought that 100 or 200 neighbors have to consent to a  
13 change on one parcel. I've never seen any indication that that is the intent of any aspect of the  
14 Subdivision Map Act. So, I do think that Staff adequately made the findings and I would support  
15 Staff's recommendation.

16

17 Chair Lauing: Commissioner Templeton.

18

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1 Commissioner Templeton: Thank you, Chair. I appreciate what Commissioner Hechtman just  
2 described. I've been trying to figure out how to describe my perspective on this and it's... I think  
3 he nailed it with the description of the choice of how this was carried out.

4  
5 And I also want to acknowledge some of the comments made by other Commissioners tonight  
6 about the concerns about the benefits to the neighbors and things like that. Its... the only way  
7 that's coming to mind to describe it is that the neighbors have already benefited for 42-years  
8 from the situation as it is at present. It's not like that benefit hasn't happened. The question is  
9 would changes affect any other benefits in the community and I recognize that's what we're  
10 talking about. But I do want to acknowledge that has already been a long-standing agreement  
11 in which people have been able to enjoy it as it was.

12  
13 When I'm looking at the change that's been requested, what's really coming to mind is the  
14 fairness of singling out one particular property to... from the City's perspective. And it does  
15 seem really odd and unfair to me that we are maintaining a separate rule just for that one lot.  
16 And I understand how it came to be but that's where I'm coming from. It seems very odd,  
17 especially given that we have other tools that are in place right now to manage height and  
18 construction concerns, privacy concerns, neighborliness, neighbors' feel, all of those things are  
19 now covered in a different way that seems more appropriate to me. So, I do think that the City

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1 Staff has made the case and I'm inclined to support this Staff recommendation as well. Thank  
2 you.

3

4 Chair Lauing: Commissioner Roohparvar.

5

6 Commissioner Roohparvar: Thank you. I am also inclined to support the Staff recommendation.

7 I'll just go quickly through my thought process. The grant deed, there... we saw both of them.

8 There's nothing in there that creates any sort of private right. This is a condition of a... that was

9 part of a Parcel Map imposed by the City and it can be removed by the City as such. Depending

10 upon what the City feels is right for the City and given the new tools and processes in place.

11 And I can make the findings in section A, I can also make the findings in section B. With respect

12 to the findings in section C, I agree with Commissioner Hechtman. My interpretation of fee

13 owner of the property is that single parcel for the reasons he stated. That's how I've always

14 seen it interpreted. I'm surprised to hear there's no case law or precedent on it in terms of how

15 it's interpreted.

16

17 And I'll keep it at that, just to keep it short, but those are my thoughts. Thank you.

18

19 Chair Lauing: Yeah, let me just respond very briefly to Commissioner Hechtman's comments. I

20 think that the point is that we guaranteed this property owner 30-years ago something and

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1 now we're saying just kidding because the times have changed. It wasn't a 10-year lease or a  
2 20-year ground lease. It was a law that was an interpretation of the law that they did and I  
3 almost heard you saying well if you had better attorneys. You could have gotten an agreement.  
4 I don't think that's what you were saying but this isn't about the twist and terms of the  
5 legalities. It's about what our commitment was and the fact that there's really no compelling  
6 reason, changes in the neighborhood, etc., etc. to change it. We should just maintain that  
7 commitment.

8  
9 Every single property owner has known about this because it is recorded. I won't use the wrong  
10 literary term of deed. It is recorded legally to give this person a right or it would have changed  
11 before. So, apart from the legalese, I don't find that argument compelling. Commissioner  
12 Chang?

13  
14 Commissioner Chang: Thank you. I just wanted to also respond to something that  
15 Commissioner Hechtman said and I appreciate his perspective and wisdom. It was a comment  
16 that he made about if a Parcel Map governs 200 parcels. It would be inappropriate I think. I  
17 don't want to put words in his mouth but basically, that was the gist of it for 200 neighbors to  
18 chime in every time one parcel is changed. And I think where I'm struggling with it is this is such  
19 a unique situation and it does sound like there isn't a lot of precedent on it because the change  
20 isn't to a boundary. It's a change to a condition on the Parcel Map that directly affects the other

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1 parcel on the map. So, it's a little bit different, so I'm not sure it's quite the apples-to-apples  
2 comparison there but that... and I'm struggling with how unique the situation is.

3

4 I also understand that it is legally... if we go through the Preliminary Parcel Map process. The  
5 City's legally allowed to change these restrictions but even if we are legally allowed to. I  
6 question in this particular situation whether it's wise to give the commitment that was made to  
7 the people who are still in the neighboring properties. Thank you.

8

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

10

11 Vice-Chair Summa: I don't know if you're... if we're ready to entertain a motion or if my  
12 colleagues (interrupted)

13

14 Chair Lauing: Sure, we can still discuss that after it's made.

15

16 Vice-Chair Summa: Okay so I am compelled by what I just heard from some of my colleagues  
17 and everybody made really good points. But I don't think the relationship here is similar to one  
18 where 100 parcels were involved. This is a relationship between two parcels, Parcels A and B,  
19 that both relied on the same restriction. And in 1980, maybe they didn't realize they should

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1 have made a covenant, but I think it's very clear that the neighbors relied on this to be a  
2 choice... a restriction for perpetuity and that all parties involved know what's going on.

3

4 So, it's really unfortunate but I can't make the findings. I can't make the Exception findings  
5 (interrupted)

6

7 Chair Lauing: So, what's the motion?

8

9 MOTION

10

11 Vice-Chair Summa: So, I would like to make an alternate motion that Staff suggested. Number  
12 one, the PTC recommend that City deny the proposed Preliminary Parcel Map with Exceptions  
13 and alternatively, an Amending Map because one or more of the required findings cannot be  
14 made.

15

16 And I can let you know what those findings are. I think finding number (interrupted)

17

18 Chair Lauing: Oh wait, let's just make sure we get a second. Follow procedures.

19

20 SECOND

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Commissioner Chang: I'll second that.

Chair Lauing: Commissioner Chang seconded. Okay, go ahead Commissioner Summa [note –  
Vice-Chair Summa].

Vice-Chair Summa: I think that the... under A (2), I think there's equally compelling  
Comprehensive Plan arguments. It's a wash for me because they're equally compelling  
arguments so I can't make that one.

And then under B, the Exceptions, I do not believe it's a unique burden for this property  
because it's had the restrictions since it was made and everyone has known that. Under two, I  
do think they have the same property rights, they just agreed to a restriction. I do believe under  
three, that the granting of the Exception will be detrimental. Can't make that because there... I  
do believe there is injury to other properties.

And then under C, I cannot make one, two, or three of the Amending Map findings. And I think  
even the discussion with our City Attorney about the present fee owner being so hard to  
interpret and reasonable to interpret in two different ways is very compelling. So, that is my  
motion and the reasons for it.

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Chair Lauing: Commissioner Chang, would you like to speak to your second?

Commissioner Chang: I think Commissioner Summa [note – Vice-Chair Summa] summed it all up so well that there’s no need to go through. I had similar logic for all the identical various findings.

Chair Lauing: Commissioner Templeton.

Commissioner Templeton: Thank you. I had my hand up before the motion so I’m sorry if this is a line of question slightly adjacent to the motion. But I wanted to clarify if Mr. Yang could answer the question of what the City’s commitment was? We’ve heard a lot of Commissioners referring to the City’s promise to keep it this way in perpetuity and I just wondered if he could speak to that if that was indeed the case.

Mr. Yang: Sure, well, I think it’s certainly a... that the Commissioners or the Commission is entitled to view this as perhaps a commitment. But technically, I guess I would say that this is a Parcel Map... a condition on a Parcel Map is similar to other regulatory actions by the City; which means that these are the rules that we create and what we are committed to do is not change them without following our process for changing those rules. So, for example, if we

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1 have a zoning in place for a parcel. That's the zoning until we duly enact a change to that zoning  
2 and we have processes that require public hearings and the opportunity for public comment  
3 and two readings of an ordinance and hearing before the PTC and the City Council. In order to  
4 ensure that there is a sufficient process when we do that, but that's what our... that's our  
5 commitment is to follow that process if we are going to make a change.

6

7 Commissioner Templeton: And we have made other changes to zoning and other changes to  
8 maps and things like that in the history of the City?

9

10 Mr. Yang: Yes.

11

12 Commissioner Templeton: Yes, and one more comment about the legalese. This is... it was... it's  
13 interesting to me because I'm one of the few on the... on here who doesn't have the legal  
14 training but should... how closely should we be looking at it? It's labeled as quasi-judicial. Did  
15 these legal terms and nuances of legal agreements, should they factor into our decision?

16

17 Mr. Yang: So, I would say I think Commissioner Chang summarized it well which is that from  
18 Staff's perspective we believe that the Commission and the City absolutely has the right to  
19 make changes to these conditions. And we believe that... we believe it can be made in one of  
20 two ways and that we recommended if you are going to make the change. Make the findings

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1 for both ways just to be especially secure. However, as Commissioner Chang stated, the City is  
2 not required to exercise its discretion in that way and so if the majority of the Commissioners  
3 are unable to make those findings. Then that would be the recommendation.

4

5 Commissioner Templeton: Thank you. I definitely think there are plenty of places for us to  
6 disagree. I just wanted to make sure that we're focusing on the matters of opinion and not  
7 disqualifying things that are legal because they're legal. So, I won't be supporting this motion  
8 and I appreciate the answers to the questions. Thank you.

9

10 Chair Lauing: Commissioner Hechtman.

11

12 Commissioner Hechtman: Thank you. I won't be supporting the motion either. Primarily for the  
13 reasons, I explained earlier and I won't belabor those. But I did want to react to a couple of  
14 comments I heard and really these dovetail with Commissioner Templeton's questions of Mr.  
15 Yang.

16

17 I heard our Chair talk about a guarantee made to... by the City to a group of people 40-years  
18 ago and I think that that's an inaccurate description. The only guarantee, if you will, that the  
19 City made is that this is the rule until if ever we change it because this is akin to any kind of  
20 zoning regulation. Our next agenda item tonight is going to look at approving a series of home

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1 sites or density increases which once approved by the City. Will result in upzoning of large  
2 swaths of the City, but not the low-density residential if we follow the Housing Committee's  
3 recommendations. All of those properties currently have a zoning and the City did not  
4 guarantee that all of those zones would stay the same. Just like they don't guarantee that our  
5 setback requirements will always be the same and they don't guarantee that you can't build  
6 two single-family homes on a single lot in a residential area. Because SB9 now allows you to do  
7 that and so, it's not really a guarantee. It's just the rule until it's changed and that really relates  
8 this concept of reliance on restrictions in perpetuity. I've read the Parcel Map and it doesn't say  
9 that. It doesn't say that in perpetuity there shall be a restriction of 13-feet. So, I don't believe  
10 that anybody had the right to rely on these restrictions lasting forever if they understood how  
11 our zoning and land use works. Thank you.

12

13 VOTE

14

15 Chair Lauing: Other comments on the motion? If there are none, Ms. Klicheva could you call the  
16 roll?

17

18 Ms. Klicheva: Commissioner Chang?

19

20 Commissioner Chang: Yes.

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2 Ms. Klicheva: Commissioner Hechtman?

3

4 Commissioner Hechtman: No.

5

6 Ms. Klicheva: Chair Lauing?

7

8 Chair Lauing: Yes.

9

10 Ms. Klicheva: Commissioner Reckdahl?

11

12 Commissioner Reckdahl: Yes.

13

14 Ms. Klicheva: Commissioner Roohparvar?

15

16 Commissioner Roohparvar: No.

17

18 Ms. Klicheva: Vice-Chair Summa?

19

20 Vice-Chair Summa: Yes.

- 
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Ms. Klicheva: Commissioner Templeton?

Commissioner Templeton: No.

Ms. Klicheva: Motion carries 4-3.

MOTION PASSED 4(Chang, Lauing, Summa, Reckdahl) -3(Hechtman, Roohparvar, Templeton)

Chair Lauing: Thank you and thanks to the Commissioners for a very thoughtful debate of all sides. We are now at 8:08 and I think this would be a good time to take about a 10-minute break before we jump onto the next big issue. Does that work for everybody? So, maybe let's go to 8:17 and we'll return. Thanks.

[The Commission took a 10-minute break]

Chair Lauing: Can I still be heard?

Ms. Tanner: I think... are we all here?

Commissioner Templeton: Chair, did you want us to speak to our no votes?

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Chair Lauing: That'd be fine, please proceed.

Commissioner Templeton: Thank you. I think that it is important for us to be able to make changes to decisions that we think may not have been the right ones or may have been better handled through another mechanism. And it's okay to be able to change things sometimes for the best interest of the City and so that's sort of my perspective on this thing. It should have been handled a different way. It has sense been handled a different way and, in my opinion, the case was made to make the changes that were requested. Thank you.

Chair Lauing: Anyone else want to comment? Commissioner Hechtman.

Commissioner Hechtman: Yeah, just to say I appreciate the, as always, the robust discussion and you know, the Council now has a recommendation and hopefully, we've given them some things to chew on.

Chair Lauing: Definitely all sides. Okay, we're going to move on to the next item on our agenda which is the Housing Element site selections action.

**Commission Action:** Motion by Vice-Chair Summa, seconded by Commissioner Chang. Motion passed 4-3 (Hechtman, Roohparvar, Templeton against)

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1           3. Review and Recommendation on 2023-31 Housing Element Sites and Associated Unit  
2           Yields

3   Chair Lauing: This is a review and recommendation of the '23-'31 Housing Element sites and  
4   associated unit yields. It was a recommendation from the Housing Element Working Group to  
5   Staff and Staff is now recommending that to us. I'm having by the way just a little bit of internet  
6   problems which I've never had before. So, I'm concerned but I've alerted our Vice-Chair to this  
7   point so if I go down, she's going to come up.

8  
9   So, I want to... before we go to the Staff report, I just want to make a few comments to frame  
10   the discussion. And I'm kind of wearing my Chair hat but also, I'm on the Housing Element as  
11   Co-Chair and I've also invited my Co-Chair Sheryl Klein to join us tonight as a resource on the  
12   item and could offer any comments that she'd like to make as well. We both are on that and  
13   we've been in the trenches on site selection for a number of months. So, you might be able to  
14   benefit from that and of course, Commissioner Reckdahl is also a member of that Committee.

