



Planning & Transportation Commission Action Agenda: March 8, 2023

Council Chambers & Virtual
6:00 PM

Call to Order / Roll Call

6:02 pm

Chair Summa: Good evening everyone and welcome to the regular meeting of the Planning and Transportation Commission for Wednesday, March 8, 2023, and could we call the roll, please? Oh, excuse me, but first maybe the instructions for how people can participate in a hybrid meeting.

Ms. Veronica Dao, Administrative Assistant: Yes, this meeting will be held with the option to attend by Zoom or in person. Members of the public may provide live public comment by submitting a speaker card prior to the start of public comment on that item. Spoken comments via a computer or a smartphone will be accepted through the Zoom App. To address the Commission, go to zoom.us/join, Meeting ID is 916 4155 9499. When you wish to speak click on raise hand. To offer comments using a regular phone call 1-669-900-6833 and enter the Meeting ID. When you wish to speak on an Agenda item hit star (*) 9 on your phone so that we know that you wish to speak.

Chair Summa: Thank you for that and may we have the roll, please?

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2 Ms. Dao: Chair Summa?

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4 Chair Summa: Present.

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6 Ms. Dao: Vice-Chair Chang?

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8 Vice-Chair Chang: Present.

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10 Ms. Dao: Commissioner Hechtman?

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12 Commissioner Hechtman: Here.

13

14 Ms. Dao: Commissioner Reckdahl?

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16 Commissioner Reckdahl: Here.

17

18 Ms. Dao: Commissioner Roohparvar is absent. Commissioner Templeton?

19

20 Commissioner Templeton: Here.

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Ms. Dao: We have a quorum.

Chair Summa: Thank you very much and now I'd like to open this up to public comment.

Oral Communications

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

Chair Summa: And that's for comments from anyone in the room or out in Zoom land on Items that are not on the Agenda. Otherwise, you would speak at the regular Agenda item. So, do we have anybody wishing to speak?

Ms. Veronica Dao, Administrative Assistant: I haven't received any speaker cards or raised hands.

Chair Summa: Okay, thank you for that. Oh, oh, it looks like we have someone. Is that for this item?

Ms. Dao: No, this is for Item 3.

Chair Summa: Okay, thank you so much.

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1 **Agenda Changes, Additions and Deletions**

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

3 Chair Summa: Alright, then we'll move on to Agenda changes, additions and deletions. [Note-

4 Video cut off and resumed at City official reports]

5 **City Official Reports**

6 1. Directors Report, Meeting Schedule and Assignments

7 Chair Summa: [note – video started mid-sentence] Official reports, Ms. French.

8

9 Ms. Amy French, Chief Planning Official: Thank you. Yes, and we also have Rafael... can we see if

10 Rafael is on the call? Okay, there may be some updates from the Transportation Office and

11 typically we'll just kind of go over well what's coming up in March. So, the two representatives

12 listed for March I believe is Mr. Hechtman... Commissioner Hechtman and Vice-Chair Summa

13 [note- Chair Summa]. We need to change your name tag. Yeah, we'll get a piece of brown tape

14 so it says Chair. So, I'll scan those and see if there's something to be aware of. It's a little more

15 difficult with our system to see them all in one place so.

16

17 Chair Summa: Okay, thank you for that.

18

19 Ms. French: I know that on this coming Monday, there's two items that may be of interest.

20 Study sessions, one being about economic development and another being about a

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1 prescreening that gave the... the Planning Commission would eventually get a chance to look at
2 as a formal application.

3

4 Chair Summa: I'm sorry, it's probably me, but it's a little hard to hear you.

5

6 Ms. French: Sorry (interrupted)

7

8 Chair Summa: Sorry about that.

9

10 Ms. French: Too far from the mic. There's two items on Monday's Council meeting for March
11 13th, study session items, that may be of interest to the Planning and Transportation
12 Commission. One of them is about economic development and another one is about a
13 prescreening for a rezoning that would eventually come to the Planning Commission as a
14 formal application. Thank you.

15

16 Chair Summa: Okay, thank you very much. Is Mr. Rius, do you have an update for us?

17

18 Mr. Rafael Rius, Senior Transportation Engineer: Sure, sure, I have a... hi, Rafael Rius, I'm a
19 Senior Engineer with the Office of Transportation and I have a couple of updates. One, first you
20 may have seen some of the green vehicles roaming around the city but the Palo Alto Link, the

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1 on-demand shuttle service, launched yesterday and it's in... it's being used. It looks like it's
2 being used... well used and we do want to note that for... from now until April 7th it is free to
3 use and we do want to encourage everyone to use it and give it a try. So, I mean you can use it
4 either using an app or there's a phone number you can call.

5
6 The second item I want to update is I know there's been some discussion with this Committee
7 about the intersection of Middlefield and Lincoln and we previously reported that we were
8 expecting a report from our transportation consultant. We have received a draft report, we're
9 currently reviewing the finding or the analysis and finding for that. And we plan to take it to the
10 community and for community input as well. And then following a community meeting and
11 getting public input we'll take it back to this Committee and then on to City Council. With that,
12 those are the only updates I have right now but I'm available if you have other questions.

13
14 Chair Summa: Thank you for that. Do any of my colleagues have questions for Staff? Ms...
15 Commissioner Chang [**note – Vice-Chair Chang**] and then Commissioner Templeton.

16
17 Vice-Chair Chang: Yes, Mr. Rius I have a question about the report that you were just talking
18 about from Middlefield and Lincoln. Do you know timing-wise when it might be that the public
19 will... the input you're talking about will be solicited and when it will make it to... back here to
20 the PTC?

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Mr. Rius: Sure, we are trying to work through our other Staff and their schedules but we're hoping to have a community meeting likely online. Possibly also an in person drop in or so we're planning on... we're hoping to have that around in April. So, hopefully within a month or so, we'll have that opportunity for the public to also review the report and findings and work together we'll develop and suggestions and alternatives to move forward with so.

Vice-Chair Chang: I'm hoping that... I think people are pretty upset about it so the sooner that the report can be made available to the public the better. Thank you.

Commissioner Templeton: Thank you, I second that by the way. I think we really need to be engaging with the public on these safety issues. Mr. Rius, I think we've talked a little bit about this in the past about the pending in pavements within or pavements within our jurisdiction that are coming by Caltrans on El Camino. Is there any chance that we'll be able to find out what the status of those are from the transportation division and then maybe understand whether or not we're working with them on safety improvements during that repaving project?

Mr. Rius: Thank you, I know they're... well, I know they're working... you know clearly, they're planning to move forward this year with the repaving. Our Utilities Department also has some utility improvements along El Camino.

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Commissioner Templeton: Nice.

Mr. Rius: So, the various agencies are trying to coordinate those two together. The... for improvements, I know this is a pavement rehabilitation project, I'm not familiar. I know some of our Staff have made recommended changes but it's not... technically it's not an improvement project. It's a repaving project but we are making recommendations to them. I don't know the status if such suggestions have been incorporated or not.

Commissioner Templeton: You don't have to know right now and I don't mean to put you on the spot but there are plans that are being implemented further south of Palo Alto on the same project that include safety improvements. I know for example in Mountain View where an 11-year-old boy was struck and killed very tragically on El Camino. They're doing a safety improvement there. We've had a similar tragedy in our city and I want to make sure that we're talking about safety improvements for our city.

So, to whatever extent possible, I would love to ask the Chair and Vice-Chair if we could agendize maybe a study session to understand what will be happening, and when, and to what extent any safety improvements could be incorporated and if not, we can talk about that later what to do about it.

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2 Mr. Rius: Sure, yeah sure and I would add to that, you know there are Caltrans, aside from the
3 re-paving project, they do have other improvement projects that are related to crossing
4 improvements. There's a couple locations but these are independent and we can include that in
5 that discussion.

6

7 Commissioner Templeton: Oh, that would be amazing. Yeah, I appreciate that, thank you so
8 much.

9

10 Chair Summa: If there's no other questions from my colleagues we'll move on to our action
11 items.

12 **Action Items**

13 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.
14 All others: Five (5) minutes per speaker.^{1,3}

15

16 2. PUBLIC HEARING/LEGISLATIVE: Recommend an Amendment to Palo Alto Municipal
17 Code Chapters 18.10 and 18.12, Sections 18.10.090(a) and 18.12.090(a) Related to
18 Basements Under Accessory and Junior Accessory Dwelling Units and Amendments
19 to Chapter 18.09 in a Continued Hearing on Chapter 18.09 Changes. Environmental
20 Assessment: Exempt from the provisions of the California Environmental Quality Act
21 (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines
22 sections 15061(b)(3), 15301, 15302, and 15305

23 Chair Summa: Starting with Item 2 which is a continuation of a discussion we had about
24 amendments to Accessory Dwelling Unit law and there were three outstanding items still for

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1 this... for us to consider. So, I think Mr. Sauls probably has a Staff report for us or a
2 presentation.

3

4 Mr. Garrett Sauls: Good evening, Commissioners. Let me go ahead and share my screen and let
5 me know when you can see it.

6

7 Ms. Amy French, Chief Planning Official: We can see it.

8

9 Mr. Sauls: Thank you.

10

11 Commissioner Templeton: But it's not in presentation view.

12

13 Mr. Sauls: Alright, so as the Chair mentioned this is a continuation of the item that we discussed
14 on February 22nd. The items discussed during that hearing that hearing were noted as Items A
15 through E in the Staff report which PTC previously provided a motion on. So, there's no need to
16 make an additional motion on that item tonight but the items that were not made... the items
17 that did not receive a motion were items F, G, and I which we're going to talk about tonight.

18

19 Just to kind of do a quick recap PTC met a number of times in 2022 to identify changes to the
20 City's local ordinance for ADUs and Junior ADUs as well as they discussed changes that were

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1 coming through the pipeline for... through the State in order to adopt for this coming... this
2 year. In December of 2022, the City Council met to adopt only those State changes. Those
3 changes at the State level that the City was required to adopt in order to ensure that its
4 ordinance complied with State law. Staff had initially planned to return in January or February
5 of 2023 to City Council to discuss those items. Between the time when Council had heard
6 those... that item in early December Staff received a response from HCD regarding issues to the
7 City's ordinance from 2022 and continuing discussions with between HCD and Staff regarding
8 the City's current ordinance now complies with State law. As a result, Staff returned to PTC last
9 month in February to discuss some additional local changes as well as other recommendations
10 HCD suggested in order to bring the City's Code into compliance with State Law. And currently,
11 the timeline is still that either mid to late April or early May that Staff would return to City
12 Council to adopt not only the recent changes suggested by HCD but also all the local Code
13 changes related to the discussions PTC had last year since July. So, as noted before, the three
14 items that are open for discussion tonight are Items F, G, and I which did not receive
15 recommendation at the last hearing.

16

17 Just again as a recap, Item F talks about conversion or relocation of uncovered parking spaces.
18 Item G talks about privacy measures for Junior ADUs... Junior or ADU... Junior ADUs as well as
19 ADUs and Item I discusses basements underneath Junior ADUs and Accessory Dwelling Units
20 that may be serving the primary dwelling unit. In particular, the Staff Report talks about for

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1 Items F and G that for conversion... these are measures that Staff is seeking to 1) establish
2 additional flexibility for homeowners and applicants as it relates to Item F in terms of
3 recognizing a deficiency for uncovered parking spaces when they're expanded into for the
4 development of an ADU or Junior ADU. Item G discusses some privacy measures that Staff
5 believes may be beneficial for Table 2 units that might continue to expand protections for
6 adjacent neighbors.

7

8 And this Item I was not included in the Staff Report in the February PTC meeting but was
9 included in the Staff Report for tonight's item to summarize that the primary issues related to
10 having a basement underneath an attached Junior ADU or ADU. In a typical scenario most,
11 homes are limited by an underlying floor area or lot coverage limit as well as where their
12 ground floor footprint can be provided or placed on-site based on setbacks for the property.
13 That has created an intrinsic limitation to a basement's footprint or their overall size, how big
14 they can be, and in particular, when we have particularly large properties like in the residential
15 estate districts. They're also limited by the maximum house size of 6,000 square feet. With the
16 City's and State's new laws related to Junior and Accessory Dwelling Units, there can be units
17 built-in access of the maximum house size or floor area, or lot coverage limit. That can range
18 between 500 to 1,000 square feet with the City providing up to an 800 square foot bonus for
19 these units. In the City's current Code footprint as we use the term to limit where a basement
20 can be placed doesn't distinguish between a primary unit or a primary unit and a secondary

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1 unit's footprint when that secondary unit is attached to that primary unit. As a result, the vague
2 application of that law of that rule currently could mean that a basement may be able to
3 expand underneath an attached ADU or JADU where we otherwise wouldn't typically expect
4 them to occur.

5

6 The Staff has included some additional suggested language in the Staff Report which has shown
7 under... in sections 10 and 11 in the Draft Ordinance as well shown here on the screen in
8 underline underneath this... what you see which my cursor is moving around. To give some
9 visual explanations of what I was describing before. The images you see here is an example of a
10 typical primary unit that has a basement that serves that primary unit underneath it. Here may
11 be an example of the area of concern that Staff has where with an ADU or JADU attached to the
12 primary home. This area that may be expanding beyond the typical building provision may
13 allow that primary unit to expand the basement underneath it where it might not otherwise
14 exist if current City and State laws do not provide this development potential for increasing
15 housing. And this is an example of maybe a more typical scenario with an ADU or a JADU that
16 has a basement and a primary unit that has a basement where there's separation between the
17 two structures.

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19 Staff's recommendation would be to adopt the Draft Ordinance or make any suggested changes
20 to the City's draft... to Staff's Draft Ordinance and recommend it to the City Council.

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Chair Summa: Okay.

Mr. Sauls: And that concludes my presentation.

Chair Summa: Thank you for that and if there are any clarifying questions from the Commission we can do those and then we can go to public comment. Any... I see Commissioner Templeton.

Commissioner Templeton: [unintelligible – off mic]

Chair Summa: And are there any public commenters for this either in the room or? I don't think so in the room but maybe on Zoom.

Ms. Veronica Dao, Administrative Assistant: Yes, I have one raised hand on Zoom from Liz Gardener. If you can unmute yourself, you have 5 minutes.

Ms. Liz Gardener: Thank you. Hi, yes I had a couple of questions and I know you guys can't respond. One is what's the difference between this design in contrast or comparison to just a house addition or conversion like a garage that you're converting into an ADU? That's one of my questions. I was hoping there might be an update on the number of applications for ADUs,

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1 permitting ADUs and I hope... do hope the discussion does include any kind of financing for
2 applicants who plan to rent these to income-challenged residents in Palo Alto. So, I didn't take 5
3 minutes and that's it, thank you.

4
5 Chair Summa: Thank you so much and if there are no other speakers in the public we'll move
6 onto deliberation by our colleagues and I guess, unless anybody has a different idea, we'll just
7 go through them one at a time starting with F. Okay so currently we will be looking at F which is
8 conversion relocation of uncovered parking stalls and who would like to start us off?
9 Commissioner Chang [**note – Vice-Chair Chang**].

10
11 Vice-Chair Chang: So, I'd just like to say I'm supportive of Staff's recommendation for F. It
12 seemed to make a lot of sense and I'll leave it at that.

13
14 Chair Summa: Thank you. Commissioner Hechtman.

15
16 Commissioner Hechtman: Thank you. First I just wanted to note my appreciation for Staff. In
17 the ordinance attached to the Staff Report, staff made an effort to identify for us... distinguish
18 for us what is related to F, G, and I and what we've already covered. And so that was super
19 useful I imagine to all the Commissioners in working through this to be able to hone right in and
20 not have to guess so thank you for that.

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On this item, I think we've talked about this concept before and it seems like we've generally been supportive of it. I looked at the language and I think it works and I'm supportive of Item F.

Chair Summa: Thank you for that. Any other comments? Commissioner Reckdahl.

Commissioner Reckdahl: Me too, especially the fact that you're getting rid of this two-step sequence. That's just a waste of time and a waste of money so I think this is a good [unintelligible]. I support this.

Chair Summa: Thank you. I'm also in support of this especially because two-step processes don't make sense for anyone. It's a nuance and it costs money. So, if there are no other comments I will entertain a motion on Item F.

MOTION #1

Vice-Chair Chang: I would like to move Staff's recommendation for Item F, the conversation relocation of uncovered parking stalls so that we remove the two-step process.

Chair Summa: Is there a second?

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1 SECOND

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3 Chair Summa: Second by Commissioner Templeton. So, we can go ahead and call the vote on
4 that then.

5

6 VOTE

7

8 Ms. Dao: Vice-Chair Chang?

9

10 Vice-Chair Chang: Yes.

11

12 Ms. Dao: Commissioner Hechtman?

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14 Commissioner Hechtman: Yes.

15

16 Ms. Dao: Commissioner Reckdahl?

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18 Commissioner Reckdahl: Yes.

19

20 Ms. Dao: Chair Summa?

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Chair Summa: Yes.

Ms. Dao: Commissioner Templeton.

Commissioner Templeton: Yes.

Ms. Dao: Motion carries 5-0.

MOTION PASSED 5(Chang, Hechtman, Reckdahl, Summa, Templeton) -0- 1(Roohparvar absent)

Chair Summa: Thank you, Ms. Dao. So, we can hastily move on to measure... Item G which is privacy measures for ADUs, JADUs. So is there someone... Commissioner Chang [note – Vice-Chair] is that... yeah, okay Commissioner Chang [note – Vice-Chair Chang] and then Commissioner Hechtman, please.

Vice-Chair Chang: So, before I make my broad comments about this I have some clarifying questions for Mr. Sauls. So, on Packet Page 9 there's two pictures that were very helpful I think in kind of showing the impact of a neighboring... so the impact on privacy of having a finished floor above grade. And I wanted to ask do you know how many feet away from the fence the

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1 photograph was taken, approximately? Like is this at 4-feet or you know, 4-foot setback or 6-
2 foot setback or?

3

4 Mr. Sauls: I believe that it was... I can find the answer more concretely but I believe it was 4-
5 feet.

6

7 Vice-Chair Chang: Okay thank you, that's very, very, very helpful and then let me check if I have
8 questions about the ordinance itself when I read that. I know I did somewhere but I don't know
9 if it was for this item. Okay yes, oh I had a question about the ordinance and how it's written
10 and I was just a little confused on how Items B and D in the ordinance interact. So, this would
11 be on Packet Page 19 going over onto Packet Page 20 and I was confused because the two
12 pieces of the ordinance for B and D seem to be saying the opposite thing. And I'd just
13 appreciate it if you could explain to me what each one is doing.

14

15 Mr. Sauls: Yeah, hopefully, let me just [unintelligible – audio garbled] (interrupted)

16

17 Vice-Chair Chang: Maybe I'm... I might just be misunderstanding.

18

19 Mr. Sauls: Well, that's okay. Let me just read through it for real one second.

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1 Vice-Chair Chang: Okay yeah, take your time.

2

3 Mr. Sauls: So, I think what you're raising is the issue at the end of B which identifies egress
4 windows shall utilize obscured glazing on the entirety of windows that face adjacent properties
5 and then referencing that to D as you were just noting. Egress windows on a second-floor loft
6 or equivalent elevated space shall not face adjacent property lines.

7

8 Vice-Chair Chang: Correct, exactly.

9

10 Mr. Sauls: Okay, yeah.

11

12 Vice-Chair Chang: I'm wondering if what we're trying to say in laymen's terms is that egress
13 windows shall not face adjacent properties, but if they do they shall be obscured with opaque
14 glazing on the entirety of the windows.

15

16 Mr. Sauls: I think I would agree that it would be better to have it either say one or the other. So,
17 it'd either be... if we were... I think the approach initially as it relates at least to D was that what
18 we were trying to discourage was having egress windows which are normally much larger
19 operable or more operable and can cause that sort of privacy concern or impact. Not face
20 towards adjacent properties so to some extent in that example we would not necessarily

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1 require... as I think about it a little bit right now. I don't think our intention actually would be to
2 require egress windows that don't face adjacent properties to have obscured glazing because
3 that's the area we want them to face. Right, we don't want them to look towards adjacent
4 properties so if they're... if you imagine tucked in the back corner of a lot either on the back left
5 or the back right. The areas that we're trying to prevent view sheds towards are those corners
6 that they're directly tucked into. Right, not towards the ones that are opposite of them, so ones
7 that look out towards the street, or ones that might even look out towards the further property
8 line that it's opposite to.

