



Planning & Transportation Commission Action Agenda: May 31, 2023

Council Chambers & Virtual
6:00 PM

Call to Order / Roll Call

6:02 pm

[automated voiced announced recording was in progress]

Chair Summa: Good evening, everyone. I'd like to call to order a regular meeting, May 31st, of the Planning Commission and Ms. Dao, could you call roll, please?

Ms. Veronica Dao, Administrative Assistant: Yes, Chair Summa?

Chair Summa: Present.

Ms. Dao: Vice-Chair Chang?

Vice-Chair Chang: Present.

Ms. Dao: Commissioner Akin?

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1 Commissioner Akin: Present.

2

3 Ms. Dao: Commissioner Hechtman?

4

5 Commissioner Hechtman: Present.

6

7 Ms. Dao: Commissioner Lu?

8

9 Commissioner Lu: Present.

10

11 Ms. Dao: Commissioner Reckdahl?

12

13 Commissioner Reckdahl: Here.

14

15 Ms. Dao: Commissioner Templeton?

16

17 Commissioner Templeton: Here.

18

19 Ms. Dao: We have a quorum.

20

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1 Chair Summa: Thank you so much.

2 **Oral Communications**

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

4 Chair Summa: I'm not... I'm wondering if we have any members of the public that would like to
5 speak to items that are not on the Agenda.

6

7 Ms. Veronica Dao, Administrative Assistant: I have not received any speaker cards or raised
8 hands.

9

10 Chair Summa: Not seeing anyone in the room we can move onto Agenda changes, additions
11 and deletions, please.

12

13 Ms. Dao: Oh wait, one... sorry, Liz Gardner just raised her hand.

14

15 Chair Summa: Okay, then we can... Liz can go ahead and address us.

16

17 Ms. Dao: Okay.

18

19 Ms. Liz Gardner: Hi, thank you. I was having some difficulty getting on the Zoom. I don't know
20 what was going... it says waiting for meetings so I'm glad I caught it. Liz Gardner, Palo Alto, this
21 is not part of the Agenda but I really wanted to point out something that I heard a couple of

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1 weeks ago when there was a joint meeting between the City Council and the Plan [note –
2 Planning] Transportation Commission.

3
4 One of your Commissioners was just I guess I'm pretty confused or trying to figure out what his
5 point was when he was speaking to City planning about subsidized housing and pressing on an
6 issue about utilities as being part of affordable housing that the City of Palo Alto is providing. I
7 just want to make a comment that low-income people are really being nicked and dimed in
8 the city and getting a 10... 15 to 20 percent off a utility bill is not subsidizing the cost of housing.
9 It's subsidizing the cost of extraordinary energy prices and that we need to do far more for
10 affordable housing.

11
12 Another point I'd like to make is that, and I suggested this before, is that it would be really great
13 to see more understanding and education for the Commission around fair housing and the 30
14 percent to wages. And I'll talk about this a little bit more later in the evening but I just really
15 hope that the Commission can come forward and just really kind of example what that point
16 was about the utility bill subsidizing housing. Thank you.

17
18 Chair Summa: Thank you, Ms. Gardner. Do we have any other speakers at this time?

19
20 Ms. Dao: No other raised hands.

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Chair Summa: Okay, thank you so much. We'll move onto Agenda changes, additions and deletions then.

Agenda Changes, Additions and Deletions

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

Ms. Amy French, Chief Planning Official: No changes.

Chair Summa: Thank you and then it's time for City official reports.

City Official Reports

- 1. Directors Report, Meeting Schedule and Assignments

Ms. Amy French, Chief Planning Official: Yes, you'll notice in the Packet the crystal ball comes out on that first report about upcoming meetings of the Planning and Transportation Commission. And then just noting that the Council on this coming Monday will be doing the second readings of a couple of ordinances that the Planning and Transportation Commission saw. The ADU and the Firearms Ordinances and also on that date, Monday, will be the Rental Housing Stabilization Ordinance. So, I don't know if the Planning and Transportation Commission spent time with that one. I'm forgetting but it may be of interest. There's a couple of other meeting items coming up in the... in on June 19th. We have a number of Consent Calendar items that may be of interest but not requiring PTC representation.

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1 And then coming up for the Planning and Transportation Commission we do have a number of
2 items that we are... we are so far not targeting anyone of these summer dates as a summer
3 break for the Commission but do let us know if there are meetings that you are not able to
4 attend. Thank you.

5

6 Chair Summa: Thank you for that. Do we have other reports from Staff?

7

8 Ms. French: I think Rafael.

9

10 Mr. Rafael Rius, Senior Transportation Engineer: Hi, Rafael Rius, I'm Senior Engineer with the
11 Office of Transportation. I just wanted to give some brief updates regarding our department.
12 We've received a lot of inquiries about the Middlefield and Lincoln Road Intersection Analysis
13 and just wanted to update that we're just putting the final touches on the City's... on the
14 project website and finalizing the report. We hope it to be a webpage with the report posted in
15 the next two to three business days. So, hopefully by the end of this week and then we are also
16 we are targeting a community meeting hopefully... hoping for the third week of June. So, I
17 wanted to put that out on everyone's radar.

18

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1 Aside from that, we have the Crescent Park Neighborhood Traffic Calming project that will be
2 coming to the next PTC meeting and that's all the updates I have right now unless there's some
3 questions.

4

5 Chair Summa: Colleagues, do you have any questions for Staff? I see Commissioner Reckdahl
6 and then Commissioner Templeton.

7

8 Commissioner Reckdahl: I had a transportation question. I've noticed on some stop lights, the
9 turning left turn green even if there's no cars there. Is that corresponded to the loop being
10 broken or is that correspond to that we have it set to always turn green regardless of whether
11 the car's there or not?

12

13 Mr. Rius: It could be. I mean it likely is the detection is probably not working properly. That's
14 what would happen if the... it would give an automatic call to the phase to come up to give it a
15 certain amount of time if... yeah.

16

17 Commissioner Reckdahl: Okay, so if we see that we should fill out a 411 request or?

18

19 Mr. Rius: Yes, Palo Alto 311.

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1 Commissioner Reckdahl: 311, I'm sorry. Okay, thank you.

2

3 Commissioner Templeton: Thank you. I just wanted to follow up on some previous threads
4 about El Camino Real and the status of the paving there. Thank you for the updates that it will
5 be... the repaving project in total will be begin later this year after sewer upgrades in the City of
6 Palo Alto. But I also wanted to say that we have had some patches go in, in South Palo Alto
7 which are very much appreciated. We're not totally done with those but some of those
8 dangerous pot holes have been filled and some of the vary rough surface has been smoothed
9 out all the way down to I think Military Way. So, there's still a bit more that needs to be done to
10 get past Barren Park and towards the Mountain View/Los Altos area. So, if there's any influence
11 the City can have on letting the State know that they need to come back and finish the job. That
12 would be great and of course, you can always call your State representatives. Thank you.

13

14 Chair Summa: Thank you. Any other comments? So, I don't see any lights so we will go on to
15 our first item which is a study session on to review the Draft North Ventura Coordinated Area
16 Plan and I'm sure Staff has a presentation.

17 **Study Session**

18 Public Comment is Permitted. Three (3) minutes per speaker.

19 2. Study Session to Review the Draft North Ventura Coordinated Area Plan

20 Mr. Sheldon Ah Sing, Planner: Yes, thank you and our consultant (interrupted)

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1 Commissioner Lu: One (interrupted)

2

3 Mr. Ah Sing: Oh sorry.

4

5 Commissioner Lu: Oh sorry, one quick shout-out. I will speak for the record that I actually live
6 right across the way from the North Ventura Coordinated Area Plan. So, I will recuse myself and
7 sit out from the ongoing conversation on that. Just wanted to shout that out like while we're
8 still in that [unintelligible] (interrupted)

9

10 Chair Summa: Thank you, Commissioner Lu. Sorry, I didn't see your hand. Alright, we'll see you
11 later then.

12

13 Mr. Ah Sing: Okay, thank you, so our consultant will share his screen with the presentation and
14 I'll start off and then we'll transition to him but thank you. I'm Sheldon Ah Sing, Principal
15 Planner with the City and as I mentioned we have our consultant from Perkins & Will that will
16 also present slides and we also have available members from our transportation Staff. Next
17 slide, please?

18

19 So, I wanted to provide some context here before we launch into the details about how we got
20 here. For a couple of you, you've been on this journey already, but for others, this may be

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1 newer or you haven't had a lot of exposure to it. So, this all started with the adoption of the
2 City's Comprehensive Plan in 2017 that included a policy regarding establishing a Coordinated
3 Area Plan in the North Ventura area. And that plan was initiated in 2017 and shortly there after
4 goals and objectives were adopted by the Council that would provide guidance as to how we
5 should move forward and how the plan should evolve. The Council appointed members of a
6 working group that met on the components of the plan to develop alternatives that would be
7 forwarded to the PTC and the Council. And in January of 2022 the Council did endorse a
8 preferred plan with further refinements made later last year. So, Staff, and it's consultant, took
9 this direction and preferred from the Council to develop a draft planning document which is
10 what we're talking about this evening.

11

12 So, while this is going on we were still accepting applications for development proposals within
13 that area. So, those are called pipeline projects and those pipeline projects don't necessarily
14 have to adhere to the NVCAP. They can adhere to the existing that's in effect, so most
15 honorably you might have heard about the Mike's Bikes location, or the Sobrato location, or it
16 as the project on Lambert for instance. Next slide, please?

17

18 So, we really want you to focus this evening if we can study session objectives, get your
19 confirmation on the Draft NVCAP is substantially consistent with the Council's endorsed plan as
20 well as does it substantially meet the stated goals and objectives from the Council, and does it

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1 meet the requirements of the Coordinated Area Plan as is stated within the Municipal Code,
2 Chapter 19.10? Next, please?

3

4 So, we've conducted robust outreach, including workshops, work group meetings, stakeholder
5 meetings. We've had survey conducted. We've also previously met with the Council's Historic
6 Board, the PTC and the Parks and Recreation Commission. We are planning to the ARB
7 tomorrow on that. There's some inquired components of the plan from the Municipal Code, as I
8 mentioned, that are highlighted here and these are included as an attachment to your... to the
9 Staff Report. That demonstrates how the plan is consistent with these requirements, so these
10 are requirements that need to be in the plan. We can't remove those requirements. Next slide,
11 please?

12

13 So, these are the adopted goals from the Council. There's an attachment, again in the Staff
14 Report, that goes into much more detail about it that demonstrates how the plan is consistent
15 with these goals. These goals did provide the guidance that the Council wanted us to address in
16 this plan and so in addition throughout the plan, the document itself, there are insets that state
17 where the plan is consistent with these goals. It just kind of helps tie everything together. Next
18 slide, please? These objectives help guide the development of the draft and the people that
19 were involved with it. Each step of the way we've been consulting these objectives to make

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1 sure that we're consistent with them and again, there's another attachment that includes these
2 objectives and how the plan is consistent with that. So, next slide.

3

4 So, now I'll transfer the presentation on to our consultant, Marc Asnis, with Perkins & Will.

5

6 Ms. Marc Asnis, Perkins & Will: Thanks, Sheldon. Can everybody hear me?

7

8 Chair Summa: Yes.

9

10 Mr. Asnis: Okay, great. Well, good evening, Commissioners. Thank you for having me. As
11 Sheldon mentioned, my name is Marc Asnis, I'm with Perkins & Will. I am the project manager
12 for the consulting team. Thank you for having me.

13

14 I wanted to start first with just a bird's eye view of the NVCAP plan area today. So, roughly 60
15 acres bounded by the Caltrain rail corridor to the east, El Camino to the west, Oregon Express
16 Way and Page Mill Road to the north and Lambert Avenue to the south. This entire area is
17 within a half-mile radius or a 10-minute walking distance from the California Avenue Caltrain
18 Station. So, very much viable for a transit-oriented development, transit-oriented community
19 and some of the most notable sites within the plan area include the Cannery Building on
20 Portage Avenue as well as the Matadero Creek Channel.

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And then we move into the Council Endorsed Plan, we've got this very aspirational vision that has a series of flexible framework that is going to guide intentional growth and investment for the next 20 years. And so, these frameworks include a land use framework that allows up to 530 new dwelling units, that will allow for a variety of different housing typologies and price points to support Palo Alto residents at different stages of life. We have a mobility network that really advocates for safe, low-stress, multi-modal streets. That seamlessly connect to transit like Caltrain and VTA bus and integrates into the larger transportation network. We have an ecological framework which is really supporting the City's Climate Action Plan with a proposed 2.25-acre public park as well as the naturalization of the Matadero Creek Channel. And then finally, we have an urban design, urban form framework that allows for higher density development along major corridors like El Camino and Park Boulevard while sensitively responding to the existing context such as single-family homes and the Cannery Building.

So, this is just some notable highlights but you know, it is a plan this is aligned with the City's Comprehensive Plan. Really the guiding principles and the polices that are embedded in that foundational document to really help create a transit-oriented, mixed-use, mixed-income, walkable neighborhood.

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1 So, the NVCAP plan document, the document itself, it's about 160 pages organized into seven
2 chapters. Chapter 1 is an introduction on the physical and regulatory context. Chapter 2 really
3 outlines the long-term vision for the built and natural environment. Chapters 3 through 6 is
4 Design Standards and guidelines focused on public realm, the streets, parks and buildings. And
5 finally, Chapter 7 is all about implementation actions including infrastructure improvements,
6 capital projects and funding and financing strategies.

7

8 So, now I'm just going to go into a little more depth on a couple of the key parts of the plan.
9 The first being building heights, as I mentioned we have an urban design framework which has
10 established allowable heights that range from two to five stories. Those taller heights being
11 along major corridors like El Camino, east side of Park Boulevard as well as really intentional
12 sites to help support affordable housing in the long term. The plan requires a minimum of 15-
13 foot floor to ceiling heights for new mixed-use buildings, to help promote a more inviting
14 pedestrian experience and as I mentioned earlier, we're also responding to sensitive areas
15 having lower-height envelopes and step-downs to make sure we're respecting single-family
16 homes as well as the Cannery Building.