15  
16   So, after that, Staff will give the report as normal, we'll do a round of questions to Staff, as  
17   normal we'll go to public comment. When we come back to the Commission, we've discussed  
18   this with Staff, I think the game plan for discussion is to actually take a look at each of these  
19   strategies for adding housing as listed in the Staff report sort of one by one and then move on  
20   to the next. And I really would like to try to get through all of them before any motions are  
21   made just so that we have the gestalt of the whole package. And then we can go back and

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1 debate which ones. And so then after that when we get to a motion, obviously PTC can move to  
2 support the Working Group and Staff motion as it is. They could reject it or they could support  
3 it with amendments. So, that's the game plan, is that good? Any questions about that?

4

5 Nope, okay, so just a couple questions. Compiling this at the Working Group, this inventory was  
6 enormously intense and time-consuming. We divided up into small groups and reviewed sites  
7 either on foot, door to door, looking at them or from a computer looking at City maps. Then  
8 Staff reviewed all of this multiple times and signed off on it. I think you'll hear Staff say that this  
9 is still fluid, changes are going to still have to be made when new information comes to light,  
10 when there are mistakes that are found, when a new project goes forward that wasn't  
11 anticipated when the rate of ADUs changes and so on. So, this is not kind of chipped in stone,  
12 but most importantly, I think it's critical for us to understand that what we're seeing tonight is  
13 basically a capacity analysis of potential housing units. Nothing in this recommendation is at the  
14 project level by intent and the last thing is that actual building of these units is definitely not on  
15 the table for PTC tonight. Many of these sites will require lots of heavy lifting from Council with  
16 respect to assessing and planning, infrastructure needs in respective neighborhoods, making  
17 zoning and other Municipal Code changes and that's well down the road. Not on our list for  
18 tonight and the other one, of course, is that 57 percent of these numbers are supposed to be  
19 moderate to low-income and there's funding needed for that. So, that's not in parameters for

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1 tonight, we'll get to it later, but now I'd like to see if Sheryl would like to add any comments.  
2 Unmute.

3

4 Sheryl Klein, Co-Chair of the Housing Element Working Group: Thanks Ed [note – Chair Lauing]  
5 for inviting me tonight and it's nice to see all of you. I do want to make some quick comments.  
6 Before, when the Working Group set out to do their work, we prioritized our strategies or  
7 where thought housing should be located and the group felt strongly that a top strategy should  
8 be locating future housing near transit. And a lot of the sites that we've identified are within a  
9 quarter of a mile to transit either Caltrans or VTA bus routes. They're really where dense  
10 housing should be.

11

12 Stanford also during the process brought us three possible sites. Two of which are in Palo Alto  
13 proper and one of them is a real gem. And I was disappointed that the brightness of this gem  
14 didn't bubble up. The site has... it's right next to the... it's the transit center site, which is right  
15 new to the Caltrain Station downtown. It's 6-acres and there's no housing around it and when  
16 Stanford presented it to us. They presented a range of options and currently, it's on the plan  
17 but at the lowest density. So, I hope when you discuss the sites, you'll look at this site and  
18 realize that it's really ripe for more density and would be a really great place to put dense  
19 housing right next to transit. It fulfills so many goals of the City. Not only for our Housing

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1 Element but also for sustainability. So, I'm happy to answer any questions during the process  
2 and thank you.

3

4 Chair Lauing: Mr. Wong, I think you're going to lead this and take it away.

5

6 Tim Wong, Senior Housing Planner: Thank you very much. Good evening, Commissioners. My  
7 name is Tim Wong, I'm a Senior Planner working on the Housing Element update and it's good  
8 to see all of you again. So, if we could bring up the presentation, please? And Clare will be  
9 happy... will be helping me with the presentation. I can't walk and chew gum at the same time  
10 so you'll just have to forgive me.

11

12 So, before you tonight is PTC formal consideration of the Working Group's site selection  
13 recommendations so next slide. And so, site selection is all about the City's Regional Housing  
14 Needs Allocation, or RHNA for short. The state requires that every jurisdiction as part of its  
15 Housing Element meet its fair share for housing and fair share is known through the RHNA. And  
16 so, as you can see, for the 6<sup>th</sup> Cycle, which is the planning period of 2023 through 2031, the  
17 City's RHNA is a little over 6,000-units. Broken into those four income categories and it is  
18 probably three times more than our current RHNA of 1,988. And so that makes the Working  
19 Group's responsibility or identifying sites that much more challenging because we're looking at  
20 three times the capacity. Next slide, please.

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2 And so, this was presented to the Working Group at the January study session but just wanted  
3 to briefly go over it again. In which the Staff provided the Working Group a number of site  
4 selection strategies that they reviewed and they prioritize and they selected the preferred  
5 strategies. And as Co-Chair Klein mentioned, one of the emphasis was locating housing near  
6 mass transit or train or bus routes and also, another priority for the Working Group if you will  
7 was protection of low-density zone districts and neighborhoods. And so, based on their final  
8 preferred strategies, the Working Group started identifying sites and through those preferred  
9 strategies they were able to identify sufficient sites to meet our... the City's RHNA. Next slide,  
10 please?

11

12 And this is a site inventory table, similar to what was shown at the January study session, but I  
13 just wanted to highlight. The second column, the PTC presentation, is when we presented those  
14 particular numbers and in the third column right next to it is the final Working Group  
15 recommendations. I just wanted to highlight that because, at the time of the study session, the  
16 Working Group had not completed all its recommendations at that time. In fact, they met the  
17 next day, January 13<sup>th</sup> to finalize all their recommendations. So, there are some highlighted  
18 numbers I would like to point out. Those show some changes to what was presented on  
19 January 12<sup>th</sup>. And similar to the previous presentation I will go through each strategy and recap  
20 the table at the end of the presentation where I'll show the same table again.

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2 And before moving on to the next slide, I just wanted to point out the no net loss buffer. The  
3 state mandates that every jurisdiction plan to meet their RHNA but in addition to meeting their  
4 RHNA, they want a buffer. Because the buffer will ensure that a jurisdiction is able to meet their  
5 RHNA at all times. In other words, if a proposed development develops less units than the  
6 projected units on that site. The City still has that buffer to ensure that at any time it can meet  
7 its RHNA obligation and just one more quick note that these are projections. They're not  
8 maximum or minimum values for each of the sites. So, it's just the City's way to show HCD how  
9 we plan on meeting our RHNA, so next slide, please.

10

11 These particular strategies were the strategies that the Working Group considered at their  
12 January 13<sup>th</sup> meeting. Again, I will touch upon those highlighted numbers to explain the unit  
13 changes. Next slide.

14

15 So, the first strategy if you will is pipeline units where HCD allows current land use entitlement  
16 applications or recently approved entitlements to be counted towards a City's RHNA. And  
17 initially, we had said there are 515-units in the pipeline units, but after that time a land-use  
18 application for 525 E. Charleston came in afterward. 252 E. Charleston was part of what was  
19 known as Staff suggested sites with a projected yield but not that an application has actually

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1 come in. We has moved it from Staff's suggested sites to pipeline units. And that has increased  
2 the pipeline yield up to 565-units. Next slide, please.

3  
4 Another way is through ADU projection or production, excuse me, and HCD methodology  
5 allows jurisdictions to take the average of the past 3-years ADU production and taking that  
6 average, as you can see here 64 units. We can take that 64-units, multiply it by eight because  
7 it's an 8-year planning period and from that, we can project that we can apply 512-units from  
8 ADU production towards our RHNA. And that number did not change from the January  
9 presentation. Next slide, please.

10  
11 And another strategy is looking at existing sites that already allow for multi-family and this  
12 category of multi-family allowed are sites that already received the highest zoning designation  
13 from the City. You can't upzone it or anything like that and so as part of that, there's a total  
14 yield of 416-units. But I would also like to point out that some of these sites in the MFA strategy  
15 are coming from the 5<sup>th</sup> Cycle of the current Housing Element. We're carrying them over to the  
16 updated Housing Element and a new state requirement says that if you do carry over these  
17 sites from the 5<sup>th</sup> cycle Housing Element to the 6<sup>th</sup> Cycle. Then they have by-right provisions and  
18 these by-right provisions apply when a developer proposes a development that has a 20  
19 percent affordability component to it. And if that is the case then the City can only review the  
20 project through design review using Objective Standards. Other than that, it's a by-right type

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1 process and there are about 28 sites that will have that by-right provision. Next slide please and  
2 here's a map showing those MFA sites throughout the City. And they're color-coded between  
3 5<sup>th</sup> and 6<sup>th</sup> Cycle sites and all the areas in yellow, just to provide reference, are low-density or  
4 low-density districts or low-density neighborhoods. Next slide, please.

5  
6 One of these strategies that the Working Group preferred to use was upzoning where we took  
7 sites with existing zoning and upzoned them. So, as you can see, CN Zones were proposed to  
8 increase from 20-dwelling units to 30-dwelling units and also, to upzone RM-30, CC, and CS  
9 Zones from 30-dwelling units to 40-dwelling units. And apologize, I should... as part of the  
10 consistent revision, ground-truthing of all these sites. We removed, administratively removed  
11 one site that had a unit yield of 17-units. It was a mosque and so that wasn't appropriate, so we  
12 removed that. So, we revised the total yield from 1,657-units to down to 1,640-units. Next slide  
13 and there are all the sites that have been identified for upzoning through this strategy. Next  
14 slide, please.

15  
16 And this follows with Co-Chair Klein's comment about putting it near mass transit. Strategy  
17 Number Two is fixed rail. Anything within a quarter-mile of a Caltrain station was proposed to  
18 be upzoned to 50-dwelling units per acre while a quarter to a half-mile is proposed to upzone  
19 to 40-dwelling units per acre. And with that, we achieved a 798 unit yield through Strategy  
20 Number Two and next slide is the map showing the three Caltrain stations. It's mostly in the

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1 downtown and Cal Ave areas but you can see the distribution and the two radii for each  
2 Caltrain station.

3

4 The third strategy is transit corridors, just high capacity if you will. Frequent bus service along El  
5 Camino and that proposed to be upzoned. That yielded 270-units, that has not changed from  
6 the January presentation. Next slide and here are all the units identified or sites identified,  
7 excuse me, along there. The El Camino corridor so next slide.

8

9 We also looked at faith-based institutions in that we specifically chose those institutions that  
10 have parking lots greater than half an acre. Therefore, if faith-based institutions chose to  
11 redevelop for housing. They would not need to touch their existing structures. They could  
12 develop on parking lots and through that strategy, it yielded 148-units. And again, all these  
13 strategies that I have mentioned were approved by the Working Group at their December  
14 meeting. Next slide and so those... here are the five or six faith-based institutions that were  
15 identified. Next slide.

16

17 Okay so this was the first strategy deliberated or considered by the Working Group at the  
18 January meeting and it was to propose to use City-owned parking lots in downtown and  
19 California Avenue for housing. And so, there were six parking lots identified, four in downtown  
20 and two in Cal Ave and at a density of 40-dwelling units per acre. It would yield 168-units and

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1 initially, the Working Group had supported using this strategy to help meet the City's RHNA.  
2 However, after further discussion, it was voted not to be included as a strategy. It was a split  
3 vote and some of the primary concerns were loss of parking in those areas. So, the 168-units  
4 were not applied to meeting RHNA, so that's probably the one significant change from the  
5 January presentation. Next slide. Those sites in purple are the proposed sites that would have  
6 been used, but as part of it as I'm sure the PTC knows. The Council, prior to in January or maybe  
7 late last year, gave Staff direction to explore using City parking lots for residential uses. So,  
8 whether it's used as a strategy or not. They'll still be potential housing sites. Next slide.

9

10 Another strategy suggested by Working Group members was reintroducing residential uses in  
11 the GM Zone. And so, the Working Group approved using GM Zones and as part of that action  
12 though they proposed to remove on-site with a 58-unit yield. So, originally, as presented in  
13 January, there was a yield of 500... 654-units but that has now been revised to 596-units. Next  
14 slide. In addition to including GM Zones for housing sites, the Working Group also suggested  
15 using Research Office Limited Manufacturing districts and so with those using ROLM zoned  
16 sites. That also was a yield of 902-units. That number did not change and those are the  
17 locations... those are the sites identified from both the GM and ROLM zoned sites.

18

19 And again, Co-Chair Klein has mentioned the Stanford University properties. Stanford University  
20 representatives had proposed three sites. They used those three sites because those are under

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1 direct control of the University. They are not leased out with long-term leases and as part of  
2 their proposal. They proposed a vacant property on Pasteur Drive, the Palo Alto Transit Center  
3 as previously mentioned and 3128 El Camino Real. And as Co-Chair Klein mentioned that the  
4 University representative proposed a range of unit yields for each of those proposals. And the  
5 Working Group chose to use the lower end... the lowest end of those proposed yields of 420 for  
6 the property on Pasteur Drive, 180-units for the Transit Center and they had proposed 225-  
7 units for 3128 El Camino Real. But as discussions progressed about 3128 El Camino Real, the  
8 Working Group voted to lower the unit yield from 225 down to 144-units. The main concern for  
9 lower the yield was to be able to meet the City's existing height limits along El Camino.  
10 Therefore, there is a revised yield of 744-units when initially 825-units was proposed. So, we... a  
11 few units were lost there.

12  
13 And just another note, this is... 3300 El Camino Real was also proposed to be added and it was  
14 approved by the Working Group. It is a Stanford University-owned property but it's not under  
15 their direct control, but since there was a previous land use or prescreen application on that  
16 property. We decided to include it using a default density if you will of 40-dwelling units per  
17 acre. It comes to 92-units and just another highlighted, still under discussion with Palo Alto  
18 Square. That... Palo Alto Square is not part of the identified sites but if discussions continue and  
19 there is a favorable outcome. We're looking at potentially 300 to 400-units. So, just wanted to  
20 make note of that.

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2 And lastly, there are... there were some Staff suggested sites. These are properties where there  
3 had been previous residential pre-screenings on the property and that is one thing that HCD  
4 looks for is developer interest. So, we proposed these Staff suggested sites. Previously, 525 E.  
5 Charleston was one of those Staff suggested sites since there was a pre-screening application  
6 on it. But since they have submitted a land-use application, they have been moved to the  
7 pipeline. So, the revised total yield is 91-units which is down from 116-units which was  
8 presented in January. Next slide.