9
10 Vice-Chair Chang: Understood, so then I think we might need to clean up the language there
11 except I'm not actually sure how we should do that. Then I have another question... so if we
12 adopt this then I think we'd want to clean up the language there. Another clarifying question,
13 so for Item E on Packet Page 20 it says non-egress windows on the ground floor of an ADU or
14 JADU are not permitted to face towards an adjacent interior property line. What exactly... I just
15 don't know. Can you explain to me what an adjacent interior property line is?

16
17 Mr. Sauls: So, let me see if I can pull up a diagram real quick. [unintelligible](interrupted)

18

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1 Vice-Chair Chang: Like is this what you were talking about where you just don't want it to face
2 towards the property lines that its right next to that it's tucked into, but if it's the one that's
3 across lot that's okay?

4

5 Mr. Sauls: Let me pull up a diagram real quick to show. Alright, so this is an image just from our
6 technical manual so just trying to use this as a point of reference for everyone. If someone were
7 to place an ADU within this back left or this back right area of the property. What I believe our
8 intention is to do is, like I mentioned before, not have egress windows face towards these
9 closer adjacent interior property lines. When we talk about or use the word interior, we mostly
10 just relate them to property lines that don't face towards a street. Right, so if you imagine this
11 is obviously a front property line facing towards a street. These... the interior side yards, interior
12 rear yards, if this were a corner lot you would see that this is a street side yard along this and
13 would have that wrap around. So, I think again our focus is probably going to be more directed
14 to having non-egress windows face towards the street, and in this scenario, even with a corner
15 lot again, if there's a unit back here and this is the street side yard along this side. Having those
16 egress windows face this direction and face this direction towards the front rather than having
17 them face those closer property lines to the neighbors.

18

19 Vice-Chair Chang: Understood, okay that makes a lot of sense. Thank you, appreciate it, and
20 then my final question on the ordinance is for Item H also on Packet Page 20. The final sentence

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1 it says that any ground lighting shall not direct upwards... direct light upwards to the building or
2 the sky. And is that consistent with what we already require for the... for regular homes that are
3 not ADUs?

4
5 Mr. Sauls: So, that is something that we have within 18.10 and 18.12 as it relates to lighting
6 standards for single-family homes. So, let me pull up that language because from what I
7 remember, it's been a little while since I'd did that one, but from what I remember we had tried
8 to just copy-paste that same language over so that it would be consistent.

9
10 Vice-Chair Chang: While you look that's it for my questions and I'll comment later, see if
11 anybody else has questions.

12
13 Chair Summa: Commissioner Hechtman.

14
15 Commissioner Hechtman: Thank you, I will start with I guess questions too. So, I want to get a
16 better understanding of the difference between an egress window and a non-egress window.
17 Is... well, first of all, an egress window is going to open correct?

18
19 Mr. Sauls: Correct.

20

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1 Commissioner Hechtman: Okay, but it also is going to be large enough that somebody can get
2 through it, is that right?

3

4 Mr. Sauls: Correct.

5

6 Commissioner Hechtman: Alright so like the little 1 by 2 window I have in my bedroom which
7 opens but I can't crawl through. That's not considered an egress window.

8

9 Mr. Sauls: Correct.

10

11 Commissioner Hechtman: Okay and because they are intended for possible emergency egress,
12 can those be 5-feet above finished floor level or are they necessarily lower?

13

14 Mr. Sauls: So, they can be in terms of if you're thinking about how building or fire may consider
15 if there is adequate egress from a building from a bedroom for example. My understanding is
16 that you can drop I believe about 10- to 15-feet from a second-floor level and that still is
17 considered adequate egress from a bedroom. If you were to drop further, say from a second-
18 floor level into a below-grade patio, that is something that is not acceptable for fire egress.

19

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1 Commissioner Hechtman: Actually, I was more thinking about getting through the window
2 rather than what happens once you're through it and so if the window starts 5-feet above the
3 floor that I'm standing on, you know, a lot of people can't get up and over and so that's why I'm
4 wondering if whether there are requirements that if it's going to be... if it's a required window
5 that's going to provide egress. Does it have to start a certain number of feet from the ground so
6 that people can reasonably climb through it?

7

8 Mr. Sauls: Yes, I understand your question now. Yes, they do have that, I believe it's 2- to 3-feet
9 from the floor level. So, what we wouldn't be trying to do is limiting, sorry, or requiring egress
10 windows to be that 5-foot sill height or starting point as that specific issue would come into
11 play.

12

13 Commissioner Hechtman: Okay so I think that's important for us to be thinking about as we try
14 to craft this and then the other... I'll make an observation and it really covers all of this Section K
15 (2), privacy. So, it's important to have consistent terms because when you have different terms
16 people, and I include lawyers as a sub-set of people, tend to think that you mean different
17 things. So, when I look at this privacy section I see references to neighboring property lines,
18 adjacent property line, and adjacent interior property line. I think all of those things are meant
19 to be the same but I'm not sure and but when you look at them you would think maybe they're
20 not the same. And so, we don't... so on that particular issue I'd encourage Staff to just

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1 harmonize all of that language, make it uniform if it's all supposed to be the same thing, and
2 then I guess the question I had on that, and I wasn't entirely clear from your explanation for
3 Vice-Chair Chang is a rear property line an interior property line?

4

5 Mr. Sauls: First off I agree, we definitely should be consistent with all of those terms so I think
6 this may be a manner of just version control that we need to work on. So, that's definitely that
7 is the intention beyond the mix of the terminology is to be referencing the same thing.

8

9 To your second question about is the rear yard considered an interior property line. That is how
10 we've thought of them in the past as being interior yards.

11

12 Commissioner Hechtman: Okay.

13

14 Ms. French: Of course, there are different scenarios where a rear property line is a through lot.

15

16 Commissioner Hechtman: Correct.

17

18 Ms. French: And but so it needs to be kind of abutting another interior.

19

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1 Commissioner Hechtman: So, I'm... given that I'm wondering if adjacent interior property line
2 might be the best comprehensive description to use throughout all of these. Okay, I'm going to
3 leave it there and I'll come back later.

4

5 Chair Summa: Commissioner Reckdahl.

6

7 Commissioner Reckdahl: I had some questions also, so if you have a back property line and
8 there's a creek there or not another property. Then that's not constrained at all, is that correct?

9

10 Mr. Sauls: That would be correct. If they're abutting those property lines that is what we would
11 be looking at.

12

13 Commissioner Reckdahl: Okay and then I'm looking on Packet Page 20 and the Number E, none
14 egress windows on the ground floor are not permitted to face towards an adjacent property
15 line. That seems a little restrictive. If they're fully frosted, do we care?

16

17 Mr. Sauls: I think the... this specific provision would be that these non-egress windows would
18 not be frosted given that they are on the ground floor. That's at least following practice with
19 what we've done in most other single-story situations, or even when development occurs for a
20 two-story home. On the ground floor, we don't apply those types of privacy measures.

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Commissioner Reckdahl: We don't require them or we don't allow them? So, if I wanted to build a big window on my ground floor, frosted facing the neighbors, can I do that?

Mr. Sauls: Yes, you could. We would not require that versus that for a single-story... for a single-family home.

Commissioner Reckdahl: Okay how about for an ADU?

Mr. Sauls: For an ADU I don't think that we've been trying to approach it that way. I think it's been more as I think as you see right here in Item E. That we've been just trying more so put them in a different location rather than try to put frosted or opaque glazing on them.

Commissioner Reckdahl: Why do we care?

Mr. Sauls: I think in particular, again related to the issues noticed in the Staff Report is if we are going to require larger windows to face other... sorry further property lines. Again, out of the street side yard, the front yard, or further adjacent property line. I think the idea that we've been trying to push or try to suggest really is that any window that does face those interior property lines we're going to require them to be high sill windows. Those being the ones that

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1 are a minimum of 5-foot... 5-feet in height from the finished floor level to the underside of that
2 sill.

3

4 Commissioner Reckdahl: Okay and so if we're looking at F where it says the window sill. That
5 means the bottom of the window?

6

7 Mr. Sauls: Correct.

8

9 Commissioner Reckdahl: Okay, maybe you... for that, we should say the lower window sill
10 because isn't the top of a window also window sill? I'm not sure what the definition of window
11 sill is.

12

13 Mr. Sauls: True, I think in terms of how we've communicated that it's been mostly that bottom
14 part of the window sill but I mean we can get more clear with that.

15

16 Commissioner Reckdahl: Okay that's all my questions for now.

17

18 Chair Summa: Commissioner Templeton?

19

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1 Commissioner Templeton: Thank you, I agree with Commissioner Reckdahl and some of the
2 comments made by Commissioner Hechtman as well. I think the... well, let me ask you this. Do
3 you think that... maybe I'll save this for the commentary part. We're just doing questions now?

4
5 Chair Summa: You can do commentary now also.

6
7 Commissioner Templeton: Yeah, thank you Chair.

8
9 Chair Summa: Don't feel limited.

10
11 Commissioner Templeton: I'm concerned... so I had the same questions that my colleagues here
12 have brought up and there's a lot of ambiguity in the language here. And we can probably walk
13 you through some of the more glaring ones but I think the sense here is that this section might
14 not be ready. And what I'm trying to say about that is there's a lot of ambiguity and unintended
15 consequences that could come out of that ambiguity. We are, as a City, encouraging people to
16 build these things and we don't want to get bogged down on language clarification issues
17 where we have to delay projects for that. So, we want to be as clear as possible here so do you
18 think that based on the comments that you've heard today so far? Do you think that you would
19 like us to try and remove the ambiguity from this section together? Or would you want to take
20 another stab at it at the risk of having to come back here?

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Mr. Sauls: I would say I think it's fine to either make suggestions to clear this up or be clear or even make recommendations to not include these provisions as well.

Commissioner Templeton: Thank you, that's really helpful. I think the (interrupted)

Mr. Sauls: Just some context, some of these items mostly just came up because of what we've been hearing from members of the public. So, as a way to try to be responsive to them, we're trying to, be as dynamically as possible with the constraints of what we can do with State versus or local jurisdiction units. Trying to just figure out how we can be as objective to some degree as possible while again, I think like you're mentioning, try not to tip the balance in favor of discouraging unit development versus encouraging it.

Commissioner Templeton: That makes a lot of sense, I appreciate that context. I think the concerns for me are forbidding windows on certain walls and not being clear about whether it needs to be absurd or not. We also haven't.... like point G here, I don't know that it... how much do we need to clarify what it means to be a sky light that face something? They're usually tilted, right? Even that has a sense of lacking clarity, so I just want to do our best to... if we're doing a first pass where we say this one's good, this one's not good. That's a very different thing than

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1 wordsmithing. So, it sounds like we need to do a little bit of both, is that what I'm hearing from
2 you? We need to wordsmith and toss ones that we don't like.

3

4 Mr. Sauls: I think that's certainly something that you all are welcome to do.

5

6 Commissioner Templeton: Okay, I guess I'm trying to clarify what you are asking us to do, and
7 what you're asking us to do is review the text in front of us and come back to you with
8 something that we want to adopt or recommend adoption of? Oh, I see Mr. Yang.

9

10 Mr. Albert Yang, City Attorney: Hi there.

11

12 Commissioner Templeton: Thank you.

13

14 Mr. Yang: So, I'd also suggest that if you're able to identify were you think there are ambiguities
15 and problems. That's something Staff can work on prior to bringing it to the City Council.

16

17 Commissioner Templeton: Oh, that's great. There's an opportunity for you to iterate in
18 between?

19

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1 Mr. Yang: Yeah and you know, I've already... we've already got a lot of great comments along
2 those lines. I personally also think that the term adjacent is not perfectly clear in some of these
3 areas as well so yeah, it's something that we'll certainly work on.

4

5 Commissioner Templeton: That is really helpful advice. I appreciate that because I was worried
6 if we try and wordsmith it we will be here for hours so thank you, Mr. Yang, I appreciate that.
7 I'm done for now thank you.

8

9 Chair Summa: Okay thank you for that. Commissioner Chang [**note – Vice-Chair Chang**].

10

11 Vice-Chair Chang: Moving onto comments for me. I am really appreciative that Staff has been
12 so responsive to what... you know what you're hearing on the ground and trying to make sure
13 that we provide that clarity for people who want to build ADUs but also are sensitive to
14 neighbors' concerns. So, I am supportive of the ordinance with the clarifications that we've
15 spoken about but I think that there's a few more points that need discussion.

16

17 And so, I wanted to ask... so in general Commissioner Templeton at our last meeting raised the
18 point about not wanting to create a different set of privacy rules for ADUs that single-family
19 homes are not required to meet. And broadly, I agree with that with one area of exception
20 which is when the ADU is within the setback that a single-family would normally not allow be in

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1 because ADUs are allowed to be much closer. And so, when I look at Packet Page 9, what I want
2 to address is this... I guess it's the second to the last paragraph on the page where the Staff
3 Report writes there are no privacy measures in place for one-story single-family homes with
4 taller first-floor levels. And I wonder if that is something that we might need to think about for
5 the future given that that is an increasing concern given the flooding likelihood. So, that is
6 something for the future but for right now I think it... what we want to worry about would be
7 privacy measures that apply specifically only to ADUs when they are closer to adjacent
8 properties than currently allowed for a house. So, that... I don't... I'm not quite sure exactly how
9 to phrase that language but you know, the current setback is six. I don't want inconsistent rules
10 for ADUs that are also 6-feet away. But if the ADU is now 4-feet away, as evidence by the two
11 pictures on Packet Page 9, it actually makes a really big difference. So, that's just a comment
12 that I wanted to make.

13

14 Chair Summa: Thank you for that. Commissioner Hechtman.

15

16 Commissioner Hechtman: Thank you, so I agree there's some wordsmithing that needs to be
17 done here but what I was thinking is if we could look at this at a conceptual level and agree on
18 the concept, I trust Staff to work together to find the language to correctly express those
19 concepts.

20

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1 So, and I've got I think the concept I want to put on the table for everybody to see if they think
2 those are the concepts. But I did want to point out actually the bigger picture which
3 Commissioner Templeton and Vice-Chair Chang have brought up is should we... do we really
4 need to go through this exercise? Is there really enough difference between a single-family
5 home, which can be 6-feet from the property line, and an ADU which could be 4-feet from the
6 property line? That we want to create a whole new set of requirements that apply to that ADU
7 and that's actually a good question. I would start by pointing out that we're only talking about
8 half the universe of ADUs. Right because in our Code we have certain ADUs that are basically
9 entirely State Law Code compliant and we don't get to touch those. Right, it's only where
10 people don't like the parameters that are in State Law and they want to do something different.
11 They want Exceptions, then they expose themselves to additional regulation and so we're only
12 really talking about that second category here. So, and it's kind of an interesting question about
13 whether it's worth it. So, with that second category of ADU that can be 4-feet, compared to the
14 house on that lot which maybe can be 6 or possibly 8. Is it really worth the... should we be
15 imposing additional requirements and I guess I got kind of mixed feelings about it.

16

17 A part of me says no, we really don't need to do that. On the other hand, I think if we do that
18 we do address a lot of neighbor angst. Right because what happens if we don't do these
19 special... I'll call them special rules for non... the Category 2 ADUs within 4-feet. Then what's
20 going to happen is the neighbors are going to express concerns, privacy concerns because there

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1 won't be anything in the ordinance talking about what happens. You know, where's my privacy
2 protections? This ADU is going 4-feet from the property line and so I think if the maybe the pro
3 argument for including something is we do provide protections. And maybe that tamps down
4 the privacy concerns because they can see that this building is going to be closer but it also has
5 special rules. So, I can really go either way on this but I think that's the dilemma that we're
6 wrestling with.

7

8 So, in terms of the concepts, I think there are three concepts that, again this privacy section,
9 Subparts B through F are the window provisions and I think there are three concepts that we
10 need to capture here. First, is that... is egress windows, so these are big windows you can climb
11 through. As Mr. Sauls said we think maybe they have to start at possibly 3-feet above grade and
12 even if we had them fully opaque. The thing about these windows is they open right and so
13 when you open them you lose the privacy protection and there's no way to regulate that. It's a
14 safety issue so for those, I actually am supportive of the language... the concept that they don't
15 face the adjacent interior property line because otherwise, it's kind of easy to defeat the
16 purpose. Again, I think there's somewhere feasible language. I can't remember if there is or
17 not, let's see.

18

19 Mr. Sauls: I think in this section it's mostly just about the sky lights.

20

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1 Commissioner Hechtman: Yeah, okay so not where feasible, alright so that's... those are egress
2 windows. Non-egress windows, those fall I think into two categories. Operable, so they open
3 and close, and non-operable. So, with a non-operable window, that's what I have in my
4 bedroom about 5-feet up. So, what I think is you should be able to put that window anywhere
5 you want it, from the floor to the ceiling, but the entire portion of that window that's below 5-
6 feet from the floor is opaque. So, you can frost the bottom half, not frost the top, whatever.
7 You can do separate panes but that way we block the visibility up to the 5-foot level and then
8 above it's not glazed, right? As to operable windows facing adjacent property lines, I think the
9 concept is they have to start 5-feet from the ground, from the floor level. So, again because
10 they can open and close, if you required some portion of them to be opaque it can be defeated
11 simply by opening them. So, those were the three thoughts I had. Egress windows don't face
12 interior adjacent property lines. Non-egress, if they are non-operable than anything below 5-
13 feet is glazed. If they are operable than they have to start... the sill has to be 5-feet from the
14 finished floor.

15

16 So, those were the three concepts and then one open issue that Staff had that really hasn't
17 pushed in the Staff Report or in the oral but it was clear they want us to think about in the Staff
18 Report is for these first-floor windows the height. We're talking about where the issue is the
19 house, even though it's a one-story, the ADU is elevated somewhat and so Staff has kind of a
20 placeholder number of 3-feet here but they wanted to... us to discuss that. So, I didn't want to

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1 lose sight of that. I don't have a real strong feeling of where that number should be and I'm
2 wondering if these concepts that I've suggested, if we do them, then it really doesn't matter
3 whether it's 18-inches, or 2-feet, or 3-feet. Because if you're standing inside that sill... where
4 ever you are, you're not going to be able to look down until you get to over 5-feet from the
5 floor. So those are my thoughts.

6

7 Chair Summa: Thank you. Does Staff want to... Mr. Sauls, do you want to comment on that?

8

9 Mr. Sauls: No, I think Commissioner Hechtman summarized it well.

10

11 Chair Summa: Commissioner Templeton.

12

13 Commissioner Templeton: Thank you, Chair. I'm going to kind of jump around to respond to
14 some of the comments here and just make sure we're on the same page because I'm not clear
15 about the photos on Page 9. Are those real or are they photoshopped?

16

17 Mr. Sauls: No, those are real photos.

18

19 Commissioner Templeton: And how did you get the same house at different heights?

20

-
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1 Mr. Sauls: Raising our hands. Sorry I (interrupted)

2

3 Commissioner Templeton: So, they're simulated, they're simulated. They're not... these aren't
4 two different houses (interrupted)

5

6 Mr. Sauls: No, they're not two different houses.

7

8 Commissioner Templeton: With different number of feet above grade. Yeah okay, just want to
9 make that clear so and did you... you told Commissioner or Vice-Chair Chang earlier that you
10 measured this distance that you took the photo from.

11

12 Mr. Sauls: Yeah, we were holding tape measurers basically just trying to again simulate that.
13 Okay, here's at this height, and then here's at this height trying to show (interrupted)

14

15 Commissioner Templeton: Okay but the distance from the fence, was that measured as well?

16

17 Mr. Sauls: That would have been the same, yeah so it was about 4-feet. So, standing at the
18 same point right showing it. You know if you imagine holding your camera up here. Right,
19 here's showing it at us standing at 1 ½ and then raising it higher showing it to be again I think it
20 was 2 ½ is what we were showing there.

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Commissioner Templeton: I don't think the geometry exactly works but I think we're approximating and we're trying to show the best with what we have. I get that now, but I don't... I think it's exaggerated because the geometry. The way that triangles work from the camera to the other house it wouldn't quite be this extreme right? So (interrupted)

Vice-Chair Chang: So sorry you were... it is that extreme because I was actually visiting a friend's house who was building an ADU and because of the flood... like they had to raise the floor of the ADU really high. And so, from their yard right, their ADU, yeah you can see right into the other person's yard even though it's a foot and a half difference. So, it is... this is accurate, this is an accurate experience, it's pretty significant and that's why I feel really strongly about having seen it on the ground in somebody's yard. Granted and my friend was the one who was building the ADU.