17

18 From a transition of commercial properties to mixed-use and residential, I will say that this land
19 use framework is principle focused on supporting the development and construction of new
20 housing. So, therefore, existing commercial properties, or properties that are currently zoned

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1 commercial, will become mixed-use upon the adoption of the plan. But we are going to be
2 including grandfather clauses to help support those existing commercial businesses so they can
3 continue to operate in... as part of this transition in the near term. I'll also say that as part of
4 this mixed-use zone, we are allowing for new commercial uses; however, we are capping at a
5 maximum 5,000 square feet.

6
7 In regards to the adaptive re-use of the Cannery, the NVCAP is very much in support of the
8 adaptive re-use of the Cannery Building. This includes the principle... the primary Cannery
9 structure on Portage Avenue as well as the one-story, wood frame office building that's on Ash
10 Street. We do include an implementation action item within the plan document that directs
11 City Staff to explore within the first year after the adoption of the plan. The nomination of the
12 Cannery for either the California or National Register of Historic Places or Palo Alto's Historic
13 Inventory; whatever is deemed appropriate by decision-makers likes yourself.

14
15 In terms of ground floor edges, we do have the highest concentration of required retail and
16 active uses located on El Camino as the primary commercial corridor within the plan area. I will
17 say though that we are encouraging active uses in other parts of the plan area as well.
18 Predominately on Park Boulevard, Lambert as well as portions of Page Mill and Ash. I will also
19 say that the way in which NVCAP document defines ground floor uses, it's a much broader type
20 of term really allowing a wider ranges of commercial activities. We have the traditional type of

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1 local shops; food and beverage, cafes, but we're also including things like maker spaces, co-
2 working spaces, professional services like a dental office among others, and then finally, the
3 naturalization of the Matadero Creek.

4
5 We really envisioned this as being a fully naturalized, 100-foot riparian corridor that really can
6 achieve multiple objectives. We see it as being an opportunity to bring new habitat areas into
7 the NVCAP. We can create an... engineer a channel that can mitigate a 100-year flood event. We
8 can also integrate new recreational trail opportunities. All of this within a 2.25-acre new public
9 park, so a lot of opportunity there to really create a new dynamic and vibrant community space.

10

11 So, with that, I'm going to pass it back to Sheldon.

12

13 Mr. Ah Sing: Thank you, Marc. So, this is a table that's in the plan documents a requirement of
14 the Municipal Code for Coordinated Area Plans and it's a crosswalk table that shows the
15 connection between the plan and how the plans implemented in the Zoning Code. So, the left
16 column identifies some land use designations within the NVCAP. For instance, the high-density
17 mixed-use. The next column talks about the anticipated density for that type of land
18 designation. So, that's not a low or high, it's just a range that we are anticipating. We're kind of
19 anticipating how the State is coming down on density, so we don't want to state whether it's a
20 low or a high. It's just what the market would bear within the other Development Standards for

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1 mostly Form-Base Code for instance. So, the maximum height, that's a standard, 55 feet, as
2 Marc has said, is the highest we'll see in this area. Then they have the Floor Area Ratio which is
3 a... for the high-density mixed-use, 3.0. Yeah, that's a very comfortable range to accommodate
4 some of that density and then on the far right would be the allowed zoning districts. So, these
5 are completely brand new zoning classifications that would have in the Zoning Code. So, we are
6 going to follow up with a study session in the future with the Planning Commission where we
7 will debut some of these zoning-permitted uses and Development Standards. Next slide, please.

8
9 So, there is environmental review for the project that's required. That's on going right now so
10 it's a very draft form. We are preparing a supplemental EIR that tiers from the Comprehensive
11 Plan and we have completed the Notice of Preparation step. So, we are now in that phase of
12 drafting the document and we do anticipate that the release of this will be later this summer.

13
14 Next step... oh... yep, next steps for the project we are conducting study sessions right now. PTC
15 tonight, ARB bright and early tomorrow and then HRB next week. Along the way as I mentioned
16 that we are anticipating subsequent follow-up study sessions with the PTC and the ARB and
17 then we will release the draft EIR this summer. And we'll get all the comments from the public
18 as well as the different Boards and Commissions and start preparing the final draft of the
19 NVCAP in preparation of an action meeting with the PTC. So, we can forward a
20 recommendation to the Council later this year. Next slide, please?

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So, with that, I'll just kind of wrap up and get you going on your discussion and questions for us. Again, we're seeking confirmation whether the project is substantially consistent with the indorsed plan with the goals and objectives and meets the requirements of the Coordinated Area Plans. So, I suggest, we have attachments, maybe that's a low-hanging fruit is to check out those attachments and confirm that those... that we are consistent with these three and then I'm sure you have questions about the plan as well. So, with that, I conclude our presentation, thank you.

Chair Summa: Thank you very much for that. Would you like to go to clarifying questions first or we can ask if there's members of the public or? Public? Okay or Commissioner Hechtman, did you (interrupted)

Commissioner Hechtman: [unintelligible – off mic]

Commissioner Templeton: [off mic] I was saying let's do clarifying.

Commissioner Hechtman: [off mic] Let's do clarifying (interrupted)

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1 Chair Summa: Alright, let's do clarifying questions first so and then we will go to members of
2 the public. So, who would like to go first? Commissioner Templeton.

3
4 Commissioner Templeton: Thank you. Its really exciting to see this project moving forward. I
5 use to live in Ventura and was a very early member of the working group. The questions I had,
6 there was a few things in here, and I didn't mark them all, but that were... I think that there are
7 details that are provided but may be outside of maybe what you're asking us tonight. So, just
8 wanted to clarify that. For example, your diagram of El Camino has bus lanes. That's extra, like
9 this... beyond this project, right? Could you clarify about that?

10
11 Mr. Ah Sing: I don't believe we're doing any improvements along El Camino Real like that's...
12 you know that's Caltrans' facility. So, that's correct but it would be good to know if we're
13 putting something that may be as inconsistent. That would be helpful to (interrupted)

14
15 Commissioner Templeton: Well, I would say, personally, though it's not agendized, I would love
16 to discuss what to do with that currently parking lane and I'm not sure if bus lanes are the only
17 thing I want there. So, hopefully, we'll have an opportunity to discuss that with Caltrans but it
18 would be great to look into for example, we've been hearing people talk about bike lanes there.
19 We've been talking about, especially if you're making it a retail area, if the parking's gone what
20 do we do about that? That's possibly something to speak to tonight if you feel comfortable and

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1 then you know generally sidewalk improvements. I don't know if that's City or Caltrans but if
2 we're going to make it a retail area. We want to be able to walk maybe three, four people
3 abreast, so we need to figure that out as well.

4

5 Mr. Ah Sing: I think one thing maybe, and we can suggest, is we do have an implementation
6 chapter. It could be a good parking lot of things that maybe we want to explore in the future.

7

8 Commissioner Templeton: That'd be great, that's all... I like that idea so some things to flag for
9 future discussion.

10

11 Mr. Ah Sing: Right.

12

13 Commissioner Templeton: Excellent. Okay, I'll pull my thoughts together and but generally it's
14 good to hear what you're looking... what the boundaries are, what you're looking for, thank
15 you.

16

17 Chair Summa: Commissioner Reckdahl.

18

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1 Commissioner Reckdahl: I have a question about on Packet Page 161, the mobility hub. Can you
2 talk about mobility hub? Is that privately owned land? Is that on the City street or would that be
3 City land? How's that going to be implemented?

4

5 Mr. Ah Sing: Thank you. I may need to look to Sylvia or Shrupath, our transportation people,
6 about the mobility hub. So, do you... who's best, Sylvia?

7

8 Ms. Sylvia Star-Lack, Transportation Planning Manager: Good evening, Commissioners. Sylvia
9 Star-Lack, Transportation Planning Manager. I'm not super clear on how we would do that. I
10 think they're probably... they're kind of a newish thing for us in the states so I don't have a clear
11 answer but the concept of co-locating all the various shared mobility. You know Zip Cars,
12 scooters, bike share, when we eventually get those here, I think makes a lot of sense for what
13 this area is supposed to have.

14

15 Commissioner Reckdahl: Yeah, it sounds like a really good idea, right, between the EV charging
16 and things like that. But EV charging takes a lot of area and so I'm not sure if you could fit that
17 just on the parking lanes, and would you need actually a parking lot to have all this stuff, but
18 some [unintelligible] details would be really good because...

19

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1 Ms. Star-Lack: Yeah, it's still very conceptual from... in my head about how we would do it here
2 but I think that we will see over time that they will show up in various different kinds of
3 configurations based on whatever land is available so.

4

5 Commissioner Reckdahl: Okay, thank you.

6

7 Ms. Star-Lack: Thanks.

8

9 Chair Summa: Any other questions at this... oh, Commissioner Hechtman.

10

11 Commissioner Hechtman: Thank you, so one of the places we're being asked to provide
12 feedback tonight in the Staff Report is to sort of comment on whether the plan meets the Code
13 requirements for Coordinated Area Plan. And I just wanted a little bit better understanding of
14 that as we talk about the plan tonight because I haven't read the Municipal Code on the specific
15 requirements, but I was imagining that one of the requirements is that the plan has to be
16 consistent with the... with our General Plan?

17

18 Mr. Ah Sing: Yeah the requirements... or thank you for the question... Packet Page 205 is an
19 attachment that details what those are. So, like for instance, the first one is like the distribution.
20 I think it's like show the distribution location extent of land uses and so what we're saying is

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1 that Chapter 2, the vision, kind of goes into detail about that and therefore, is the consistency
2 on that.

3

4 Commissioner Hechtman: Okay, thank you and I'm looking at 205 and are... it's described as
5 consistency with... right, okay so it's the... we're citing to the Municipal Code, right? That's
6 Municipal Code Chapter 19.10.

7

8 Mr. Ah Sing: That's correct.

9

10 Commissioner Hechtman: So, and part of the Staff Report actually talks about in terms of
11 consistency between this CAP, this plan and zoning, we're actually going to do some dove-
12 tailing, right? You're going to actually adopt some new zoning to better cross-connect
13 everything. So, I really... I get the relationship between the NVCAP and zoning because we'll fix
14 that, but what I'm looking at is and I think the rule is since the General Plan is the constitution,
15 the NVCAP has to be consistent with the... with our Comp Plan.

16

17 Mr. Ah Sing: So yeah, I mean I'm looking at Chapter 19.10 and maybe our City Attorney can
18 clarify anything. I mean in general, I would concur that yes, we need to have some consistency
19 there and definitely when we do zoning amendments. We have specific findings to be
20 consistent there but maybe Albert, you can kind of clarify regarding the Commissioner's

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1 question about the consistency with the Comprehensive Plan in conjunction with our Municipal
2 Code here.

3

4 Mr. Albert Yang, City Attorney: Yes, so the NVCAP does need to be consistent with our General
5 Plan.

6

7 Commissioner Hechtman: Okay, thank you.

8

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

10

11 Vice-Chair Chang: So, I asked this a little bit in pre-meeting before but I think hearing from Mr.
12 Asnis, it makes me want to clarify a little bit more. So, Mr. Asnis mentioned that the... there's a
13 portion of the NVCAP that says within a year we could... that it recommends that we apply for
14 historical recognition for the Fry's Cannery Building. But we separately because the Sobrato
15 project is a pipeline project, it appears that the changes that are being proposed would render
16 that building ineligible for... if I remember correctly... ineligible to be listed on the California
17 Register of Historic Places. So, given that it doesn't seem like it's a possibility any longer, does it
18 still make sense to make recommendations that seem moot in the NVCAP?

19

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1 And same thing goes for the point of adaptive re-use of the Cannery building because we're not
2 really going to be... we found in some investigation for that pipeline project that adaptive re-
3 use isn't really possible. So, and I know that the timing of the NVCAP plan and the timing of the
4 pipeline project were such that we are where we are, but does it make sense to approve an
5 NVCAP that's kind of not relevant?

6
7 Mr. Ah Sing: Yeah, I mean thank you for that question and I think you're starting to hit where I
8 was going to answer a little bit about the timing of it. You know, this has been a community
9 base plan from the beginning and people spent a lot of time on it and we weren't sure about
10 what project would come first, or whether the Development Agreement would dissolve and go
11 away. So, I think rather than planning for the Sobrato project, we're moving forward with what
12 the community and the Council wanted. And it may be the case that the plan gets adopted and
13 Development Agreement goes it into effect and maybe somethings are just moot as you're
14 saying for a certain period of time. I think the Development Agreement might have a certain
15 period where you can't do zoning changes for instance, so I think that's what it really comes
16 down too.

17
18 Mr. Yang: I would just add to that as well the Sobrato project looked at adaptive re-use for
19 residential uses and that's where the Staff investigation concluded that it wasn't feasible to
20 have residential uses in that building while maintaining the primary historic features. But it is... I

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1 think it hasn't been explored whether there are other uses that could result in adaptive re-use
2 of that building and I would also note that that project has... is still in the process. It has not
3 been approved and it's possible that it does not get approved in which case the NVCAP plays a
4 very important role for that site.

5

6 Vice-Chair Chang: Thank you, thank you, Mr. Yang, that's helpful clarification.

7

8 Chair Summa: I don't see any more lights at this time so we can go on to public comment. Do
9 we have people in the room or online?

10

11 Ms. Veronica Dao, Administrative Assistant: We have one raised hand on Zoom, Liz Gardner,
12 who would like to speak for this item. You have 3 minutes.