9

10 So, here's the summary table again highlighting those revised changes and I think I've touched  
11 on all these different notes just to make sure that the PTC is clear on these revised numbers.  
12 Next slide please and again, reflecting some of those changes. So, when all is said and done, the  
13 Working Group with the recommendations identified sufficient sites for a yield of 6,845-units  
14 and that's above the total that the City was looking for including the 10 percent buffer. Just as a  
15 reminder, it was approximately 6,700-units so we have 150-units above our needed buffer if  
16 you will. And so, what we... the Working Group expressed their desire to keep the buffer by  
17 around 10 percent instead of increasing it to 12 or 15 percent. So, what we may be do is unless  
18 the PTC or Council change that number, keep the 150-units. If the PTC or Council decide to  
19 remove some sites. We can use those additional 150-units. If not then we can put those into a  
20 reserve also and so next steps.

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1

2 Just want to go over this briefly. Next slide. Most significantly, just want to highlight that  
3 tonight you're looking... considering Working Group recommendation for sites. But in April,  
4 you'll be hearing or considering working on recommended policies and programs. And April of  
5 2023 is when the Housing Element will... the entire Housing Element will come to the PTC for  
6 your consideration. And lastly, since there... as Co-Chair Lauing mentioned, there are a number  
7 of rezones that will be needed. Those rezones we anticipate will be coming to the PTC in April  
8 of 2023. Excuse me, February of 2023, the Housing Element will be coming to the PTC. April  
9 2023 are the proposed rezones for the Housing Element. Next slide.

10

11 So, finally, Staff recommends that the PTC recommend that the City Council approve the  
12 Housing Element Working Group recommendations for the 2023-31 Housing Element sites and  
13 their associated unit yields as outlined in that previous table. So, that concludes Staff's  
14 presentation. Be happy to answer any questions that the PTC may have.

15

16 Chair Lauing: Okay, let's go to Staff questions, questions of Staff. Commissioner Hechtman.

17

18 Commissioner Hechtman: Thank you. This one is for Ms. Klein. Let's see, there you are. When  
19 you spoke, you were encouraging the Commission regarding a Stanford site near transit and I

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1 just... I lost the thread of what you were saying. And I just... I'm sorry but I'm going to ask you to  
2 repeat that point so that I understand it.

3

4 Ms. Klein: So, maybe Tim you can bring up a map and show where the Transit Center is located.  
5 So, it's located right next to MacArthur Park near the train station. So (interrupted)

6

7 Mr. Wong: Keep on... yeah, keep on going.

8

9 Ms. Klein: On going? Sorry, I was watching you, so it's located right... can you zoom in on that a  
10 little bit that map so that they can see? So, it's located right next to the train station. It's an  
11 ideal place for people to live without cars. They can walk to everything. They could walk to the  
12 train to get to their jobs and also, the height could go up because (interrupted)

13

14 Ms. Tanner: Can you pause Sheryl, just one second. Sorry, if you, Tim or Clare, whoever's  
15 driving, if you just use the zoom on the bottom right. You're going to be able to zoom in more  
16 than if you go to presentation view. As someone who frequently zooms in very close, this is  
17 what I have learned. So, yeah, just use the plus. Yeah, yeah, there you go. Sorry.

18

19 Ms. Klein: Thanks, Rachael.

20

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1 Ms. Tanner: It's a little clunky but it will get you a little closer.

2

3 Ms. Klein: So, the site is right where his... where he's circling, do you see that? It's kind of like an  
4 island almost between the rail and El Camino Real and it's not butting up against any single-  
5 family neighborhoods. So, and right now in the plan, it's at 180-units. It's 6-acres, 6-acres, so I  
6 know that for the project that Alta Housing is working on for Wilton Court. Our density there is  
7 120-units per acre. So, it just seems like a waste not to have it zones more densely. So, that's  
8 really what I wanted to bring to light.

9

10 Commissioner Hechtman: Alright, thank you for that clarification and then just to follow up on  
11 that. It sounds like the overall the Working Group's recommendation for that particular site was  
12 180 but maybe there were voice within the Working Group advocating for a higher or perhaps a  
13 much higher number. Am I... is that right?

14

15 Ms. Klein: That's true and also, I... Stanford presented different scenarios and coming to us,  
16 even though it wasn't any sort of formal submission, showing an interest in developing at a  
17 higher density. Still, I'm not sure how HCD would regard that if we zoned it at a lower density,  
18 right? Especially when we have the housing crisis. So, I just think that that is an opportunity for  
19 us, the size of the parcel, to really think bigger about it and I would hate for that opportunity to  
20 be lost.

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Commissioner Hechtman: Thank you for that clarification. Then a couple of questions for Mr. Wong. The six City-owned parking lots that were initially considered. Including by the Working Group and then in a split vote they decided to not to include those. Are all six of those lots surface lots or are some of them multi-story?

Mr. Wong: I believe they're (interrupted)

Commissioner Hechtman: Did... were you able to hear me?

[note – unknown speaker]: Yeah.

Commissioner Hechtman: Okay.

Clare Campbell, Planning Manager: They're all surface lots.

Commissioner Hechtman: Okay. Alright and then the final question I have just sort of looking ahead. We'll go through this process of site selection, we'll do our rezoning, and then we will get into this 6<sup>th</sup> RHNA Cycle. If during that 6<sup>th</sup> RHNA Cycle, let's say something unexpected happens and somebody proposes a development some place that through our zoning maybe 20

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1 homes would be allowed or 20 residences. But they propose and the City agrees to a  
2 development where there are 120 homes. So, it's 100 than we were contemplating and that  
3 gets built during the 7<sup>th</sup> Cycle. Do we get credit for those 100-units in the cycle, even though  
4 they weren't any part of our 6,800-unit anticipate site?

5

6 Mr. Wong: Yeah, the answer is absolutely the City would be able to get credit. Again, these are  
7 just projections saying we have zoned everything to accommodate this RHNA. However, if there  
8 are other projects come... unanticipated if you will projects that come in that build residential  
9 units. Absolutely, we will apply those towards our RHNA.

10

11 Commissioner Hechtman: Thank you.

12

13 Ms. Klein: Can I just say one more thing too?

14

15 Chair Lauing: Go ahead.

16

17 Ms. Klein: Just about the City-owned parking lots. So, the Committee was really split on... there  
18 was a... the majority of the Committee wanted the City-owned parking lots to go for affordable  
19 housing and another faction wanted them to just go for housing. So, that's what the split was  
20 and we couldn't reconcile it. So, it wasn't included, but I think that... that's all I have to say.

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Chair Lauing: Commissioner Chang.

Commissioner Chang: I just wanted to follow up on a question of Commissioner Hechtman’s about the Transit Center. Can you... somebody who’s privy to the Housing Element Committee’s conversations enlighten us as to what the nature of the debate was in terms of why some people would have not wanted to have a higher density?

Chair Lauing: Any of us could chime in here. I think it was primarily around the height limit concern and they didn’t want to address that. Some of us said this is a capacity analysis. It still has to go to Council. Council can shoot this down four floors or whatever but there wasn’t enough majority to go further given the concerns about height.

Commissioner Chang: I have another question about so how does the process work going forward in terms of the community planning that would need to happen for certain areas? So, for example, we talked about a lot of housing going up in the GM and ROLM Zones potentially. How does this whole process work after the sites are approved? At point would we as the City say okay, but we need parks. We need transit, we need schools, we need whatever. How does that fit into this overall big picture?

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1 Ms. Tanner: That's a really great question.

2

3 Chair Lauing: [unintelligible]

4

5 Ms. Tanner: Sorry, go ahead.

6

7 Chair Lauing: I was going to say here Tim or Ms. Tanner can address the issue because the first  
8 one is what's acceptable to HCD? And then after that, it's what's acceptable that we actually  
9 build and create neighborhoods. So, somebody from Staff could address that.

10

11 Ms. Tanner: I think it's a great question. I think it's one that comes up in probably a lot of  
12 communities when they're thinking about their Housing Element. Especially, this cycle gives the  
13 capacity that we're planning for and if that were to be realized. The number of additional  
14 residents that our community and other communities would be accommodating. So, some of it  
15 we have... some of it is kind of baked in and maybe just to address the sequencing first and then  
16 to go into what do we do?

17

18 So first, I think Tim kind of explained the timeline that really basically through this year and into  
19 next we would be working this year and then hopefully have it certified sometime in 2023. HCD  
20 got to review it and review I think it's split up into two parts this date. They've got a lot of

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1 Housing Element they'll be reviewing and once it's certified then it's on the books and adopted  
2 as part of our plan. We also have to undertake the rezoning, so much of this... some of these  
3 parcels and these sites. Even if we've identified in the Housing Element, we've got to rezone  
4 them. Perhaps that somebody actually come in with an application to say I want to build this  
5 project here and so that's kind of the next piece.

6

7 And then it becomes okay, with different parts of the community, it kind of depends. So, some  
8 of our Development Impact Fees help to pay for certain things. So, we have Impact Fees that  
9 help to go to our Parks Fund. We have Impact Fees that go for different aspects of our  
10 community. So, at least we're having some financial resources to accommodate the additional  
11 services needed for the additional residents. However, what that kind of process doesn't always  
12 accommodate is the actual planning for where is a school going to go? Where is a park going to  
13 go? Where is a new library going to go? How many do we need etc.? Some of that will unfold  
14 over time. Some of that is handled by our City's different Commissions. We've Parks and Rec,  
15 We've got different bodies that would be set up to help us to do some of that planning and I  
16 think it also could be part of the programs that we'll be discussing in the forthcoming months.  
17 To really say for example, if we look at the map and say well if these plans come to fruition and  
18 these sites are built. Are there any areas where we'd say man, there's going to be a new little  
19 neighborhood or this neighborhood will have significant impact. That's going to clearly need  
20 some more parks, some more libraries, etc. And so that could be kind of that second part of

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1 getting the element in place and then doing that fine-grain neighborhood planning that you're  
2 talking about and actually resource allocation. And then, of course, you got to see that you  
3 actually have the houses there to then have the park, have those things coming online. So, it's a  
4 little bit I think part of what we should do in the cycle is be making sure that we're planning for  
5 those needs to be accommodated.

6  
7 Commissioner Chang: Thanks, and then one more question. So, I was trying... looking at all  
8 these sites and wondering how carefully I need to look at them and I know the Housing Element  
9 Working Group has looked at them pretty carefully. But let's hypothetically say that there's a  
10 mistake where there's something that's listed there that isn't supposed to be listed there. You  
11 know, it's just an honest-to-goodness mistake. Then does the... an nothing gets built there this  
12 cycle. The next cycle there's the by-right part kicks in. Does that... could the ministerial approval  
13 override zoning in such a situation? If we made an error or and we included a site that shouldn't  
14 be included there for whatever reason. I'm just wondering how does this by-right process  
15 works? Could it override zoning?

16  
17 Ms. Tanner: Are you saying... so maybe... I'm having a little trouble following your question. Let  
18 me repeat what I think you might be asking and you can tell me if I've got it right? So, there are  
19 those 28-sites I believe to mention that are in this 5<sup>th</sup> Cycle that are being carried over. And  
20 those, when they carry over, they would be subject to the by-right provision. That if someone

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1 is... has a code-compliant project that has at least 20 percent I believe, right Tim? 20 percent  
2 affordable on it? Then that is a ministerial, not a discretionary permit for that housing. Are you  
3 saying if one of those 28-sites was mistakenly identified?

4  
5 Commissioner Chang: Yes, so for example, you know we have this quarter mile, half mile from a  
6 train station, but that excludes an R-1 property right now. If we accidentally made a mistake  
7 and put an R-1 property there. Then what... yeah, that's the (interrupted)

8  
9 Ms. Tanner: I think... well, I guess I would say I think there's a question of what to do if we  
10 mistakenly identify a site as a housing opportunity site that's not. I think it would be pretty  
11 small chance that one of those 28-sites would be... those are the only ones that would be the  
12 by-right. Just those 28 (interrupted)

13  
14 Commissioner Chang: I'm not worried about this years. I know that the 28 from last... from the  
15 5<sup>th</sup> Cycle, but so this time we have so many more as we're (interrupted)

16  
17 Ms. Tanner: Oh okay, I see.

18

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1 Commissioner Chang: Right and so then I'm looking at going into the next housing cycle like  
2 when we're planning for the 7<sup>th</sup>. We're going to presumably have a bunch left over from this  
3 time, right?

4  
5 Ms. Tanner: So, I guess... yeah, so then if in the 7<sup>th</sup>... and we're going to 7<sup>th</sup> and we're going to  
6 carry over more and assuming that the by-right provision is still there. Well, I think at that time  
7 if we... if that's the time that we notice the mistake as we're transiting into the next cycle and  
8 we said oh my gosh. We could decide not to carry it over. We could decide now not to carry  
9 over any of these 28. We don't have to carry them over. It's just that if we do carry them over.  
10 They have the by-right as attached to them. Otherwise, we cannot include them as opportunity  
11 sites.

12  
13 Commissioner Chang: Thank you. That makes a lot of sense. Great, okay, that's it for now.  
14 Thanks.

15  
16 Chair Lauing: Commissioner Summa [**note – Vice-Chair Summa**].

17  
18 Vice-Chair Summa: Thank you and I think Staff answered one of my questions I had with  
19 Commissioner Chang's question. But another question I have is I know that the group and

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1 anyone can answer this. The group avoided low-density residential neighborhoods for upzoning  
2 and I'm wondering how that was defined?

3

4 Ms. Campbell: So, the areas that were defined for low-density and I can bring up a better map.

5 Sorry, about that earlier. Is all of the R-1, R-2, RMD and I think that's it. R-2, R-1, RMD. Did I miss  
6 anything, Tim? I think those are the low-density.

7

8 Vice-Chair Summa: Well, there's (interrupted)

9

10 Mr. Wong: Yeah, those are the zones that we were avoiding.

11

12 Vice-Chair Summa: There's also RE but I suspect you didn't think anybody was going to build in  
13 the residential state. Okay, thanks for clarifying that and then kind of to pile onto Commissioner  
14 Chang's question. Given the enormity of the task that the group had to do and was each site  
15 looked at individually to make sure it wasn't next... adjacent to an abutting low-density  
16 residential zone? And to evaluate the impacts or do we just feel our regular Code will take care  
17 of any problems there?

18

19 Ms. Campbell: So, I will say that we definitely have some sites that are in close proximity to  
20 these low zones and I can bring it up on a map that I have readily available. But I think like you

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1 mentioned, the existing provisions that we have in the Code for certain lowered height  
2 limitations and things like that. Those things are in place and they would still be in place for any  
3 development that would move forward on a commercial site that is adjacent to these low-  
4 density zones.