Commissioner Templeton: Yeah, well I'm a little incredulous because I have the same experience looking into my neighbor's and vice versa. Its... and we're at the same level somehow and then the other questions were about the windows on the wall that is a facing a fence. Is this what we're discussing with these interior adjacent lines? Like do we need to obscure the glazing there if there's a fence?

-
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1 Mr. Sauls: So, in... and that was one of the things that the imagines were trying to communicate
2 was that for certain structures and in certain locations even as Vice-Chair Chang was
3 mentioning. These units may have to be much taller than where a fence is. Right, those are
4 currently limited to 7-feet in height maximum and these ADUs may be 16-feet, 18-feet or more
5 just kind of depending on the circumstance for the property so.

6
7 Commissioner Templeton: But I think some of these we're talking about first-floor windows,
8 right? It literally says first-floor windows.

9
10 Mr. Sauls: Correct and those [unintelligible](interrupted)

11
12 Commissioner Templeton: So, for those, I don't think they're going to be 16-feet off the ground,
13 right?

14
15 Mr. Sauls: No but they could be... in the worst case scenario we've experienced they have had
16 two... in the flood zone for example, applicants have had to raise their foundation too I think it
17 was about 4- to 5-feet. So, in a more extreme case of course but that was kind of the starting
18 point (interrupted)

19
20 Commissioner Templeton: Why are we allowing that?

-
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Mr. Sauls: That's the FEMA requirement for floor plane.

Commissioner Templeton: Yeah but why are we allowing ourselves to build in the flood plane if you have to build it up for 4-feet?

Mr. Sauls: Well, it's based on the existing conditions of the site, so what they're trying to meet is the base flood elevation requirement based on the property... the location of where they're at. So, say for example (interrupted)

Commissioner Templeton: I get it, I guess I'm asking a slightly different question. I understand the geography question. I don't understand why we're encouraging people to build when they have to go up half a floor or more in order to be able to build. Like why is that eligible?

Ms. French: Accessory dwelling units are ministerial and you cannot deny somebody who wants to build an ADU, like a detached ADU, in a flood plane condition.

Commissioner Templeton: So, if I have a canyon in my back yard and I need to build it up 13-feet in order to have an ADU. You would permit that?

-
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1 Ms. French: Yes.

2

3 Commissioner Templeton: Seems like an opportunity for Staff to investigate exceptions, like
4 that's wow.

5

6 Mr. Yang: Well so (interrupted)

7

8 Commissioner Templeton: I'll move on. Oh, go ahead, thank you, Mr. Yang.

9

10 Mr. Yang: Just to clarify, we... we're required to permit an ADU that's up to 16-feet and so if 4-
11 feet of that is what's the elevation of the first finished floor. That... then you only really have
12 12-feet of living space that you can build. So, you know, the higher you have to go the... you're
13 not raising the overall height of the ADU.

14

15 Commissioner Templeton: That makes a lot more sense, thank you for that addition. So, the
16 other constraint here is the height of the fence which is self-imposed and I'm just trying to
17 prevent us from saying thou shalt not have windows on this entire side of the house because
18 natural light is an important part of a healthy living environment. So, and then the last question
19 is if you have those little... I had these in my house when I was growing up. They're like 1-foot
20 by 3-foot, they're very thin and they were at the top of the wall. Are those permitted?

-
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Mr. Sauls: Like clear story windows? Yeah, clear story windows in this instance would be something that would be acceptable, yes.

Commissioner Templeton: Okay and the language where it says that the window would not be permitted. I'm sorry I don't remember which bullet it is. That doesn't imply to those kind of windows. It's a non-egress window.

Chair Summa: I think actually clear story windows would be a preferred alternative in a lot of cases.

Commissioner Templeton: Yeah, I think it'd be great.

Chair Summa: Because they don't allow... they're above where people can look out but they let (interrupted)

Commissioner Templeton: Exactly.

Chair Summa: Light in and I think Commissioner Hechtman's idea of window heights also touches on that and I think Staff has intended to touch on that so.

-
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Commissioner Templeton: I just thought the language here and I'm trying... I'm sorry I don't have it... I've lost track of it. There was a language where it said non-egress windows can't be permitted on the interior (interrupted)

Ms. French: I think that's Item E.

Commissioner Templeton: Its E, thank you, I appreciate that. So, I just want to make sure that we're not inadvertently eliminating things that would be desirable. Alright, I think that's it, thank you.

Chair Summa: I don't see any other lights... oh, go ahead Commissioner.

Commissioner Reckdahl: Sorry, yeah I think Commissioner Hechtman had some good points there. I agree non-operable frosted windows I think should be able to put anywhere, operational windows can be placed high against any wall. I don't see any privacy issues if they're elevate high enough. This... the 5-foot limit for the frosting, how did we come up with that as someone who's eyes are well above 5-feet?

-
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1 Mr. Sauls: You're one of the lucky few I guess. So, that is kind of evolved over I guess I'd say a
2 series of the last two decades with the IR Program as kind of a rule of thumb Staff has
3 implemented as it relates to requiring obscured glazing on windows at the second-floor level
4 that face towards those interior property lines or shared property lines on an interior side yard.
5 So, again I think we're just trying to mirror and codify that same approach in this sense.

6
7 Commissioner Reckdahl: Okay, so 5-foot is kind of standard for that?

8
9 Mr. Sauls: Yeah.

10
11 Commissioner Reckdahl: The situation I can see is when you're sitting at the kitchen sink and
12 you're looking out the window. 5-foot glazing wouldn't do anything for me to prevent me from
13 looking at the neighbors and so I would be concerned that (interrupted)

14
15 [note – unknown speaker:] [unintelligible – off mic]

16
17 Commissioner Reckdahl: Yeah, for some of us it would but some of us it wouldn't. So, I would
18 prefer it even 5 ½ would really limit it but the point I like is that high unobstructed views the let
19 in... you can see the sky or whatever. I think that's totally fine. We have to balance the use of
20 the ADUs with the property or the neighbor's privacy so I think we can balance that.

-
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Another question is if you're like say the wall 10-feet from the neighbor's fence, do we have any constraints on that? So, let's say you're on one corner and the ADU now has a wall facing the other neighbor and it's 10- 15-feet away. Do we have any constraints on that right now?

Mr. Sauls: I think that's what we were trying to highlight is that adjacent interior side yard line where we're trying to say if you were kind of tucked in that back corner. I apologize, I'm using my hand in the sense but kind of tucked in that back corner, the opposite side interior yard is not what we're trying to discourage views from. It's just those kind of behind that kind of crux point where you're locating.

Commissioner Reckdahl: Okay, very good, I didn't want any unintended consequences there. Okay, I think we're almost there but I think if Staff came back and did one more iteration I think this could be very strong. Thank you.

Chair Summa: So, a few comments from me, I appreciate all the comments. I did not find that was as ambiguous as some of my colleagues, the way it was written. I do appreciate the term adjacent has often been... people have wondered what that meant legally. Does it mean abutting or some other type of adjacency so that might be good?

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1 I'm not sure if my colleagues would like to see this come back again or if we are ready to vote
2 to advance it. I'm not quite sure what people are thinking. If somebody would like to make a
3 motion maybe that's how we find out. Go ahead.

4
5 Vice-Chair Chang: Can I just ask if Staff feels like they have... I mean it sounds like this ordinance
6 as it stands, based on my colleague's comments, is not ready. We... but I just wanted to see if
7 Staff feels like they have enough direction based on our comments and to be able to irritate
8 and then bring a motion to Council?

9
10 Ms. French: I feel that the general direction and the concepts as expressed and seconded
11 somewhat were clear but Garrett, if you have something.

12
13 Mr. Yang: I guess I would say I think what we need is clearer policy direction in terms of which
14 windows would you like to permit. Which windows would you like to see obscured and which
15 windows would you like to see at a certain sill height? But in terms of the particular wording,
16 that's what Staff is able to take the time and develop and clarify.

17
18 Chair Summa: So, I kind of feel like we're there but I'm not sure what other people are feeling
19 and Commissioner Hechtman had his light on so why don't you go ahead?

20

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1 Commissioner Hechtman: I can try a motion, so let me think about how to. Actually, before I
2 do, if I can ask a question of Staff? When I look at the language of Subpart D, egress windows
3 on a second-floor loft or equivalent elevated space shall not face adjacent property lines, is that
4 when we say equivalent elevated space, are we possibly talking about an ADU that for
5 whatever reason is elevated 3-feet above the ground? Or where we thinking of something taller
6 than that?

7

8 Mr. Sauls: I think I'd... I don't know Mr. Yang if you have anything to add (interrupted)

9

10 Mr. Yang: I think the intent is for an elevated space that is above the first finished floor because
11 that is what a loft of second story represents. And so that if you had a first finish floor at 3-feet
12 above grade because of the flood zone. That wouldn't be covered by this and presumably, your
13 neighbors are also going to have often an elevated first floor in those situations as well.

14

15 Ms. French: And if I may, I would add the interior after adjacent because I think that's the intent
16 of that one.

17

18 Commissioner Hechtman: Yeah and actually get... when I make this motion I'll include the
19 concept of finding a uniform term for this whole section but it's raising to me an issue about
20 egress windows in a one-story ADU that... but well let's just say it starts, you know, its

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1 foundation... its finished floor is 3-feet above grade and it's only 10-feet of space to the ceiling.
2 So, it's whatever, 12-feet so right now I don't think Staff has addressed that possibility in the
3 current draft of the ordinance and I'm wonder if the reason is that with a one-story we have to
4 allow that egress. Even though there will be privacy concerns, safety concern are paramount,
5 and so we have to allow that egress window on that side. Is that true or is it just something that
6 wasn't focused on?

7

8 Mr. Sauls: I think the point of choosing to differential between egress and non-egress was
9 intentional so that in the event that there's a scenario we have or we're required to have it in a
10 certain situation. That our focus really is just on ensuring that has obscured glazing rather than
11 saying something else.

12

13 Commissioner Templeton: Chair, would it alright if I ask a clarifying question before
14 (interrupted)

15

16 Commissioner Hechtman: Sure.

17

18 Commissioner Templeton: Commissioner Hechtman proceeds with a motion.

19

20 Chair Summa: Of course, please go ahead.

-
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Commissioner Templeton: Thank you. I'm just reading D and E together and basically, we're prescribing a completely blank, no window wall on the shared... facing the shared property line. Is that right or I misunderstanding it?

Commissioner Hechtman: (off mic) That's what it says.

Commissioner Templeton: Yeah, I think that's a hideous design chose for the neighbors to have to look at. Right, like I don't... this is what I'm talking about with unintended consequences. Its... they're just going to have a nasty wall sticking up above their fence instead of something with architectural detail.

Commissioner Hechtman: Just a note to Commissioner Templeton, so my motion is going to basically get rid of E. Non-egress windows will be... in the motion, I intend to make non-egress windows will be allowed to face adjacent interior property lines. So, I'm going to get rid of E.

Commissioner Templeton: I would support that. I just want to make sure that we're all on the same page here because that was just not something we had mentioned yet.

Commissioner Hechtman: There will be limits on those windows but they'll be allowed.

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Commissioner Templeton: Okay, alright, thank you.

Chair Summa: Is that all Commissioner Templeton? Okay, thank you. Commissioner Hechtman.

Commissioner Hechtman: Alright, so let me get a motion on the floor and then we can... if there's a second we can talk about it further. So, I would move (interrupted)

Commissioner Reckdahl: Could Staff type this up? This might be (interrupted)

Commissioner Hechtman: Pardon me?

Commissioner Reckdahl: Could Staff type this up so we could see on the screen?

Commissioner Templeton: They don't do that for PTC.

Commissioner Hechtman: Yeah and I'm not going to proposed specific language for them to type I don't think.

Chair Summa: I'm going to try to write it.

-
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MOTION #2

Commissioner Hechtman: So, but let's try it this way, and then if it doesn't work we'll try it a different way. Alright, so let's see, alright I move that the PTC recommend to the Council regarding Item G, privacy measures for ADU/JADU, that the Staff draft of Subparts E and F be revised to address the following three concepts. Number one regarding required egress windows, where feasible they should not face an adjacent interior property line if that's what we're going to call it. Number two regarding non-egress windows facing an interior... an adjacent interior property line, if they are non-operable then any portion below 5-feet from finished... from... what it's called, finished floor?

Mr. Sauls: Correct.

MOTION #2 CONTINUED

Commissioner Hechtman: Shall be glazed or opaque, whichever term we like to use, or obscured glazing, and any operable non-egress window facing an interior... an adjacent interior property line shall start with its sill 5-feet from the finished floor. That... this apply to ADUs and JADUs that are 3-feet or more above the property grade and that Staff go through this Subpart

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1 (2), privacy, to make consistent the term for adjacent property lines, possibly using adjacent
2 interior property lines if that's what is intended by Staff.

3

4 Chair Summa: Thank you, do I have a second?

5

6 Mr. Sauls: If the Commissioners would like I could also repeat that, maybe even one for one,
7 item by item if preferred.

8

9 Ms. French: I could also share the screen.

10

11 Chair Summa: If you can share that with us if would be great.

12

13 Commissioner Templeton: Did we ever discuss whether this would also be reviewed by the ARB
14 or is it just coming to us?

15

16 Ms. French: This is just coming to this body before Council.

17

18 Chair Summa: Okay.

19

20 SECOND

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Vice-Chair Chang: I'll second just so we can discuss. I might have some modifications.

Chair Summa: We have a second and Commissioner Hechtman, did that... I think that captured your motion.

Commissioner Hechtman: (off mic) Yes, I [unintelligible]

Chair Summa: Okay.

Commissioner Hechtman: [unintelligible – off mic]

Chair Summa: Any comments? Any comments from my colleagues? Commissioner Reckdahl.

FRIENDLY AMENDMENT

Commissioner Reckdahl: On Item One could we add that if it is not feasible or say yeah, basically if it isn't feasible then that egress window has to be frosted? Granted they could open it up and defeat the purpose but windows are closed 95 percent of the time.

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1 Commissioner Hechtman: I'd be supportive of that addition to Item One.

2

3 Vice-Chair Chang: I would as well.

4

5 Chair Summa: Okay, that has been accepted. Any other comments? Oh, Commissioner Chang

6 [note – Vice-Chair Chang] and then Commissioner Templeton.

7

8 FRIENDLY AMENDMENT

9

10 Vice-Chair Chang: I would like to suggest that this applies to ADUs and JADUs that are 2-feet or

11 more above property grade rather than 3-feet.

12

13 Chair Summa: Is that acceptable to the maker?

14

15 Commissioner Hechtman: I think that's fine, yes, yes.

16

17 Vice-Chair Chang: And it's fine with me too.

18

19 Chair Summa: That has been accepted by both. Commissioner Templeton.

20

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1 Commissioner Templeton: Thank you. I still have a problem with the way that we are conflating
2 our work with the ARB work and its getting kind of extreme in how specific we're being about
3 placement of windows and things like that. I'm... I think we're going to end up with some really
4 less-than-attractive buildings if we proceed with this path.

5
6 I'm also concerned about natural ventilation if we prevent having air flow across the house by
7 removing the ability to have operable windows on one side or possible two. Otherwise, we'll be
8 putting additional strain on our grid as climate change makes it hotter here.

9
10 So, I would think about ways for us to... it feels not ready and it feels not sensible right now
11 with what we have. We've talked a little bit about it. If we... if we don't get a chance to see it
12 again and it goes to Council. I would like to... I would encourage Staff to include things about
13 that. So, I'm not really on board with this, I don't like it because we're wordsmithing something
14 that's not even there. Thank you.

15
16 Chair Summa: Thank you for that. I actually think we're explicitly not wordsmithing it. We've
17 giving the concept to Staff and they're going to make it work. And I will say I've seen a lot of
18 unhappy neighbors, not with ADUs necessarily, but with other... specifically, one of the... in our
19 OR Process when it goes from a one-story house to a two-story house. And I think that Staff has
20 thought quite a bit about this and has a lot of experience and some of these concepts are pretty

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1 basic building concepts also. Such as placement of clear story windows when privacy is an issue
2 and that kind of thing. So, I am comfortable with this and especially as Commissioner Hechtman
3 has pointed out. This won't effect at least half of the ADUs or at least a whole group of the
4 ADUs that we cannot have any personal... we can't have any specific City rules on.

5
6 And as to aesthetics, I don't know, that's a pretty hard one when we're trying to make
7 objectives rules. And so, I'd like buildings to be attractive to me but what I find attractive may
8 not be what someone else finds attractive. So, I'm sure we want to go down that road as it is of
9 the most subjective nature. So, I appreciate your concerns but I don't really share them.

10

11 Commissioner Templeton: That's okay, we can agree to disagree. That's why I was thinking the
12 ARB might be better qualified to determine what's attractive "in an objective sense".

13

14 Chair Summa: Yeah and if there are no other comments I think we can go ahead and call the
15 vote. Oh, go ahead.

16

17 Commissioner Hechtman: Just one quick comment, I noticed and again, these are concepts out
18 there and so Staff will come up with the language, but I noticed that we used frosted twice and
19 obscure glazing once. And so, when Staff comes up with language I'm sure that they find some
20 uniform term, whatever it is, for that. So, with that, I'm ready to vote.

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Chair Summa: Okay thank you for that. Any other... I see no other lights so I think we can go ahead and call the vote.

VOTE

Ms. Dao: Commissioner Templeton?

Commissioner Templeton: No.

Ms. Dao: Chair Summa?

Chair Summa: Yes.

Ms. Dao: Commissioner Reckdahl?

Commissioner Reckdahl: Yes.

Ms. Dao: Commissioner Hechtman?

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1 Commissioner Hechtman: Yes.

2

3 Ms. Dao: Vice-Chair Chang?

4

5 Vice-Chair Chang: Yes.

6

7 Ms. Dao: Motion carries 4-1.

8

9 MOTION #2 PASSED 4(Chang, Hechtman, Reckdahl, Summa) -1(Templeton) -1(Roohparvar
10 absent)

11

12 Chair Summa: Thank you so much.

13

14 Commissioner Templeton: May I speak?

15

16 Chair Summa: Oh, yes please speak to your no vote.

17

18 Commissioner Templeton: Thank you. I want to make it clear that I'm not trying to, in any way,
19 diminish Staff's work here. I just think that there's more work that needs to be done and that
20 when we're going to be looking at the level of detail that we're prescribing in this... these edits.

-
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1 That it starting to feel a lot more ARB-y than PTC-y and it would be probably valuable to get
2 their input or think about it from that perspective before it go to Council. Because one thing we
3 know is that we're likely to have some unintended consequences because of the way it's
4 written and this is our first pass-through. So, that is why I oppose it and I think that it may end
5 up hindering our progress toward building ADUs as scale in our City unless we can address
6 those things. Thank you.

7

8 Chair Summa: Thank you for that and I guess we can move on to our final issue which is I,
9 basement under JADUs that serve... ADUs and JADUs that serve the primary units. So, would
10 someone like to start us off on that? Commissioner Hechtman.

11

12 Commissioner Hechtman: I'll start with a question. Mr. Sauls, can you pull up that diagram that
13 showed a basement under an ADU being for the ADU and the basement for the main house
14 right next to it being for the main house?

15

16 Mr. Sauls: Yeah, give me one second.

17

18 Commissioner Hechtman: Oh, Packet Page 11 Commissioner Templeton says. Thank you, yeah
19 so it's the one on the left and so before we waded into this I had kind of a practical question to
20 make sure that what we might be doing was going to... sorry... have some meaning. So, in this

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1 diagram on the left, if it... if that's my house and this is exactly what I propose, what is the
2 material that separates the ADU/JADU basement from the primary unit basement? Is it
3 required to be concrete? Can it be drywall? I'm curious if... well and the reason I'm curious is if
4 it for example could be drywall, then it really doesn't matter what we put in our ordinance.
5 Once it's built if somebody wants it to serve the primary unit, they're just going to knock the
6 drywall out and we won't know. It's underground so that's why I'm asking the question. If
7 there's a... could it be drywall or will that wall necessarily be something harder to demolish?

8
9 Mr. Sauls: From a Building Code standpoint I believe that at least kind of the casement walls
10 around the structures at least. Those are made of much sturdier material than of course than
11 drywall. As it relates to kind of demised space within that area I believe that they allow for
12 those spaces to be your typical kind of construction as they're not usually considered to be like
13 a... they're going to be certain points I'm sure as a part of it but they're not necessarily like
14 structural elements between those spaces.