13

14 Ms. Liz Gardner: Hi, thanks. Yeah, I'm glad we're still discussing the NVCAP and I did want to
15 note, on a personal level, that this started in 2017 and our community at that time in California,
16 personally I was dealing with a family tragedy. So, I couldn't... came kind of late into the NVCAP
17 planning early days but you know, we've really suffered since 2017 with a lot of fought
18 California fires and Covid. So, people are just really catching up to this plan. I just wanted to
19 throw that out there but what I'm not hearing a lot about is area floor plans, how many units
20 yet? What about the vision of the acreage being a landscape of a cultural landing where a

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1 diverse and varying population people residing here would be accessing this? NVCAP, how does
2 it connect with the Housing Element and the difference of that? And the General Plan?

3
4 This community-based plan, you keep talking about the community but many, since 2017, of
5 the heavy hitters have been members of the North Ventura Neighborhood Association. So, I'm
6 not sure what this adaptive re-use not being used. I'm wondering if this is also maybe just
7 another word for down zoning MR 30 [note – RM 30] site that the City Council had approved in
8 1996.

9
10 I've very close to this project. I think it's a one-in-a-lifetime opportunity for Palo Alto to really
11 embrace housing in a very equitable, quality, all lives, all ages, all abilities, all incomes. Okay, so
12 Sobrato, thank you for donating or giving over an acre and a quarter to some very low-income
13 housing but what I'm really seeing, and that's on Fry's site, is there really is not an
14 understanding of... there's this really rich portion and then maybe this very poor portion. How
15 is that equitable across all income levels?

16
17 So, there's a real vision here and I think we just need to keep plugging away at this and really
18 making it a national, state-wide, Bay Area leader. There's a lot of value; historic; cultural;
19 economic. It just doesn't have to be profits. This can be housing, homes, businesses for people,
20 non-profits. Thank you.

-
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Chair Summa: Thank you and I think we have more speakers.

Ms. Dao: Yes, one in-person speaker, Lauren Bigelow.

Chair Summa: Thank you.

Ms. Lauren Bigelow: Good evening, Commissioners and thank you for the opportunity to speak. My name is Lauren Bigelow and I am the Board President of Palo Alto Renters Association. Some of you may recognize me as something of a frequent flyer as I have spent the past 7 years focused on administering, advocating and research affordable housing in Palo Alto. I feel like NVCAP and I have that in common because we've been working on affordable housing in Palo Alto for quite some time.

So, I'd like to say thank you. I know that this has been a long and hard road to get to today. There are days when it probably doesn't feel like it but it's worth it. NVCAP gives us the opportunity to get back to the Palo Alto we once were which is innovative and productive in terms of building affordable housing and able to be accessible to a diverse group of people.

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1 This draft absolutely steps in the right direction; 530 new dwelling units, near transit and
2 amenities is exciting. I also appreciate that Staff is explicitly trying to be understandable to
3 people who don't have Master Degrees in Urban Planning. These are all wonderful things and
4 I'm specifically here to say that renters do care about the development of housing. Particularly,
5 development that is affordable. I look forward to your discussion tonight and I hold out hope
6 that we can get to... back to Palo Alto being a place that is accessible for everyone. Thank you.

7

8 Chair Summa: Thank you so much. Do we have more speakers?

9

10 Ms. Dao: No, I think that's it.

11

12 Chair Summa: Okay, thank you very much to our public speakers and we'll take it back to the
13 Commission. Is it... who would like to go first? Somebody? Okay, well, I'll say a few things then.

14 Oh, Commissioner Hechtman.

15

16 Commissioner Hechtman: [off mic] You first.

17

18 Chair Summa: Okay, thank you. Thank you very much to Staff. Many of you may know that I
19 was on the NVCAP so it's been a wild ride, so thank you very much for coming up with is. I did
20 have some general observations and so and some of my questions were already answered.

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1

2 And I would like to start off by thanking you for the improvements to bike and pedestrian that
3 is being planned for Park Boulevard. So, I understand, and I think I'm correct, that removes
4 parallel parking from the street to accommodate safe bike lanes and separated pedestrian lanes
5 also. So, that seems like a real step in the right direction to me for that. I'm not a bike rider
6 myself but I know that that safety really needed to be improved there.

7

8 When it comes to limiting office except small office at 5... capping out at 5,000 square feet, I
9 really appreciate that. I wish we could actually specify as well that it be for neighborhood-
10 serving uses or some of the active uses that aren't retail that you mentioned. That we could
11 specify that because there is still going to be a lot of general office for a very long time in this
12 neighborhood which makes it a pretty different kind of neighborhood for Palo Alto. So, that was
13 one of my general ideas.

14

15 When it come to PF Zones, I think it's entirely appropriate to have 100 percent affordable
16 housing projects there. My reading was it wasn't limited to that but would be for market-rate
17 projects also in PF Zones in this... in the NVCAP area which we really only have one but I wanted
18 to... my opinion is that it should be for 100 percent affordable projects.

19

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1 In a very general sense and I think we need to... I'm hoping we can find a way to get a good mix
2 of unit size here because family-sized units are very, very important to create in Palo Alto.
3 They're very important across California. I think a lot of you may have been reading about new
4 census data and housing issues in California. And statistically, it appears the largest group
5 leaving the City are people who need to find family-size housing, or single-family homes are
6 more desirable and that kind of... single-family home... single-family home zoning is pretty
7 much maxed out in the Bay Area. So, then the next thing I think we look to are condos and
8 townhouses. So, I don't know if we can emphasize that anymore in the NVCAP but that would
9 be an important thing for me.

10

11 My... I do note that I did a little investigation and we have a lot of houses already... I mean
12 housing units already... I'm searching for my paper... in the approved or pending in the area.
13 About 461 and if you take the Housing Element sites and don't duplicate using those. That's
14 another 110 in the NVCAP area and not that all those pending projects will happen but that
15 would put us at 571 right now. So, I don't know, I just thought that was interesting and kind of
16 wondering how the Housing Element, and I think one of my colleagues may have mentioned
17 this. How the Housing Element and the NVCAP goals overlap or what the nexus is and I do
18 believe the Fry's site as originally imagined as all housing because of the RM-30 zoning would
19 have produced way more units than the 530 that Council wants. So, that's not a definitive

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1 statement, it's just me kind of thinking about how many units we're going to get there and
2 what kind.

3

4 So, those were some of my thoughts and then I think, oh encouraging... on ground floor where
5 we're not requiring retail. Encouraging active uses, I find that encouraging is often a kind of a
6 weaker word than requiring and since active uses are much broader than retail. Much broader,
7 I think we... if that's what we want there we should not encourage it but maybe require it.

8

9 I so many different papers here, sorry. Let's see and then I'll ask two questions that are on
10 Packet Page 136. 6.1.3, step down the density residential and then 6.1.2, plus 33 feet for
11 affordable projects. I think that's... I just wanted to clarify exactly what that looks like across the
12 NVCAP.

13

14 Mr. Ah Sing: So, I'm thinking you're citing a page that's in the NVCAP document?

15

16 Chair Summa: Yes.

17

18 Mr. Ah Sing: What's the small number on that because I didn't print out the Packet for that?

19

20 Chair Summa: Its Packet Page 136 I think.

-
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Mr. Ah Sing: So, Page 106 in there, got it.

[note – several Commissioners began talking off mic]

Mr. Ah Sing: Thank you.

Chair Summa: Oh, sorry.

Mr. Ah Sing: I print out every other page of the Packet but not the other document. So, I think for building heights we know that the City does have Objective Standards already that require transitions and step downs and step backs. So, projects would be required to adhere to those Objective Standards. Otherwise, they would have to go through a discretionary process and that's pretty standard for any project.

So, the idea is, for instance, example would be those... the... any property along El Camino Real and behind it you have those single-family homes. You know, we wouldn't expect to have like a 45-foot building right up to the property line. There would sub-setback and step backs that would adhere to a Day Light Plane and allowing for sunlight to go through it. We understand there would be a transition there so it wouldn't just be a straight block of building.

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Chair Summa: So, forgive me if I'm forgetting some of the changes we made in Objective Standards. So, we maintain the Day Light Plane but we got rid of the transition zone that prescribes a distance between the two in addition to the Day Light Plane, or are we just... did we do that across the City of Objective Standards or are we just doing that here?

Mr. Ah Sing: In this case here we understand that there is a distance, I think it was like 150 feet.

Chair Summa: Yes.

Mr. Ah Sing: Right so these properties along El Camino Real are 150 feet deep and what we asked the Council to do is consider some additional height there from 35 feet which is in the Code to 45 feet.

Chair Summa: Right.

Mr. Ah Sing: So, that is the difference that you see here specific for these properties.

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1 Chair Summa: Okay, I'm... perhaps I'm not understanding, so how far will they be from the
2 property line at 45 feet? That's what I'm trying to get at. Is there still... well, we can't... we've
3 come to call it the transition zone. Is that still in play?

4

5 Mr. Ah Sing: We have the step downs and a Day Light Planes that are in effect.

6

7 Chair Summa: Okay so is there no standard distance from a lower-density residential? There's
8 no standard distance that the 45 feet can be, other than the Day Light Plane.

9

10 Mr. Ah Sing: Not in this case.

11

12 Ms. Amy French, Chief Planning Official: I'll jump in just cause you had mentioned (interrupted)

13

14 Chair Summa: Thanks.

15

16 Ms. French: City-wide is not really City-wide. The Objective Standards that were reviewed are
17 applicable in certain zones. For instance, the SOFA where in the Housing Element it doesn't
18 apply there yet, but certainly in the CDs types, commercial zones, CS, CN. Those are spelled out
19 in those zone districts (interrupted)

20

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1 Chair Summa: Okay.

2

3 Ms. French: Chapters.

4

5 Chair Summa: Thank you for that correction and so this is consistent with the other zones
6 across the City that Objective Standards. It's the same standard as the other zones across the
7 City that those standards apply to?

8

9 Ms. French: Yes.

10

11 Chair Summa: Okay, thank you. Sorry, I made that so painful.

12

13 Mr. Ah Sing: And then you had a question about 33 feet.

14

15 Chair Summa: Yes.

16

17 Mr. Ah Sing: Right, so that refers to under State Law, Density Bonus Projects, if they had...
18 evoke that law. They can get height up to 33 feet above the base zoning district. So, what we
19 have had here is many of these properties for instance on Page 107 is a good example. So, you
20 look at those numbers there and if a project comes in and a property that can be up to the

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1 Zoning Code 55 feet and they evoke the Density Bonus Law, or in this case we're trying to
2 implement our Housing Incentive Program to the same extent. They can have an additional 33
3 feet, but they're giving us more affordable housing for that.

4
5 Chair Summa: So, every... all the buildings on Page... the building heights on 1... on Page 107,
6 which ranges from 30... well, 36, I don't think that matters but in the purple so 45 to 55 feet.
7 They could all be 33 feet more than that.

8
9 Mr. Ah Sing: They could be if they meet certain criteria, so in the case of that'd be 100 percent
10 affordable housing project for... if they are using the Housing Incentive Program.

11
12 Vice-Chair Chang: Can I ask a clarifying question? So, when you say 100 percent affordable
13 housing, how is affordability defined in that case because on our... in our definition for the
14 NVCAP on Packet Page 198. It defines it as 80 to 120 percent AMI but in order to get the State
15 affordability... the State Density Bonus for 100 percent affordability. What... how is that 100
16 percent affordability defined? What's the AMI required there?

17
18 Mr. Yang: It's up to 120 of the AMI.

19

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1 Vice-Chair Chang: It's still 120 percent, so we could have all 120 AMI and it would... then things
2 could be 33 feet higher than what we allow.

3

4 Mr. Yang: Correct.

5

6 Vice-Chair Chang: And then in that case is the Day Light Plane standard still required for the
7 single-family... the low-density residential area?

8

9 Mr. Yang: It would not be.

10

11 Chair Summa: It would not be.

12

13 Vice-Chair Chang: It would not be.

14

15 Chair Summa: Go ahead, Commissioner Templeton.

16

17 Commissioner Templeton: Thank you. I just want to chime in on the discussion that you were
18 leading here because I think the feedback you're getting here Mr. Ah Sing is that the diagram
19 on Page 107 is incredibly misleading. It does not represent edge cases like what if it was all 100
20 percent affordable housing. Are we going to cut off day light for everybody on the other side of

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1 Alma and what about the people on Pepper and Ash? I've spoken to those families and they're
2 very concerned about not being able to see light in their back yard. So, I think it would nice or
3 helpful or create a stronger feeling trust with the City if we were to have multiple scenarios of
4 what this could look like. Probably there's no scenario where it's all 100 percent affordable but
5 we do need to understand that because I think you're looking at a bunch of surprised people
6 right now. Thanks.

7

8 Chair Summa: Yeah and I will say, I'm not sure the Council... well, I can't speak for the Council. I
9 wonder if they understood that meant what we're approving here are 90... basically 90-foot tall
10 buildings that may or may not about other 90-foot tall buildings or single-family homes or
11 townhomes, low-density residential. That have no true affordability, as far as I can hear, the
12 community feels because 120 percent does not represent true, meaningful affordability in this
13 market. So, I would... that is truly, truly unfortunate and I understand Staff's hands are tied by
14 the State, but still I think we should make it very clear to people what we're giving away for
15 basically very expensive, new, over 100 percent AMI units. And I'll leave it there and go... I'm
16 not sure who was next but I'll go with Commissioner Reckdahl and then Commissioner
17 Hechtman. Go ahead.

18

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1 Commissioner Reckdahl: I have a couple questions here. On Packet Page... well, 16 and 66, they
2 have the same table twice. It talks about the zoning. We have the NV-PF and why don't we just
3 make that PF? What's the distinction between NV-PF and PF?

4

5 Mr. Ah Sing: Right, thank you so the NV-PF does include an approximate 1-acre portion that
6 would be the 100 percent affordable housing site, so that's across from the Cannery.