5

6 Vice-Chair Summa: Okay and then (interrupted)

7

8 Mr. Wong: And if I could (interrupted)

9

10 Vice-Chair Summa: Go ahead.

11

12 Mr. Wong: And just to add that the Working Group were assigned various... different strategies  
13 or different areas of the City to ground-truth some of these or do some research on the lists.  
14 And if they felt that some of these sites were not appropriate for whatever reason. They made  
15 a list of “inappropriate” sites and they were vetted and removed if needed.

16

17 Vice-Chair Summa: Do you... was the Working Group able to, with their assignment, to ground  
18 truth, I think was the term you used, the sites. Where they able to divide it up and ground truth  
19 all the sites or most of the sites or?

20

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1 Mr. Wong: I think most of them were ground... some groups were more active than others I will  
2 say but the groups did go through and review the site list. To what degree, I can't speak exactly  
3 but (interrupted)

4

5 Ms. Campbell: And maybe Sheryl or Ed can share your personal experience with your groups  
6 and it will give some background.

7

8 Chair Lauing: We got very competitive in those groups. We're going to be better than you.  
9 We're going to find more sites than you so it was actually a little bit of fun. I think... but I think  
10 even within the group it varied. You know, I wanted to do a visual site view so I walked... I was  
11 in downtown group and we did it mostly individually I think. And then some people potentially  
12 were much more comprehensive because they used site maps like what Ms. Campbell is  
13 showing us right now to look at every single unit. And I don't disagree with what Mr. Wong said  
14 that some groups were more intense than others. So, there was a variance there but I thought  
15 it was pretty well done and Keith [note – Commissioner Reckdah] worked really hard on it too.  
16 We can get his perspective on that.

17

18 Vice-Chair Summa: Okay, thank you.

19

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1 Commissioner Reckdahl: I was just... our group did go through and we would... we walked  
2 through and I think either in person or in Google Maps and Google street view looked at every  
3 property.

4

5 Vice-Chair Summa: Thank you, everyone.

6

7 Ms. Klein: My group did the same. They were pretty vigilant about it.

8

9 Vice-Chair Summa: Okay, thanks.

10

11 Chair Lauing: Keith [note – Commissioner Reckdahl], you're next up.

12

13 Commissioner Reckdahl: I had just one comment about the unit predictions. One thing that I  
14 really wanted to point out is these units predictions are very conservative. The maximum  
15 density right now by zoning is 40-units per acre and we used that for a lot of sites that are  
16 maybe potentially much more dense than that. PHZ is looking at sites that have much more  
17 than 40, but we felt that Council's decision. We didn't want to start telling Council we can do  
18 70-units per acre for these sites. We thought 40 was more conservative and that conservatism  
19 makes the Housing Element much more creditable. So, that's really important and these limits  
20 don't in any way limit how many units can be put there. This is an accounting aspect and we're

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1 saying we think we can do 40-units per acre for so many acres. It could... there's upside, there's  
2 [unintelligible] upside. We're not limiting it, we're just saying this is our best guess right now  
3 but it could be higher so thank you.

4  
5 Chair Lauing: Which also means that in summary is Council could decide to scale down because  
6 well, I think this is too many for this cycle to go into it from 1,000 new units over eight because  
7 we don't have the infrastructure. So, there's room to do that without compromising the whole  
8 objective of getting to the 6,086. Let's see, Commissioner Summa your hands up again.

9  
10 Vice-Chair Summa: I had one more quick question, so when we're thinking about these 6,800  
11 sites that we obviously each one of us can't go look at all of them and evaluate it and knowing  
12 the Working Group did so much work. So, is it fair to say that this identifying the sites does not  
13 give any entitlement to the sites? That the entitlement will come after we do the work on  
14 policies and upzoning. Is that fair to say?

15  
16 Mr. Wong: That is fair to say. We're just providing them the base zoning to accommodate that  
17 yield that we projected but it... there are no entitlements to that. It's just giving them that  
18 foundation if you will.

19

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1 Vice-Chair Summa: But so there could be... because it's kind of a little bit chicken in the egg or  
2 cart before the horse for me because identifying the sites without knowing exactly the  
3 upzoning might be a little bit tricky. So, I don't know if that's a question or I guess it's not really  
4 but.

5

6 Ms. Campbell: I think we could respond to that. Tim (interrupted)

7

8 Vice-Chair Summa: Okay.

9

10 Ms. Campbell: Speak to the 80 capacity and how that meets HCD's requirements. Realistic  
11 capacity so I think there's a logic and formula that we use that's consistent with the  
12 requirements. And with that formula in place, that's how we come up with these numbers, but  
13 certainly, there's no guarantee that the units will be built according to our projections. It could  
14 be less, it could be more, but we're basing it on this... these required analysis that we have from  
15 HCD in that direction.

16

17 Vice-Chair Summa: Sure, but I guess what I was trying to get at is that during our discussion of  
18 upzoning and policies that would affect the whole plan. If we have... we're just not comfortable  
19 with some of that, we can express it then and maybe make recommendations to not include  
20 some sites or? I mean there's a lot of leeway still because we've identified the potential sites

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1 first but the entitlement for those sites will come after we all agree on the upzoning policies. Is  
2 that right?

3

4 Ms. Campbell: Yes.

5

6 Mr. Wong: That is correct.

7

8 Vice-Chair Summa: Okay, thank you. Commissioner Chang.

9

10 Commissioner Chang: A question that I forgot to ask before. Are any of the sites within 500-feet  
11 of freeway? I guess I'm thinking particularly the 101... right like along 101. I ask because of air  
12 quality. I know that we're not supposed... the California Air Resources Board or something has  
13 said you don't want to ideally build housing in the middle... really close to it. So, I didn't... I was  
14 wondering if the Housing Element group looked at that at all? You're muted.

15

16 Ms. Campbell: You're on mute.

17

18 Mr. Wong: I'm sorry, apologizes for that. No, we did not get that detailed in doing  
19 environmental reviews or those type of more project-related reviews. This was again, more

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1 going back to a capacity. Where can we find the capacity or the sites to accommodate the units,  
2 but those considerations would definitely be done at the project level.

3

4 Ms. Campbell: And I don't know if this map is helpful (interrupted)

5

6 Commissioner Chang: [unintelligible]

7

8 Ms. Campbell: But it just shows you some of these sites that are close to 101, that are closer to  
9 San Antonio.

10

11 Ms. Tanner: Yeah, there's like (interrupted).

12

13 Commissioner Chang: Does that (interrupted)

14

15 Ms. Tanner: A bulk of... some sites there and then the bulk that are on kind of the El Camino  
16 corridor probably are the two poles if you will.

17

18 Commissioner Chang: Does that... if something on a... so I know that you're saying that the  
19 evaluation would be done on a project level but if the site is so close to the freeway such that it

- 
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1 would be within 500-feet. Does that mean that we can't count it towards our [unintelligible]...  
2 you know that HCD would be upset with us?

3

4 Mr. Wong: If... I understand... is this may be coming more from an environmental justice  
5 perspective in terms of air quality and sitting residences?

6

7 Commissioner Chang: Yeah, that's exactly my concern. My concern is that if we're building  
8 housing for people. We want to make sure that it's good housing, right? I mean and if there's a  
9 recommendation out there by whichever state body it is that we're not supposed to build  
10 within 500-feet. Does it mean that residences within 500-feet of a freeway, does it mean that...  
11 I just wanted to see? Is that a conflict in any way?

12

13 Ms. Tanner: Yeah, I think so and it's not a conflict for the regulatory approval of it. But I think  
14 part of what Mr. Wong is suggesting is that one of the conditions that can be applied for  
15 whether it's housing or other sensitive uses that might be within that 500-foot. Is certain I guess  
16 amenities or mitigation measures in the building itself to help to improve the indoor air quality  
17 of the building. And so, you have different filtration and/or type of measures that are at... that  
18 the project has to comply with because it's so close to the freeway. That a building further away  
19 wouldn't have to have.

20

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1 Mr. Wong: And I could just add, I think from the HCD perspective this might be a gross... just an  
2 exacerbated example but they want to make sure that we're not placing all the "affordable  
3 housing" near the dump for example. That the housing is distributed evenly throughout the City  
4 instead of one segregated area and in that regards, in talking to our consultants. We do meet  
5 the HCD standards in that housing is throughout the City and it helps that all of the City is one  
6 high-resource City. So, everyone has equal accessibility from their housing the way it has been  
7 identified.

8

9 Chair Lauing: Commissioner Templeton.

10

11 Commissioner Templeton: Thank you. I was wondering if maybe starting with Mr. Wong and  
12 possibly the Commissioners who were in the discussion can go into more detail about how the  
13 publicly owned lots didn't get included because there was a disagreement about how to use  
14 them. I just want to make sure I understand that because it's very tempting to say well let's just  
15 throw them back in but it sounds like there was some nuance there.

16

17 Chair Lauing: Yeah, I think we could do that in the discussion when we get to that which is going  
18 to be next after we get to public comment.

19

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1 Commissioner Templeton: Oh okay, I thought it was already brought up in the Staff report so I  
2 was asking as a question. Thank you.

3

4 Chair Lauing: Yeah, okay.

5

6 Commissioner Templeton: Maybe Mr. Wong could answer it and then the Commissioners can  
7 add it then to the discussion.

8

9 Chair Lauing: Go ahead, Mr. Wong.

10

11 Mr. Wong: Sure, part of the deliberations was there... was members were concerned that if the  
12 parking lots get replaced with housing. Those parking lot spaces would be lost and that  
13 downtown area they considered was already maybe short on parking and therefore converting  
14 them into housing (interrupted)

15

16 Commissioner Templeton: Oh, Mr. Wong?

17

18 Mr. Wong: Would exacerbate that.

19

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1 Commissioner Templeton: I'm sorry to interrupt. I specifically was talking... I thought you said  
2 that people on both sides wanted to be housing. They were different on whether it was  
3 affordable housing versus other housing.

4

5 Chair Lauing: Right.

6

7 Mr. Wong: That was part of it also in which they were saying a group wanted 100 percent  
8 affordable housing for these parking lots and there was another group that said any type of  
9 housing was suitable. So, there was some disagreement about that also.

10

11 Commissioner Templeton: Oh okay, so it's more nuanced. Okay well, I'm looking forward to  
12 hearing more from the Commissioners when it's appropriate. Thank you.

13

14 Commissioner Lauing: Anymore questions? If not, I'd like to go to public comment and take  
15 speakers on this issue. And we have a few so Ms. Klicheva, you can (interrupted)

16

17 Madina Klicheva, Administrative Assistant: Yes.

18

19 Chair Lauing: Yes, there we go.

20

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1 Ms. Klicheva: Sorry, I muted myself. So, our first speaker is Steve. Steve, you can unmute  
2 yourself and share your comments with us.

3

4 Steven Levy: Okay, can you hear me, Ed?

5

6 Ms. Klicheva: Yes.

7

8 Mr. Levy: I'm speaking... my name is Steven Levy and I'm speaking as a resident but also as a  
9 manager of a grant from the Silicon Valley Community Foundation to inform and help engage  
10 people in the Housing Element update process. And in both of those veins I've been following  
11 the Working Group meetings and the proposals they brought forth.

12

13 I'll have some comments at the end with regard to the sites but I want to start by what I've  
14 learned and heard from Tim. The first point is that these are potential sites. They could hold the  
15 number of units if a non-profit or a market-rate developer brought a proposal forth. But I'm  
16 pretty sure that that is extremely unlikely that the sites that you have now. I'm not an expert,  
17 I'll give you a couple of ideas and some suggestions for how you can find it out.

18

19 The first point, and you should know that the Working Group has now moved to the state-  
20 required analysis of constraints and solutions. HCD requires that you show them that someone

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1 would actually build on those sites at the zoning or that you adopt programs to change it. The  
2 first point, if you looked at Tim's first chart is that we and all other Cities in the Bay Area failed  
3 to meet the RHNA requirements that are now double. If you look at his chart, we're asked to do  
4 four times as many moderate-income units and double the number of low and very-low-income  
5 units. Clearly, we all need to adopt a whole series of new programs.

6  
7 The second thing is that HCD may consider 40-units an acre to be a conservative idea, but the  
8 City Council has recognized and Tim provided the Working Group with a list. We're doing 80-  
9 units, 100-units, Wilton Court, Sheryl can correct me, I think was over 100. Leghorn and San  
10 Antonio was over 100. I think the teacher housing project is over 80. The proposal on 525  
11 Charleston I think is well over 80. The proposal for University and Middlefield is over 80. The  
12 one at Page Mill and VTA is above 30, 40, or 50 and most of them have special zones. So, the  
13 idea that someone is going to come forward at 30-, 40-, or 50-units and make a proposal  
14 stretches my imagination.

15  
16 Now, it is true as the Council... as the PTC Members talked that you can adopt programs and  
17 invite higher proposals. So, I have three suggestions. Follow the Housing Working Element  
18 Working Group lead and talk to non-profit and for-profit developers. Talk to local architects and  
19 particularly with the RND sites. Talk to people who know where whether there are  
20 environmental constraints. Don't rely on them, you want to have them before you so you can

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1 question them. Second, it's going to come in April, but you want to get ahead of the idea that  
2 really substantial new programs and policies are going to be needed. And third, I learned this  
3 from Sheryl that the Urban Land Institute can do a feasibility study and I recommend that you  
4 ask Council to support one or two of them. With regard... so that you learn whether and what  
5 you need to do to make these potential sites real.

6  
7 With those sites and the problems, I would add two things. I would add back the Stanford  
8 proposal at the Transit Center at the full density as some of the Commissioners have suggested.  
9 And I would add back the parking lots, the surface parking lots that were evenly divided. That  
10 will give you an additional buffer and, in both cases, those are actual things that you can do and  
11 have been proposed. Thank you.

12  
13 Ms. Klicheva: Thank you. Our next speaker is Kelsey Banes.

14  
15 Kelsey Banes: Hi, good evening. My name is Kelsey Banes. I am no longer a resident of Palo Alto.  
16 I moved to Mountain View and part of that decision was just sort of the gradual recognition  
17 that I don't have a future in Palo Alto. And this really comes after 4-years of watching the  
18 process, seeing things get worse and it was underscored by this past year's housing production.  
19 Which included I think apartment production that I can count on my hands and it also included  
20 how this Housing Element is going which feels largely like a paper exercise. Not a planning

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1 process to actually produce over 6,000 homes that human beings can live in within the next  
2 decade.

3

4 So, even though I don't live in Palo Alto anymore I will still be watching this process as member  
5 of the Campaign for Fair Housing Elements. And I think a part of this process that is lacking in  
6 the site selection is the fair Housing Element and Affirmatively Furthering Fair Housing. We  
7 concentrated a lot of housing in lower-resourced neighborhoods far away from transit and  
8 doing much less in the very high resourced, high access to transit neighborhoods downtown.