15
16 Commissioner Hechtman: Alright, thank you, so then let me just... well, actually I'll wait and see
17 if other people have questions before providing comments.

18
19 Chair Summa: Commissioner Reckdahl.

20

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1 Commissioner Reckdahl: Do we have a feel when people make ADUs, attached ADUs, are they
2 generally renting them out or do we think that people are just doing it to get more FAR?

3

4 Mr. Sauls: So far, the only kind of study I think that we've really seen has been the Turner
5 Center Study that was I think from a year or two ago which identified kind of like a 30/30/10
6 split; which mostly it turned into 30 percent being used as kind of a shared facility with relatives
7 or family members or friends. And then others being kind of a combination of rentals, personal
8 use, and others.

9

10 Commissioner Reckdahl: Thank you.

11

12 Chair Summa: I don't... any other questions or should we move onto comments? Commissioner
13 Hechtman, Chang and Lauing. Lauing? Reckdahl, in that order.

14

15 Commissioner Hechtman: So, a couple of thoughts, you know the theme we're not really going
16 to talk about on this item is that the predicate is somebody is building an ADU. Right so that is a
17 win right there, right? This is a good problem to have. Somebody is building an ADU and we're
18 worried about how the basement might be utilized. So, and personally, I am most concerned
19 about encouraging people to build ADUs. That's the top of the mountain on this particular issue
20 for me. I don't want to dissuade people from building ADUs, I want to encourage them.

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And the other factor for me is I don't want to create a scenario where people feel like its to their advantage to act in a lawless way or break the rules because nobody will find out. I'd rather not have the rule and so in this particular scenario, I'm not sort of deeply offended by somebody getting extra basement for their primary unit if they're going to build an ADU that hopefully is going to be used by somebody.

And again, because we don't control the separation material I think it's likely to happen sometimes anyway, I wouldn't say necessarily most of the time, but and I don't want to put people in a position where they feel that they should break our rules. You know, there could be safety issues in doing that because that... if they tear out that wall, there's going to be no inspection and that wall may have been fire rated for example and so if they're going to... if that's going to be an opening, I'd like our City inspectors to know all about it and make it as safe as possible.

So, on this one I mean I can live with it but I think we don't need to do it if somebody's clever enough that they want to get a larger than 6,000-square foot house including basement by building an ADU and grabbing the basement. I'm okay with that.

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1 Vice-Chair Chang: I really appreciate Commissioner Hechtman's comments about us not
2 wanting to create a situation where people will flaunt the law because there's no point in
3 having a law if it's just enforceable.

4
5 That said, I think that this is a little bit of a different situation because I'm operating from a
6 perspective that we have our FAR constraints and our constraint specifically about basements
7 for a reason. In other words, there's some desire to make sure that there's enough open space
8 on a lot with respect to FAR and then for basements, I think it's because we're concerned
9 about... at least among the reasons would be that we're concerned about the environmental
10 impacts of basements. And I personally am not a fan of basements because it causes a lot of... it
11 just causes a lot of disruption to the environment and our water and all of that.

12
13 So, it's this trade-off issue where we want to have ADUs and we want to have larger ADUs in
14 fact so that they can accommodate families. We've always... we've discussed many times how
15 ADUs are sort of naturally affordable housing and the City lacks affordable housing Particularly
16 for larger... for families and so with respect to this issue where the primary home could simply
17 open up a door in the wall and then have access to the other basement. I think that the benefit
18 of having this rule is that at least it is constructed such that the ADU does have access to the
19 basement. And that is something that if it were not initially constructed that way would be

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1 much harder to put in place after the fact where somebody wanting to expand the living space
2 available to the ADU.

3

4 And so, I think that on balance I'm in favor of this ordinance. I think it's a little bit different
5 from, you know we were talking about attached ADUs and do we want to create a process
6 where people can just put a door through from their house? I think this is a little bit different
7 because it's a basement. If it's designed appropriately then the ADU can actually become a
8 larger ADU, even if somebody is flaunting the law and sticking a door in the bottom of the
9 basement. So, that's my two sense, thanks.

10

11 Chair Summa: Commissioner Reckdahl.

12

13 Commissioner Reckdahl: We want to encourage ADUs and I'm afraid that if we have to many
14 rules on ADUs we may not get the ADUs and as Commissioner Hechtman did say the good news
15 if someone's using this to get around. The good news is we get an ADU out of that so I see the
16 pros and cons. We may be facilitating people to squeeze a little more FAR, we may be
17 encouraging basements and the pros and cons of basements are its... there are environmental
18 aspects but also there's no a Daylight Plane issue. You going down that has less impacts on
19 neighbors than building a big second story. So, it actually from a neighbor standpoint may be
20 better to have a basement. So, all in all, I think we give the people the benefit of the doubt and

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1 let them put the basement under whether it's for the ADU or whether it's for the primary
2 residents.

3

4 Chair Summa: Commissioner Templeton.

5

6 Commissioner Templeton: I'm a little concerned about some things we haven't discussed. So,
7 for example, if you have a basement all the way across underneath like the picture on the right
8 on Page 11. How many wells do you have to have for egress versus on the left you have to have
9 more wells for egress? So, in other words, does it require additional construction constraints
10 besides the wall that we haven't discussed? Does Staff know?

11

12 Mr. Sauls: I think in that instance it will depend on whether or not there's a bedroom being
13 placed within that space. That does require egress rather than like we've seen things like
14 exercise rooms or cinema rooms, but when they're actual bedrooms in the basement. Those do
15 require egress so those would be light wells or below-grade patios.

16

17 Commissioner Templeton: Okay so in the scenario where there's a fire and there's two units or
18 a split unit in the basement. One for the primary and one for the ADU, how do they get out if
19 there's no egress in the basement?

20

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1 Mr. Sauls: So, they would be... so I think you're looking at image... the image on the left side, is
2 that correct?

3

4 Commissioner Templeton: Yes.

5

6 Mr. Sauls: In those scenarios, they would be required to have egress for both of them to my
7 understanding.

8

9 Commissioner Templeton: Yeah, that's what I think, and regardless of whether it's a bedroom
10 or utility room or something, right?

11

12 Mr. Sauls: I believe so.

13

14 Commissioner Templeton: Yeah, so there's just... I'm just, for my fellow Commissioners, saying
15 that there's a little bit more implied than just that wall that's drawn. We have to make sure
16 people don't die in the basement, right?

17

18 Vice-Chair Chang: Can you just clarify a little bit more?

19

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1 Commissioner Templeton: So, if you're in a room that's in the basement and the only way in
2 and out is the stairs up to ground level. If that is on fire, how do you get out, so you have to
3 think about the safety aspect as well. If I'm a homeowner or a builder that's building this I'm
4 definitely going to be put the ADU with the basement because you're going to have a bigger
5 unit to rent out. It makes more sense, I think it's encouraged enough, but I'm just worried that
6 if we don't do that and then somebody says you know what? We could build down and we
7 could have a bigger unit and they wouldn't have the safety things there. I'm just really
8 concerned about it so I think we have to evaluate this, and I don't have a conclusion, but we
9 have to evaluate that from the safety perspective as well and it's not just the wall. What... and
10 the wall should be a fire wall to be completely honest like it should be. So, I just think there's a
11 lot of safety stuff that hasn't been included in our Packet and it's going to be hard to make a
12 really solid recommendation based on what we have in front of us. Thank you.

13

14 Chair Summa: Thank you for that. Oh, if I'm (interrupted)

15

16 Commissioner Hechtman: Please.

17

18 Chair Summa: So, I appreciate Commissioner Templeton's concerns and the concerns about
19 whether it should be a fire wall or just drywall which no wall is really just drywall because it has
20 framing elements inside of it. But I have a feeling that would be covered by the Building Code

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1 and that what we aren't looking at is a Building Code that would pertain in these situations, but
2 rather what we are looking at is the concept of allowing who gets to use the space underneath
3 more. I don't know if that helps but is that... am I correct about that Staff?

4

5 Mr. Sauls: Yes, so just to maybe just give some clarification to Commissioner Templeton's
6 comments as well. If they are separated as in the image on the left-hand side. Given that they
7 would be separate units they would be required to have fire rating. I think that's what she was
8 commenting on as something to keep in mind and then I think Commissioner Hechtman was
9 noting that if someone kind of punches a wall. That kind of compromises that fire rating or
10 sorry punches a hole, a doorway between those two spaces that can compromise that fire
11 rating.

12

13 Commissioner Templeton: Thank you, that's really important to clarify. I just want to make sure
14 that we're discussing it, thank you.

15

16 Chair Summa: And I have another question about walk-out exits from basement spaces. Would
17 those extend beyond the footprint and potentially into the 4-foot setback?

18

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1 Mr. Sauls: Yeah so typically a basement will have a light well. Those will encroach into... often
2 times on a 6,000-square foot lot, for example, those often times will encroach into the side yard
3 setbacks about 3-feet for the primary dwelling unit. So, it would be likely something similar.

4
5 Chair Summa: So, we wouldn't... in that case, we wouldn't be able to have that kind of light well
6 exit in the 4-foot setbacks because you couldn't walk past them basically. I mean doesn't that
7 create a... so that would also be control by the Building Code, right?

8
9 Mr. Sauls: Yeah, it would be controlled by the Building Code and one of the things that we
10 talked about when we discussed basements was requiring light wells associated with
11 basements on ADUs to maintain the 4-foot setback.

12
13 Chair Summa: Okay.

14
15 Mr. Sauls: So, that is something that is already kind of built into the Draft Ordinance.

16
17 Chair Summa: Okay, thanks for reminding me of that. So, I fall I think in along the lines... in
18 agreement with Commissioner Chang [note – Vice-Chair Chang] in that we have concerns. A lot
19 of people in the community have concerns about the effects of basements on groundwater but
20 it seemed very unfair to me when we first discussed this if we allow them for primary units to

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1 not allow them for ADUs. But I guess I have a strong preference for not allowing the primary
2 house to increase potentially over the size they normally would be able to be allowed but to
3 use the whole the basement under the ADU. I think if there's a basement under the ADU
4 detached... I mean attached ADU or JADU. It should belong to the ADU or JADU giving it extra
5 space and following all the safety and other Building Code that we have. That would be my
6 preference and then I think Commissioner Hechtman wanted to speak and then Commissioner
7 Chang [note – Vice-Chair Chang].

8
9 Commissioner Hechtman: Thank you, question for Staff, the diagram on the right, does the
10 ADU/JADU in the diagram on the right does that count toward the 6,000-square foot maximum
11 house size?

12
13 Mr. Sauls: So, the ADU and JADU in that example on the right does not count towards that
14 6,000-square foot maximum house size. So, if you can envision it or imagine it you can imagine
15 a 500-square foot JADU or an 800-square foot ADU. So, that structure would actually be 6,800
16 or 6,500-square feet and the issue that we're trying to raise with that specific image is placing a
17 basement underneath. That bonus square footage is not something that we would typically
18 allow in a scenario where it's just a single-family home being proposed on the site.

19

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1 Commissioner Hechtman: Alright so image on the right, if the total square footage including the
2 ADU/JADU is 6,000-square feet then I can do this today, correct? Right (interrupted)

3

4 Mr. Sauls: Correct and that's what identified in the ladder half the proposed language in the
5 Draft Ordinance is that should they fall within that maximum provision that we have already
6 established in our Code. We want to treat that the same as a normal situation, right not to
7 exclude it.

8

9 Commissioner Hechtman: Right.

10

11 Mr. Sauls: If they exceed that, that's when we would be saying this is a different animal.

12

13 Commissioner Hechtman: Right and so I want to sort of make that point and make sure we're
14 all aware of it. That we're really talking about a limited set of circumstances here. I can already
15 build a 6,000-square foot house with one basement for the primary unit extending all the way
16 under the ADU. It's only if... it's only to the extent that I don't... that I want to go above 6,000-
17 square feet total and I guess the maximum would be 6,800, right?

18

19 Mr. Sauls: [unintelligible]

20

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1 Commissioner Hechtman: That I could get bonus basement and so, you know, honestly I don't
2 think that's going to happen a lot. I think a lot of people in Palo Alto are pretty satisfied with
3 their 6,000-square foot house or less. I wouldn't know what to do with that much space. I, you
4 know, even half of that, so again I really if it would... from my perspective if it would encourage
5 somebody to build an ADU/JADU, to give them an extra 5- [note – 500] to 800-square feet of
6 basement, that's fine, it's okay with me. I do think that if I was going to build the thing on... if I
7 was hell-bent on doing... you know having the basement all for the primary unit and I had to
8 build what's on the left, then I would put a door in the ADU on the way out of the basement
9 and I would lock that door. And then I wouldn't... I would... I wasn't thinking about punching a
10 wall... a hole in the wall for a door. I was going to just tear out the whole wall between them so
11 it's just open you because to have a bigger open space for my basement. Just like the one on
12 the right and so again, those are the thoughts that I'm concerned about.

13
14 But the reality is, is that I don't feel that passionate in either direction, and I'm fine going with,
15 if it's the will of the Commission, to include this concept, this limitation, I'm fine with that. The
16 one change I would suggest to the language that Staff has drafted is this clause that Mr. Sauls'
17 referred to which is on Packet Page 27 and he was referring to this underline which occurs
18 twice at the top and middle of the page. "Basements which serve the primary unit may not
19 extend under an attached ADU or JADU when those secondary units utilize the Bonus Floor
20 Area, Lot Coverage and/or Maximum House Size Exemption identified in 18.09" and then yeah.

-
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1 So, when you say when those units utilize, that kind of... that's an all or nothing deal and I think
2 the word "when" should be replaced with "to the extent" in both. So, in other words, if I'm... if
3 I've got my 6,000-square foot house and I'm using 200-feet of it for an ADU. I'm building a 500-
4 square foot JADU but only... that only puts me at 6,300. So, I've got 300-square-feet of bonus
5 then that's how much of the basement I shouldn't be able to use. So, I think its kind of a simple
6 change that basically tracks to the extent they exceed the 6,000. That's how much has to serve
7 the ADU or JADU.

8

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

10

11 Vice-Chair Chang: I think I remain, even after all the discussion, I think that... I don't think even
12 though not many... basements are expensive so in general, not many people are wanting to
13 build basements. That said, those... I mean what I see if the basements going in for gigantic
14 houses that are even more gigantic and I see no need for that in general unless we want to
15 make... give that space over to the ADU. That's why the incentive exists and if we don't have
16 staircase there, we don't have that extra space. I think the design of a staircase accessing that
17 basement is actually critical because it increases the flexibility of the building later on. Even if
18 the owners... the current owners are not going to use it.

19

20 So, I would like to move, if we don't have additional comments. Do we have...?

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Chair Summa: I see none on the board so.

MOTION #3

Vice-Chair Chang: I would like to move that the... that we recommend Item I, basements under JADUs that serve primary units, that we recommend the Staff recommendation with the changes to language suggested by Commissioner Hechtman. Changing the word “when” in two instances to “to the extent”.

Chair Summa: I’m looking for a second.

SECOND

Commissioner Templeton: For discussion purposes, I’ll second it.

Chair Summa: Thank you. Seconded by Commissioner Templeton. Questions, discussion?

FRIENDLY AMENDMENT

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1 Commissioner Templeton: Yes, yes, so did you want to say that it should be built such that it
2 could be used by the ADU or JADU? Even if the owner doesn't want to at this time. Did we want
3 to include that language because right now they wouldn't be able to use it I think.

4

5 Vice-Chair Chang: That's an interesting idea but.

6

7 Commissioner Templeton: We always want it to be useable in the future even if the first
8 owners made a mistake. I joke, I joke, but you know what I mean.

9

10 FRIENDLY AMENDMENT NOT ACCEPTED

11

12 Vice-Chair Chang: I don't think I... I think what I'm saying is that we... I don't really want to
13 encourage basements just for use by the primary owner. I want it to be used by the ADU.
14 Unless it's built that way, it won't be useable for the ADU.

15

16 SECOND WITHDRAWN

17

18 Commissioner Templeton: It's a bit too prescriptive, I'll withdraw my second, thank you.

19

20 SECOND

-
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1 Chair Summa: Do... Commissioner Templeton withdrew her second. If no one else wants to, I
2 will second that then and I will just say to my second that I agree that with what the reasoning
3 behind Commissioner Chang's [note - Vice-Chair Chang] point of view.

4
5 If there's no other thoughts or discussion we can call the vote.

6
7 VOTE

8
9 Ms. Dao: Commissioner Reckdahl?

10
11 Commissioner Reckdahl: Yes.

12
13 Ms. Dao: Chair Summa?

14
15 Chair Summa: Yes.

16
17 Ms. Dao: Vice-Chair Chang?

18
19 Vice-Chair Chang: Yes.

20

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1 Ms. Dao: Commissioner Hechtman?

2

3 Commissioner Hechtman: Yes.

4

5 Ms. Dao: Commissioner Templeton?

6

7 Commissioner Templeton: No.

8

9 Ms. Dao: Motion carries 4-1.

10

11 MOTION PASSED 4(Chang, Hechtman, Reckdahl, Summa) – 1(Templeton) – 1(Roohparvar
12 absent)

13

14 Chair Summa: Thank you so much. I think that concludes this item. Would my colleagues like to
15 take a brief break before... oh I'm sorry, I forget every time. Would you like to speak to your no?

16

17 Commissioner Templeton: Yes, I would, thank you very much. I think that it's really important
18 that we build such that it could be used by the ADU or JADU, but I worried that not allowing the
19 current owner/builder to enjoy the basement for the time that they occupy the property. That
20 might discourage the building of these and it would discourage therefore the building of larger

-
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1 ADUs. So, I think it's a little over-prescriptive for the people who might be owning or building it.

2 Thank you.

3

4 Chair Summa: Thank you for that and now I think we can move on to the next item which is
5 Action Item Number 3 unless my colleagues and Staff would like a quick break.

6

7 Mr. Sauls: Just one item Chair for Ms. Gardner, the public commenter, I'm going to put my
8 contact information. We did have in the previous presentations... Staff Reports some additional
9 information about the current ADU production that we've been making. So, if she would like to
10 reach out to me, I can talk to her about that, and share that information.

11

12 Chair Summa: Thank you and I'm not sure if Ms. Gardner is on... is watching still but I will let her
13 know because I have her contact information so thank you for doing that. Colleagues, would
14 you like to plow into... break? 7-minutes? Okay, we'll take a brief 7-minute break and then we'll
15 come back for Item Number 3. Thank you.

16

17 [The Commission took a short break]

18

19 **Commission Action:** Motion by Chang, seconded by Templeton. Pass 5-0 (Roohparvar absent)

20 **Commission Action:** Motion by Hechtman, seconded by Chang. Pass 4-1 (Templeton against)
21 (Roohparvar absent)

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1 **Commission Action:** Motion by Chang, seconded by Summa. Pass 4-1 (Templeton against)
2 (Roohparvar absent)

3 3. Review and Recommend City Council Adoption of the Draft 2023-31 Housing Element,
4 Subject to Refinement Following Comment from the Department of Housing and
5 Community Development. A Draft Addendum to the City's Comprehensive Plan 2017
6 Environmental Impact Report has been prepared.

7 **Chair Summa:** [note – video started with no audio] subject to refinement following comment
8 from Department of Housing and Community Development and a Draft Addendum to the City's
9 Comp Plan 2017 Environmental Impact Report has been prepared for us to review. So, Staff, I'm
10 sure you have a presentation.

11
12 **Ms. Clare Campbell, Long Range Planning Manager:** Yes, we do, thank you so much. So, I'm
13 Clare Campbell, the Manager of Long Range Planning and Tim Wong is here tonight to give a
14 presentation to review our materials for this evening. And we also have some of our
15 consultants online available to also help us answer some questions this evening. So, I'll turn it
16 over to Tim, thank you.

17
18 **Mr. Tim Wong, Senior Planner:** Good evening, do we... I see the ADU presentation.

19
20 **Mr. Jonathan Lait, Director of Planning:** [unintelligible – off mic]

21
22 **Mr. Wong:** Yeah, sorry technical difficulties. Please be patient, thank you.

23

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1 Mr. Lait: Unless you want to have that conversation.

2

3 Mr. Wong: Okay, so good evening once again. My name is Tim Wong, Senior Planner with the
4 City and tonight before you is consideration of the 2023-31 Housing Element. Next slide, please.