7

8 Commissioner Reckdahl: Okay, so what is the difference in zoning between NV-PF and PF?

9

10 Mr. Ah Sing: Specifically, it would allow for that 100 percent affordable housing project.

11

12 Commissioner Reckdahl: Okay.

13

14 Mr. Ah Sing: So, I think otherwise a PF is like a public facility.

15

16 Commissioner Reckdahl: So, apart from that 100 percent affordable, it would be equivalent to
17 PF?

18

19 Mr. Ah Sing: Right yeah it would be open space, so adjacent to that is the Matadero Creek and
20 the open space.

-
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1

2 Commissioner Reckdahl: Okay and then on Packet Page 199, let me get you the actual page
3 number. This would be... we don't have page numbers on there but where they have the table
4 comparing the Preferred Plan with the Draft Plan and we talk about office. On the Preferred
5 Plan it said would allow new ground, small professional office and so it limited to small
6 professional office and on the right that limitation was taken away and it just says office space.
7 So, is there a particular reason or is that just inadvertent? This I guess Attachment D would be
8 the (interrupted)

9

10 Mr. Ah Sing: Got it, understanding the question.

11

12 Commissioner Reckdahl: So, you have middle of the page.

13

14 Mr. Ah Sing: Yeah, so I think we were at the time thinking about potentially amortization of
15 space and realize that was very complicated to do. So, we're kind of saying the same thing
16 between the two I think because we're saying there's some new commercial... some new office
17 that's being allowed and very limited. We are allowing the existing space to continue, so for
18 instance, like Cloudera and their building. That could continue until a point where they deem
19 that that building is no longer feasible and once they make that switch and they submit a

-
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1 development application. It needs to conform to the NVCAP which would be residential with
2 some very limited ground floor [unintelligible].

3
4 Commissioner Reckdahl: Okay, but so then on the table on the right-hand column. Why does it
5 just say limited office space and not limited small professional office? I'm echoing Chair
6 Summa's concern is that about this being resident-serving, neighborhood-serving office.

7
8 Mr. Ah Sing: Yeah, we could certainly take that feedback and include it as commercial... you
9 know like neighborhood serving as you are saying. I think one of the things that we've... which
10 you'll see in the next study session beginning where we have draft zoning is that versus medical
11 office. It has to be appointment-based yield, so we could do something similar and word
12 other... so it's not generally... general office. It's maybe a... it's appointment-based type of
13 offices so we get that foot traffic in there.

14
15 Commissioner Reckdahl: Yeah because three of us were on the NVCAP and correct me if I
16 misinterpret this but through... the three things that I really remember that the working group
17 and the neighborhoods really wanted was a commitment to housing. Housing... prioritize
18 housing over office. The second thing was a commitment to affordable housing and the third
19 was to make it very livable and likeable and quality of life. And so those are things... and so this
20 now having professional office, having a dentist in there, they were supportive. Having a café

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1 there, they were very supportive of that. They weren't supportive of having tech offices or
2 something like that. They didn't feel that that would compliment the neighborhood nearly as
3 much.

4

5 And another thing that's mentioned in here is the grid structure and they were very concerned
6 about cut-through traffic. I mean right now Page Mill and El Camino is a mess, that intersection
7 and right now if you go there, go on Pepper in the morning. You see cut-through traffic all the
8 time and I do... I'm happy that they have... at least they proposed making Ash one-way there.
9 That would be very helpful, but having a full grid structure kind of is very dangerous because I
10 think you would get a lot of cut-through traffic. And what the working group really liked was
11 allowing a grid structure for pedestrian and bikes but having bollards or stoppages so cars can't
12 go through. Cars can go into the neighborhood but they have to reverse and go out. And so,
13 when we talk about the grid structure, at least from the working group and the neighborhoods
14 aspect, there's a big difference between a grid structure for peds and bikes than a grid structure
15 for the cars. And so that I would want to see something clarified about that and not necessarily
16 have unlimited car access to that neighborhood.

17

18 And then finally back to that first table on Packet Page 16, they talk about the mixed-use and
19 they list FAR limits but they don't specify what percentage of mixed-use could be office and
20 what percentage could be housing. Is that just a work in progress? Do we have an idea what we

-
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1 would be... what FAR we would allow for housing and what FAR we would allow for
2 (interrupted)

3

4 Mr. Ah Sing: Absolutely, there's more specificity to that, right as I mentioned the follow-up
5 meeting we'll have that. I mean that's a (interrupted)

6

7 Commissioner Reckdahl: So, we'll flush that out then.

8

9 Mr. Ah Sing: That I can imagine you guys will want to spend some time with that. We're actually
10 introducing that to the ARB tomorrow but I don't even think they're even going to tackle that as
11 well.

12

13 Commissioner Reckdahl: They're not going to tackle (interrupted)

14

15 Mr. Ah Sing: I think they're going to tackle (interrupted)

16

17 Commissioner Reckdahl: The numbers or just...?

18

19 Mr. Ah Sing: Yeah, I think they're going to tackle the same issues that you are but more
20 specifically to design. We did include in their Packet the draft of the zoning but I think there's

-
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1 just not going to be enough time for them to tackle that. So, we will have subsequent meeting
2 with them as well.

3

4 Commissioner Reckdahl: Okay, thank you.

5

6 Chair Summa: Commissioner Hechtman.

7

8 Commissioner Hechtman: Thank you, Chair. So, I've got mostly questions in this first round and
9 then I'll yield and come back. I've got some comments for sort of a second round. So, I want to
10 start by picking up on something the Chair and Vice-Chair and one of the Commissioners
11 mentioned and that's this the 33-foot bump [unintelligible]. So, I guess the first question I have
12 is that's not a brand new State Law. It's been in existence for a while, is that right?

13

14 Mr. Ah Sing: Right, there's been a lot of clarifications to it over the years but that is true.

15

16 Commissioner Hechtman: And how many of those qualifying projects that got a 33-foot bump
17 have we had approved or built in Palo Alto? Any?

18

-
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1 Mr. Yang: So, this particular provision of Density Bonus Law that provides the extra 30-feet
2 [note – 33-feet] is I think maybe 3 or 4 years old. And we have had one project that took
3 advantage of it and that's 3001 El Camino and that was just approved.

4

5 Commissioner Hechtman: Okay and does Staff know how tall that's going to be?

6

7 Mr. Yang: I don't off the top of my head.

8

9 Commissioner Hechtman: Alright, so I... really why I'm asking that question is I think when we
10 look at this diagram on Page 107 or Packet Page 137 that shows the max heights not
11 calculating... not including 33 feet, with the concern being the Day Light Plane, I think if you
12 want to avoid the risk of losing that Day Light Plane, then along El Camino, you're going to be at
13 12 feet, right because 12 plus 33 gets you your 45 feet and then down farther south you can go
14 up to 22 feet and back along the railroad 22 feet. And that wreak all kinds of havoc with the
15 potential units that you need in this area and so really I'm... I was asking the question about
16 what's our experience with that State Law is that while we could look at a worse-case scenario
17 here and you can add 33 feet to all of these figures, the reality is it's not that easy to build 100
18 percent affordable housing. There aren't that many people doing it and it's not going to happen
19 throughout here. So, maybe as this travels through the process and you've heard the concern
20 of a number of the Commissioners, we can get more of a sense, sort of a realistic sense because

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1 we're projecting, right? This is our plan that is going to guide the development of this area, so I
2 think it would help us to have a sense of realistically will we see three or four affordable
3 housing projects in this... in the NVCAP area? Will we see 10? It's a little difficult to predict but
4 cities are starting to have experience and so I think some information like that would be useful
5 to us.

6
7 So, that was the first item. The other question I want to ask really is tied to the Table 3 which is
8 on Packet Page 62, Page 32 of the NVCAP. So, this NVCAP is contemplating the additional of 530
9 residential units. The City Council earlier this month approved the new Housing Element that's
10 headed to the State... to the HCD shortly and hopefully they will find it in substantial
11 compliance. But whatever happens, we're going to have that Housing Element in place before
12 the NVCAP is approved. So, my question... the question I have on residential units is in that
13 Housing Element that the Council has just approved, how many new residential units are
14 forecasted for this NVCAP area?

15
16 Mr. Ah Sing: So, my understanding in working with the Housing Element team was that there
17 are opportunity sites that are located within the NVCAP and those remain consistent. And so,
18 the plan is consistent with those numbers and what we're projecting.

19

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1 Commissioner Hechtman: Okay, so when this comes back to us, I mean I... because at that point
2 we're going to actually be required to make a recommendation on a finding of consistency to
3 send to the Council and so I think we'll want to look at that. If for example, so we've got 530
4 units in the NVCAP. If the Housing Element only has 430 units, does that make it inconsistent or
5 is it okay? If the Housing Element has 630 units, does that make the NVCAP inconsistent or is
6 that okay? So, I think when this comes back to us we're going to need to understand that.

7

8 Alright (interrupted)

9

10 Commissioner Reckdahl: Bart [note - Commissioner Hechtman], can I (interrupted)

11

12 Commissioner Hechtman: Yeah.

13

14 Commissioner Reckdahl: Chime in there? On Packet Page 50 they say that the Housing Element
15 has 15 properties on this area and unit yield is 348. Upper right of Packet Page (interrupted)

16

17 Commissioner Hechtman: Packet Page 50?

18

19 Commissioner Reckdahl: Packet Page 50, upper right they talk about how many... there's 15
20 properties and it's 348 units.

-
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1

2 Commissioner Hechtman: Okay, so again, I don't want to dig too deep in this because this is a
3 study session but that's the kind of thing we have to look because if our NVCAP actually has a
4 higher figure than our Housing Element, I don't think we can get there. I don't think our
5 Housing Element, because that's our General Plan, you can't overbuild your Housing Element.
6 I'd be concerned about it so we need an answer to that and maybe the answer is just it's a City-
7 wide number. That the Housing Element is 6,087 over the City and that's malleable and so
8 maybe there is consistency there, but it is something that I'd like to understand when you come
9 back.

10

11 The other items on Packet Page 62, the office square footage is actually proposed... projected
12 to be reduced by 278,000 square feet and the retail square footage is projected to be reduced
13 by 7,500 square feet. But we have contemplation in the NVCAP of new office, limited to I think
14 5,000 square foot spaces, and we're building the first floors, at least along El Camino, to
15 accommodate retail, 15-foot high first floors, and so are we thinking that a lot of... to make
16 room for all this residential density, a lot of office will go away but there will be pockets where
17 we're going to actually add new office where office isn't today. Is that the concept?

18

19 Mr. Ah Sing: Right, I mean big picture when we were developing the build-out scenario. There
20 are various assumptions that we have to make regarding like the size of the units, or how much

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1 commercial could be sustained in this area, and there are opportunity sites, as we mentioned,
2 that are right for development. Those would be the first ones to likely go and there are other
3 ones that likely stay. So, as you're noticing that yeah, the office goes down and commercial
4 goes down to make way for the residential development because it's predominantly a
5 residential plan.

6
7 Commissioner Hechtman: Alright and then with the retail going down, even though we're
8 planning all this built stuff, I was thinking really maybe what that's reflecting is we've got a big
9 box retail space right there now, right that Fry's site and if that's no longer retail, then that's a
10 big reduction and now as we're adding these retail sites on the first floor. We're building back
11 up, we just don't quite get back to the current 1,100... 111,000. Is that really what's driving
12 that?

13
14 Mr. Ah Sing: That would be the case.

15
16 Commissioner Hechtman: Alright, those are my questions this round, thank you.

17
18 Chair Summa: Commissioner Templeton.

19

-
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1 Commissioner Templeton: Thank you. A couple of reflections on Commissioner Hechtman's
2 comments. So, first of all, the whole marigold section here (interrupted)

3

4 Chair Summa: Marigold?

5

6 Commissioner Templeton: On Page... Packet Page 63, Plan Number 33, so the one we were just
7 talking about. There's different colors of yellow, right? There's camel, marigold and I don't
8 know, daffodil? Whatever you want to call it.

9

10 Chair Summa: Melon.

11

12 Commissioner Templeton: Melon, there you go. Anyways, so this block that was Fry's and that's
13 not all retail. There's a lot of office space there, so I think that's also partially explaining where
14 the office space is going. I have worked in two different offices in that structure and I can tell
15 you its wonderful to see that we may be turning it into housing instead.

16

17 The other comment you brought up about the... I mean how realistic it really that we're going
18 to build this stuff? The example that you gave Mr. Ah Sing, isn't that Mike's Bikes; 3001 El
19 Camino?

20

-
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1 Mr. Ah Sing: I believe that is, yes. Yes.

2

3 Commissioner Templeton: Yes, and that is in the plan. So, not only is it likely, it's happening, so
4 we don't know how many more of the projects that are going to apply will get that designation
5 but you know, that should be reflected in the diagram.

6

7 Chair Summa: And if I may interject?

8

9 Commissioner Templeton: Please.

10

11 Chair Summa: I think that is a truly affordable, all-affordable project at if I recall, 30 to 60
12 percent AMI. So, it's a very different thing than providing the same bonuses and deviations
13 from our Code and the impacts associated with that than it is for 120 AMI.

14

15 Commissioner Templeton: Okay, that's fair but it's also not going to make a difference to the
16 people who never get the sun in their back yard anymore. Right, like so we do have to balance
17 those considerations. I'm not saying it's not an important project going forward but just
18 thinking about how many could be placed in this area is something to think about and
19 communicate really clearly with our community. Like the risk is high and the frustration... the
20 risk... the debt... those buildings may lead to inconsistent feelings or different feelings in the

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1 community is pretty high. So, we have to talk it through and get comfortable with what this
2 plan is, but that's for your page of notes of things to discuss but I did just want to point out that
3 that is this area already. Thank you.

4

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

6

7 Vice-Chair Chang: Great, I will continue to piggyback on some of the things Commissioner
8 Hechtman and Commissioner Templeton and Summa and Reckdahl have said. So, I agree very
9 much with many of the comments that Commissioner Reckdahl and Commissioner Summa
10 [note – Chair Summa] made. Particularly, about community-serving retail and then with respect
11 to the how the NVCAP and the Housing Element tie together.