9

10 And I was a bit confused by Tim's comment that the FMA sites are at maximum density because  
11 a lot of those FMA sites if you take a look at them are right downtown like all the SOFA sites.  
12 Look at 190 Channing for example, you could only build four homes there and that's walking  
13 distance to the Whole Foods, walking distance to Caltrain, it's right downtown, it's a great  
14 location and sites like that we should be zoning for much higher density.

15

16 And so, a couple other comments, so the buffer, I'm alarmed to hear that we're sticking with a  
17 10 percent buffer given that the HCD guidance is 15 to 30 percent. So, we're already choosing a  
18 lower buffer and we don't have a ton more units. It's only like 100 something more and to  
19 discard them I think is strange given the guidance from HCD.

20

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1 I would also really encourage Staff to fix the pipeline sites that are being double-counted from  
2 the 5<sup>th</sup> site. If you look at 2755 El Camino Real, that's Alta Locale, it's leasing up now. So, it  
3 doesn't make sense to count it towards our next cycle production as that would suggest that it  
4 will be producing the housing that's leasing up now 2-years from now. So, it just doesn't make  
5 sense the way that we're counting some of the pipeline sites. So, I would encourage you to take  
6 out any pipeline sites that have already been issued Building Permits.

7

8 My final kind of group of comments is that we really haven't grappled at all with the likelihood  
9 of development issues. So, a lot of sites right now are... they're commercial sites currently and  
10 we need to think about how likely it is that those commercial sites are going to remain  
11 commercial. Given the differential price per square footage of housing versus commercial. A lot  
12 of people will just keep those sites commercial and that's even if we rezone them for much  
13 higher density.

14

15 We also need to think about the non-vacant sites. We have a lot of housing on non-vacant sites  
16 so we need to be providing evidence that the current use of those sites will be discontinued  
17 within the planning period. So, if there are multiple leaseholders with long-term leases. Those  
18 are not good sites and I haven't seen that analysis being done.

19

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1 And so overall, I think that Chair Lauing described it as a capacity analysis and I agree that's  
2 what this task is and right now we have drastically insufficient capacity to actually produce this  
3 housing.

4  
5 And I actually have one more comment just about the public outreach. So, we know that a lot  
6 of housing advocacy groups and members of housing advocacy groups were excluded from the  
7 Working Group. And that was done purposefully and I was expecting other forms of outreach  
8 other than the Working Group and it doesn't seem like that's happening. So, is there going to  
9 be targeted outreach to different types of groups that are more impacted by the housing crisis  
10 and when is that going to happen? Sorry for running over. Thank you for listening.

11

12 Ms. Klicheva: Thank you. Our next speaker is Scott O'Neil.

13

14 Scott O'Neil: Hi, thank you. My name is Scott O'Neil. I'm a Palo Alto resident. I've been  
15 following the Working Group's work closely. I wanted to strongly support expanding City  
16 parking lots. I'm not sure this needs my support though. The City Council seems quite firmly  
17 behind it.

18

19 My observation is that opposition of the Working Group was in some cases motivated by an  
20 urge to preserve parking. That the City would probably preserve either case whether these

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1 housing would be added to the parking and perhaps even more parking would be added. So,  
2 some of the opposition seemed counterfactual... counterfactually motivated.

3

4 I agree with Ms. Klein that the Transit Center is absolutely begging for more density.

5

6 My biggest concern with what's going on so far is that the vast majority of this inventory, the  
7 probability of the development just seems very low to me as it's been noted. Speaking very  
8 broad strokes, a lot of what looks like is going on in this inventory is that for the strategies that  
9 are doing a lot of the work to produce units in it. Is that the City is taking an existing zoning  
10 designation that isn't producing new housing but has an older building on it. And for residential,  
11 the City mostly seems to be bumping such a parcel up by exactly one category which you can't  
12 do half a category. So, it's like the minimum they could be doing and for office and industrial  
13 properties. The City is taking older buildings and adding a less profitable new allowed use. In  
14 both those cases, the inventory is coming in very close to the our RHNA minimum quota which  
15 implies a probability of development for all those lots that is very nearly 100 percent. And given  
16 development, it's implying a probability of developing to very nearly 100 percent of zoned  
17 capacity. And given if that happens, very nearly to 100 percent residential even where other  
18 uses might be allowed.

19

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1 I do not believe an objective and dispassionate look at the economics of developing housing in  
2 the City of Palo Alto can support such a rosy outlook. Especially given our history and  
3 reinforcing this is one thing I noticed during the process is that for certain properties where  
4 there were owner presentations specific for the parcel. Arguing for the need for higher heights  
5 or higher densities or lower parking. The group tended to reject parking but they seemed to be  
6 receptive to adding height to many of these parcels which was a sort of concession in light of  
7 the argument that you needed something different to actually get parking produced in Palo  
8 Alto. And I think for the inventory in some places reflects this feedback but it only reflects that  
9 feedback for those units. Right, for those specific lots, but why would that not be true  
10 everywhere in Palo Alto, right? It feels like the City is sort of learning that or at least the  
11 Working Group sort of learned that you need to do more than has been done in most of the  
12 inventory and then they didn't do it for most of the inventory. And now the City is on a track to  
13 take this inventory that is on a course that does not actually develop much housing and send  
14 that to HCD with probabilities implied up 100 percent. And I don't think that's realistic and I  
15 hope the City changes course on that. Thank you very much. I really appreciate you taking the  
16 time and all the work the Commission does. Thank you.

17

18 Chair Lauing: Thanks to public speakers.

19

20 Ms. Klicheva: Chair Lauing, that concludes our comments for this section item.

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Chair Lauing: Thank you. Oh, I was just going to call on you Commissioner Templeton. Sorry. You're on mute.

Commissioner Templeton: Sure, it's just the continuation of the previous question. I would love to explore a little bit more if the reason that housing on current City-owned parking lots was not included was because of some nuance about the type of housing or if it really was about parking. It would be great to get clarity on that.

Chair Lauing: So, the game plan that we're going to follow is to have Tim put up each of those strategies and then we're just going to go through them one by one. I'm happy to start with that one (interrupted)

Commissioner Templeton: Sure, however you want to do it Chair, thank you.

Chair Lauing: [unintelligible] on the table and just get discussion on those. So, Tim if you could put those two slides, summary slides back up on all the strategies.

Ms. Campbell: So, for parking, I can go to the individual slide if we're going to start with that.

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1 Mr. Wong: Clare, that's a pocket slide.

2

3 Ms. Campbell: Oh, sorry.

4

5 Chair Lauing: Yeah, we want the ones with the red changes.

6

7 Mr. Wong: Yeah, there you go.

8

9 Chair Lauing: That one.

10

11 Ms. Campbell: Sorry.

12

13 Chair Lauing: So, this is what we're going to do but let's start with the parking lot one which I

14 think is on your second slide.

15

16 Ms. Campbell: I think it's... we have a separate slide for that one right Tim because we took it

17 off?

18

19 Chair Lauing: Oh, that's right.

20

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1 Mr. Wong: Yeah, we took it off the inventory table (interrupted)

2

3 Chair Lauing: That's right, sorry.

4

5 Mr. Wong: But we do have a strategy slide so we can use that.

6

7 Chair Lauing: Great.

8

9 Mr. Wong: There you go, thank you.

10

11 Chair Lauing: Right so anybody who wants to talk about that. Well, I guess you asked the  
12 question, Commissioner Templeton.

13

14 Commissioner Templeton: Yeah, let me just frame why I'm asking the question. The reason I'm  
15 asking is in all of the conversations I had over the years about affordable housing. It's often the  
16 cost of land acquisition is the biggest hurdle. If we have identified land that the City owns, this  
17 might be a really good opportunity to get affordable housing in Palo Alto because the land is  
18 available.

19

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1 Chair Lauing: Commissioner Reckdahl, you were active in this discussion. Maybe you could talk  
2 about all the issues. You know, the percentage of affordable versus not, whether or not HCD  
3 cares about affordable, perceptions that parking was going to go away. There were quite a  
4 number of things so that's the right question. Go ahead.

5  
6 Commissioner Reckdahl: I mean in general there was good support for this in the Working  
7 Group. The final vote was near 50/50 and like one thing you mentioned Carri [note –  
8 Commissioner Templeton] is that the land is already owned by the City. But also, the City  
9 controls it and so from a paperwork standpoint or a motivation standpoint. You don't have to  
10 convince a private landowner to do it so there's a lot of advantages just doing it.

11  
12 Some of the concerns that people had were number one, they don't want to lose parking  
13 downtown. They were worried about not being able to find parking downtown. They also were  
14 worried that even if you had the parking, you've now changed the surface parking lot. You get  
15 out of your car and bang you're right at the store and people were concerned about will this  
16 complicate shopping and will that hurt the downtown retail.

17  
18 But the other thing is that since... to go back about the fact that the City controls it. Since the  
19 City controls it they can do 100 percent affordable. They make the rules or they can make it 80  
20 percent or whatever thing is appropriate. You don't have to pin someone else and sometimes

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1 for affordable housing, it's both a monthly issue and also a structure of the planning process.  
2 And so, there's a lot of advantages to doing it but the biggest thing was just the complications  
3 of the parking.

4

5 Chair Lauing: And the City can actually make money on the lease. Not a lot maybe but it can be  
6 a revenue generator.

7

8 Commissioner Reckdahl: Oh, one also point of contention was that they didn't want a private  
9 company coming in and using City land and making a profit on that. You know, a for-profit  
10 entity doing this. They just didn't like the optics of publicly owned land being used for private  
11 purposes. They had no problems if a non-profit wanted to run it or if the City-owned it and  
12 hired a management consultant or management team to do it. But they did not want us to  
13 lease out to a private company for many years and let them make profits out of it. They didn't  
14 like that piece of that.

15

16 Commissioner Templeton: May I follow up on that?

17

18 Chair Lauing: Yeah, absolutely.

19

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1 Commissioner Templeton: And you know, Commissioners it doesn't have to go to you. I'm  
2 interested in your perspectives but I'm careful to direct my question at Staff but please chime in  
3 whenever you want to because it's really interesting to hear your perspectives. So, if I... maybe I  
4 misunderstood Mr. Wong's presentation but when he presented this slide I thought he said  
5 that he didn't mention parking at all. And he said there was some disagreement about what  
6 kind of housing to build, but that everyone agreed on housing should be there and then it  
7 wasn't included because of disagreements about the type of housing. Mr. Wong, did I  
8 misunderstand?

9

10 Ms. Campbell: I thought Sheryl that might have said that Tim.

11

12 Mr. Wong: Yeah.

13

14 Ms. Klein: Yeah, I think I did say it, but part of the group really wanted to put the condition that  
15 it would only be included if it was for 100 percent affordable housing, but that wasn't part of  
16 the exercise. The exercise was just to include it into the site selection and one thing that  
17 Commissioner Reckdahl alluded to. The City can dictate the rules by which they would do a  
18 ground lease for the site. So, if the community is concerned about parking, the City can make  
19 that a condition as to whoever they lease out the property to. And somehow that just didn't...  
20 that message didn't get across that people were satisfied with that. They were really concerned

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1 that the City would... they didn't want the City to give away this benefit to a private developer.  
2 And that was... to me that was sort to the angst of the group and why we could never vote for it  
3 because this one... a faction of the group wanted to limit it to 100 percent affordable housing  
4 but that wasn't the exercise. Does that sort of example (interrupted)

5

6 Commissioner Templeton: Thank you for clarifying and helping me track down where this  
7 thought came into my head from so I appreciate that. Yes, so it's not included because there  
8 was mistrust of how the City would manage this property.

9

10 Ms. Klein: I don't think mistrust is the word. I think that they just weren't familiar with the  
11 process. There's a lot of cities locally that have been doing ground leases for affordable housing  
12 or for housing on their parking lots and but the City of Palo Alto has not done that. So, I think  
13 it's a new concept for people. There were two Commissioners from ARB who actually came to  
14 the Working Group and had a presentation as to what the parking lot across the street from the  
15 Hamilton Post Office would look like. And how many units you could yield if you did build  
16 housing there and you kept all the parking.

17

18 Commissioner Templeton: Okay.

19

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1 Mr. Wong: If I could just add, I think one of the hesitancies were there were no guarantees in  
2 what could be used on the parking lots. So, to be (interrupted)

3

4 Commissioner Templeton: Other... but... and so that's different because it's City-owned versus  
5 other properties that they were willing to include might... were not City-owned. So, we didn't  
6 have to worry about those guarantees in that situation. Is that?

7

8 Ms. Campbell: I think it was definitely a concern that City land... like something that was  
9 supposed to be for the public benefit was being utilized for something in particular and they  
10 didn't feel confident or assured that it would turn out the way that they wanted too. And I will  
11 just emphasize that it was a split vote. So, it was a 7... I think it was 7-7 vote for this particular  
12 item that we're seeing here on the slide. So, we definitely has some very strong views for this  
13 particular (interrupted)

14

15 Chair Lauing: But I think Commissioner Reckdahl said it right that there were... of the folks that  
16 were opposed to it. They were opposed to it for different reasons and (interrupted)

17

18 Commissioner Templeton: I see.

19

20 Chair Lauing: I think he summarized it really, really well.

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Commissioner Templeton: Well, I have other questions but I want to rotate around. So, let me just close out on this and I think come back for my other questions later. So, I would say this one is the one I'm the most excited about. Having seen the parking garage go up on California Avenue and all its housing potential being devoted to vehicles is certainly a heartbreak of my experience here and it would be nice to have both. It would be nice to have parking and to be able to have housing as well. And I've seen that in Palo Alto, I've been it in other cities, this is definitely doable. So, I would love to see any proposal to adopt the recommendation from the Housing Working Group. Include that we might add reconsidering using the City-owned parking lot strategy number five.

Chair Lauing: Yeah, we can deal with that if we'd like to (interrupted)

Commissioner Templeton: Thanks.

Chair Lauing: In the motion with amendments easily enough.

Commissioner Templeton: Yes, perfect. That'd be great, thank you.

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1 Chair Lauing: I just wanted to add one quick thing. I think at least one person said that because  
2 we might... the City might need it for something else someday. We shouldn't put housing on  
3 there. So, that was just yet another reason why there were a bunch of folks that said we really  
4 shouldn't do this right now. Commissioner Chang was next.