5 So, the purpose of tonight's meeting is for the PTC to review the HCD submitted draft Housing
6 Element and to provide feedback to Staff. Including the four programs that were approved by
7 the Council at the November '22 meeting. In addition, as mentioned, there is a Draft CEQA
8 Addendum that have been prepared for the environmental review of the Housing Element and
9 to provide comments for the addendum and lastly to make recommendation to approve the
10 Draft Housing Element subject to refinement following comment from HCD. And on that last
11 point, I would like to just briefly explain why Staff is bringing you the Draft Housing Element
12 prior to HCD comments.

13

14 Firstly, that we are out of compliance. The deadline for a compliant Housing Element was the
15 end of January of this year and so there's a strong interest to getting the Housing Element
16 adopted as soon as possible. So, as part of that, Staff is... continues to make this iterative
17 approach to getting an adopted Housing Element and one of those steps is bringing the Housing
18 Element to the PTC in this two-meeting approach. So, for tonight's meeting we're asking the
19 PTC to support what the HCD submitted draft and once HCD comments are received from... are
20 received. Then Staff will put together proposals on how to respond to those HCD comments

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1 and bring it back to the PTC in a second meeting. That second meeting will probably be a joint
2 meeting with the City Council late April, early May and so this approach streamlines the
3 Housing Element adoption process while still providing the PTC opportunities to comment
4 before and after HCD comments, so next slide, please.

5
6 So, tonight I'll be presenting the following topics. What is a Housing Element? What is RHNA or
7 RHNA as we call it? The PTC's role and responsibility in the Housing Element update process. I
8 will be highlighting the revisions that were made to the November 2022 public review draft. I
9 will summarize the public comments received. We'll talk about the addendum, the
10 environmental review for the Housing Element, and lastly next steps.

11
12 So, what is a Housing Element? It's one of the mandated elements in a Comprehensive or
13 General Plan and it is the only element that requires approval by the State. Next slide and as
14 part of the Housing Element you must have a housing plan which are programs to help increase
15 housing production while addressing these other topics in the Housing Element. Including fair
16 housing, affordable housing, and also reducing governmental barriers. And what is new for this
17 Housing Element cycle is the fair housing requirement in that everything must be viewed
18 through the fair housing filter and that has led to some of the more complex issues in a Housing
19 Element.

20

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1 Next slide please and then following, what is RHNA or the Regional Housing Needs Allocation?
2 Basically, it is a jurisdiction's fair share for current and future housing growth, and next slide,
3 and it has been determined that for the City of Palo Alto, our fair share of housing from 2023 to
4 2031 is 6,086 units. Broken down into four income categories and as you can see for reference
5 what the annual income is for some of those... for those income categories.

6
7 Next slide and for the PTC, the PTC's role and responsibility in this Housing Element process is
8 to review and recommend to Council the 6th Cycle Housing Element, we're in the 6th Cycle, as
9 an amendment to the Comprehensive Plan, and also to consider the environmental review
10 document. Again, the addendum that has been prepared for the Housing Element.

11
12 Next slide and just to take a step back, in November of 2022 the City released a public review
13 Draft Housing Element as a requirement. This... jurisdictions are required to release a draft for a
14 30-day public review and that was done in November. And as part of the 30-day review, there
15 was the joint meeting on November 28th between the PTC and Council and at that meeting,
16 additional revisions were made to the public review draft. And based on those additional
17 revisions, those were included in the HCD submitted draft and that was submitted to HCD for
18 their initial 90-day review on December 23, 2022.

19

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1 Next slide and as part of the HCD submitted draft, as mentioned there were four programs that
2 were added to the HCD submitted draft. And those four programs, as well as other minor
3 revisions, included a Lot Consolidation Program, SOFA Objective Standards, SOFA... I'm sorry a
4 lot of acronyms.. stands for South of Forest Area Coordinated Plan but it was to create a
5 program to make... to prepare Objective Standards for that coordinated plan. A program that
6 required the City to do annual zoning updates to be consistent with State and federal law. And
7 the last one is an administrative program if you will but the City is required to provide an
8 adopted Housing Element to the City's water supplier within 30-days of adoption. So, that was
9 added in as a requirement.

10

11 So, to highlight... to detail some of these four programs, next slide please, so this is the
12 proposed language for the Lot Consolidation Program. Understanding that many of the City's
13 lots are smaller than 10,000-square feet and so to help encourage larger lot sizes. The City is
14 proposing Lot Consolidation Program where we'll look at different incentives again to try to
15 encourage further lot consolidation. So, somethings that are being considered include
16 graduated densities for larger lot sizes, potentially relaxing some other Development Standards
17 such as setbacks or increasing FAR or even lot coverage. So, in the future Staff will be reviewing
18 some of those potential incentives for the Consolidation Program. Next slide, please.

19

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1 The next program that was approved is SOFA Objective Standards. Again, SOFA standards for
2 South of Forest Area Coordinated Plan, and the City recently went through preparing Objective
3 Standards but it did not for the SOFA plan. So, this is another program to help reduce
4 governmental constraints by preparing Objective Standards for this area.

5

6 Next slide and this is more of a catch-all but for annual zoning updates to be consistent with
7 State and federal law. So, with this program, moving forward the City will be undertaking
8 annual zoning updates. As you know, the State has been making a number of changes, even for
9 housing legislation I think, and so this is codifying those annual changes.

10

11 And next slide and lastly, this is the requirement to provide an adopted Housing Element to a
12 water... to the City's water supplier. In this instance, we would be providing it to our own Utility
13 Department within 30-days of adoption and that is I believe is a State requirement.

14

15 Next slide and so those were the four added or approved programs and then in addition to
16 those four added programs. In the HCD submitted draft we put together a summary of the
17 public comments that was received during those... that 30-day review and so there were
18 basically 10 themes. The first is comments about the City's site inventory and the future
19 availability of identities properties whether they were available during the planning period.
20 Secondly, there were concerns about environmental and infrastructure constraints regarding

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1 traffic, intersection safety, bike, and pedestrian safety. Particularly in the area where the City
2 proposed to upzone GM and ROLM in that Charleston/San Antonio area. Programs should be
3 objective and qualifiable. And so, we are looking at how we can do that without programs to
4 have more objective and just some firmer language. And comment or theme for is the City's
5 existing zoning and Development Standard create constraints. And so, we have been... we do
6 have a program that will look at government constraints to see how we can, for example,
7 expedite certain permits, less processing time. And also, along the same lines, application
8 processing timeframes create a constraint, therefore increasing residential, you know,
9 increasing costs, and so looking at reducing application processing timelines. Next slide, there
10 was comments about public participation should be fair and equitable to all. Another theme
11 was to look at how can we encourage greater affordable housing or enhance affordability
12 through fee waivers and other incentives. This one was fairly popular is to expand support for
13 programs that combat homelessness. And looking... Number 9, ADU assumptions are too
14 aggressive just based on your conversation, and that they don't appropriately address
15 affordability. So, we do have programs that address ADUs and lastly, tenant protection policies
16 should be strengthened and we do have programs in the proposed draft to address renter
17 protections.

18

19 Next slide, in addition for the Housing Element for the environmental review, Staff has
20 prepared an addendum. This addendum is based on the 2017 Comprehensive Plan update

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1 Environmental Impact Report. In the Comp Plan EIR, there were various scenarios that had
2 been studied. One scenario with a maximum build-out of 6,000-units. In the analysis of those
3 scenarios, it was determined that air quality and circulation were the two significant impacts.
4 And as part of that 2017 EIR, the Council did adopt mitigation measure to address those
5 impacts. So, there... next slide, please. So, using the Comp Plan EIR Scenario 6 as a baseline,
6 Staff analyzed the impacts of the proposed upzones and other programs in the Housing
7 Element. And using those determined worse-case scenario build out of 6,665 units which is 665
8 units more than the Scenario 6 build-out in the 2017 EIR. So, based on that, the impacts of the
9 additional 665 were analyzed and the results were the impacts of the 665 units were
10 determined to be less than significant and same as the 2017 EIR findings, circulation, and air
11 quality. There were no new or substantially more significant impacts in our analysis based on
12 then what was beyond 2017 EIR. So, based on those conclusions Staff determined that an
13 addendum was appropriate for an environmental review.

14

15 And then for the next steps, next slide please, as you can see we're in March of 2023, the
16 March 8th meeting. March 23 is the deadline for HCD to submit their comments to the City. So,
17 we're anticipating that in a couple weeks, and so moving... looking forward, right now there's a
18 tentative May 1st joint meeting between the PTC and the Council. Again, this is a tentative date,
19 it could be plus or minus a week before or after. As mentioned it's a fluid process and if the
20 Housing Element is adopted that day. We have 30-days to submit the adopted Housing Element

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1 with whatever revisions are based on PTC and Council direction at that meeting, but prior to
2 submitting that, the revised or the adopted version of the Housing Element. We need to do a 7-
3 day public review period. So, again, there will be a 7-day public review period prior to
4 submitting the adopted Housing Element to HCD. HCD, once the draft is or once the adopted
5 Housing Element, excuse me, is submitted to HCD. HCD had 60 to 90-days to review the
6 adopted Housing Element and then based on that we'll see whether we get receive a letter of
7 Substantial Compliance from HCD. And if not then discussions will continue with HCD in order
8 to get a compliant Housing Element. We anticipate that to be late summer.

9
10 So, again, Staff's recommendation to consider the Draft Addendum and then also to
11 recommend to City Council adoption of the Draft 2023-31 Housing Element. So, that concludes
12 Staff's presentation, as mentioned we also have our consultants here to answers any questions
13 you may have about the addendum or the Housing Element itself.

14
15 Chair Summa: Thank you very much for that, very thorough, and unless I have clarifying
16 questions because I'm sure we'll have lots of discussion about this I'll go to the public.

17
18 Commissioner Reckdahl: I have clarifying questions.

19
20 Chair Summa: Go ahead.

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Commissioner Reckdahl: Can you go back to Slide 18 and explain the 665 units again?

Mr. Wong: Sure, Commissioner Reckdahl. Yes, it was looking at sites that... well, in terms of analyzing impacts of upzones and implementation. We were a little more... for the upzones we increased the density, again this is worst case scenario and implementation of programs reflected in the Housing Element. Primarily, the enactment of the HIP, the Housing Incentive Program, throughout the City, and based on that we looked at how many more units that would create. But then also we subtracted some units based on the loss of square footage from the GM, ROLM area and that's how we came to that.

Commissioner Reckdahl: So (interrupted)

Mr. Wong: The delta, yes.

Commissioner Reckdahl: So, you're... this slide is saying, well suppose we are really really successful and we get a lot of housing. What's the worst impact on the environmental, is that the... what this analysis is doing?

Mr. Wong: The maximum build out yes, would be the 6,085 units.

-
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Commissioner Reckdahl: Okay so we were being pessimistic from the environmental standard point but optimistic from a housing production standpoint?

Mr. Wong: That is correct.

Commissioner Reckdahl: Thank you.

Chair Summa: Any other questions? Alright, why don't we go to the public? I know we have at least one person in the room so.

Ms. Veronica Dao, Administrative Assistant: Yes, we have one in person and I see four raised hands on Zoom. So, for in-person Renee.

Mr. Rene Baez [note – phonetics]: Yes, good evening Chair, Planning Commission, and Staff. I want to first thank you for giving me the opportunity to speak tonight. My name is Rene Baez [note – phonetics], I'm a field representative for the Nor Cal Carpenters Union and today I just want to speak about three which will benefit the Housing Element in the City of Palo Alto. And I believe these three things should also be basic labor standards. This one is the use of

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1 apprenticeship programs, two is healthcare for workers and their families, and three is local
2 hirer.

3
4 Right here I have the adopted Housing Element language for both Redwood City and Menlo
5 Park and under the local labor it says it encourages developers and contractors to evaluate
6 hiring local labor, hiring from or contributing to apprenticeship programs, increasing resources
7 for labor compliance, and providing living wages. So, I'm asking that Palo Alto also adopts the
8 same language as it will bring long-lasting community benefits in the form of hiring local,
9 healthcare for the workers, and participation in apprenticeship programs which is ultimately a
10 reinvestment back into the community and the City of Palo Alto.

11
12 Many of the projects... to be upfront, many of the projects in the area do not have labor
13 requirements and could be considered an act of crime seeing by how much these workers are
14 being exploited and robbed of their wages and benefits. It's something that's reoccurring but by
15 adopting these labor standards I believe that the City of Palo Alto, one of the most influential
16 cities in the State of California. By adopting this language, you [note – video skipped] and then
17 walk away with the money. Right and leave us with the mess, but I believe the City of Palo Alto
18 is better than that. And I believe by implementing these... this labor language, such as Redwood
19 City and Menlo Park has done, I believe we can make a difference for the future Housing
20 Element. Thank you for your time.

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Chair Summa: Thank you so much for coming to speak to us tonight in person.

Ms. Bias [note – phonetics]: Awesome, thank you, guys.

Ms. Dao: Next we have Hamilton. You can unmute yourself, you have 5-mintues.

Mr. Hamilton Hitchings: Thank you. I'm not sure when we're suppose to speak so I am a member of the City's Housing Element Working Group and these are my personal comments. Staff... you know my two comments are around the density of the housing over the public parking and of wrong GM.

So, to start with public parking, Staff said 62.5 units per acre for low-income housing over parking was a mistake and they reduced it to 50 units. Obviously, I think we should make it 62.5, however, the language is ambiguous. They might have meant that they will still allow a maximum of 62.5 but the realistic is 50, but I did not see that language, and I haven't had time to review it. So, I'd like to ask the PTC to follow up with Staff. Remember, we want a max... these are in downtown, like University and Cal Ave. They're in high... they're in areas that are already built up. These projects are our best opportunity to follow truly below-market housing because essentially the land is free from a development perspective and allows us to

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1 substantially reduce the amount we need to charge for monthly rent for the low-income
2 housing. So, they're our best opportunity so we want to maximize housing, not minimize
3 housing, and when you follow up with Staff, you know, I know at one point they were
4 considering other uses besides housing for these. So, I want to make sure that they're not
5 trying to slip in any retail, ground floor retail, or anything like that. But we want to make it at
6 least 62.5 density.

7

8 The second one is the wrong GM. I remember Eric Filseth talking about 90 units and I noticed
9 that staff put in 90 units for the properties closest to 101. And then 81.25 elsewhere but again,
10 in the comment at the beginning it was ambiguous. They said they were reducing it from 81. 2
11 to 65 units and we don't want 65 units to be the maximum but it may just be in the front
12 comment they weren't specific enough because I saw a table later on that said the maximum
13 was 81.25.

14

15 So, in summary, make sure that the maximum density is 62.5 for parking lots, 81.25 from GM
16 except with they've said it can be 90 along 101. Thank you, we will want to maximize the
17 housing in these areas which have less impact.

18

19 Chair Summa: Thank you, Mr. Hitchings.

20

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1 Ms. Dao: Next is Scott.

2

3 Mr. Scott O'Neil: Hi, thank you, so I'm on the Board of Palo Alto Forward but I am speaking for
4 myself tonight. I wrote in about this. I'm concerned that if the City adopts the Housing Element
5 before certification and this possibility was raised in the Staff Report. That is increased the
6 uncertainty about when the City will be in compliance. I suggested a developer might sue the
7 City to force a adjudication of substantial compliance. Shifting the decision point from HCD to
8 the courts which was maybe not the primary intended review audience as the Housing Element
9 was being drafted and we just don't have as much information about what passes judicial as
10 opposed to regulatory muster which might vary from judge to judge. Yesterday, Yimby Law
11 initiated a law suit against Sausalito, a City which adopted a Housing Element before
12 certification, challenging the compliance of their so-certified Housing Element. So, I stand
13 corrected, it does not have to be a developer filing a suit against us.

14

15 One reason to think Palo Alto might also be subject to such a lawsuit if we were to adopt
16 based on a self-certification strategy is that Yimby Law is part of a coalition that is already suing
17 us demanding that we clarify applicability of the builder's remedy. We were served on February
18 16th. The nightmare scenario for the City would be if HCD doesn't raise any AFH or property
19 owner outreach concerns in their initial review letter, but then a judge effectively rules that
20 HCD was being too permissive. That would increase clarity about the builder's remedy

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1 applicability while setting back compliance by months or maybe a year. That's a long for
2 southern California court cases to be working their way through the court system clarifying to
3 developers what the rules are. As other municipalities adopt certified elements, state-wide
4 developer interest would concentrate on fewer and fewer cities like us.

5
6 Instead, you could advise going all in for HCD certification on draft two. Execute well and we
7 could get certification early this summer as Mr. Wong was suggesting in the Staff Report. With
8 almost zero chance of the Housing Element going before a judge.

9
10 Also, I second Hamilton's comments about City-owned parking lots and GM zoning. We
11 shouldn't be reducing these commitments and it is also possibly another avenue of attack and
12 going after the Housing Element. Thank you very much, appreciate all your efforts.

13
14 Chair Summa: Thank you.

15
16 Ms. Dao: Next is Michael.

17
18 Mr. Michael Quinn: Good evening and hello. I'd like to fully associate myself with what Scott
19 said. He is better informed on the subject than me and I would like to emphasize that I am
20 speaking only for myself.

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One additional point I would make and this is a little bit more speculative and perhaps a bit lower information on my part. Attorney General Rob Bonta already has his finger on the scale against cities that are trying to wiggle out from under the builder’s remedy; which with some degree of ambiguity which is going to be clarified over the next few years I imagine through the court system. He’s already making an example out of Huntington Beach and Palo Alto, be it from media, the State, other cities with an eye on us. We’re already under a magnifying glass. If these the City Council is going to attempt to throw what is effectively is a self-certification hail Mary in addition and on top of the bad faith they’ve already shown through this process. Including by going up to the very limit of potential Brown Act violation by choosing the Housing Element Working Group off the record and on a weekend. I would strong encourage your Committee from not enabling them further and not following them further down the bad faith rabbit hole. Thank you so much, that’s everything.

Chair Summa: Thank you, Michael.

Ms. Dao: And lastly is Liz.

Ms. Liz Gardner: Hi, thanks for that presentation. I’m not... I’m guess I’m super confused about this. I mean I thought we’re waiting for the HCD to answer back which is literally days away. I

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1 did want to second on this gentlemen that talked about living wages and contracts and bids.
2 Making those local, hiring local, that even more so than a living wage for these coming units.
3 That they be paid prevailing wages but anyway, that said, I... listening to Tim Wong's
4 presentation I guess mostly I'm just, you know after all this work I'm kind of confused. I wish
5 there was a little bit more understanding of what this is with this self-certification, pre-HCD
6 letter coming. He didn't... I guess the optimism from the department or Tim Wong's office is
7 that it is going to... that we are going to get certified by HCD.

8
9 The other one was the environmental impacts, I wasn't clear on what Tim Wong was talking
10 about as far as air quality or air flow and water quality. Is that during the construction or is that
11 what you... is needed to provide these unit dwellers or renters?

12
13 I would like to also point out that we are in heavy climate change. As we know December 31st
14 Menlo Park, Redwood City, parts of Palo Alto, East Palo Alto flooded. I'm really really concerned
15 that 4,000 homes or such, give or take, in the Rome industrial commercial area is going to...
16 excuse my dog... is just not feasible at this time without having a plan in place. Drawing up what
17 that community... its essentially a whole new small town that would be built over in that area
18 near the freeway and how that would impact air quality, water, all kinds of things,
19 transportation.

20

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1 And that I just really encourage, again that all this housing coming in so needed that it be built
2 as mixed-income, not 100 percent low income. That for social, community reasons, for cost
3 reasons, for streamlining. Please, I really really want these homes to be mixed income of all
4 income levels. Abilities, ages, and that's it. Thank you very much for your time.

5

6 Chair Summa: Thank you. Do we have... was that our final speaker?

7

8 Ms. Dao: Yes.

9

10 Chair Summa: Okay, thank you to all the speakers and that brings it back to the Commission. So,
11 I don't know how... do... how you guys want to go about this one? If you want to discuss the
12 addendum first or the four Council issues or? Four Council issues first? Okay, alright, we will do
13 that then and I see Commissioner Reckdahl, his light on.