12

13 My understanding is that the two have different timeframes. In other words, Housing Element
14 is 8-years and NVCAP is supposedly 20-30 years and so it makes sense that Housing Element
15 numbers would be lower because that's suppose to be what's achievable in the next 8 years
16 and NVCAP is for the next 20-30 years. And so, it would make sense then the NVCAP numbers
17 would be larger because more housing would be built over a longer time frame. So, I think
18 that's how we can reconcile the two.

19

-
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1 I also am very concerned as you can tell by some of the early questions I asked... I don't... about
2 the potential impacts on the low-density residential because of the stated objectives or the
3 stated goals. I can't remember if it was an objective or goal, but in Attachment E where we're
4 supposed to evaluate the NVCAP for consistency with the goals and objectives. And so, one of
5 the goals is balance of community interests and another one is Urban Design Guidelines and
6 neighborhood fabric. And I'm concerned that the current residents living in the yellow, the
7 bright yellow areas on Packet Page 63, would not agree with us if we said that it was consistent
8 with those two goals to potentially have a 78-foot building rearing over them. Especially, if that
9 78-foot building were at the 120 percent AMI. That would just be an added sock in the face I
10 think because we know from... we know that the work force housing at Page Mill and El Camino
11 just didn't really work out well and is not actually affordable. Even though it's a 120 percent of
12 AMI turns out to be market rate based on the size of the units and so according to the
13 definitions imposed by the State. Housing that's technically... that would technically meet the
14 affordability guidelines would be anything but affordable for our community, and wouldn't be
15 meeting the needs that I think that the community was hoping for and would be detrimental to
16 the current residents there. And so, I think we need to think really clearly... it's like we need to
17 present the implications as Commissioner Templeton said and then think really clearly about
18 how, if anything, we can mitigate those outcomes. I think we do want affordable housing if it's
19 truly affordable. You know, maybe not in those three blocks that are in... that are... where
20 there's low-density residential. It's a small area that's fronting El Camino there. The other two

-
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1 blocks, there's no low-density residential that would be effected. So, we don't need to worry
2 about it, but we're talking about a very small section of El Camino, a very small section of our
3 city and maybe we do need to think carefully about those two blocks. Mike's Bikes is already
4 happening so there's not much that can be done there. So, that's my two sense, thank you.

5

6 Chair Summa: Commissioner Akin.

7

8 Commissioner Hechtman: You've got a hand.

9

10 Chair Summa: Okay, sir.

11

12 Mr. Yang: Sorry, I just have one comment, because this has come up a few times now, on the
13 affordability requirement of Density Bonus Law being 120 percent. That's technically true but
14 the way these project play out, for something to be 100 percent affordable. They're almost
15 always going to be utilizing funding sources that actually require 60 percent affordability as
16 we're seeing at the Mike's Bikes site. I'm not aware of any projects that are able to do 100
17 percent affordable at that 120 percent because you're not getting the funding that you need to
18 make it work. There may be some edge case examples where there's some major private donor
19 that's able to make that work but all the projects we've seen in the City have if they're 100
20 percent affordable. They're at that lower 60 percent level.

-
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1

2 Chair Summa: Thank you for that clarification. It's a little bit confusing. Oh.

3

4 Vice-Chair Chang: I just had a question about that because I understand that in order to get
5 funding from some place for affordable housing. They're going to... that the funding source is
6 going to place their own requirements on the affordability, but we've also seen that 120
7 percent of AMI for a studio equates to market rate in our city. So, there... in our or in our
8 county, so I don't think any funding would be necessary if you wanted to build a building full of
9 studio units. Is that correct?

10

11 Mr. Yang: Well, so the work force housing project, those rents are at 130 or sorry, 140 percent
12 and 150 percent of AMI. And that's where we saw those rents at... I haven't looked recently but
13 several years ago they were fairly close to market rate. 120 percent, we just generally we don't
14 see in rental projects. Yeah, I don't think we've had that in the City.

15

16 Chair Summa: Commissioner Akin.

17

18 Commissioner Akin: Thank you, Chair Summa. I've got two items on my list that haven't already
19 been covered but I did want to second Commissioner Reckdahl's comments about the street
20 grid. We know from the Comp Plan EIR that we're expecting increase in traffic congestion and

-
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1 we know from the Housing Element EIR that VMT per capita is not going down. So, the idea of
2 having to plan for substantially increased traffic City-wide is something we need to keep in
3 mind and coming up in the next few months we already have projects that are dealing with this
4 very issue. We've got the traffic calming project in Crescent Park, we've got the Lincoln and
5 Middlefield plan that Mr. Rius mentioned. A fully connected street grid for vehicular traffic
6 seems like a really questionable idea. I have no great problem with pedestrian and bicycle
7 traffic but for vehicular it's a different matter.

8

9 Mr. Ah Sing: If I can interrupt? I know because I heard a couple Commissioners mention about
10 the street grid. We're not adding any additional streets. We are actually adding or proposing
11 additional pedestrian connections that are grid.

12

13 Commissioner Akin: Yeah, I think you made (interrupted)

14

15 Mr. Ah Sing: So, just to be clear that we're maintaining what's there now but augmenting that
16 with a connection. For instance, Ash we would be looking for opportunities to extend a
17 pedestrian through that to the Cannery.

18

-
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1 Commissioner Akin: Yeah, I brought up the other two projects a mentions of cases where we're
2 actually taking away connectivity. So, you may well find that that's going to be necessary in
3 many other areas of the City.

4
5 The other area I wanted to concentrate on was as we're asked to confirm consistency with not
6 only Council's direction but with the Code. One area that pops up for me is economic feasibility.
7 What we're seeing with the pipeline projects, how they differ from the vision that we see in
8 NVCAP as described now makes me wonder if the owners and developers believe that the
9 NVCAP plan is economically attractive. Now, in the documentation we have, I don't see a lot of
10 a substance with respect to that. I see references to strategic economic reports but I don't see
11 the substance of those in this document. At least in their current versions, whatever those
12 might be. So, is there a plan to provide additional analysis of that form?

13
14 Mr. Ah Sing: Yes, thank you, so we are proposing to provide an update. There was a significant
15 change in State Law regarding parking that adjacent or near transit stations. That was cited as a
16 hindrance in the prior documentation, you know requiring underground parking or requiring
17 parking. So, we're looking into how that law has changed the developer's perspective on
18 proposing projects on market-based parking and not necessarily what the requirement is.

19

-
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1 Commissioner Akin: Yeah, I'm sure that will help. What really caught my attention was that the
2 Sobrato project or the Development Agreement proposed relatively low townhouse-type
3 construction whereas what we might have preferred would be something a little higher and a
4 little more dense. And that strikes me as an economic decision about the market in this part of
5 Palo Alto. So, that's the sort of thing I would like to see talked about in more detail in economic
6 feasibility. That's it for now, thank you.

7

8 Chair Summa: Thank you. Do I have any other lights? Commissioner Hechtman.

9

10 Commissioner Hechtman: Thank you and thank you, Commissioner Akin. That's a great segue
11 because actually, economic feasibility was what was I wanting to talk about in round two
12 because it is Objective Number Five adopted by the Council.

13

14 And I wanted to provide a little bit of history because I think two of our Commissioners were
15 not on the Commission when this came to us I want to say in late 2020 and then again in March
16 of 2021 when we made our recommendation to the Council. But what happened, and I'm not
17 remembering the date of our first meeting, but this issue of economic feasibility was kind of
18 front and center for us. At that point we were looking at three potential alternatives, kind of
19 the lowest-density, the medium-density and the highest-density. And we actually asked Staff to
20 have a study done so we could understand the economic feasibility and I actually had asked Mr.

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1 Ah Sing to have available a slide that showed the three alternatives. Not that we're looking at
2 different alternatives tonight, but if we could see that slide because it will help me sort of
3 illustrate the dollars that we learned about back in March of 2021.

4

5 Okay, so (interrupted)

6

7 Mr. Ah Sing: This is the right one, right?

8

9 Commissioner Hechtman: Yeah, perfect, so this is a page from our Packet, from our March of
10 2021 meeting, March 10th I think, where we were again looking at these three alternatives and
11 my memory is we asked Staff at the meeting before to have a consultant tell us about the
12 financial feasibility of Alternative 2 and Alternative 3. My memory is that there was not much...
13 there may have been some but not a majority of support on the Commission at that time for
14 really digging into Alternative 1 because it was felt that it might... the density was too low. And
15 I'm not meaning to speak for my fellow Commissioners but in any event, we didn't even ask for
16 an economic study of that. We wanted to know about 2 and 3 and if neither of those paid for
17 itself, what would pay for itself and so that study was done. It came back to us in March and
18 what it said is Alternative 2 would require... had a short fall of \$130 million, shortfall of \$130
19 million. Alternative 3 had a shortfall of \$37 million and then they explained to us what would be
20 self-sufficient which became Alternative 3b which is what the Commissioner ultimately

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1 recommended to Council before Council chose Alternative 1, which we hadn't studied
2 economically, and subsequently modified that somewhat. So, it's not like the Alternative 1
3 we're seeing here.

4
5 Now what was interesting at that March of 2021 hearing, and Mr. Ah Sing just referenced it, is
6 that economic consultant said to us in a bit of foreshadowing, that what really drives a lot of
7 this cost is underground parking because underground parking is \$100,000 a stall and so when
8 we look at the table with the Proposed Plan, Council's Plan, because of these changes to State
9 Law, is now talking about no minimum parking and that can have a dramatic effect on financial
10 feasibility.

11
12 So, I really... and the other thing I want to mention is that that the financial forecasting they did
13 assumed that the developers would pay the various Impact Fees according to our then-existing
14 schedule. And so, when we look at Chapter 7.7 of the NVCAP that talks about all the funding
15 sources for you know where we can pay for things, half of that... part of that universe is getting
16 money from the developers so that half... that part was already baked into the numbers we saw
17 before. The other part is getting money from government. Grants, whatever, City General
18 Funds and when this comes back to us what I'm hoping, aligned with what Commissioner Akin
19 was saying, is that we get an economic analysis that shows us what... number one, what the
20 shortfall will be from the... to develop this with the current developer fees in place. And then I

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1 think we need to deeper diver on how we're going to make up that shortfall if there is one and
2 again, with the no minimum parking maybe there's not but to the extent there is, I don't think
3 it's enough to just have a list of possible grants, you know, money that might be out there. I
4 think we have to have some understanding of... that it's realistic to be able to get that money.
5 Otherwise, I don't think we can find... make a finding of consistency with that Objective Number
6 Five. Thanks.

7

8 Chair Summa: Thank you for that. I have no lights on. I would add that I believe... I'm not sure
9 where you're going with that but thank you for asking those questions. I thought I read
10 something but I think I didn't mark it that we will have to significantly increase some of our
11 utility services such as water. Did I make that up or is that in here some place? Water and
12 maybe sewers or storm drains. If so, an evaluation of developers fees might be important. I
13 think that's here some place but I'm not sure.

14

15 Mr. Ah Sing: Yeah, there's mention about I think a water main or so that may need to be
16 upsized depending upon development. So, it's something that needs to be monitored.

17

18 I am keeping a list of things that the Commissioners are bringing up as well as I've been taking
19 notes even before that just on things that we need to do. Including I think including an
20 implementation action about exploring again the financial, like doing a nexus study or

-
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1 something like that in the future regarding these Impact Fees. It may be necessary depending
2 upon the level of development and impact.

3
4 Commissioner Hechtman: I guess I would just comment on that. I mean for developers it's kind
5 of a zero-sum game. If you increase our cost of development then we're less likely develop
6 unless we can pass those costs on to the consumers of our product and so that doesn't really
7 change... that may move the numbers but it doesn't change the calculus, because you're still
8 going to need... either they're not going to build, or you're going to have to subsidize them to
9 get them to build. But again, these are... I think this is great we're having the study session and
10 being able to articulate these ideas and have Staff work on them as you go through all of your
11 other committees and work until it comes back to us in the fall.

12
13 Chair Summa: I wanted to add, with regards to the expanded plus 30... the 33-foot bump
14 heights, that the impacts are not just on single-family houses. I mean if you live in a 45 or 50-
15 foot building and you have a 90-foot or 88, I don't want to exaggerate, foot building right next
16 to you. There's going to be impacts on everyone and I think as we move forward with the
17 NVCAP and the Housing Element. We need to keep in mind that we need... that we... I think we
18 need to keep in mind that we don't want to create areas of Palo Alto that are completely
19 different in terms of the way people live than most of Palo Alto. And I note that this... I know we
20 can't expect for change right away just because we rezone in this area but this area, except for

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1 the potential of adding really tall housing and then the very needed townhouses that may or
2 may not come as part of the Sobrato project, looks the same almost in terms of these huge
3 centrally located kind of office buildings. And that it doesn't do anything to connect... this plan
4 doesn't do anything to connect North Ventura with the rest of its neighborhood. It's still a really
5 different feeling place. So, I have a strong sense of caring about the community in these kinds
6 of decisions and I understand how tied our hands are and that we have to do something but
7 this doesn't look substantially much different. I don't think it will tomorrow other than projects
8 that we get that may be really incentive by State Law, maybe our HIP and attempts to get
9 planned community projects.

10

11 And I also... I'm just taking a minutes since no lights were on. I also think we should remember...
12 we should remind ourselves that when Council reinstated the PC, the Planned Community
13 project, it was for housing projects really and it wasn't anticipated to add to the jobs/housing
14 imbalance. It was suppose to help with that and create much-needed housing options.

15

16 So, I will stop there and I will ask my colleagues if they have any last items or issues to bring up
17 for the Staff this evening. Commissioner Templeton.