5

6 Commissioner Chang: Thank you. I just had an adjacent question to exactly what Commissioner  
7 Templeton was asking and we... so I heard from I can't remember which member of Staff right  
8 now. That it's just not part of the process to earmark I guess some of the properties, but I think  
9 that's what I'm struggling with which is that I can say yes. I am all on board with including City-  
10 owned parking lots on the list but I am part of... I'm like some of those Housing Element  
11 Working Group members who want to insist that it would be 100 percent affordable housing on  
12 it then. And so how does such a... it's like a conditional approval is what I... and so I'm struggling  
13 with how to address that concern and where that fits into the process.

14

15 Chair Lauing: We could just put that into a recommendation to Council. They still have to decide  
16 on all of these things. So, we could vote whatever the vote is and the recommendation this sort  
17 of back in the list of things to do but our recommendation is that it be affordable housing. And  
18 then they have to work out the next steps and details.

19

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1 Commissioner Chang: Got it, okay because I have many similar comments for all the other  
2 categories. I mean it might be not about affordable housing specifically but it's kind of a  
3 conditional approval. Alright, thank you.

4  
5 Ms. Tanner: I just want to offer to Commissioner Chang, especially because we have at least  
6 even with the sites that we have identified assuming that the PTC and the Council approve  
7 them. We have more sites than we need, even above our buffer and so if the parking lots  
8 became part it. We could look at different types of zoning or programs to ensure that would  
9 become be affordable. And then, of course, the City ownership is the ultimate say because  
10 nobody can just come and build something there. It would have to be a proposal that the City  
11 would be completely behind and so that would be the biggest control to make sure that it's  
12 only affordable.

13  
14 Chair Lauing: Was that all Commissioner Chang on this right now? Yeah, Commissioner  
15 Hechtman.

16  
17 Commissioner Hechtman: I have a couple of procedural question for you, Chair Lauing. Are we  
18 going to vote on individual categories or are you envisioning a series of individual discussions  
19 and an effort to vote on one comprehensive package?

20

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1 Chair Lauing: It's sort of the combination as I tried to turn it upfront. I'd like to go through all  
2 these once so that we know everything that's here. So, we know where the things are moving  
3 around. We can do a little bit more here, a little bit less there and then look at the Staff report  
4 and there's, whatever the number is 12. We could say we move the Staff except we want to  
5 amend two, six and seven in such and such way and we vote on that individually before we vote  
6 for the whole package.

7

8 Commissioner Hechtman: Okay and then the other question I had is I've got some question that  
9 aren't about any of these categories. For example, one of our speakers mentioned that HCD  
10 was recommending 15 to 20 percent buffer and when can I ask questions like that? Because  
11 that's not really about necessarily parking or RM sites or anything? It's more general.

12

13 Chair Lauing: Okay so additional general questions to Staff?

14

15 Commissioner Hechtman: Yeah.

16

17 Chair Lauing: You know I think if you just work it into your next turn if you're talking about City  
18 parking lots and say you have a general question. Just put it on the table.

19

20 Commissioner Hechtman: Okay, alright, well then let me just speak to (interrupted)

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Chair Lauing: Sure.

Commissioner Hechtman: Well, let me first speak to the parking lot issue and I'll ask a couple of these general questions. So, I'm mindful that our City Council is... has specifically expressed interest in these City-owned parking lots as a source of potential additional housing. And I think last fall and I don't remember if it was a study session but we had actually an inquiry or presentation about one of these. To me, this is kind of low-hanging fruit for some of the reasons that Commissioner Templeton mentioned and I know that our City Council is very aware of parking issues in downtown. And I have confidence that they're not going to trade parking for housing. That they're going to find a way to have a project that provides parking and provide housing. So, I'm supportive of putting this back on the list, in addition to the other items.

And incidentally, I should have prefaced all of this with saying as an overall comment. I think what the Housing Committee did is a marvel. I said it last time when we were talking about this informally. I would not have believed that they could have legitimately come up with and present Commissioners who participated are included. It was... it's an extraordinary piece of work and I'm really proud that our City got it to this point. So, I want to thank you everybody that participated to getting it to us in this condition.

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1

2 So, I did have this general question that I would like to hear from Staff about whether... I know  
3 we're using a 10 percent buffer. We heard from a speaker that HCD guidance is 15 percent... 15  
4 to 20 percent and if it's guidance then it's not a requirement. But I'd like to hear from Staff if in  
5 fact there is a guidance of 15 to 20 percent and if so, why do we decide that 10 percent is the  
6 right figure for Palo Alto?

7

8 Mr. Wong: I can address that question. So, number one, the 10 percent... it is guidance, so the  
9 percent buffer is City discretion. And one of the reason is we us the 10 percent because that  
10 was what was employed with the current... the 5<sup>th</sup> Cycle Housing Element. We do have a 10  
11 percent buffer for the 5<sup>th</sup> Cycle Element and part of it is also understand that some of these  
12 carry over requirements. We wanted to limit the City... the exposure on these sites also. That's  
13 why we created the reserve list. We didn't want to just have an exhaustive list of sites because  
14 of that potential by-right and who knows what the State will do for the next Housing Element.  
15 So, that's another reason and we have discussed this with our consultant and they also seemed  
16 comfortable. We did ask them about the 15 to 30 but for Palo Alto, they said they're  
17 comfortable with a 10 percent buffer. So, that's why we chose that percentage.

18

19 Ms. Campbell: Can I just add? Tim, can you just explain or remind everyone or remind everyone  
20 about our reserve list because I think we do have this whole backup list of many sites that we

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1 have and that's available. And I think these sites, like the 150 that we have that were "extra",  
2 they're not just going to disappear. We do have a reserve list that we're maintaining that we  
3 can look to for sites if it were needed. And maybe I just said of all that and you don't need to  
4 say anything but we do have a reserve list that we have backup sites that have been vetted and  
5 gone through the process by the Working Group. But we just put those aside because the ones  
6 that you're seeing as the primary list are the best suitable sites that we have found.

7

8 Mr. Wong: That is correct. Just to add on to that, thank you, Clare. The reserve list includes over  
9 2,000 additional units but these sites that would yield the 2,000 unit, yeah, they're not as HCD  
10 defensible if you will like Clare said. The sites before you for your consideration are stronger  
11 candidates for inclusion on the list for a variety of reasons.

12

13 Commissioner Hechtman: Alright, that's helpful and then the sites on the reserve list. Those will  
14 not be rezoned as part of the work we do in early 2023 to get certification, right?

15

16 Mr. Wong: Correct. The... we have the reserve list but it will... it will not be part of the Housing  
17 Element. It's just in our back pocket for future or if needed for whatever reason.

18

19 Commissioner Hechtman: And the other kind of general question I'd like to ask. One of our  
20 speakers referred to encouraged the City to look into a ULI feasibility study or two and so I

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1 wanted to know a little bit more about that. What is that and is that something that Staff is  
2 considered?

3

4 Mr. Wong: I'm familiar with the ULI where they... I don't know the specific details but ULI will  
5 send an architect or a couple planners, a team to look at some particular site throughout the  
6 City. However, there is a charge to that and at current we don't have a budget. It's in the  
7 thousands of dollars and so we haven't budgeted for that and I guess it's something we could  
8 consider. But I guess part of it we have to understand a little bit more about the benefits of the  
9 ULI study and how could that help in the City's housing update process.

10

11 Commissioner Hechtman: So, perhaps this is... is this moving... with our recommendation to  
12 Council, is that where this is going after our recommendation here? That will be carried forward  
13 to Council?

14

15 Mr. Wong: Yeah, that is correct.

16

17 Commissioner Hechtman: So, perhaps whoever the person who recommended that concept of  
18 the feasibility study will interface with Staff or provide more information before the Council. So  
19 that possibility and its costs are clear but that's not information we'll have tonight. But I  
20 appreciate your response to the extent you knew it, Mr. Wong. Thank you, Chair.

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Chair Lauing: Commissioner... Vice-Chair Summa?

Vice-Chair Summa: Thank you. Since we have a full list and reserve list already. I don't think we need to go back and add the parking lot sites. Especially since Council's already asked Staff to pursue that. And I think like anything else, the devil is sort of in the details. I think Commissioner Chang kind of said that in a different way than what conditions would we put on these sites. And when I first saw it, which must have been 2-years ago, the proposal for the parking lot across from the post office. It was far from fully parked. It might have changed and morphed before it got to the Working Group. They were retaining all the parking spots that were currently there but they were not proposing fully parking the units.

So, that might be a consideration and I do have a strong preference for finding affordable units in the City. Truly affordable units and that might be one way to do it as I think Commissioner Templeton mentioned because we don't have to purchase the land. And that being said, I don't think from my knowledge of being on an ad hoc that looked at affordable housing while on the Planning Commission. I don't think it is a fair assumption that people living in affordable housing in let's say the 30 to 80 or even our inclusionary 100 to 100... 80 to 120 I think it is AMI. That they will not need cars. So, then you get into kind of a social justice issue as well because often people who are working at the kind of jobs where they would qualify for subsidized

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1 housing might not have the money to take Ubers. Might not be working in situations where  
2 they get Go Pass from big companies. Might be more challenges there so I think the precise  
3 balance of how we do that is very important but and I know that the Council will think of all of  
4 those things as they pursue that on a separate path. Thanks.

5

6 Chair Lauing: Commissioner Reckdahl.

7

8 Commissioner Reckdahl: I do agree that this low hanging fruit. The Council is going to put it on  
9 so we don't... whether we endorse it or not they will put it on. There was a proposal when we  
10 talked about this, one of the concerns is that if we do this many... how many is it eight? Eight  
11 parking lot sites. That might be a little much for us to bite off. Six, six parking lot sites in the first  
12 8-years. The City doesn't move very slow... doesn't move very fast. It might be more realistic to  
13 do two, learn the lessons from that and see if it works out as well as we think it will. And then  
14 move on, have four for the next housing cycle. That might be a middle ground where you aren't  
15 fully diving in the water. You're kind of wading in.

16

17 Chair Lauing: Okay, more on this issue? Commissioner Templeton.

18

19 Commissioner Templeton: Yes, briefly.

20

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1 Chair Lauing: Go ahead.

2

3 Commissioner Templeton: I think you may have said this Chair but someone remarked earlier  
4 that we don't have to solve how the land is used and what the structure that will be built is. We  
5 just have to say this is a place to look at for housing.

6

7 Chair Lauing: Right.

8

9 Commissioner Templeton: And you know, so any other angst and concern is something that we  
10 need to hold to for those future discussions. But I don't think it needs to stop us from going  
11 forward on identifying affordable housing sites. We know that everybody in this city is strongly  
12 on board with affordable housing and that is our biggest challenge as a community. So,  
13 Commissioner Reckdahl has some good suggestions about the pace at which we might pursue  
14 this. I'm not sure I would hold back identifying those sites. But perhaps how we plan to roll  
15 those out might be paced in such a way that we can learn from the earlier experiences and  
16 improve future developments. But I really strongly encourage everybody to consider adding this  
17 back in. Thank you.

18

19 Chair Lauing: Affordable housing, not that we want a choice, but we don't have a choice. 57  
20 percent is going to be affordable housing in terms of the definition from RHNA. So, we are

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1 going to do it. It is coming up on 10:00 p.m. Our by-laws say we need to check-in at 10:00 p.m.  
2 and see what's happening. I'm going to suggest that this item is not going to finish tonight.  
3 We're on the first pass of the first strategy of 12 and it's important stuff. So, I think we're going  
4 to have to continue this. The question is how long will we carry on tonight? So, I'm happy to  
5 take comments on that at this point or we can wait another 30 – 45 minutes and chat about it  
6 then. If there's no hands no I'll go on for another 30-minutes. Okay, Commissioner Hechtman.

7

8 Commissioner Hechtman: Yeah, there's a lot of meat to chew on here and I don't want this to  
9 go through more than one more hearing. So, I would suggest we go till 11:00 tonight.

10

11 Chair Lauing: Okay, Commissioner Templeton.

12

13 Commissioner Templeton: I always hear Commissioner Chang in the back of my head when this  
14 question comes up. I'm sure she'll chime in on her own but I think we're going to be at our best  
15 going forward in this discussion. It is going to take a lot of energy and we do have a lot to go  
16 over but we need to make sure that we are capable of having that really good discussion. So, I  
17 would say perhaps we wrap it up.

18

19 Chair Lauing: Now are you saying? Just to be clear. I just want to understand.

20

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1 Commissioner Templeton: That is what I'm suggesting, yes.

2

3 Chair Lauing: Okay, just wanted everybody's perspective. Commissioner Roohparvar.

4

5 Commissioner Roohparvar: Yeah, I agree with Commissioner Templeton. I feel like we're not  
6 going to be at our best and there's a lot to take on. We should just do it with a fresh set of eyes.

7 So, I would be in favor of wrapping it up now but we'll see what other Commissioners want to  
8 say and then continuing it to next meeting or whenever people want to do it.

9

10 Chair Lauing: There's room at the next meeting so we can get to this.

11

12 Commissioner Roohparvar: Yeah, I saw that. It was pretty light at the next meeting.

13

14 Chair Lauing: Right. Assistant Director Tanner concurs which is extremely important that she  
15 concur on that so. Any other comments from other Commissioners? Sorry, Commissioner  
16 Reckdahl.

17

18 Commissioner Reckdahl: Is there any time constraint? This is a question for Tim. If we put this  
19 off and don't finish it tonight. What... how does that affect you? This is going to Council but this  
20 is not the final shipment to Council. So, if it's delayed, is that a problem?

- 
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Mr. Wong: if it can go on the 23<sup>rd</sup>, I think it'd make things a little tight but it's still doable.

Ms. Tanner: Maybe just to be a little more specific, Tim you can correct me if I get this date a big wrong. I think we definitely want to get this to Council by April and so if we can finish in March. We should be able to turn that around for them by April and I think there is some availability on their schedule for that. But we certainly would want... I... make sure that we have this first on the agenda on the 23<sup>rd</sup> and continue the other items if we can't get through this for sure on the 23<sup>rd</sup> but I think we made a lot of progress. We just had another item that took a little bit of time in the beginning.

Chair Lauing: Is the current item Assistant Director Tanner on reviewing the Comp Plan and Housing Element progress, the one we're in. Is that crucial to address at all on the 23<sup>rd</sup> or could we presume that we could [unintelligible](interrupted)

Ms. Tanner: There's time sensitivity to that because that also needs to get to Council and that needs to then get to the state by April as well I believe. At the end of April Clare?