14

15 Commissioner Reckdahl: [unintelligible – off mic]

16

17 Chair Summa: Okay, would someone like to start us off? Thank you, Commissioner Hechtman.

18

19 Commissioner Hechtman: Yeah, I want to start off with a... actually a comment and then a
20 question. So, the comment just to make sure we're all on the same page here. Staff in their

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1 slide and Mr. Wong used the worst-case scenario a couple of times and I don't want anybody
2 watching to perceive that was some sort of editorial comment from Mr. Wong or Staff. In fact,
3 it's a term of art, it's from CEQA, and what it really means is maximum build-out. Right, what
4 are the environmental impacts, the worst possible environmental impacts that are associated
5 with a maximum build out and so I just wanted everybody to be clear on that. That Staff is not
6 saying that that would be terrible to have all the housing that we need.

7

8 Alright, so my question is and I know this is a moving target, that Staff is acting and reacting
9 continuously. So, in the Staff Report at Packet Pages 74 and 75 there are these four items that
10 Council directed revisions on and those mostly but not entirely correlate to the four items that
11 Mr. Wong described. And in particular I think the one that is in our Packet that I didn't see a
12 slide on, and maybe I missed it, is Number Four and what I saw in its place is something about
13 water supply. And so, and again, it could be that just everything's happening so fast that the
14 water supply issue didn't make it into the Staff Report or maybe I missed it but I just want to
15 sync us up, so that we know maybe there are five issues that we have to talk about if water
16 supply has been added but I just wanted some clarification on that.

17

18 Mr. Wong: And just to clear when you talk about Number Four it's talking about the study and
19 research?

20

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1 Commissioner Hechtman: Yes.

2

3 Mr. Wong: Yes, that was a Council direction in to study and research affordable housing
4 preferences and as part of that the discussion was although it's a Council direction. It is not, I
5 don't want to germane, but in terms of Housing Element policy its not necessarily applicable
6 to housing programs. Yes, it could be part of fair housing but since there is not action. As you...
7 as mentioned one of the comments quantifiable objective and this is more to study and there's
8 no final product. That yes, we will pursue this but from an HCD perspective its, again it's not
9 really applicable to the housing plan if that makes sense.

10

11 Commissioner Hechtman: Okay and that... if we... I guess we'll just stick on that one for a
12 minute. So, that Number Four, I did look at program 6.7 (d), and it's there now. So, does that
13 mean... so it's been added even though like you said, it's not a quantifiable standard, it's in
14 there.

15

16 Mr. Wong: That is correct. It... that was the Council direction so we did include it in the Housing
17 Element.

18

19 Commissioner Hechtman: Alright, so and what about water supply, is that... did I miss that in
20 the Staff Report?

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2 Mr. Wong: In regard... well the water supply program, that was... in November we took four
3 additional programs for Council consideration and that was one of the four programs that they
4 approved based on Staff's recommendation.

5

6 Commissioner Hechtman: Alright, so I think... it's not in... there's nothing in the Staff Report so
7 if you are wanting... if Staff's wanting any feedback from us on that water supply issue, I think
8 we might need a little more briefing, at least I will. If you're just saying that this was something
9 that needed to be done and there's really nothing for us to talk about. That's okay too.

10

11 Mr. Wong: In regards, their... Staff just wanted to point out that this is an administrative
12 program that was included in the Housing Element but there doesn't require PTC feedback. It's
13 more of an administrative.

14

15 Commissioner Hechtman: Then the only other things I will note is again looking at Packet Page
16 74, the first three items that Council directed revisions. I do see in Program 1.5 (a) the language
17 that's stated here for Number Three. In for Number Two, Program 1.4 (a) I do not yet see this...
18 the second half of this clause or for any work force housing for City and school district
19 employees on City-owned parking. So, that concept just to make sure again I'm not missing it is
20 it seems like that concept is supposed to be folded into 1.4 (a) but it's not there yet.

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Mr. Wong: That is correct and Staff apologizes. We did make a note of that in the Staff Report on Page 71 that that second portion about work force housing for City employees and PAUSD (interrupted)

Commissioner Hechtman: I see it.

Mr. Wong: Was omitted and that will be included in the future HCD submittal.

Commissioner Hechtman: Alright and then Item One, I think what’s happened here is this was just kind of a generic description because when I looked at 1.6 and 3.8 I didn’t really know what changes you might have made to do what you describe here generically. I just want to make sure that you did those things.

Mr. Wong: Yes, all of Council’s directions have been included in the HCD submitted draft.

Commissioner Hechtman: Alright, those are my questions, thank you.

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

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1 Vice-Chair Chang: I was actually good with everything that Staff... with the four City Council
2 recommendations on the implementation in the Work Plan. Except for the omission that Staff
3 flagged, but did have questions. I wanted to kind of follow up on some of the things that the
4 public commenters raised. So, my first question is regarding the labor standards issue. If we
5 were to do that, where would be do it, and why haven't we don't it?

6
7 Mr. Wong: Vice-Chair Chang, for 100 percent affordable projects we already do require
8 prevailing wage and not... I'm not familiar with the Redwood City language. I'm not sure if it's
9 applicable to all housing or again, just affordable projects so would need to take a look at that.

10
11 Vice-Chair Chang: Okay but that's good to know that it's there for all 100 percent affordable
12 where the City would let... would be involved in the building of it.

13
14 Mr. Wong: Correct.

15
16 Vice-Chair Chang: Okay and then I wanted to also follow up on Mr. Hitching's questions about
17 the 50 versus 62.5 on City lots as well as the ROLM, the 65 versus 81.25.

18
19 Mr. Wong: Again, that goes back to the errors that were highlighted in that the Council direct
20 Staff for the parking lots to have a 50 dwelling units per acre.

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Vice-Chair Chang: Oh, I see it now in the Staff Report.

Mr. Wong: Yes.

Vice-Chair Chang: So, in summary (interrupted)

Mr. Lait: Maybe just in... to add to that too, we think this is a very conservative number for the Housing Element with respect to RHNA. And in practice, we would expect the density per acre to be much higher than what we're putting forth as a policy and because of that our environmental analysis also anticipates I think it's the 100 or 120 units per acre in these areas, I'd have to go back and take a look, in anticipation of the likely greater densities that would take place. But from a policy perspective and in an abundance of sort of not finding ourselves in a situation where we're not meeting our plan RHNA numbers. These are some of the layers of protection that we have embedded into our Housing Element.

Vice-Chair Chang: So, just to make sure that I understand. For the purposes of calculating how many housing units we are expecting to meet RHNA. We've used 65 in GM ROL, correct? But when we rezone we're actually going to allow for more than that or not? Like in other words, there's the realistic build-out versus what's actually allowed.

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Mr. Lait: So, I'll let Tim help me here (interrupted)

Vice-Chair Chang: Okay thanks.

Mr. Lait: But there's the cautionary sort of approach for RHNA to make sure that we're not over extending and [unintelligible].

Vice-Chair Chang: Yes.

Mr. Lait: We're actually undercounting... cutting that number because we would anticipate the likely development to be higher than that and that is just part of that cushion process.

Vice-Chair Chang: Understood.

Mr. Lait: When we do the zone change there will be conversation that we can have. At a minimum, it's going to be at that 62.5 or the 50 units per acre, but it could go higher and because of our environmental analysis covering a higher density per acre. Through this process with the Planning Commission and... Planning and Transportation Commission and to the City

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1 Council we could likely increase that density per acre too if it was the Commission and Council's
2 will. Did I get that right?

3

4 Mr. Wong: Just a quick clarification, for RHNA purposes yes, we said that GM and ROLM will
5 have a 65 dwelling unit per acre. However, the Council directed that to rezone it up to 90
6 dwelling units per acre and again, to be very conservative for CEQA purposes. We went with the
7 higher density than 90 just to cover all the bases but the direction is 90 dwelling units per acre
8 per the Council.

9

10 Vice-Chair Chang: Understood, so this is a difference between what goes in the Housing
11 Element versus what we do when we actually implement the zoning changes.

12

13 Mr. Wong: That is correct. We'll (interrupted)

14

15 Mr. Lait: [unintelligible – off mic]

16

17 Mr. Wong: Yeah 65 will be the floor.

18

19 Vice-Chair Chang: Floor.

20

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1 Mr. Wong: We'll be going up to 90.

2

3 Vice-Chair Chang: Perfect, thank you, that's really helpful and I just wanted to make sure that
4 the public could hear that too. And then finally I was very confused when the public
5 commenters were speaking about self-certification and so if... I don't think that we're trying to
6 self-certify. Is that correct? If you could speak to what we're actually voting on tonight and
7 what we're doing.

8

9 Mr. Lait: Sure, I'll take a first cut at it and then invite other Staff members to supplement my
10 remarks or even correct them as needed. We're not looking to self... well, so let me take one
11 step even back further because there's been some questions as to why are we here now before
12 we've even received this... the HCD comment letter on our draft and so and Tim spoke to this in
13 his presentation.

14

15 You'll recall when we went to the City Council with the Draft Housing Element, the Commission
16 was at that meeting, it was a joint meeting. The Commission offered some comments and then
17 it turned over to the City Council for a discussion and direction to Staff where we got these four
18 additional pieces of direction but the Planning Commission didn't have any opportunity to
19 weigh in on that conversation. And so, what we were wanting to do tonight is to make sure that
20 the Planning Commission and the City Council were at the same baseline. So, that when we do

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1 get those comments back from HCD we're starting with a strike-out underlined version from
2 the same place. From where the City Council was and after your review tonight, we can really
3 focus in on the change as opposed to what went to HCD. So, that's why we're here is to just
4 make sure that we're at that baseline.

5
6 And then with respect to certification, we can't certify. We don't have that ability to do that.
7 Only HCD can certify out Housing Element. What we can do is adopt a Housing Element that we
8 believe, based on findings that we would make, that it's compliant with State Law. And, you
9 know, part of the Staff responsibility is to, since you know we are not in compliance today, is to
10 advance this to the City Council as reasonably as possible. With the option for the Council to
11 decide to adopt the revised Housing Element in response to HCD's comments and then we can
12 send that down... back to HCD where they can review it again. That's the process, that's not
13 self-certification. That's just us saying thank you for your comments, we've incorporated them
14 and you know we believe that we have a compliant Housing Element.

15

16 Vice-Chair Chang: Thank you so much for the clarification.

17

18 Chair Summa: Commissioner Reckdahl.

19

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1 Commissioner Reckdahl: Thank you, congratulations, you put a lot of work in. I was in the
2 Housing Element with Tim and this has been a lot of work. It's not perfect but I think it's much
3 better than it ended up... than I would have predicted.

4

5 One thing that's still, we talk about this early, still leaves me unsettled is that we're being very
6 conservative and it's not apparent to someone who reads this how conservative you are. And
7 for example, when I go back and look at the numbers in the back, we're 80 percent less than
8 the current zoning and that doesn't include things like the Housing Bonus Density Law and the
9 PHZ. There's a lot of tools that developers are using to increase the density. How... should we
10 have used those tools in our accounting? Where we being too conservative when we made
11 these assessments? I'm worried that we're not really telling HCD how conservative we're being.
12 For example, would we have been better off accounting for taking all the... if all the sites came
13 in at zoning and have those number of units. And then say we're cutting down 75 or 80 percent
14 of it and this is what we're assessing and so you can see that we actually have... we've identified
15 7,500 units. If they were willing to built to zone 7,500 units but we're only counting for 6,000 of
16 them. That to me would explicitly state how conservative we're being. Right now, we're saying
17 we're being conservative but it's not obvious. Could we have done something like that in the
18 Housing Element? Had two numbers, what zoning provides and what we're accounting?

19

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1 Mr. Lait: So, again... so we've not obviously quantified it and I think it would be a bit of a
2 challenge to do so. I mean we could run the numbers. I mean we could do a straight numbers
3 analysis and come up with something. I think part of the challenge that we have is there's what
4 you could build by the numbers, maximum unit yield, and there's a realistic capacity that you
5 can generate based on any number of develop constraints, zoning factors, or whatever. And so,
6 you know we've done that analysis too, right so that's reflected and I think that's pretty typical
7 and not uncommon. So, while that is a measure of being conservative in it, I think it's a pretty
8 common approach throughout the jurisdictions to do that.

9

10 Commissioner Reckdahl: So, the 80 percent that we used, where did we come up with that?
11 How did we chose 80 as opposed to 65 or 90 percent?

12

13 Mr. Lait: So, let me, Brenna do you think...? Brenna, do you have recollection as to how we got
14 to 80 percent?

15

16 Ms. Brenna Weatherby: So, 80 percent... well, I'll just start by saying to clarify a little bit. We're
17 not allowed to estimate capacity on a maximum density. So, we either need to use the
18 minimum density that's prescribed by that zone or we need to use trends. And so, in the case
19 here, we used recent development trends to come up with that 80 percent realistic thought of
20 what would be achieved over all.

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2 Commissioner Reckdahl: But when I look at PHZ application, they're much much denser than
3 what the zoning has.

4

5 Mr. Lait: Sure, thank you, Brenna. PHZ though is a very different application type, right? Its...
6 and we use the PHZ in part to help inform this process a little bit about what would it take to
7 build housing in Palo Alto. As an application process for developers, it is not something that we
8 would like to continue to advocate for or advance and the reason for that is it's an arduous
9 process and it lacks predictability. You have to go to the City Council for a pre-screening,
10 followed by the Planning Commission, followed by the ARB, back to the Planning Commission,
11 and then back to the City Council. I mean that's a really long process for a housing
12 development. So, what we're trying to do is take the information that we've learned from that
13 and apply that to Objective Standards either through the Housing Incentive Program or through
14 adjustments to the base zoning. And be informed by that process but also create a much more
15 streamlined review and so, all of those are programs that are included in the Housing Element.
16 Using PHZ as a... is helpful to us but, and Brenna can correct me if I'm wrong, I don't believe
17 we've relied on those for our unit projection for this 80 percent threshold. We didn't right?

18

19 Mr. Wong: We did not use PHZ and to provide more information on the Housing Element itself
20 Table 3.2... 3-2 excuse me, as Brenna mentioned shows trends and these are entitled and

-
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1 proposed developments, and to use that 80 percent capacity we went with entitlement
2 development.

3

4 Commissioner Reckdahl: [unintelligible]

5

6 Mr. Wong: To justify the 80 percent realistic capacity.

7

8 Commissioner Reckdahl: So, you looked at what was built. If we have a site that's RM-40, isn't
9 any new development going to be very close to 40 units per acre? In the past, it hasn't been.

10

11 Mr. Lait: So, this is part of our analysis that we're doing and we'll be coming back to this body in
12 the... you know, before the end of year. There are in our multi-family zones a lot of
13 Development Standards that would limit your ability to achieve that kind of density.

14

15 Commissioner Reckdahl: So, that isn't just a FAR issue or a density issue. Its... there's other
16 things.

17

18 Mr. Lait: There's landscaping requirements, there's Daylight Plane requirements, there's
19 parking requirements, there's setbacks on corner side yards, there's... we have a lot of
20 Development Standards and these are things that we've been studying. We've had consultants

-
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1 take a look at the build-out potential based on all these Development Standards that we have
2 and we've checked that to an economic analysis to find out okay if you can build it, would you
3 build it? Does it make sense to build it and so we're still in the process of working through some
4 of those analyses, but I can tell you preliminarily we would anticipate making some adjustments
5 to those standards. So, you'll have chance to see that and we're going to try to incorporate
6 those I believe through the Housing Incentive Program.

7

8 Commissioner Reckdahl: Thank you.

9

10 Chair Summa: So, I don't see any lights. Thank you for all the work on this and I agree with Keith

11 [note – Commissioner Reckdahl]. I thought it was going to take like 25-years to do, so at least
12 that didn't happen. And (interrupted)

13

14 [unknown Staff member:] [unintelligible – off mic]

15

16 Chair Summa: So, there's a lot about this whole process that I find disturbing, I'm sure most
17 people know that but we're here where we are. I don't feel like there's much we should undo
18 from what the Council already approved of. I... because it's already... this has already been sent
19 basically except the addendum, right?

20

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1 Mr. Lait: Yeah, the addendum is just the environmental review for our Housing Element which
2 is a requirement, yeah.

3

4 Chair Summa: So (interrupted)

5

6 Mr. Lait: So, the Council has not seen that yet, that's true.

7

8 Chair Summa: So, and I appreciate my colleagues questions, I was going to ask some of those. I
9 also wanted to ask if when reviewing the EIR for the addendum. I think it was just the 665 units
10 that weren't included in the 2017 EIR, but and I wasn't sure about this but I also got this
11 Monday because I had a corrupted copy. So, I haven't had as much time as I would really need
12 to look at this document but it doesn't seem like there was consideration of existing conditions
13 taken into account since 2017. But maybe I'm entirely wrong about that and what I'm thinking
14 about is our post-Covid world and work-from-home and lay offs and what we really don't know
15 about how the region may or may not have permanent changes based on this.

16

17 And I think there was some letters... there was a letter that didn't get included that was put in
18 out pack again for us to look at that had been sent for the 28... the November 28 last year joint
19 meeting. And those ideas about jobs, growth, and how that may be effected by larger than I

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1 know certainly trends in the region and working from home. That wasn't considered to be any
2 different than in 2017, was it?

3

4 Mr. Lait: The environmental analysis no, it stayed the same.

5

6 Chair Summa: So, that's what... that's one thing that I find troubling because and I understand
7 that we don't have a lot of data but we have pretty good data up through 2022 on work-from-
8 home; which in the Bay Area increased from 6 to 40 percent which with the largest being in our
9 part of the Bay Area and maybe that's because so many of our jobs are tech jobs that
10 [unintelligible] towards that kind of activity. But I'm really worried that some... and I don't know
11 how you could of done this but I think we need to think about this going forward is how those
12 changes may become a permanent part of our regions functions and our society. And that it will
13 really change, not that you can do this, but will change some of the assumptions that HCD has
14 made. So, I just wanted to get that out there and I'm not sure that those notions, though they
15 were in the original letter that was in the Packet for last November. I don't think they've been
16 addressed in any way and maybe that's outside of the scope of doing what we have to do
17 legally but it is certainly not outside the scope of how I think we should be thinking about
18 planning for the future success of our City in the region. So, I just kind of wanted to opine for a
19 minute and I'll let one of my colleagues speak now. Go ahead, Commissioner Templeton.

20

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1 Commissioner Templeton: Looks like it's my turn, all eyes are on me. Yeah, you know, I think
2 there's not a lot for us to do here tonight and I'm okay with that given that this is been seen by
3 Council already. So, I appreciate Commissioner Chang [note - Vice-Chair Chang] bringing up
4 some of the questions I was thinking of about what are the risks of self-certifying. Is this even
5 self-certifying? Thank you Director Lait for letting us know that. So, just to reiterate, did I
6 understand you correctly to say there is no such thing as self-certification and therefore we're
7 not self-certifying if we approve this?

8
9 Mr. Lait: Well, I'll let Albert Yang correct me if I'm wrong but we are going through a process of
10 self-certification.

11
12 Commissioner Templeton: I think it's just because we have had several comments and it's really
13 worth iterating explicitly. Mr. Yang?

14
15 Mr. Albert Yang, City Attorney: So, certainly what's before the PTC tonight is not related to
16 adoption of the Housing Element as Director Lait mentioned earlier. You know, the purpose of
17 this meeting is really to get the Commission up to the same speed as the City Council. So, that
18 when we do get HCD's comments we can focus on the responses to those comments and not
19 the whole Housing Element from scratch.

20

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1 And in terms of the... I think people use the phrase self-certification as a short hand for the idea
2 of a jurisdictions adoption a Housing Element before basically being pre-cleared by HCD. But
3 its... there as Director Lait said, there is no such thing as self-certification, HCD certifies.
4 Certification though is not under, in State Law, necessarily the same as having a Housing
5 Element that complies with the State requirements. And so, that is the option to adopt the
6 Housing Element before we get pre-clearance is something that will be presented to the
7 Council and it will be a policy questions for them to deal with.

8

9 Commissioner Templeton: Excellent and one last follow-up. Does anything that we do tonight
10 affect whether or not the Council will adopt it if they want to?

11

12 Mr. Yang: No, there's another step which is to review any changes to this document based on
13 HCD comments and that needs to come before the PTC for a recommendation before it goes to
14 the Council.

15

16 Commissioner Templeton: Right, so we can't skip the process and we're not skipping that
17 process by discussing it tonight.

18

19 Mr. Yang: No.

20

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1 Commissioner Templeton: Great, it's really helpful that you walked us through that and just
2 double-checked and clarified because I do know we have some concerns in the community
3 about it.