18

19 Commissioner Templeton: Thank you. Yeah, just thinking a little bit closer about the zoning. I
20 have a question and you can let me know if it's outside of our scope but along Lambert Avenue,

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1 we currently have a lot of car shops and workshops and things like that. It's kind of industrial
2 light space and I see that we're planning to keep that use and just thinking about
3 Commissioner... I mean Chair Summa's comment about the connection over to the rest of
4 Ventura neighborhood. It's like a very stark wall once you get over to Lambert and you start
5 going toward California. You hit that and you know you're not in the neighborhood anymore
6 and I wonder if, you know understanding that they would be grandfathered uses and stuff, is
7 that really how we want to envision the long-term use of that space? So, I just wanted to throw
8 that out there. I don't know if we're not allowed to consider changing the uses, like the zoning
9 there for future use but could you weigh in on that?

10

11 Mr. Ah Sing: I mean I think that's a good question and I think that's what the NVCAP does is it's
12 saying that's going to be a residential mixed-use neighborhood along Lambert and (interrupted)

13

14 Commissioner Templeton: Oh, I see it only as the pink, right medium-density mixed-use? On
15 Packet Page 36, Plan Page 33, so we're going residential, residential, residential, residential and
16 then we hit Lambert. We're back to medium density mixed-use which is currently industrial
17 light whatever, car shops and stuff and then we go to residential again and it's (interrupted)

18

19 Mr. Ah Sing: So, for mixed-use in this area, I think we mentioned it. I'll just kind of reinforce it
20 that there's going to be very limited commercial on these parcels. So, we're looking at kind of

-
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1 ground floor there's retail to support the neighborhood as mentioned but we're not looking at
2 that site to be like necessary 100 percent commercial building.

3

4 Commissioner Templeton: Well, could you build (interrupted)

5

6 Mr. Ah Sing: And over time (interrupted)

7

8 Commissioner Templeton: Could you build a residence there?

9

10 Mr. Ah Sing: You can build residential, yes. That is an allowed use.

11

12 Commissioner Templeton: I know... I have one friend that lives in a converted auto shops that's
13 not a house but I'm not sure the vision for this space. That's all... that's what I'm... that's the
14 only feedback here for (interrupted)

15

16 Mr. Ah Sing: Yeah, I would guess likely what they're going to do is raise the site and build a
17 residential building.

18

19 Commissioner Templeton: Well, if they could... if they can then we should probably encourage
20 that with our zoning so that's my feedback. I know it's late in the game to give you that

-
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1 feedback but that... looking at it and putting into place Chair Summa's comments about the
2 connection to the other part of the neighborhood. That really stands out, so I lived two blocks
3 away from this before and would come through there and we should shift down to Park
4 because it didn't feel very... that was the sign that we were out of the neighborhood. So, I think
5 that's something we could envision better through zoning, even if the existing uses are staying
6 there until it's raised.

7

8 Mr. Ah Sing: We're hoping that for medium mixed-use, the anticipated density between 31 and
9 70 dwelling units per acre, 2.0 FAR. That entices the property owner to think oh, do we want to
10 do a body shop?

11

12 Commissioner Templeton: Could we entice them more? That's the question. I don't know.
13 Write it down, do you what you want with it. That's my feedback, thank you.

14

15 Mr. Ah Sing: Thank you.

16

17 Chair Summa: I don't see any lights. Does Staff feel like they got feedback on all the issues?

18

19 Mr. Ah Sing: I think so, it's been really great. Really good, thank you. It's been a while and I
20 know we weren't working very hard on this. So, just briefly I think we'll make better clarification

-
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1 about grid, connected grid, economic feasibility. We'll come back do a better job about showing
2 the transition. Maybe showing more graphics about the transition between the 45 feet and the
3 single-family houses. We did something like that with the Council earlier. Come back a little bit
4 more about the affordable housing, so I think these are some of the points here that I have.
5 Anything else Amy?

6
7 Ms. French: Oh, I would just add I could bring back some data from approved and pending
8 projects. Such as I did look that up and its 59 feet for the 3001 El Camino Real project. So, things
9 like that might be of interest to the Board. We have a project on Lambert for residential so that
10 we have some data for you for your interest.

11
12 Mr. Ah Sing: And then we'll get on the calendar another study session specifically about the
13 zoning. So, you just roll up your sleeves and get ready to talk about details.

14
15 Commissioner Templeton: And the plan looks great. I don't know that I've seen this version and
16 it's really improved since the last time I looked at it a few years ago. So, it's coming along, you
17 guys have done a great job.

18
19 Chair Summa: I also want to thank you for leaving in the possibility for a historic resource with
20 the important Cannery since that's not set in stone yet. And the last thing I'm going to say is

-
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1 just a crazy wish that this was more like the rest of Ventura where the whole... where it
2 transitions to lower density residential within half a block of El Camino and Page Mill in this
3 situation and that we're not going to end up with very, very tall buildings that block other very
4 tall buildings where people don't have sunlight and [unintelligible]. It just... I think what we
5 need are condos and small houses and townhouses and two and three-story smaller
6 apartments to really keep the neighborhood kind of consistent with the rest of Ventura and the
7 rest of Palo Alto. That ship may have sailed long ago but I just wanted to mention that.

8
9 So, if no one else has anything else to add we will move onto the next item. Thank you very
10 much, Staff. Thank you, we will take a 7-minute break between these two items.

11

12 [The Commission took a short break]

13 **Action Items**

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

16

17 3. PUBLIC HEARING: Recommendation to City Council on the Adoption of an Ordinance
18 Amending the Palo Alto Municipal Code to Add Chapter 9.65, Rental Registry
19 Program, to Establish a Mandatory Registry Program of Rental Units and Provide
20 Feedback on the Rental Registry Program Unit Registration Form. CEQA Status -
21 Exempt under CEQA Guidelines Section 15061(b)(3).

22 Chair Summa: We're back and we'll move onto our next item which is a public hearing on
23 recommendation of adoption of a draft Rental Registry Program. So, I will go ahead and ask
24 Staff for their presentation.

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Ms. Rebecca Atkinson, Planner: Sure, thank you. Are the slides up?

Ms. Veronica Dao, Administrative Assistant: Oh, I didn't know if we need to state that Commissioner Lu is back.

Chair Summa: Yes, thank you so much, Commissioner Lu is back.

Ms. French: And then we need the slide show, so while Veronica is uploading the slide show I'll just introduce our Staff here tonight. Rebecca Atkinson is here to present and is overseeing this project and Rebecca, do you want to introduce the consultant?

Ms. Atkinson: Oh sure, well we... you already know Sheldon Ah Sing who's Principle Planner in Long Range Planning and Jennifer Fine, Deputy City Attorney, and Minka van der Zwaag is also on the team and will be joining via Zoom.

Chair Summa: Thank you for that.

Ms. Atkinson: Thank you for the opportunity to bring the Rental Registry Program to you this evening. We already did introductions. We'll cover a lot of material in this brief Staff

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1 presentation and we can return to back to any of the slides that are helpful later. In case
2 anyone... oh sorry, could you stay on that slide, please? Yeah, that one, thank you so much. In
3 case anyone is new to the topic, we'll provide some background information on the proposed
4 Rental Registry Program, which we will conversationally refer to tonight as the Registry. We
5 also provide an overview of the draft ordinance that would enable the program. Finally, we will
6 go over a draft initial rental... unit registration form and the Human Relations Commission
7 motion received just the other night, May 24th, and then you'll see a concluding slide with the
8 Staff recommendation. Next slide, please? Next slide, thank you.

9

10 After extensive discussion by the Human Relations Commission, this body and City Council, on
11 November 29th, 2021, City Council supported the creation of a Registry. They referred the
12 design and implementation to the Policy and Services Committee and Staff then brought the
13 Registry to them on December... on September 13th, 2022. As discussed in the Staff Report, the
14 Committee supported the Registry and recommended initial registration of rental units in Palo
15 Alto, the types of information to collect and also recommended event-based reporting; such as
16 when a new tenancy starts, when there's a rent increase and when there's an eviction. In 2021,
17 the City did not have a Housing Ad Hoc Committee, however, City Council has now formed this
18 Committee, so the Registry will go next before that body before returning to the full City
19 Council. Next slide, please?

20

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1 The purpose of the Registry is summarized here on this slide. You can find the purpose of the
2 Registry included also in the draft ordinance. When we say we learn about the Palo Alto rental
3 landscape, we do mean more than what can be gleaned from existing data sources; such as the
4 Census, American Community Survey, Costar, and the City's permit database. So, this would be
5 a source of actual information on Palo Alto's rental units directly.

6
7 When the Registry is launched -- if you could go to the next slide, please? Thank you -- rental
8 units property owners or property managers will provide the information in the following
9 categories on this slide. You'll see these categories again when we show you the draft initial
10 Rental Unit Registration Form. Next slide.

11
12 There are important components necessary for Registry implementation. The City needs an
13 enabling ordinance in the Municipal Code and the City also needs to develop program
14 administration including the components listed on this slide.

15
16 We will now provide an overview of the draft ordinance. As outlined in the Staff Report, the
17 ordinance would accomplish the topics on this slide, including for the City to have the ability to
18 collect the rental unit information and establish a cost recovery fee. This ordinance would also
19 create a new chapter in the Municipal Code. Next slide, please?

20

-
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1 Regarding rental unit participation, the Policy and Services Committee recommended the
2 registration of rental units as currently required for the existing Registry. Examples of rental
3 units that would be required to register are listed on this slide. Next slide, please? Thank you.

4
5 Regarding program detail, the Policy and Services Committee supported that the Registry
6 require initial registration of rental units as previously mentioned, an annual renewal, an
7 affidavit that would ensure the information is true and correct, and they also supported event-
8 based registration amendments.

9
10 In regard to penalties, this section in the draft ordinance might appear overly enforcement
11 oriented, which was of concern to community members. However, what this section does is
12 create a way of reducing overall cost for the Registry as the cost for enforcement would be the
13 penalty fee instead of the annual registration fee. This part of the Code also creates a penalty
14 waiver process for instances if there was good reason for the delay in registration and these are
15 two example ways the Staff has tried to address landlord concerns. Jennifer?

16
17 Ms. Jennifer Fine, Deputy City Attorney: Hi, I'm here to talk a little bit about privacy and the
18 Public Records Act. Privacy was brought up as a concern at several community meetings so for
19 some background information. Records maintained by the City are subject to the Public Records
20 Act, meaning that they have to be disclosed upon request. Some examples of similar records,

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1 just some records that might be in the Registry that are frequently requested and disclosed
2 include Business Registry information, Building Permits and all the records related as well as
3 notices of Code violations.

4
5 There are limited exceptions that allow the City to withhold some records in some situations.
6 Including records containing trade secrets and proprietary information; however, these
7 exceptions are very limited and the City does still has to disclose that those records if it's in the
8 public interest to do so, which the Public Records Act generally prefers everything to be public.

9 Next slide, please?

10
11 So, I want to be clear that the Public Records Act obligations do not require constant live
12 sharing of records. Public records would be released only upon request and the City would have
13 usually 10 days to initially respond to that request. Disclosures are also limited to existing
14 records, so the Public Records Act would not cover requests... standing requests for data, or
15 requests for future data. What the privacy section of the ordinance is reflecting is that the City
16 will abide by its obligations under the Public Records Act but at the same time, it intends to only
17 publish or analyze the sensitive Registry information in the aggregate. Next slide, please and I'll
18 pass it back to Rebecca.

19

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1 Ms. Atkinson: Thank you. We will now briefly walk you through the Draft Initial Rental Unit
2 Registration Form. It's also included as an attachment to your Staff Report. This form
3 encapsulates the type of information the Registry would collect at initial registration. The point
4 of these slides are to show you that the form uses the categories of information supported by
5 the Policy and Services Committee. The actual form in the Registry would have autofill and
6 drop-down menus to make it easier to fill in and to promote information consistency. We also
7 anticipate that the software would be able to accommodate uploads of information if a
8 property manager was filling out registrations for many rental units. Also, if you look carefully
9 at the information requested, the great majority of the information would be readily accessible
10 to landlords from when they place the rent unit on the rental market. Consequently, Staff does
11 not think that the information requested is too much. For contact information, for example,
12 we've asked for basic property owner and property manager information, rental unit
13 characteristics. We've asked for the address and the total number of units on the property and
14 the unit size. For tenancy information, as you can see here on this slide, we've asked if the unit
15 is rented or vacant. If rented, we've asked for the data of tenancy start; if vacant we've asked
16 for the reason. For rent information, we've asked for the amount of security deposit, base
17 monthly rent and so forth. Next slide, please?

18

19 As described in the Staff Report, the City is currently reviewing the responses received to the
20 City's Request for Proposals. We are bringing the Registry before the HRC, which we did last

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1 week, this body and the new City Council Housing Ad Hoc Committee, before returning to City
2 Council for action on the draft ordinance and a consultant contract. Next slide, please?

3

4 We've included the results of the Humans Relations Commission's motion here on this slide. So,
5 basically, consistent with past support that the HRC had for the Registry. They moved to accept
6 the basic framework of the Registry as presented by Staff, which is consistent with what we
7 presented to you as the Planning Commission. And then the HRC also asked for Staff to address
8 the following outstanding issues and so one through six. For example, if you look at number
9 three and number six, it might be a little potentially confusing but the actual Human Relations
10 Commission couched some of these examples of outstanding issues as scenarios for Staff to
11 consider and bring back. What would be the impact of the Registry if ADUs were exempted
12 either from fees and/or full participation? What impact would that have on the information
13 collected by the City? Next slide, please?

14

15 Staff recommendation is outlined in your Staff Report, so we just recreated it here on this slide.
16 We're asking for a recommendation for adoption of the Draft Rental Registry Program
17 Ordinance as well as feedback on the Initial Rental Registration Form and related information to
18 be collected. Next slide.

19

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1 If anyone has any questions after this presentation after this item is discussed tonight. You can
2 contact me at the email address on the slide and thank you.

3

4 Chair Summa: Thank you so much for your presentation. Do I have any clarifying questions from
5 the Commission? Okay, so we'll do that first. Commissioner Chang [note – Vice-Chair Chang]
6 and then Commissioner Reckdahl.