Ms. Campbell: [unintelligible](interrupted)

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1 Mr. Wong: April 1<sup>st</sup>.

2

3 Ms. Tanner: Beginning of April so that has some time sensitivity. That is, fortunately, an item  
4 you've already seen and so we are coming back to you with the additional information that you  
5 requested. So, hopefully, that can be somewhat quick and I can check with the Office of  
6 Transportation about their parking update. If that could move to a different date and that  
7 might free up some space there.

8

9 Chair Lauing: Okay that one is not even on the draft... in our current Packet.

10

11 Ms. Tanner: I think they... maybe they... I think they emailed me about wanting to do that. So,  
12 we may then just move them to a different date given the needs. Given two time-sensitive  
13 items and I think theirs is less time-sensitive.

14

15 Ms. Klicheva: Rachael and I also checked with Philip today and he said that they will not be  
16 ready for February 23<sup>rd</sup> with their report.

17

18 Ms. Tanner: Oh, perfect then. Great so they don't even need that date.

19

20 Chair Lauing: Good. Commissioner Chang.

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Commissioner Chang: Thanks. I'm just concerned that if we push... if we stop right now, we're going to have a meeting till midnight next time because this seems like... it just seems like we have a lot of discussion. So, I vote for continuing on a little bit more. Maybe to 11:00 like Commissioner Hechtman has suggested.

Ms. Tanner: One approach to Commissioners we could take is to look at the big list and if there are items that have consensus that you could approve tonight without much discussion. Then you can kind of chomp down some of those and you'll narrow down the list for discussion for the next time.

Chair Lauing: Perfectly happy to do that but we're going to narrow it down with the easy ones anyway. So, the other ones are going to still take as long but we can feel better about it when we get done tonight. So, I tell you what, I think we should sort of split the baby and at this point go to 10:30 and see where we are at that point and I'm perfectly willing to call it at 10:30. Not having an unanimity there so.

Okay, so let's go back to the list here in front of you. The pipeline units, there's not I don't think a lot of debate about that one because it kind of is what it is, but I don't want to speak for other Commissioners. Go ahead if you... if other Commissioners have any comments about that or

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1 we're comfortable saying go for it. Okay, getting a lot of thumbs up. Alright, we're going to go  
2 for that.

3  
4 ADUs has been pretty formulaic. I think the one question that might come up that we'll... I'll just  
5 address in advance. Tim can add to it that we actually do think we're going to beat that in Palo  
6 Alto because the rate is increasing but it's highly visible and highly constrained by HCD. So, this  
7 is the one that the consultant said you just cannot go any higher than that. Except we actually  
8 did already and she said that's it. So, you know, a year from now with more data, it might  
9 change but I don't think that can change. So, I feel like that's kind of a fixed number. Do you  
10 basically agree with that Tim?

11  
12 Mr. Wong: Yes, as the Working Group is meeting tomorrow talking about programs. We... there  
13 are some programs to monitor ADU projections. It's usually if it's below what the average but if  
14 it's I would think on the flip side if it's above that's something that we could also consider. But  
15 for now, this is the HCD methodology and this is our best guesstimate for HCD.

16  
17 Chair Lauing: And MFA, that one was also scrubbed a lot by Staff and subject to walking the  
18 neighborhoods and so on. So, if there's any comments on that or questions. We could take that  
19 one now. None? Okay, we'll go ahead.

20

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1 I'm going to pick another one that I think could be easy and that's the faith-based institutions.  
2 It's only 148. It's intended as just a new way to be creative about finding a few more sites.  
3 Commissioner Summa [note – Vice-Chair Summa].

4  
5 Vice-Chair Summa: Just a question about that. Would we be talking about up-zoning those sites  
6 or just allowing them... how would we be... how would that work? If a faith-based institution  
7 decided they wanted to develop say their parking lot in an R-1 Zone. What... would we upzone  
8 them or?

9  
10 Chair Lauing: Tim go ahead.

11  
12 Mr. Wong: yeah, most churches are in R-1 neighborhoods. I guess there could be a variety of  
13 ways, maybe a faith-based overlay for specific sites. Rather than giving them a higher liker an  
14 RM-40 designation. I think there are many ways to approach it. We just have to see that...  
15 what's the best for Palo Alto.

16  
17 Ms. Campbell: Yeah so when we work out those detail. We'll be bringing back these ordinances  
18 for... you know, we'll probably have some study sessions. And we'll probably be talking through  
19 about potential ways to address how we get these faith-based institutions' sites ready for being  
20 able to take on additional housing units. So, the overlay idea or rezoning but I think these are

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1 things we haven't fully fleshed out at this moment. We're just trying to tackle this idea of  
2 getting the sites accepted and we will figure it out away.

3

4 Vice-Chair Summa: Okay, thanks. This one seems like kind of a stretch to me that... but anyway,  
5 that's not what we're looking for tonight.

6

7 Chair Lauing: It's also a small stretch (interrupted)

8

9 Vice-Chair Summa: Yeah.

10

11 Chair Lauing: On something that's creative. That's how I thought about it in the Working Group.

12

13 Vice-Chair Summa: Okay, thanks.

14

15 Chair Lauing: Commissioner Templeton.

16

17 Commissioner Templeton: Thank you. I agree with Vice-Chair Summa on this one. I'm very  
18 perplexed. I totally applaud the intention but back to our previous discussion. Why was the  
19 concern about loss of parking else ware not also a constraint in this discussion? Do we know?

20

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1 Chair Lauing: This is private parking. The churches own the parking.

2

3 Commissioner Templeton:

4 Commissioner Templeton: Right but does... churches also still function. Right, they're not going  
5 to give up the church, or are they? Are they talking about removing the church use?

6

7 Chair Lauing: No, it's building on the parking lot some affordable housing and things like that.

8

9 Commissioner Templeton: But people still are planning to attend the churches?

10

11 Mr. Wong: And also, if I could just interject, there was recently a new state law that was passed  
12 that allowed faith-based institutions to be able to build on their parking lots without replacing  
13 the parking also. That was ... and I'll be happy to send you a link to the law if you wish to  
14 investigate.

15

16 Commissioner Templeton: No, I'm familiar with this. So, that this is not in addition to that. This  
17 is just acknowledging that that exists. Yeah, they can take advantage in... if they do, they can  
18 take advantage of that particular legislation.

19

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1 Commissioner Templeton: I see, I see so I misunderstood. I thought this was some additional...  
2 as the Chair noted some additional creative way to look at it but it's not. This is already legally  
3 their right?

4  
5 Mr. Wong: When it comes to zoning, I'm not familiar enough with that state legislation but it  
6 does allow them not to replace the parking. But I don't know if they can build for example  
7 multi-family if the church is zoned R-1.

8  
9 Ms. Tanner: I don't believe that that particular bill addressed the zoning of the capacity and so  
10 that would be I think to the earlier question. How would this be realized? We would need a  
11 local ordinance to enable capacity that would be sufficient to have this number of units be  
12 yielded.

13  
14 Commissioner Templeton: So, where does this number come from then?

15  
16 Mr. Wong: The number came from just an estimated density of 40-dwelling units per acre and  
17 (interrupted)

18  
19 Commissioner Templeton: In an R... so with the assumption that that would be (interrupted)

20

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1 Mr. Wong: Upzoned to that 40-dwelling unit per acre at some point which addresses  
2 Commissioner Summa [note – Vice-Chair Summa]. How would that be achieved? We haven't  
3 gotten there but it's with the assumption that we... the faith-based institutes could get 148-  
4 units using the 40-dwelling unit per acres density.

5

6 Commissioner Templeton: Okay, thanks.

7

8 Mr. Wong: Sure.

9

10 Chair Lauing: Commissioner Hechtman.

11

12 Commissioner Hechtman: Yeah briefly, I'm supportive of this. I think that there is an  
13 opportunity here for a win-win. Adding housing and supporting our faith-based institutions  
14 because the economics of this can work out well and encourage faith-based institutions to  
15 actually make this shared use of their property. So, I was happy to see this on the Working  
16 Group's list.

17

18 Chair Lauing: Commissioner Reckdahl.

19

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1 Commissioner Reckdahl: I also am a little skeptical about the 148, whether we can make that  
2 happen, but I think it's worth a chance just because one important thing is this is all affordable.  
3 It's 100 percent affordable on the faith-based institutions and we're so short of those spots that  
4 anything that we can do to encourage affordable housing. That would be a good thing.

5  
6 Chair Lauing: Yeah and the reason, just to clarify, the reason I said it was creative is not because  
7 it had never been done before, but it had never been done before in Palo Alto. So, it's another  
8 new way for Palo Alto to add to its housing units.

9  
10 Commissioner Templeton: Thank you.

11  
12 Chair Lauing: Commissioner Chang.

13  
14 Commissioner Chang: Did I miss something? Like how is it that these are 100 percent  
15 affordable? Is that something that we specified already or did I miss something at some point?

16  
17 Commissioner Reckdahl: During a vote, it was specified that these particular... just for faith-  
18 based institutions would be 100 percent affordable.

19

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1 Commissioner Chang: Ah, okay, so that's part of the Housing Element Working Group's  
2 recommendation?

3

4 Commissioner Reckdahl: Correct.

5

6 Commissioner Chang: Okay, yeah, I would be in support of it too. Thank you.

7

8 Chair Lauing: With no other comments on that, there's one other short one on this page we can  
9 take a look at. That's the number three, transit corridor of 274-units. You recall where those  
10 were on the map? El Camino and a little bit of San Antonio I think Clare?

11

12 Ms. Campbell: Let me just get a map for you and I'll be right there. Hang on.

13

14 Mr. Wong: And I would just like to clarify. I apologize, I may... I said something in error. The  
15 default density for faith-based institutions is 30-dwelling units per acre. That's how we  
16 calculated that dense... that unit yield. Not 40-dwelling units per acre so I apologize for that  
17 mistake.

18

19 Ms. Campbell: So here I am just kind of showing you a little tool that we've got going here but  
20 at the same time I can bring it up. So, we were looking at the (interrupted)

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Chair Lauing: Transit corridor.

Ms. Campbell: Transit... Cal... transit.

Chair Lauing: Oh, wait no, that's not right.

Ms. Campbell: Here it is.

Mr. Wong: Keep on going down. There you go.

Ms. Campbell: Okay, it's these green sites and I'll zoom in a little bit more. This is the most... the majority of them. There's a couple more heading down toward University but the primary location is sort of in this core El Camino section here.

Chair Lauing: I think there might have been a little bit on San Antonio but that's correct. That's the major area so comments on that? Commissioner Roohparvar.

Commissioner Roohparvar: A quick question, is this where we're going to discuss that additional Stanford site, or is that going to be a separate topic?

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Chair Lauing: That's coming up, that's separate.

Commissioner Roohparvar: Okay.

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

Vice-Chair Summa: So, on this map, there's a big green rectangle that looks like two contiguous blocks.

Ms. Campbell: Here?

Vice-Chair Summa: Yeah, I can't tell where that is though.

Chair Lauing: Maybell.

Commissioner Reckdahl: That's the Walgreens there by Maybell and El Camino. There's a Walgreens and then behind the Walgreens, there's an empty parking lot. That's why it's so long.

Ms. Campbell: It's 4170 El Camino.

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Vice-Chair Summa: Okay, the... I don't think there... I think the parking lot belongs to the adjacent building I'm pretty sure there because it's come up before in questions. So, that's where these... it's hard because the general concept is okay but I'm kind of wondering if there what I would call errors as I think Mr. Wong mentioned that the mosque was removed because that was inappropriate. So, that kind of stood out to me so.

Commissioner Reckdahl: The parking lot behind there is used to primarily to park new cars from the dealer's overflow parking. It's not (interrupted)

Vice-Chair Summa: I see.

Commissioner Reckdahl: And I think some of the Walgreens workers also park back there but it's not heavily used. Those might be two ownerships. The two different parcels [unintelligible].

Vice-Chair Summa: Yeah, I've looked at that for some reason. I can't remember why right now. Is that one of the ones you ground truth?

Commissioner Reckdahl: Yeah.

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1 Vice-Chair Summa: Yeah.

2

3 Commissioner Reckdahl: Only I live very close to there so I walk by there regularly.

4

5 Vice-Chair Summa: Okay, yeah.

6

7 Commissioner Reckdahl: If I walk to work I go right by there so.

8

9 Vice-Chair Summa: I guess I would want to look at these specific sights and see how they might  
10 be impacting nearby residential, lower-density residential.

11

12 That's my comment about this and then the faith-based I feel the same about because I mean  
13 depending on the size of the institution. If they give up all their parking, all those cars are going  
14 to come and park on the neighborhood streets. And I believe both churches in my  
15 neighborhood, but I didn't see the University Lutheran at the top in the faith-based map but  
16 maybe I missed it. But I did see that in the list and like that's on a closed street at Stanford  
17 where there isn't any parking at the top of College Terrace. So, I'm not sure how that would  
18 work and it's a small site. So, that one sort of surprised me. So, I think some of these I might like  
19 to look at more carefully and offer some more observations at our next meeting. And faith-  
20 based and transit would be two of those for me.

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Chair Lauing: Commissioner Chang.

Commissioner Chang: Thanks. I echo some of what Commissioner Summa [note – Vice-Chair Summa] has said about looking at the impact on residents nearby. But also, I just have to say that I mean we’re calling El Camino a transit corridor which it would be ideally, but in terms of public transportation. It’s pretty abysmal in terms of how long it takes somebody to get somewhere with public transportation with the transportation that is currently in place right now. And I’m not too worried about because it’s not too many units but these [unintelligible], they will need parking. There’s realistically not a good way to get around so that’s an implementation issue I understand, but it just needs to be said. Thank you.

Chair Lauing: Yeah, there’s some chicken and egg discussion with VTA that if you had more houses, we’d put in more buses so we’ll see.

Ms. Tanner: Can I just note, do others have a hard time hearing Commissioner Chang?

Chair Lauing: Yeah, breaking up sometime.

Ms. Tanner: It was (interrupted)

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Commissioner Roohparvar: I'm not.

Ms. Tanner: We could hear you but it sounded a little muffled at times.

Commissioner Chang: Sorry about that, not sure what's going on but I'll try (interrupted)

Chair Lauing: That's better right there.

Commissioner Chang: This is yell, I'll yell. That's what I need to do.

Chair Lauing: Get your megaphone. Commissioner Summa [note – Vice-Chair Summa] your hand still up on this item. Okay, alright let's go to Caltrain stations, 798 and then we'll see where we are on time check. There we go. So, this is half and quarter-mile radius carving out R-1. Commissioner Reckdahl.