4
5 And then I also appreciated the clarifying question about the labor contracts because I do think
6 we want to make sure that projects that are built by the City are built into high-quality
7 standards and don't involve any wage[unintelligible]. So, I think that was a really good question
8 as well.

9
10 So, I think those are my first round of comments. I'm... is there... do you have... on your slides
11 did you have a list of things you wanted us specifically to comment on that we haven't
12 commented on yet? You had that one through 10 list but no? Okay.

13
14 Mr. Wong: No, no specific items, just to establish that baseline.

15
16 Commissioner Templeton: Great, thank you. That's all for now, thank you.

17
18 Commissioner Reckdahl: Can we go to Slide 21, the timeline? So, at the end of the month... 21,
19 yeah so at the end of the month, it's March 23, HCD's going to give us comments. Is there any

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1 particular reason we're waiting to May 1st to turn that around? Could we... I mean honestly,
2 could we turn that around in 2-weeks? What... I mean (interrupted)

3

4 [note - several Staff members began speaking at once]

5

6 Mr. Lait: (off mic) If you want us to respond to HCD we're going to need some time to do that.

7 Right, we're expecting a comment letter and we're going to need to update the Housing

8 Element. So, it's the Staff work, the consultant work to consider HCD's comments, look at what

9 we might need to do to change the document, respond... you know add more programs,

10 modify. So, I mean there's (interrupted)

11

12 Commissioner Reckdahl: So, basically you're saying we're booking time because we think it's

13 going to be very substantial comments.

14

15 Mr. Lait: Well, if... yeah, I mean I think we've talked about that right? We expect, based on what

16 we've seen from other jurisdictions, that we would get a... you know we would anticipate a

17 robust comment letter. That said I think our Staff and our consultants have done an amazing

18 job. And we'll be looking at the comments and just want to really understand how we're... we

19 already know there's some things where we're going to have to make some adjustments before

20 we even submitted it.

-
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Commissioner Reckdahl: Yeah, I'm just very nervous we're not in compliance now and I really don't want to waste any time but you think that we're going to be hard stretched to get it... an answer done in a month.

Mr. Lait: Yeah, I think this schedule is ambitious and it reflects our shared understanding of the community's interest to have a certified... an adopted Housing Element as soon as possible. But we also need to do due diligence and have a thoughtful consideration of HCD's comments. Otherwise, we're just going to get in this loop and we want to minimize the number of revisions that we can.

Commissioner Reckdahl: And so, we'll submit our changes then hopefully around... in May sometime.

Mr. Lait: Well no, we'll present to the Planning and Transportation Commission and possibly the City Council at a joint meeting a revision to the document. And presumably, there's going to be some changes and additional guidance and direction that we'll get from that meeting and we'll need to make those changes with our consultant. There's prep work and so we would probably send it off to HCD whenever we're able to make those changes. I'll just ballpark it and say (interrupted)

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Mr. Wong: (off mic) We have 30 days, 30 days of adoption so early June.

Mr. Lait: So, early June if that gets... if the Council gives us the direction to adopt it we would expect to turn it around in about a month.

Commissioner Reckdahl: Okay and wow this is sobering because then if they don't... if they come back and don't accept that. Then we have another round and it could be the end of the year by the time we get it... a Housing Element approved.

Mr. Lait: Certified. I mean its... this is what we've understand from South California, from other jurisdictions going through the 6th cycle here in the ABAG region. It's taking at least two rounds and you know, in other instances three or more.

Commissioner Reckdahl: Okay, thank you.

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

Vice-Chair Chang: I mean it just is the reality of... I think it's just the reality of the situation. HCD has taken... it's them along time to get through so many jurisdictions of... and to give the

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1 extensive feedback so there's not much we can do about it. It sounds like we've finished our
2 comments on the City Council programs and so and Chair Summa started commented on the
3 EIR so I'm hoping that we can move on to that.

4

5 Chair Summa: If everyone is finished, yeah.

6

7 Vice-Chair Chang: If anyone... yeah.

8

9 Chair Summa: Commissioner Hechtman's light was on so.

10

11 Commissioner Hechtman: I actually hadn't commented on that path. I had some questions but
12 then I passed on.

13

14 Vice-Chair Chang: Go ahead and comment.

15

16 Commissioner Hechtman: So, I could do those, I mean I'm... I could make my comments and
17 then I'm happy to move on to the environmental aspect. So, I'm going to go ahead and do that.
18 So, as to the four items that... the four amendments that the Council directed, five if we include
19 the water supply I suppose, I'm supportive of those and you know ready to support a motion to
20 recommend those.

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There was a letter that... from... that came in, I just saw it today, from Mr. Levy, who is a frequent provider of great trending and forecasting information for the PTC, suggesting that we should really defer a decision tonight, until we can see the HCD comments and be able to weigh in on those. And while you know, it is generally my preference that we get to see things... planning things before Council, in this particular instance with the timing constraint, we have I think it hurts the process more than it helps the PTC to do it in that direction. So, I understand why Staff has laid it out this way and I'll look forward to seeing those HCD comments when they come in and then to the joint session with the Council whenever that is, May 1st. I did have a... so that's why I'm supportive of let's get through this tonight and move it back to Council.

I did have a question, so we're moving through this process to adopt a new Housing Element and we will and it will get eventually certified by HCD. After all that is occurred, it's our Housing Element for the next 8-years but we are permitted, should we want, to make revisions during that 8-year period, right? We could go through a process of amending our Housing Element. We're not locked in, right?

Mr. Wong: Correct, yes.

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1 Commissioner Hechtman: Alright, so the reason I was asking that generally to make sure I knew
2 that is because I think in one sense that takes a little bit of the pressure off of us and off the
3 Council too that we don't have to get everything 100 percent right, right now. We just have to
4 get it right enough to be in substantial compliance so that HCD will agree and there will in
5 inevitably, you know it's been... I mean unbelievable hours put on this but we'll find gaps.
6 Right, we'll find holes, and when we do its good to know that we can fix those as we go but not
7 now. Let's get something that gets adopted and certified and then we can collect those and
8 tackle it.

9
10 Related to that, another letter we just got was this letter from a law firm representing
11 somebody and as they described it part of their land is an opportunity site but well, it's multiple
12 parcels which I guess they own all of them. Some of them are an opportunity site, some of
13 them are not, and they were advocating to modify the Housing Element to put them all in right
14 now. And so, I'm wondering if... first of all, if what they've described is accurate, some are in
15 some are not, and whether this is something that we should be considering now as we are on
16 this beeline to try to adopt? Or is this something that Council really has already weighed in on
17 and I don't know about it, or is it something that we can deal with in a year after certification?

18
19 Mr. Wong: Commissioner Hechtman, I think it would be prudent to take a look at those sites
20 now, get in front of it. In addition, HCD is always interested in seeing which parcels have owner

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1 interest in developing and so this fits perfectly in their category. So, that's something we'll
2 consider, understanding that even this list of housing inventory sites is fluid. Our pipeline keeps
3 on changing, so the number of the units we need to plan for is always changing. So, I think this
4 would be a good opportunity to potentially include these in our inventory sites.

5

6 Commissioner Hechtman: Okay great, so I think with the understanding that Mr. Wong, we're
7 going to get a letter from HCD around March 23rd, we are going to be making changes to the
8 Housing Element. I think what I'm hearing you say Mr. Wong is that Staff, without really
9 needing direction from PTC but because it's in the City's interest, is going to look at this site.
10 And if changes are warranted to the Housing Element to fold in more or all of this site then that
11 will be done at the same time we're making changes to address HCD comments. Is that right?

12

13 Mr. Wong: That is correct and updates to the inventory sites we'll let PTC and Council know
14 about those changes.

15

16 Commissioner Hechtman: Terrific, thank you. Okay, so those were all my comments on the non-
17 CEQA stuff. I'm ready to vote.

18

19 Chair Summa: Okay so thank you for asking that question about those other sites. I was going to
20 do that and I'm glad that Staff will follow up on situations like that without us. I think we're all

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1 in agreement that the four items... do you need a motion on the Council's four items? I don't...
2 they've already done it so we don't need a motion.

3

4 So, let's move onto the addendum and (interrupted)

5

6 Commissioner Hechtman: Can we have Mr. Wong... sorry, Mr. Yang speak to that because I
7 think we have to recommend adoption of the Housing Element. So, I think that... the way our
8 Agenda Item is stated I think we are going to need a motion for that which is actually unclear to
9 me from the Agenda is whether we need a motion (interrupted)

10

11 Chair Summa: On the addendum.

12

13 Commissioner Hechtman: On the addendum or just to consider it?

14

15 Chair Summa: Yes, I agree so clarification on that would be helpful.

16

17 Mr. Yang: Yes, so I... there is no action required on the addendum. It's simply that you consider
18 it as you're discussing the substantive issues. As for a recommendation on the Housing
19 Element, it's something that Staff would appreciate but it's... as we are coming back at a future
20 date it is potentially not required.

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Commissioner Hechtman: Okay, then I can go either way on that but I would say, and this again this is lawyer-ville, you're suppose to make the CEQA decision before you make the land use decision. Here we don't actually have a CEQA decision to make but as Mr. Yang said we are suppose to consider the addendum. So, my suggestion is let's talk about the addendum first and then after we're done with that (interrupted)

Chair Summa: Make a motion.

Commissioner Hechtman: If somebody wants to make a motion on the Housing Element let's do that.

Chair Summa: Sounds good, lets talk about the addendum. I sort of started that already so who would like to go? Oh, I see a light, Commissioner Chang [note – Vice-Chair Chang].

Vice-Chair Chang: Sure, so I did have a few very specific questions about the addendum but then big picture... before I ask those specific questions. Big picture I agree with the Staff's general... I mean I didn't have many comments about the assessment that we didn't need to do. There was nothing substantive or significant as a result of that 665 units more than what was done in scenario... more than what was evaluated in Scenario 6. However, Staff on Page...

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1 Packet Page 85 Staff says that CEQA guidelines say that a subsequent EIR is not required unless
2 several things happen. Including new information of substantial importance which was not
3 known and could not have been known at the time the previous EIR was certified. And I do
4 wonder about that much as Commissioner... as much as Chair Summa has highlighted. The
5 pandemic happened which is probably the biggest thing that happened in I don't know how
6 many years and it's drastically changed our traffic patterns and we don't know how to predict
7 that.

8
9 Furthermore, if this was done in 2017, I think a lot of the... if the original EIR was done in 2017,
10 a lot of the data was based 2-years earlier, 2015, and I know that there have been significant
11 changes at least in the new cycle about water, about fire, all because of climate change. I think
12 we've learned a lot about climate change in the last 7-years and so I do wonder if there isn't
13 information of substantial importance as it relates to our over 2030 Comp Plan but not as... not
14 with respect to the Housing Element per se. And so, I just think as a City we should probably be
15 looking at some of the stuff but I don't think that it would affect my vote on the Housing
16 Element and I see Counselor Yang popping up.

17
18 Mr. Yang: I just want to make two quick comments in response to your thought Vice-Chair.
19 First, the subsequent EIR is only required when you have new information of substantial
20 importance that couldn't have been known that shows that there's going to be a new

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1 significant environmental effect. And so, while there may be new information related to work
2 from home or other trends. We would need to that that was increasing the environmental
3 effects from what was previously studied and I don't believe we met that threshold.

4
5 And then while there may be implications for other parts of the Comprehensive Plan, as you
6 mentioned this is focused on the Housing Element and that's the scope of the review for this
7 document.

8
9 Vice-Chair Chang: Thank you. There was one area that I was a little bit more concerned about
10 which is on water usage and I know there's a section in the EIR about that. I... yeah on Page...
11 nope, not on 176, it's actually the utility section and again I didn't have enough time since
12 Thursday to read all of this and also research. But I did have questions sort of about we are
13 dependent... so we're dependent on San Francisco's water and sure we have a contract in place
14 but with our City population anticipated to grow by 20 percent in the EIR, 20 [note - insert or]
15 25 percent? I can't remember what the calculation was and then I assume San Francisco and
16 every other jurisdiction in this area. And there's not... there's paper water that says that we
17 have a contract to get enough but there's a reality where if... at least the headlines prior to all
18 of these atmospheric [unintelligible] coming through we're saying that we would not... we
19 might not have enough water in certain situations if we continued usage. And so, that was one
20 that I was like well, sure as a... legally and according to the rules of the EIR it seems fine but

-
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1 there's a reality of how much water we have and it's unclear to me that as a state, and as a
2 region we're looking at that. And I am concerned because we've seen just how for example gas
3 prices affect all of our residents and so there could be some real impacts and I just think that... I
4 mean I'm sitting here on my soapbox opining in the situation. It doesn't have bearing on the
5 Housing Element but I do think that there are some real things that we as a City need to look at
6 and think about for the Comp Plan that is.

7

8 I'll let somebody else go and I do have a few very specific questions.

9

10 Chair Summa: I don't have any other lights so just carry on.

11

12 Vice-Chair Chang: Alright so then on Packet Page 103 and I was looking at the total
13 development under Table 4. So, the table says that the new population is based on Palo Alto
14 persons per household of 2.51, but when I was looking at that it looks like our new assumption
15 of 2.51 per household is different from what the Comp Plan EIR had done. Because according to
16 my calculations that was a 2.34 assumptions instead of 2.51 and so my question is why the
17 difference between the two because if we're applying... because we're only looking at... like is
18 there some other growth going on that I'm not... that's not captured in the EIR?

19

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1 Mr. Wong: Commissioner Chang [note – Vice-Chair Chang], I would invite our environmental
2 consultant Karly Kaufman to respond to that question.

3
4 Ms. Karly Kaufman, Environmental Consultant: Good evening, Karly Kaufman with Rincon
5 Consultants. We assisted the City with the CEQA compliance for this. Yeah, that 2.51 number is
6 just a more recent per house... persons per household assumption from the California
7 Department of Finance. We did kind of go back and forth with Staff over what assumption we
8 should use. We felt that was kind of a realistic assumption for now based on recent trends and
9 it is also a little bit more conservative. I think it is slightly higher than what the Comp Plan EIR
10 assumed, so in that case, we are looking at kind of a maximum population growth scenario
11 which helps us be a little more conservative in our environmental analysis as well. I think if we
12 did slightly change our assumptions I don't think that would affect our environmental analysis
13 either way. You know, more or less impacts, so that was just the reasonable assumption we
14 came with the Staff. You know, if there's other opinions or options, please provide that
15 comment and we'll take that into consideration.

16
17 Vice-Chair Chang: No, it was fine, I just didn't know if we knew something about how our
18 households were getting bigger or something like that. So, that... and it's... and I think it's good
19 because we're assuming the maximum environmental impact that we could have. And then I
20 think because as I read certain other questions were answered later on in the EIR so thank you.

-
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Commissioner Hechtman: Commissioner Hechtman.

Commissioner Hechtman: So how fortunate are we that back in 2017 the worst-case scenario we looked was 6,000 which is more than three time the RHNA number back then, right? They were at something 1,800 or 1,900, right? I mean if our worst-case scenario there had been just to double it like 3,800, right which would have been reasonable to make that worst-case scenario, we would have landed now really beyond what an addendum could do and having to do a subsequent EIR or a supplemental EIR and those take a long time. And there must be jurisdictions that are stuck with that and you know, you've got to adopt the environmental document before you can adopt the updated Housing Element and so those jurisdictions are in a world of hurt. So, kudos for the foresight of the people who decided back in probably '15 that our worst-case scenario had be so aggressive because it really has allowed us to condense this schedule and come a lot closer to meeting our timeline than we would have been in the other scenario. So, that's what really struck me is that we got lucky through good planning.

Commissioner Reckdahl: How long did the 2017 EIR take, do you know?

Mr. Lait: We don't... I don't have the exact timeframe on that but yeah, probably a couple years is my... is probably a good guess.

-
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Commissioner Hechtman: Yeah and that's... I mean that's a major... I mean you know any EIR is going to take 15-months and a complicated one like planning the housing for a City for the next 8-years is going to take longer. So, I do think that this addendum is the right tool to be using here because we've looked at the impacts of 6,000 residents. Now we've got to add 665 more and so that's the focus of the addendum as it should be and so I think it was done right and I'm happy to have considered it before I vote on the recommendation to the Council for the Housing Element.

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

Vice-Chair Chang: Sorry, I did have one other question that I missed. So, at one point in the Staff report it was mentioned that about 35 percent of the RHNA is in the GM and the ROLM rezone areas. A lot of those are also close to 101, do you know how many of those are within the 500-feet of the freeway? I know that there's a mitigation measures for that and that was flagged that a lot of housing will go into areas with a lot of particulate pollution but do you know how many?

Mr. Wong: I don't have an exact number but Figure 4 of the addendum shows the number of identified (interrupted)

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2 Vice-Chair Chang: Is there a Packet Page?

3

4 Mr. Wong: Sites, (off mic) Packet Page 99 shows those identified sites.

5

6 Vice-Chair Chang: Okay, thank you, so it's whatever number is associated with those sites.

7

8 Mr. Wong: (off mic) That's correct.

9

10 Vice-Chair Chang: Oh, actually no, not all of these are within 500-feet are they?

11

12 Mr. Wong: I'm in error, I stand corrected.

13

14 Mr. Lait: [unintelligible – off mic]

15

16 Mr. Wong: These adjacent, right?

17

18 [note – several Staff and Commissioners started talking amongst themselves off mic]

19

20 Mr. Wong: [unintelligible – off mic] that information for you but don't have that (interrupted)

-
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Vice-Chair Chang: No, that’s fine, thank you.

Chair Summa: Any other comments? No, then I guess thank you to Staff for letting us consider this and I guess what I will do then is entertain a motion for the... to adopt... recommend Council adoption of the Draft 2023-31 Housing Element.

MOTION

Vice-Chair Chang: I’ll make a motion. I move that we recommend the Council adopt the Draft Housing Element from 2023 to 2031 Housing Element.

Chair Summa: Do I have a second?

[note – several Commissioners started talking at once off mic]

Chair Summa: It wasn’t lit.

FRIENDLY AMENDMENT

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1 Commissioner Hechtman: I'm interested in a second but I just question, want to know whether
2 Vice-Chair intend... was intending to add the rest of the Agenda description to the motion
3 which is subject to refinement following comment from HCD.

4
5 Vice-Chair Chang: I want to ask Staff I'm suppose to do there. What is it the intent because I use
6 my language off of... I went off of the recommendation.

7
8 Commissioner Hechtman: Packet Page 68 is what you're [unintelligible - crosstalk]

9
10 Vice-Chair Chang: I'm sorry I can't, there's so many.

11
12 Commissioner Hechtman: There it is.

13
14 Vice-Chair Chang: Okay.

15
16 Commissioner Hechtman: So, I guess the question to Staff do you want us to include or not
17 include the refinement concept?

18
19 Commissioner Templeton: Maybe put the slide up.

20

-
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1 Mr. Yang: We would like that to be included so that was an oversight that it wasn't part of the
2 recommendation.

3

4 MOTION RESTATED AS REVISED

5

6 Vice-Chair Chang: Yes, so then I would like to... so I move that the PTC recommends the City
7 Council the adoption of the Draft 2023-31 Housing Element subject to refinement following
8 comment from the Department of Housing and Community Development.

9

10 Commissioner Hechtman: There it is.

11

12 Vice-Chair Chang: Thank you.

13

14 SECOND

15

16 Commissioner Hechtman: Sure, second.

17

18 Chair Summa: Thank you. Anybody want to speak to their motion or comments?

19

20 Commissioner Templeton: Call it.

-
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1

2 Chair Summa: Then could you please call the vote?

3

4 VOTE

5

6 Ms. Dao: Chair Summa?

7

8 Chair Summa: Yes.

9

10 Ms. Dao: Vice-Chair Chang?

11

12 Vice-Chair Chang: Yes.

13

14 Ms. Dao: Commissioner Hechtman?

15

16 Commissioner Hechtman: Yes.

17

18 Ms. Dao: Commissioner Reckdahl?

19

20 Commissioner Reckdahl: Yes.

-
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Ms. Dao: Commissioner Templeton?

Commissioner Templeton: Yes.

Ms. Dao: Motion carries 5-0.

MOTION PASSED 5(Chang, Hechtman, Reckdahl, Summa, Templeton) -0 -1(Roohparvar absent)

Chair Summa: Thank you so much. We can move on to Action Item Number Four which is a new ordinance to codify the Temporary Firearms Ordinance into a Permanent Ordinance

Commission Action: Motion by Chang, seconded by Hechtman. Pass 5-0 (Roohparvar absent)

- 4. Amendment to Palo Alto Municipal Code Title 18 Chapter 18.42, Standards for Special Uses, to Codify Firearms Sales Limitations Ordinance; CEQA status—exempt under CEQA Guidelines section 15061(c)(3)

Chair Summa: Does Staff have a presentation on this?