7

8 Vice-Chair Chang: I have what's might be kind of a dumb question. I was trying to figure out
9 who... I was trying to read the Code that this referred to and figure out exactly who needs to...
10 who would be required to complete the Rental Registry. So, if somebody has only one... say one
11 unit for rent, do they have to? So, is it trying to capture... as currently constructed, is it trying to
12 capture every single rental unit in the City or are there exemptions for one unit or less? I can't
13 remember. I was trying to look for it but I couldn't figure it out.

14

15 Ms. Atkinson: Right, thank you for the question and yes, it's all rental units in Palo Alto.

16

17 Vice-Chair Chang: Okay good, great, thanks.

18

19 Chair Summa: Commissioner Akin.

20

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1 Commissioner Akin: Thank you. Yeah, this is essentially a follow up to that question. I read both
2 the proposed ordinance and the Municipal Code section and I don't see a way to rule out things
3 like Airbnbs. Was that... was it intentional to include registration of units used for that purpose
4 or is that a misinterpretation on my part?

5
6 Ms. Atkinson: [off mic] Did you want me to answer the question about what [unintelligible]? I
7 can answer it too. [unintelligible]

8
9 Ms. French: [off mic] Yeah, go ahead.

10

11 Ms. Atkinson: Okay, thank you. In certain residential districts, the definition of a residential unit
12 like a single-family home or other things does not include transient occupancy. So, the City
13 doesn't currently have a policy that allows for short-term rentals.

14

15 Commissioner Akin: Okay good, thanks. That's the clarification I needed.

16

17 Ms. Atkinson: Sure.

18

19 Chair Summa: Anyone else? Then I think we should go to the members of the public, please.

20

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1 Ms. Dao: Yeah, we have two in person and a couple on Zoom or one more person. First, we'll
2 start with Leannah Hunt.

3
4 Ms. Leannah Hunt: Good evening, Chairmen Summa and Members of the Commission. My
5 name is Leanna Hunt, I've been a resident for 54 years in Palo Alto, a practicing realtor for 33
6 years, I'm a past president of the Silicon Valley Association of Realtors which covers our City
7 and I'm a current member of the Boards of Directors of the California Association Board as well
8 as a member of the National Committee on Public Policy for the National Association of
9 Realtors. I'm also a trustee of the Realtors Political Action Fund.

10
11 I'm coming to you though this evening as an individual and a homeowner. And I did attend last
12 weeks HRC meeting and I've read through the Staff Report. I've discussed this issue with a
13 number of realtors as well property owners. And I would state that at this point as a realtor I'm
14 definitely very dismayed with the proposed Rental Register.

15
16 The HRC Chairmen's motion was approved, despite the fact that at least four new
17 Commissioners last week expressed concerns with the lack of specifics in the Staff Report
18 relating to cost, fees and several thought that the idea should be eliminated from the proposal.
19 Nevertheless, they unanimously approved the report as directed... as drafted by Staff.

20

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1 The unknown cost of developing and hiring new Staff to maintain this rejected registry is a huge
2 concern. The personal information requested in the proposed register, questions of many of
3 surprise that property owners would need to convey this kind of private information. Certainly,
4 this proposal would not reduce any rents in Palo Alto but undoubtedly will lead to owners
5 passing on costs through increased rents to tenants.

6
7 There's no additional protection to tenants already provided for in AB 1482 and the Staff
8 Report doesn't create new housing and certainly will not bring down rental costs. I have to
9 reflect on the Downtown Business License Tax which resulted in additional revenue to the City;
10 however, is apparently brought very little in the way of new services to the downtown business
11 community.

12
13 I recall that this program was suggested as a result of the discussions that took place when the
14 President Hotel closed. I was a party to a lot of that discussion and certainly, there are many
15 concerns relating to rental housing. The problem is that this program doesn't do anything to
16 really alleviate our need for more housing. Housing of all types, certainly affordable housing as
17 well as those for all stratus of our community.

18
19 This will only discourage the small mom-and-pop owners, many of whom are going to go out of
20 the rental business. There are many private owners who are not going to want to have to

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1 respond to this mandatory program and so losing those small property owners as owners
2 renting to tenants is of great concern.

3
4 I hope that you'll really consider all the ramifications of this kind of mandatory program. We
5 already have in place many sources of the kind of information that the City would like to have
6 regarding the complexion of our rental state of affairs. And certainly, the real estate
7 community, along with many of the property owners, could help to alleviate many concerns
8 about where we stand, what the picture is, how many actual rentals there are and what the
9 general price brackets are. That kind of thing.

10
11 So, I hope you'll think about my comments and certainly we hope that this program will receive
12 further dialog at the Council level. I trust it will but we'd like to address a lot of these issues at
13 the Commission level prior to having to go all the way to City Council. So, I hope that you'll have
14 very good discussion on the Staff recommendation. Thank you.

15
16 Chair Summa: Thank you.

17
18 Ms. Dao: Next is Angie Evans.

19

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1 Ms. Angie Evans: Hi, I'm Angie Evans, I'm just going to read from my phone because I literally
2 came here from giving my children a bath so I just wrote it now. So, I did skim over the Packet
3 and I've been to some of the other meetings about this but for 20 years this has been on the
4 books. We aren't talking about passing a new policy. We are talking about implementing a law
5 that we already have. Let that sink in now. Again, for 20 years, that's hundreds of tenants that
6 have ben illegally evicted by Todd Speaker and the acquisitions that his company has made.
7 That is the 70 residents of the President Hotel that you just cited.

8
9 I'm here to support a robust Rent Registry collecting data on all housing types and many
10 components of rent and rental fees. I am a firm believer in the fact that tenant protections
11 prevent displacement. That is what they are supposed to do, but that's not the reason you
12 should support a robust Rent Registry. You cannot measure what you do not define.

13
14 In my day job I work on homeless data. I manage the homeless data base that is mandated by
15 HUD. 1,000... hundreds of thousands, so I know how important data collection is in helping to
16 create the right policy solutions. You can always reduce or change data collection later but it is
17 incredibly difficult to write a good policy when you can't really measure what is happening. We
18 have no verifiable data on rents or renters in Palo Alto. None, no verifiable data.

19

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1 I also want to address the elephant in the room, the cost of the Rent Registry. Cities like
2 Mountain View have ensured that things like the cost can't be passed through to tenants. I love
3 this but we know, we all... there is the world as it is and there is the world as it should be and
4 we know that there is no way to truly ensure that landlords do not pass on the cost. For that
5 reason, I want to remind you that this will not make landlords go broke. We have Prop 13 in the
6 State of California. We can never... we can review this policy again and change the Rent Registry
7 if Prop 13 shockingly got repealed, but I doubt that's going to happen. So, I want to remind you
8 that because we have Prop 13, people like my landlord pay their State taxes in two weeks of my
9 rent. Two weeks of my rent, my landlord pays their State taxes so they have... they're not going
10 to starve from these fees and I'm not going to starve if they pass through those fees.

11

12 But making Palo Alto more predicable and measuring our rental trends might actually make
13 policies that make our City more affordable possible. Even these two landlords back here,
14 there, they were just discussing how the rents are too high here and which people are leaving.
15 So, I just want to thank you for making this a priority. I know it has taken 20 years to get here
16 but I really hope to be here and see this actually get implemented. I am also happy to talk more
17 about this. I think most of you have heard from me before. Angie Evans, I live in Crescent Park,
18 my kids go to school here. Thank you.

19

20 Chair Summa: Thank you.

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Ms. Dao: Next is Lauren Bigalow.

Ms. Lauren Bigalow: Hello again Commissioners, again my name is Lauren Bigalow. I am the Board President of Palo Alto Renters Association. I hope you can feel my excitement tonight because I started talking to you about the full implementation of Palo Alto’s Rent Registry in 2020. I’m delighted to see this moving forward and that the City is putting so much effort into making this a balanced process while still moving it forward.

I’m not sure strong enough words exist for me to publicly state just how imperative the full and fast implementation of this program is. We currently have no mechanism to track how much landlords are raising rents. Something that is outlined in AB 1482, which is more commonly known as California’s Tenant Protection Act of 2019. So, we’re several years late to being able to enforce State Law.

At PARA, Palo Alto Renters Association, I personally answer tenant’s questions about the legality of their living situations. In fact, several... I’ve had several requests for assistance from renters [note – video skipped] the things I learned when I was doing this research was that a Rent Registry can show all the places where things are working and when landlords are doing things right. Allowing Staff to focus their energy and attention on the places with the greatest

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1 need. Currently, we have very little data to support our anti-displacement efforts for renters.
2 We need that data so that we can effectively and efficiently affirmatively further fair housing
3 for almost half of Palo Alto.

4
5 Now, very, very respectfully, I completely disagreed with the idea that this should be a phased
6 processed and that we should potentially pair down the information we are collecting. We
7 should begin as we mean to continue, particularly because a 20-year-old program is hardly a
8 beginning. I completely understand that property owners are concerned about how much time
9 this will take and that the housing... rental housing process business is in fact a business. But
10 focusing on the pain of property owners completely glosses over the fact that many renters
11 would love to own their own homes but can't afford to own their own homes when homes in
12 Palo Alto start in the millions of dollars. Meaning that every renter is experiencing a severe
13 power imbalance that could potentially leave them homeless merely by bricking any
14 disagreement with their landlords. A lot of effort and time has been put into what information
15 should be collected and this is far from novel as the many interviews Staff conducted with cities
16 are included as an attachment tonight.

17
18 So, I look forward to hearing your discussion this evening. We can and should do this fully and
19 fast. Thank you so much for your time.

20

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1 Chair Summa: Thank you, Ms. Bigalow.

2

3 Ms. Dao: Next is Emily Anne Ramos.

4

5 Ms. Emily Anne Ramos: Hello, everyone's so tall. Thank you Members of the Planning
6 Commission for undergoing this and taking this on. We've been following... I'm... oh, sorry. I'm
7 Emily Anne Ramos, I am with Silicon Valley At Home and the Preservation and Protection
8 Associate. I work on these policies among many cities in Santa Clara County.

9

10 We've been following this whole process since around 2017 when Council brought forth a
11 memo to find ways to protect their tenant... to protect our long-time renters in mountain... Palo
12 Alto. And in then in 2018, they passed forward their vote to look at a suite of protections that...
13 a wide variety of protections that... except for rent stabilization. Fast forward, in 2019 the City
14 of Palo Alto applied for a grant with the Partnerships for the Bay's Future. It was a grant that
15 gave a Fellow for 2 years to undergo studies of tenant protections and in that grant, there was a
16 suite of protections that were brought forth to the Council. In November 2021, that proposal
17 was brought forth to the City Council and they moved forward on a number of them with the
18 top priority being the Rent Registry. And the reason for that is that if they want to look toward
19 protecting your tenants, we want to do it smartly. We want to do it with data-backed

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1 information. We want to be able to have measurable metrics and this is what the Rent Registry
2 provides us with.

3

4 The Policy and Services Committee last year, under the Council, gave a set of recommendations
5 by Staff and they moved forward with their recommendations which is now before this
6 Planning Commission here today.

7

8 So, I urge you to move forward with the Rent Registry and as more tenant protections come
9 along, to move those forward as well. I'm very happy that Palo Alto is really taking this step to
10 protect their tenants and their long-time residents of this City and we look forward to
11 partnering with you in outreach and in education. So, thank you so much for taking this step, I
12 hope you move this forward. Thank you.

13

14 Chair Summa: Thank you.

15

16 Ms. Dao: Next is Robert Reed.

17

18 Mr. Robert Reed: I'm not sure I need a mic but I'm going to try it out. Anyway, this is a problem
19 but I don't think this is the solution and I understand there is a problem because of what you
20 heard here of people struggling to pay rent in the mid-peninsula. Not just Palo Alto, the mid-

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1 peninsula and the whole peninsula really, but all I can say is for the small property owner to
2 have to meet a bunch of obligations by the City that they're already meeting by the County and
3 the State and the Fed. It is onerous and it is more expensive and it will cost more time, energy
4 and money to comply with this and that will get passed onto the tenant because it's a cost of
5 doing business. And you know, you can apply the same metric to the production of food or the
6 production of energy. All things we rely on. If you put a lot of onerous regulations on those
7 industries, it becomes a cost of doing business and you have to pass it onto the consumer. You
8 can't, you know, you can't stay in business if you don't.

9

10 Anyway, my parents and myself have been providing rental housing in Palo Alto for over 60
11 years. Now most of that's in the form of single-families. They built several single-families out on
12 Miranda Green where there was an orchard before and where they built their own home. So,
13 they had three rentals next door to their own house so and the rents were never as much as 50
14 percent of value on those properties. I mean you can't raise your neighbor who's your friend
15 rent, that's a problem. So, something to think about if you're going to invest, but in any case,
16 this just smacks like pouring gravel into a finally tuned machine to make sure it does what you
17 want it to do. Well, and I don't think what you want it do is to become so onerous people stop
18 thinking it's a good deal to invest in housing.

19

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1 Palo Alto's so expensive for the investor that mostly if you're buying small rental properties.
2 You don't... and unless you're a big corporation, the small investor looks at San Jose, looks at
3 the East Bay and other places where they can get a possible return because that's pretty hard
4 to do in Palo Alto. At least for new purchases, so I would highly recommend that you don't pass
5 this ordinance. Particularly, on anything that is small as a four-unit building or that has been
6 mostly likely owned by a small family operation.

7

8 We had four plexus in Sunny Vale, Mountain View and Palo Alto for different periods of time
9 but different times. Never had any concept or you know, thought that we would have to be
10 complying by a bunch of City regulations and additional cost to be... to work those properties.
11 And those properties were expensive enough just to maintain and to upgrade. You know, I have
12 a rental in Palo Alto, my family home. I rent that out and I live in house in Sunny Vale and the
13 Palo Alto house rents for more than my Sunny Vale. I can't image... you know I just plunked out
14 \$20,000 or \$30,000 fixing that place up and it's been vacant for two months, so that's another
15 \$7,000 a month. I'm looking at, out of pocket, you know close to \$40,000 right now. Putting
16 something like this on top of it to no avail and no benefit. Well, it makes no sense so anyway,
17 you need to protect the small investor and if you want any investment in rental housing in... on
18 the lowest level in Palo Alto. If you want anything built. I went to Europe and while I was gone
19 my dad built two rental houses. I said oh, okay. What happen to the orchard? It's gone, but
20 anyway, I would just say... but I understand... I do truly understand the other side that... but the

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1 only solution, the only solution to mitigation this... oh, there's two. The only solution is to build
2 more housing.