Commissioner Reckdahl: Clare, could you use your tool and show... and zoom in to around Cal Ave and look at that. That might be very insightful.

Ms. Campbell: Okay. Let's see. Does that help a little bit there?

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1

2 Commissioner Reckdahl: Okay, yeah, that's good. One of my concerns was when you have  
3 zoning change. You really don't want it to happen mid-block. You really want the zoning to go  
4 down the middle... zoning boundary to go down the middle of the road and when you draw  
5 circles like this. Circles are curved which means that you're cutting through. If you look at the...  
6 those circles there, they're cutting through the blocks in the middle. And so now if you're one  
7 house gets upzoned and the one next to it doesn't. That can be problematic, but looking at the  
8 sites there. It doesn't look like we have any of those problems here that like over near College  
9 Terrace at all stops there at Yale and so okay. That helps, thank you.

10

11 Mr. Wong: And just, sorry to interrupt, but I would like to do a shameless plug that we have just  
12 launched an interactive mapping tool that you saw Clare working with it. And so, if you scroll  
13 over a site in the interactive mapping tool. It will give you all the basic information you need.  
14 Square footage, zoning, a number of useful information and after this meeting we'll send  
15 everyone a link. So on with your own time, you can explore further. You can do it by strategy,  
16 you can do it by zoning, there's a number of layers you can put on this mapping tool to help you  
17 get better educated about each site. But again, we will send that out to you after this meeting.  
18 Thank you.

19

20 Chair Lauing: Commissioner Hechtman.

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Commissioner Hechtman: Thank you. If you go back to that map for this item. Yeah and zoom into Cal Ave. So, I did want to point that what appears in kind of an orangey color is the low-density residential zone. So, that's the R-1s and R-2s. It looks like it's mostly R-2 in this area, so everything inside those circles that is that orangey color is not on the table right now as I understand it. These numbers that are drawn for the transit area ignore those. None of those are being upzoned. Mr. Wong, I have that right, don't I?

Mr. Wong: Yes, that is correct. It's just those green and magenta reddish. Those are the sites that are proposed for upzoning but nothing else.

Commissioner Hechtman: So, Chair Lauing, I do want to talk about this item more so I'd like to punt this one to next week... next meeting.

Chair Lauing: Okay. Perfectly acceptable. Vice-Chair Summa.

Vice-Chair Summa: I would appreciate a more detailed conversation about this one and also like to point out that in College Terrace which is that long rectangle. RMD is included in the half-mile and the intention of Staff and the Working Group was to not include RMD and P. So, that is included so that might need to be corrected and I think that brings up Commissioner Reckdahl's

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1 point. That a circle doesn't really... it gives us a general idea but it doesn't follow where the  
2 zone changes happen now which are almost always in the middle of streets. So, just a mistake.

3

4 Ms. Campbell: Yeah, those are the most accurate maps that we're working with the consultant.  
5 So, we'll... if we've got the time and resources to have them spend up time with those maps  
6 we'll do it, but we have the online tool now that hopefully can clarify the sites a little bit better  
7 than what you're seeing in the presentation.

8

9 Vice-Chair Summa: Yeah, I wouldn't want this to get memorialized because it's an error. That's  
10 all.

11

12 Chair Lauing: Okay, we're at 10:27 and we got through (interrupted)

13

14 Vice-Chair Summa: Whoops, I wasn't quite (interrupted)

15

16 Chair Lauing: Six.

17

18 Vice-Chair Summa: Finished but I... and I wanted to (interrupted)

19

20 Chair Lauing: [unintelligible]

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Vice-Chair Summa: I wasn't quite finished. I wanted to add that my general concerns about faith-based and transit apply here also but I won't enumerate them again. So, I'm glad we'll discuss this next time.

Chair Lauing: Yeah, this one getting tabled.

Vice-Chair Summa: And are faith-based and transit going forward or getting tabled?

Chair Lauing: Well, we just... we went through it once. We're going to go through it once and then we're going back to get to what kind of motions we want. So, we're not... they're not off the table. They're just for the first pass.

Vice-Chair Summa: I see, okay.

Chair Lauing: We got through that.

Vice-Chair Summa: Thanks.

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1 Chair Lauing: So, unless there's an outcry, I think we should get a motion to move this to a date  
2 certain which is the 20 (interrupted)

3

4 Ms. Campbell: Third.

5

6 Chair Lauing: Third. Commissioner Hechtman.

7

8 MOTION

9

10 Commissioner Hechtman: So, moved. So, moved.

11

12 Chair Lauing: Thank you. Commissioner (interrupted)

13

14 SECOND

15

16 Commissioner Reckdahl: Second.

17

18 Chair Lauing: Reckdahl seconded. If there's any discussion, we can take that. Otherwise, we can  
19 move to a vote.

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1 Ms. Klicheva: Okay.

2

3 VOTE

4

5 Chair Lauing: Okay, please take a vote. Ms. Klicheva?

6

7 Ms. Klicheva: Commissioner Chang?

8

9 Commissioner Chang: Yes.

10

11 Ms. Klicheva: Commissioner Hechtman?

12

13 Commissioner Hechtman: Yes.

14

15 Ms. Klicheva: Chair Lauing?

16

17 Chair Lauing: Yes.

18

19 Ms. Klicheva: Commissioner Reckdahl?

20

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1 Commissioner Reckdahl: Yes.

2

3 Ms. Klicheva: Commissioner Roohparvar?

4

5 Commissioner Roohparvar: Yes.

6

7 Chair Lauing: Vice-Chair Summa?

8

9 Vice-Chair Summa: Yes.

10

11 Ms. Klicheva: Commissioner Templeton?

12

13 Commissioner Templeton: Yes.

14

15 Ms. Klicheva: Motion carries 7-0.

16

17 MOTION PASSED 7(Chang, Hechtman, Lauing, Reckdahl, Roohparvar, Summa, Templeton) -0

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1 Chair Lauing: Thank you and thank you for the excellent discussion on these items. So, we'll  
2 move along to our meeting in two weeks and get through the rest of it. Just a few things to  
3 wrap up here.

4 **Commission Action:** Motion by Hechtman, seconded by Roohparvar. Pass 7-0

5 **Approval of Minutes**

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

7 None.

8 **Committee Items**

9 Chair Lauing: I don't think there were any Committee items that I know about.

10 **Commissioner Questions, Comments or Announcements**

11 Chair Lauing: Questions, comments, announcements? We've talked about future agenda.  
12 Before it was even put in public comment tonight... mentioned in public comment tonight, I was  
13 wondering if Staff could put it on the agenda for us to get an update on Alta Locale. You know  
14 that was on the VTA site and was put in as a pilot program for I believe it was 120 percent  
15 workforce housing and it's... Vice-Chair Summa says no. It is 150?

16

17 Vice-Chair Summa: It was different. I can't remember split right now off the top of my head but  
18 a lot of was up higher... much higher than 120.

19

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1 Chair Lauing: So, basically that was put in place but recommended by the Commission as a test  
2 and we'd like to get some results to that test so far because it's open and leasing. So, could you  
3 put that on your list somewhere Ms. Tanner (interrupted)

4

5 Rachael Tanner, Assistant Director: Certainly.

6

7 Chair Lauing: And see when we can get some feedback on that.

8

9 Ms. Tanner: Yeah.

10

11 Chair Lauing: Okay and then just take 60-seconds here. The schedule now, so we are going to  
12 do the retreat on 3/9. That was mentioned upfront. I guess we're going to keep in evening as  
13 opposed to try to do it during the day and the default at the moment is the room upfront in City  
14 Hall. And I'm mentioned a couple ideas last time that included comments from Vice-Chair  
15 Summa on things to chat about and so if you would also get anything that you would like to  
16 chat about possibly. If you could please send them to Assistant Director Tanner soon because  
17 we need to talk, meaning she, the Vice-Chair and myself, this week to really plan that thing up.  
18 And it's in terms of things that you believe could or should be on our Work Plan initiated by us  
19 as well as any group of process questions or procedural things. So, that's the kind of two  
20 buckets that we don't have to actually do that tonight but I would like you to pretty quickly

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1 send Ms. Tanner a note about that so we can jump on it. Do you want to add anything to that  
2 or? Ms. Tanner? No.

3

4 Ms. Tanner: I think that was a good summary.

5

6 Chair Lauing: Okay great. Commissioner Templeton.

7

8 Commissioner Templeton: Thank you. I guess I missed out on this discussion. So, we're going to  
9 meet in person at night at City Hall?

10

11 Chair Lauing: No, no, in her report Ms. Tanner said that we're going to be meeting in probably a  
12 hybrid situation because two people said that they don't want to come in person. And so, it is  
13 at night in the meeting in the front in the lobby there. That's the working assumption for right  
14 now.

15

16 Commissioner Templeton: So, some people will be meeting in lobby and some people will be on  
17 video call?

18

19 Ms. Tanner: So, this a... what I was sharing, in the beginning, was that we anticipate that  
20 Council will give Boards and Commission the opportunity to begin meeting in person starting in

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1 March. So, this is our regularly scheduled March meeting would be our retreat and that  
2 meeting, but also the meetings going forward until otherwise directed, would be in-person  
3 meetings with an opportunity for both members of the public and anticipate Commission  
4 members as well being able to meet remotely if they choose. That last piece does pend Council  
5 direction on that.

6

7 Commissioner Templeton: Thank you. Yes, I didn't... I held my comments until this part of the  
8 meeting after what you spoke earlier, but I'm confused because if it's our regular meeting time.  
9 Why are we meeting in the little room?

10

11 Ms. Tanner: Well I think that... go ahead.

12

13 Chair Lauing: As opposed to where?

14

15 Commissioner Templeton: Where we usually meet.

16

17 Chair Lauing: Online?

18

19 Commissioner Templeton: When we meet at City Hall we usually meet in Council Chambers.

20

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1 Chair Lauing: Oh, is that... I was just trying to get clarification on what your question was.

2

3 Commissioner Templeton: Yeah.

4

5 Chair Lauing: Just in the brief conversation that Ms. Tanner and I had about it online via email.

6 That setting just seems a little bit more informal as opposed to go back to Chambers which is

7 actually quite formal and we haven't even been there for 2-years. And so, we're trying to get as

8 much as close to a possible as a little bit less formal meeting.

9

10 Ms. Tanner: I think the idea was to have a more retreat-like setting given the possible needs to

11 be hybrid. Doing a retreat-like setting at a true off-site location is pretty hard because you... we

12 have a lot of microphones, video, etc. that would be pretty difficult to transport to another

13 location. And so, it seemed like the community room with the doors open to the lobby would

14 be a little bit more relaxed as Chair said but at the same time, having the technology and space

15 needs that we might want.

16

17 Commissioner Templeton: Okay.

18

19 Chair Lauing: So, anything else about schedules or retreat content at this point? I don't think so.

20 Commissioner Templeton, go ahead. Oh.

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Commissioner Templeton: No, I'm still trying to process. So, we're going to have a retreat and at the same time as the PTC meeting and we're going to have it in person in the room in the front of the lobby?

Chair Lauing: That's the (interrupted)

Commissioner Templeton: But it should be okay because the doors open and we'll have ventilation. Is that (interrupted)

Chair Lauing: That's the current working assumption and there's some sessions and decisions coming up from Council that might influence that as well.

Commissioner Reckdahl: That's also 28-days from now to so hopefully things are better.

Commissioner Templeton: Yeah, I mean I hope so. I'm just trying to process it and so when we do decide to go back to person... in person. Is that something that Council decides or is that something we vote on or how does that work?

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1 Ms. Tanner: So, my understanding is that Council is the body that... so there's the state law that  
2 allows Brown Act bodies to have a resolution to have remote hearings. And Mr. Yang, I don't  
3 know if you're still there but I believe that our Council needs to give that authority to the  
4 subsequent Brown Act bodies. In addition, we take a vote every 30-days to renew that  
5 resolution. So, the Council also has its own rules and so part of what that does is either our  
6 protocols for meeting not together under the Brown Act. Specifically, what would happen is  
7 that if you are a member of body who wants to not meet at the Chambers for example. You  
8 have to be... let's say you were traveling and you wanted to participate. You would need to post  
9 your location of where you are at the hotel let's say where you are and have a conference room  
10 at the hotel. So, that a member of the public could come to that hotel. And so similarly, if you  
11 did it at your home, you would need to have your home be available and post the location. And  
12 if a member of the public wanted to come and observe you there. So, that's what the state law  
13 provides relief from by City electing to provide themselves the opportunity to meet remotely  
14 instead of together. So, the additional layer is that part of what Council I think is been  
15 expressing is that the option to meet hybrid and for a Commission member, not just a member  
16 of the public to not physically be together. Is really to allow for folks who may not feel  
17 comfortable, may have health issues in terms of gathering, or they may selves have been  
18 exposed to Covid or not want to expose others to it. So, there's a little bit of nuance I think  
19 about what the Council will decide and how they will direct themselves and then also the  
20 conduct of the Commission. Albert, did you want to add anything to that?

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Albert Yang, Assistant City Attorney: I think you got it exactly right.

Ms. Tanner: Okay, thanks. I know that's a lot but I think (interrupted)

Commissioner Templeton: Yeah, it didn't answer my question. I'm sorry, so Council tells us when we meet or we vote of when we go back to person?

Mr. Yang: So, Council will provide direction on when to begin at least hybrid meetings and then I think we're still waiting to see if there's going to be further Council direction on no longer having hybrid meetings. You know, no longer making those findings every 30-days to support hybrid meetings.

Commissioner Templeton: Okay, thanks.

Chair Lauing: Commissioner Summa [note -Vice-Chair Summa]?

Vice-Chair Summa: I was just going to add that Council did decide that Board and Commissions on Monday could go back in March. And but I think it's very fluid situation and I suspect as Assistant Director Tanner said. They'll be continued broadening of accommodations until Covid

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1 is not an issue anymore at all. So, that's... I just wanted to add that but they did make that  
2 statement Monday probably at the very end of the meeting.

3

4 Chair Lauing: Okay, any more comments or questions? If not, we stand adjourned and we'll see  
5 you in two weeks. Stay healthy.

6 **Adjournment**

7 10:38 pm

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# Palo Alto Planning & Transportation Commission

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Vice-Chair Doria Summa  
Commissioner Bryna Chang  
Commissioner Bart Hechtman  
Commissioner Keith Reckdahl  
Commissioner Giselle Roohparvar  
Commissioner Carolyn Templeton

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