Ms. Amy French, Chief Planning Official: Yes, thank you very much, I’m loading it. Can you see my screen? I have to put the... oh whatever. Yeah, good evening, we’re here to discuss for this item the Firearms Ordinance, a Permanent Ordinance that would replace Ordinance 5559, which Council adopted on June 21st of last year. They extended it in August and it expires this

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1 June, June 2023. Staff has prepared an amendment attached in your Packet to Chapter 18.42 of
2 Title 18 to codify firearm sale limitations ordinance in a new section 18.41.210. We request
3 Planning and Transportation Commission review the proposed changes and provide a
4 recommendation to City Council.

5
6 So, just an overview, the firearms dealer was permitted by right as a retail use before Council
7 adopted the Urgency Ordinance. Chapter 4.57 of the Palo Alto Municipal Code does have some
8 restrictions and those are carried forward into this ordinance. The Police Chief issues Firearms
9 Permits and added to that Conditional Use Permit is a requirement.

10
11 So, there's a definition of firearms dealer already in the Municipal Code. That's being carried
12 into this Chapter 18.42. This is a person that is in the business of selling, transferring or leasing,
13 or advertising for sale, transfer or lease, or offering or exposing for sale, transfer, or lease any
14 firearm. So, the new Code section would codify the requirement for a CUP approval pursuant to
15 existing Chapter 18.76 regarding permits and approvals and Chapter 18.77 regarding the
16 processing of permits and approvals and formalize the City's ability to impose reasonable
17 conditions of approval. And this also would relate to the formula retail section and the standard
18 Staff review process.

19

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1 These are the items that are in the new ordinance in your packet. Then we get to the map, so
2 the map... there's a map in the Packet and you're Packet, the paper Packets, showed grey and
3 not green. The online versions shows green areas that basically follow the bullets on this slide.
4 That firearms dealer, if they apply for a Firearms Permit and a CUP they would not be able to
5 get those in these areas shown in green. I'm sorry, the areas shown in green are the areas
6 where they could get Firearms Permits because they're not within 250-feet of residential uses.
7 So, you'll see it's a bit counterintuitive, there's some areas that are retail but because they're so
8 close to residential they're wiped off the ability to get a Firearms Permit. So, there's... the way
9 our system works with toggles and layers in our [unintelligible] system. It gets to the point
10 where we have this and it shows firearm sale can be permitted with a CUP in the green areas
11 such as east of Embarcadero Road east of 101, East Bayshore/San Antonio, and the like. Not on
12 this map is Stanford Research Park but it's on the larger map.

13
14 So, that concludes the presentation. If you would like to go see the ordinance, I don't think I
15 have anything but this piece here. This piece, purpose, definitions, and the CUP requirement.
16 Albert is still with us I believe and Albert was present when this went to Council in June of 2022.

17
18 Chair Summa: Thank you for the presentation. Do we have any public speakers for this item?

19 No, okay thank you for that. Then I will... I see I already have a light so go ahead, Commissioner
20 Templeton.

-
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Commissioner Templeton: Thank you. Can we go back to map, please? Why is East Meadow Circle in there? It's a neighborhood surrounded by neighborhoods. Is there an industrial use there or something?

Ms. French: So, it's 250-feet... I'll go back to the page before this that shows the... what threw somethings out and kept somethings in. A portion of East Meadow Circle is beyond 250-feet of residential areas is the answer to that. If you look at the parcel size near these green (interrupted)

Commissioner Templeton: These little lot [unintelligible] on the other side are more than 250-feet long.

Ms. French: Yeah so that... I'm dragging my cursor along where the residential is and there's large parcels between those residential that are not residential and on the other side of this street [unintelligible](interrupted)

Commissioner Templeton: So, they're adjacent to one lot but that lot is more than 250-feet long.

-
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1 Ms. French: Correct.

2

3 Commissioner Templeton: Is there anything that would be under consideration tonight to talk
4 about those that are really close to a bunch of neighborhoods? I mean the others are more of
5 an industrial area but those are right there. I mean I use to bike by it all the time, a bunch of
6 houses.

7

8 Ms. French: Right so if it's a... yeah so the question is are you suggesting more than 250-feet as
9 the Code set forth 250-feet.

10

11 Mr. Albert Yang, City Attorney: So, just to be clear, the 250-foot requirement is part of the Title
12 4, Chapter 4.57 regulation on who can obtain a dealer permit from the Chief of Police. The item
13 that's agendized for tonight is simply the CUP requirement so this is a little bit beyond the
14 scope of what (interrupted)

15

16 Commissioner Templeton: That was my question, thank you very much for clarifying and I
17 appreciate that. I think definitely give that the 250-foot has some overly inclusive of certain
18 areas I think the CUP is the obvious solution to close those gaps, thank you.

19

20 Chair Summa: Commissioner Reckdahl.

-
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Commissioner Reckdahl: I found it was curious why is it 250-feet from schools but 1,200-feet from a massage parlor. It... is there some historical story here or? We don't know, it is what it is. Okay, what is considered a firearms dealer? If I have a gun and I want to sell it to someone, just a person to person, I'm not considered a dealer, am I?

Ms. French: This is the definition of Firearms Dealer if you can make it out.

Commissioner Reckdahl: So, okay so if I sell one firearm to someone else, I'm not a dealer. What about if I advertise on this list and then sell it to someone? Am I a dealer then?

Mr. Yang: So, I think we would probably look to see if someone is in the business of doing the sale or transfer of a firearm as opposed to an individual sale.

Commissioner Reckdahl: And so, if I have a full-time job and on Saturday afternoon I sell three or four guns every weekend. Am I considered a dealer?

Mr. Yang: I think we would probably consider that being in the business of selling or transferring etc. firearms.

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1 Commissioner Reckdahl: And then they would need a CUP to do that?

2

3 Mr. Yang: Yes, first they would need a permit from the police and then in order to establish a
4 land use in a physical location they would need a CUP.

5

6 Commissioner Reckdahl: Okay, so they wouldn't be able to do it out of their garage anymore.

7

8 Mr. Yang: Right.

9

10 Commissioner Reckdahl: Okay so there's a certain frequency at which they become a dealer.
11 Okay, thank you.

12

13 Chair Summa: Commissioner Hechtman.

14

15 Commissioner Hechtman: So, I'm curious about the definition of Firearms Dealers and Mr. Yang
16 I'm wondering if you... particularly the word transfer. Right, because I'm not sure if that means
17 transfer of possession or transfer of title and so I'm wondering if this definition came from
18 some related State Law that we're parroting or did we create it.

19

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1 Mr. Yang: To be honest I do not know. It's a definition that is existing in our Code in Chapter
2 4.75 and that chapter was adopted in 1996. So, its original is much like the 1,200-foot distance
3 from a massage parlor is somewhat lost in time.

4
5 Commissioner Hechtman: Yeah, I do think on that issue I think that... I've seen similar
6 ordinances I think the idea Commissioner Reckdahl is to keep uses that could create problems
7 kind of apart from each other. So, that we don't get a collection of problem uses all
8 concentrated in one area that they tend to feed off each other.

9
10 Commissioner Reckdahl: I'm surprised that for example alcohol or bars are not included in that.
11 That would be I think more problematic than a massage parlor but anyway.

12
13 Commissioner Templeton: Schools are pretty problematic too, I mean come on.

14
15 Commissioner Reckdahl: [unintelligible]

16
17 Commissioner Templeton: Let's like... but it's out of scope for today so.

18
19 Commissioner Hechtman: So, if we can go back to the slide we were just looking at, the one
20 with the definition of... yeah. So... no not that one. Yeah, that one, so I know 4.75 is not before

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1 us tonight but when I read this it says that in the middle little paragraph here that 4.75 defines
2 Firearms Dealer for the purposes of that chapter only. Right, which is why in our new ordinance
3 we're pulling the definition in but I did just want to... and I meant to go read 4.75 to see if 4.75
4 actually says that. It defines it for purposes of this chapter only and in some point, you probably
5 need to do some cleanup language in 4.75, not before us tonight, to (interrupted)

6

7 Chair Summa: [unintelligible] on my phone you can read it.

8

9 Commissioner Hechtman: Yeah, to have it not say that it's for that chapter only. Anyway, that's
10 just something for future consideration. I was curious and looks like the Chair has pulled up
11 4.75, how many definitions are there in 4.75 point I think it's 010 other than Firearms Dealer
12 and (interrupted)

13

14 Chair Summa: Seven.

15

16 Commissioner Hechtman: Seven definitions?

17

18 Chair Summa: Seven definitions.

19

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1 Commissioner Hechtman: Okay, alright, and are any... you know when I look at the Draft
2 Ordinance we're pulling that whole thing into 18.42.210 are there any other defined terms in
3 4.75.010 that we're pulling in or that we're just doing it generically? Even though we're really
4 only pulling in Firearms Dealer definition.

5
6 Mr. Yang: So, we are pulling in a definition of Engaged in the Business. It helps to clarify
7 Firearms Dealers. We're also pulling in the definition of Firearm.

8
9 Commissioner Hechtman: Okay, great.

10
11 Mr. Yang: The other definitions are Chief of Police, City Department of Justice, In Person which
12 are general terms but are helpful for clarifying the primary definitions that we're worried
13 about.

14
15 Commissioner Hechtman: Okay, alright those were my concerns and they've been addressed
16 and I'm supportive of Staff recommendation on this.

17
18 Chair Summa: Commissioner Chang [**note – Vice-Chair Chang**].

19

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1 Vice-Chair Chang: I just wanted to speak to Commissioner Templeton's concern in terms of
2 what's on the table and not on the table tonight around East Meadow Circle. The good thing is
3 that the Housing Element will redefine things and rezone things for housing. And so East
4 Meadow Circle shall be... probably be eliminated based on my eyeballing of the map.

5
6 Commissioner Templeton: That is awesome. Full circle tonight, thank you.

7
8 Chair Summa: Yeah and as long as that map was just included to kind of give us a general sense
9 but it's already outdated because it also puts... it doesn't recognize University Terrace. It puts...
10 it just has... so it probably shouldn't be included in any official way. It's not... it doesn't show it
11 on this close-up you have, but I was going to agree that that map would need to be not
12 included as an official part of the ordinance.

13
14 Vice-Chair Chang: Okay and I did want to just say that I'm supportive of this ordinance because
15 in addition to kind of dealing with the loopholes that Commissioner Templeton talked about.
16 That if say massage parlors were a particular use in a retail area where to disappear. We might
17 see additional green spots pop up on the map. So, I think it's really good idea to have this
18 Conditional Use Permit in place for this usage anywhere in the City.

19
20 Chair Summa: Commissioner Templeton.

-
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Commissioner Templeton: Oh, you go ahead and make your comments and then I would like to make a motion.

Chair Summa: I was just going to ask for a motion so go right ahead.

MOTION

Commissioner Templeton: Why thank you, Chair. I'd like to move the Staff recommendation.

SECOND

Vice-Chair Chang: I'll second.

Commissioner Templeton: Thank you.

Chair Summa: Any comments from the makers? Okay, let's go for a vote on that then.

VOTE

-
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1 Ms. Veronica Dao, Administrative Assistant: Vice-Chair Chang?

2

3 Vice-Chair Chang: Yes.

4

5 Ms. Dao: Commissioner Hechtman?

6

7 Commissioner Hechtman: Yes.

8

9 Ms. Dao: Commissioner Reckdahl?

10

11 Commissioner Reckdahl: Yes.

12

13 Ms. Dao: Chair Summa?

14

15 Chair Summa: Yes.

16

17 Ms. Dao: Commissioner Templeton?

18

19 Commissioner Templeton: Yes.

20

-
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1 Ms. Dao: Motion carries 5-0.

2

3 MOTION PASSED 5(Chang, Hechtman, Reckdahl, Summa, Templeton) -0 -1(Roohparvar absent)

4

5 Chair Summa: Alright, we have one thing left to do which is approval of draft verbatim minutes

6 of February 8th, 2023.

7

8 **Commission Action:** Motion by Templeton, seconded by Chang. Pass 5-0 (Roohparvar absent)

9 **Approval of Minutes**

10 Public Comment is Permitted. Five (5) minutes per speaker.^{1,3}

11 5. Approval of Planning & Transportation Commission Draft Verbatim Minutes of
12 February 8, 2023

13 MOTION

14

15 Commissioner Hechtman: Move approval as revised.

16

17 Chair Summa: Thank you. Second anyone?

18

19 SECOND

20

21 Commissioner Reckdahl: Second.

-
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Chair Summa: Second and I don't think we (interrupted)

Vice-Chair Chang: Microphone.

Chair Summa: Oh, I thought it was, thank you. We have a motion and a second so let's go ahead and take the vote.

VOTE

Ms. Veronica Dao, Administrative Assistant: Vice-Chair Chang?

Vice-Chair Chang: Yes.

Ms. Dao: Commissioner Hechtman?

Commissioner Hechtman: Yes.

Ms. Dao: Commissioner Reckdahl?

-
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1 Commissioner Reckdahl: Yes.

2

3 Ms. Dao: Chair Summa?

4

5 Chair Summa: Yes.

6

7 Ms. Dao: Commissioner Templeton?

8

9 Commissioner Templeton: Yes.

10

11 Ms. Dao: Motion carries 5-0.

12

13 MOTION PASSED 5(Chang, Hechtman, Reckdahl, Summa, Templeton) -0- 1(Roohparvar)

14

15 Chair Summa: Alright, thank you.

16 **Commission Action**: Motion by Hechtman, seconded by Reckdahl. Pass 5-0 (Roohparvar absent)

17 **Committee Items**

18 None

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1 **Commissioner Questions, Comments or Announcements**

2 Chair Summa: (off mic) So, I guess we have time for any comments now. Commissioner
3 comments or reports or. Commissioner Hechtman.

4
5 Commissioner Hechtman: Thank you, so I just wanted to acknowledged that I noticed and
6 appreciate our new improved Staff Reports. The hard copies we get, we now have these little
7 side tabs which are very useful (interrupted)

8
9 Chair Summa: I love the tabs.

10
11 Commissioner Hechtman: Of course, when you're looking at it online you don't see that but
12 what you do see online is that every page now has a little label in the upper right-hand corner.
13 So, instead of just like Item 3 or 3(a) and then you have to guess what it is, it actually tells you
14 what it is and so these are really nice upgrades and they are appreciated. Yeah, thank you.

15
16 Chair Summa: Yep, I liked it too. Commissioner Chang [note – Vice-Chair Chang].

17
18 Vice-Chair Chang: So, I wanted to at the beginning of the last PTC meeting Staff had mentioned
19 that there isn't anything that Staff wants to be bring up to us on the Agenda for the next
20 scheduled PTC meeting which is on March 29th. And I wanted to raise an idea I had with the rest

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1 of the Commission which is we need to do a Work Plan according to the Boards and
2 Commissions Handbook that City Council has approved. And last year we approved our Work
3 Plan sometime in April and I know that it would be ideal to wait till we have new
4 Commissioners on board in April to discuss our annual Work Plan. Except that we're going to
5 have a bit of a time crunch because I believe we have to adopt that Work Plan by June and I
6 know that there's really meaty stuff coming up in April and May from Staff. Like the Housing
7 Element and many other things so I was thinking that it might be useful to use the that we all
8 have blocked out already on our calendars on the 29th to start discussing what we want our
9 Work Plan to be. Rather than sort of losing time and then having to cram in additional meetings
10 later on. Didn't know what your thoughts were.

11

12 Chair Summa: It came up at pre-meeting and Ms. French will be out of town but then it was
13 thought that perhaps Mr. Lait could be our liaison.

14

15 Mr. Jonathan Lait, Director of Planning: I've already got it on my calendar just in case.

16

17 Chair Summa: Go ahead.

18

19 Commissioner Templeton: I'm not a huge fan of meeting if we don't have like official actions
20 items. This would be an action item I guess because we'd vote on it. It doesn't feel like it

-
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1 warrants enough to pull the whole Commission together or the partial Commissioner as you
2 noted. I don't know if we have any leeway on when we present that to Council given that they
3 haven't filled us. They may be more flexible about that date. However, if everybody else wants
4 to meet and do that, that's fine. I just don't want it to be a 4-hour meeting. We need to get in,
5 get out, so that's my (interrupted)

6

7 Chair Summa: I kind of think we could take our old plan and just edit if necessary.

8

9 Commissioner Templeton: I like that idea.

10

11 Chair Summa: Or resubmit it. It was really long and I'm sure there isn't much on there we can
12 cross off.

13

14 Commissioner Templeton: Yeah I completely agree, but that's another reason not to have a
15 separate meeting for it.

16

17 Chair Summa: Yeah or just a brief meeting. Commissioner Hechtman, was your light on or?

18

19 Commissioner Hechtman: It was but the question got answered. I just wanted to make sure
20 that Staffing wasn't an issue. I knew Ms. French was going to be away and I just wanted to

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1 make sure that that was covered. I can go either way on this. I'm happy to show up on the 29th
2 to talk about just this. I'm happy to be put it off until the 12th. You know, one of the things we
3 don't have to do on the 12th is an Election of Officers because we've already done that for the
4 next year so we've saved that time. So, but either way, I'm fine.

5

6 Commissioner Reckdahl: I don't think the Election or the appointment of new Commissioners
7 really drives this. They're going to be new and they're not going to have a lot of opinions I don't
8 think on the Work Plan. So, I'm not a fan of coming in for meetings but also not a fan of long
9 meetings. So, I'd rather have more short meetings than less long meetings and so I'd be willing
10 to come in but I could go either way.

11

12 Chair Summa: Go ahead.

13

14 Vice-Chair Chang: Then, I don't know, I mean... there's no motion for this kind of thing but I
15 would just suggest that we come in and we work off of the last Work Plan. And then look at
16 what we did and didn't do and see if there's anything new and then eventually we're going to
17 have to... it would be more of a study session because then Staff would... Staff has to make any
18 changes. And then it will come back before us with the full Commission because I do want new
19 Commissioners to be able to raise new priorities if there are any, but those could easily be

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1 added at the same time that we approve a Work Plan. So, that way I think we just get some of...
2 knock things out and that we're not having midnight meetings.

3

4 Commissioner Templeton: Will this count as our retreat?

5

6 Vice-Chair Chang: I think it might count as our retreat. That was also the challenge is that
7 (interrupted)

8

9 Commissioner Templeton: That's my trade-off.

10

11 Vice-Chair Chang: Yeah, so I think I was also concerned about the logistics of finding a time... a
12 new time for all of us to have a retreat and if... and in any rate if we decide that we want to talk
13 about our Work Plan. It would then have to be a public meeting anyway so if we want to have a
14 social retreat we can decide that separately.

15

16 Commissioner Reckdahl: Although retreats are public meetings and they're... so we could talk
17 about other things in there too as long as we agendize it.

18

-
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1 Chair Summa: Well, I'm game, either way, I'll show up. I think we should be mindful of Staff's
2 availability and plan for a short meeting if we're going to do it. Does that sound good? Does
3 Staff want to let us know?

4
5 Ms. Amy French, Chief Planning Official: Sure, about the 29th. I'll... you know this... the plan is
6 already locatable, if that's a word, on the PTC web page. There's a link to it but I'm happy to
7 send that out to the entire Commission for your easy-to-start the journey of looking and seeing
8 what we already said we're doing for this past year.

9
10 Chair Summa: I think we can all find it on our own website and why don't we all take a look at it
11 and then we'll wait and see if Staff wants to do it? Is that agreeable to everyone?

12
13 Commissioner Templeton: Maybe we should have some transportation study sessions that day
14 too.

15
16 Vice-Chair Chang: Well, maybe we can have transportation study sessions that day too if
17 transportation is (interrupted)

18
19 Chair Summa: If we're all going to come in and there's other things that you could bring before
20 for a study session. I think that would be a good use of everyone's time.

-
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Ms. French: We'll reach out to the Office of Transportation and see if there's anything they would like to share.

Commissioner Templeton: We made some specific requests today.

Ms. French: I heard that, yeah.

Chair Summa: With that, I will call the meeting adjourned at 10:05. Would have been before 10:00 if we hadn't had this last [note – audio cut off].

Adjournment

10:05 pm

-
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