3

4 There is another solution and I was checking these stats today and that is that the communities
5 can lose population. San Francisco in 2021 lost 71,000 people. Every county that I looked at in
6 California except for a few in the Sierra Foothills. Every county in the desert, on the coast
7 (interrupted)

8

9 Chair Summa: Thank you, Mr. (interrupted)

10

11 Mr. Reed: I was just going to say lost population (interrupted)

12

13 Chair Summa: Mr. Reed? Thank you so much for your comments. Could you wrap it up? You've
14 gone over.

15

16 Mr. Reed: I will wrap it right up and disappear into the night.

17

18 Chair Summa: Thank you so much.

19

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1 Mr. Reed: But I was just going to say this problem may be self-correcting in the long term but I
2 understand people are hurting today trying to rent houses, but there are cheaper houses in this
3 valley than Palo Alto.

4

5 Chair Summa: Thank you so much.

6

7 Ms. Dao: Okay, next we have comments on Zoom. First is Keri Wagner, if you can unmute
8 yourself, you have 5 minutes.

9

10 Ms. Keri Wagner: Hi, my name is Keri Wagner and I am a resident of Charleston Meadows. I'm a
11 homeowner here. We moved to Palo Alto when we bought our house here in 1994. So, we've
12 been here for quite awhile and I just want to thank the Commissioners for bringing the Rent
13 Registry to the forefront. I think it's very important that we understand what type of inventory
14 we actually have in the City and somebody else brought this up but to see the rental trends.

15

16 You know, I think that knowing this information could help us make decisions about where we
17 need housing in specific parts of the City, what type of housing we need. Right now, we take a
18 guess and its like okay, you know we're putting all this new housing on San Antonio Road
19 because we can. We're putting all this housing on El Camino because there's a bus line, but
20 there may be other pockets that could take up some of that inventory for us.

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The other thing is it could help us make decisions about transportation planning. Where do we need bike and pedestrian improvements to accommodate this... the housing? Where do we need public transportation improvements? I mean the answers pretty much everywhere but this way we could make informed decisions.

And then finally, I would like to see the... other people brought this up. I'd like to see the fees remain low, especially for the property owners who are renting out one or two or I don't know, maybe three or four units. I'm not sure what that number would be but definitely if you're just renting an ADU. I'd like that... I'd like to see that number... the fees remain minimal please and I'm really looking forward to this. I think it's a long time coming and I appreciate you bringing forward. Thank you so much.

Chair Summa: Thank you very much. Ms. Dao, how many more speakers do we have just out of curiosity?

Ms. Dao: Nine more.

Chair Summa: Nine more, okay thank you for that.

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1 Ms. Dao: Next is Anil Babbar.

2

3 Mr. Anil Babbar: Thank you, Commissioner... Chair and Commission Members. My name is Anil
4 Babbar, I'm with the California Apartment Association. I wanted to echo my comments that I
5 made at HRC last week. One, discussing the privacy issue of the Rent Registry, the biggest
6 concerns there we have are the confidentiality of the data that you're providing. Both from the
7 perspective of the property owner and how that proprietary data can be problematic if it's
8 released, which is easily can be under a Public Records Request, and the confidentiality of that
9 tenant's information. That is also something we're seriously concerned about because two
10 tenants can see that data and have concerns about how much they're paying when the
11 reasoning behind it can be very complex.

12

13 As far as the cost is concerned, this is an issue that the State of California has looked at now
14 three times and three times they've rejected it purely because the cost is so high. If you look at
15 the experience in San Jose, they've had the Rent Registry for several years and what we found
16 in examining the data over there was that rents have stayed below the cap and it hasn't been a
17 problem.

18

19 And the last issue I want to really address is the data issue. I've heard a lot of comments about
20 unverifiable data. Look, the data is available at is. If you want to know what the average rents

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1 are in the City you can find that through whether it be Census data, whether it be Costar data.
2 There is data... the data source exist. You don't have to put this undue burden on property
3 owners just to be curious about what rents are and that goes to another point that Leannah
4 made.

5
6 You know, people here have pushed back on her comment that this will discourage
7 development in the City because what's a Rent Registry? It's just a little bit every month. The
8 problem with the Rent Registry is it starts at the long line of other bad policy that will definitely
9 discourage housing in Palo Alto. It will continue labeling Palo Alto as a City that's anti-housing
10 and it will continue to discourage housing from being built. A Rent Registry won't help you
11 determine where to build housing. A Rent Registry won't help you determine what parts of the
12 City needs housing the most. The entire City needs housing, so instead of continuing these
13 undue burdens on property owners. Instead of increasing more regulatory burden on property
14 owners. Let's use this time we have in these Commissions to find ways of increasing the density
15 and the amount of housing in Palo Alto. Thank you.

16

17 Ms. Dao: Next is Liz Gardner.

18

19 Ms. Liz Gardner: Hi, Liz Gardner, fourth-generation Palo Altan. I want to first support a Rental
20 Registry along with a rent stabilization. I do think that data is important to collect. I also think

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1 that if anybody has traveled in the City of Palo Alto anytime recently or in the last several years.
2 You can just pretty much with our eyes see the calamity going on, on our streets with the
3 unhoused. With every fifth person straggling down the road with a grocery cart full of their
4 cherished possessions that they can't afford to put in a home or have a storage unit. And
5 there's actually been deaths of the unhouses. Long-time residents dying on our streets a couple
6 of years ago on one of the coldest nights in Palo Alto in the College Terrace area.

7

8 It is a real issue and what I would like to bring up is a personal story of mine as a renter. I am
9 unable to relocate my growing family of two Palo Alto Unified School District children into a
10 larger unit because the rent that I'm paying now. The rents that are out there are unattainable.
11 At this point, I would have to prove three times my low-income wage to the asking rent which is
12 about \$150,000 a year for a raggedy house or duplex or apartment on Alma. And I am... work
13 for a non-profit, 5012C3, locally here on the peninsula and I'm unable to prove three times the
14 rent. I appreciate some of these mom-and-pop owners that are lamenting this problem of a
15 registry but the problem is there's no trust anymore. I am not unable to even meet with a
16 mom-and-pop homeowner in Palo Alto to show them that I am a responsible, pay my rent on
17 time, take pride in every rental that I ever had in my whole entire life.

18

19 It's interesting to note that every person that has spoken tonight has some professional
20 investiture in the housing market. Whether it be with a rental association, a homeless data-

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1 based app, a Silicon Valley At Home, a homeowner. I am a renter struggling right now. I have
2 not heard from a renter struggling right now to relocate into a larger, safer, more quality home
3 because I can't get even face to face. I have in my whole life walked into amazing rentals based
4 on why? Because of my integrity, because the landowners sees that I'm a responsible paying
5 rent person, but here it's all profits. I am not able to secure that for my family because nobody,
6 not even these small land owners will even schedule a time to meet me. I don't care if I'm
7 paying 30, 40, 70 percent of my income towards rent. I don't have three times my income
8 proof. I don't have 750 credit score, but I'm a hard-working responsible mother in this
9 community invests and yet, all these mom-and-pop homeowners who are speaking tonight are
10 talking about profits and consumers. Not a relationship between a tenant and a landlord. Not
11 somebody that I am here, I'm paying you rent, I'm paying you income to take of your property.
12 I'm willing to do anything. I've posted on Craigslist, I've gone to Apartments.com, Turbo Tenant.
13 There are scams all over the place on these places and there's no way in.

14

15 The rents, I will tell you, it nearly (interrupted)

16

17 Chair Summa: Thank you so... Ms. Gardner, thank you so much but we have many many
18 speakers tonight and we (interrupted)

19

20 Ms. Gardner: I get that Ms. Summa.

-
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Chair Summa: And you have... thank you so much and you've... we've heard (interrupted)

Ms. Gardner: Somebody else got a lot more time, a land owner, I would like to as a renter have a couple more sentences here, please.

Chair Summa: You can have 11 more seconds and then we're going to thank you again and say good evening.

Ms. Gardner: So, I would just like to say I support this Rental Registry, I support that there is some kind of cap on this three times wages to rent because I could have to (interrupted)

Chair Summa: Thank you so much. We're going to have to move on because we have an awful lot of speakers tonight and I have given everybody 5 minutes. So, thank you and if you don't... just... we'd like to get to the meat of discussing for all of you in the community. So, if you don't need to use all your 5 minutes it's fine not to. Thank you very much. Okay, let's keep going.

Ms. Dao: Yes, next is Ryan O'Connell.

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1 Mr. Ryan O'Connell: Good evening, I'm Ryan from How To ADU, a community of 25,000
2 California homeowners. I have a pleasure of working with a lot of homeowners in Palo Alto and
3 I'm calling in strong support of the Rental Registry as proposed by Staff. I think what gets
4 measured gets managed. Its time we measure and manage like we've been saying we're going
5 to do and I really respect the work that's gone into preparing the Rental Registry the way it was
6 presented tonight.

7

8 Yeah, city's regulate housing, there's nothing new there. It would be great if we monitored the
9 success of those regulations with a Rent Registry. Without the Rental Registry, we're flying
10 blind so we don't know if what we're doing makes a big difference or not.

11

12 Most homeowners I work with are building rental units for their own [note – audio cut out].
13 These costs have gotten so out of hand, so they broadly support low-lift efforts like Rent
14 Registries. Of course, still support the carve-out for ADUs and small landlords but, you know, in
15 which ever form it takes I think it's a pretty low lift.

16

17 I'm hearing a fair amount of misinformation tonight which is also very typical when you don't
18 have a lot of data. You tend to rely on hunches, you go to your priors which also often exposes
19 your biases. I think it's important that you really pay attention to the thorough researched
20 survey work and Staff work that's gone into this and if the Council Members are worried that

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1 rents will go up as a result of the Rent Registry. The great news is we will immediately be able
2 to track that and make informed decisions to correct the situation once we have the data. And
3 in a city where annual rents have gone up virtually every year in my lifetime. I don't think doing
4 the same thing we've been doing is going to be the right solution. Alright, thank you, cede the
5 rest of my time.

6

7 Chair Summa: Thank you.

8

9 Ms. Dao: Next is Jess Hudson.

10

11 Ms. Jess Hudson: Good evening, my name is Jess Hudson and I'm the Public Policy Manager for
12 United Way Bay Area. I'm calling in to support the Rent Registry which will provided needed
13 community data and prevent housing instability and displacement in Palo Alto.

14

15 We would like to see this policy be inclusive of all types of homes, whether someone is renting
16 a one-bedroom, ADU, a mobile home, or a single-family home. The entire purpose of a Rent
17 Registry is to ensure that a city as accurate data on evictions and we cannot leave out potential
18 vulnerable tenants from that data. This includes tracking the disproportionate evictions against
19 marginalized communities such as the Latin X, Middle Eastern, and disabled Palo Altans as well
20 as single parents who are trying to stay in the school district as well as our seniors. Protecting

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1 vulnerable communities from displacement is vital to their health, their safety and to economic
2 stability.

3
4 This registry will allow the City to accurately identify housing needs and create thoughtful, data-
5 driven policy protections. Rent Registries have been used successfully already to address
6 these housing issues in cities like Mountain View, East Palo Alto, San Jose and some others that
7 are listed in the Packet tonight. I want to thank you for your hard work on this and I hope to see
8 the strong policy that has such positive long-term impacts more forward. Thank you.

9
10 Chair Summa: Thank you.

11
12 Ms. Dao: Next is Anna Toledano.

13
14 Chair Summa: I think that was Ms. Toledano earlier and I think we are at Amie Ashton.

15
16 Ms. Dao: No, the previous one was (interrupted)

17
18 [note - unknown speaker:] Jess Hudson.

19
20 Ms. Dao: Jess Hudson, yeah so now (interrupted)

-
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Ms. Anna Toledano: Hi, this is Anna Toledano, I haven't had a chance to speak yet today. Thank you for allowing me to speak. My name is Anna Toledano as I just said and I've been a renter in downtown Palo Alto for 8 years. I want to thank the Staff for all of their efforts in putting together an excellent Rental Registry Program.

In my view, I think a Rental Registry serves as advertising for landlords because as a Stanford Grad Student, I was struggling to find housing in the pandemic through all the different websites that rentals are listed on ad hoc. A Rental Registry would have been a godsend for me in 2020. I was almost forced to leave Palo Alto, something I just really didn't want to do because I couldn't find anywhere to live on my quick turnaround after having to leave my Stanford-provided sublet. So, I'm really looking forward to the implementation of the Rental Registry as soon as possible so other Palo Altans like me can find the right place for them to live. Thanks so much.

Chair Summa: Thank you.

Ms. Dao: Next is Amie Ashton.

-
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1 Ms. Amie Ashton: Hello, my name is Amie Ashton and I am just... I just wanted to speak in terms
2 of supporting renters here in Palo Alto. I know they make up more than 40 percent of the
3 population and as a homeowner, I just had to state my support for these folks who are a part of
4 their community, who deserve our respect and deserve whatever we can do to protect their
5 housing and opportunities. And I hope to some day have an ADU and I would gratefully
6 participate in the Rent Registry because I know how important it is to the City and to these folks
7 who need housing. That's all, thank you very much and I look forward to hearing the
8 deliberations.

9

10 Chair Summa: Thank you.

11

12 Ms. Dao: Next is Sam.

13

14 Ms. Sam Durston: Hi everyone, my name is Sam Durston. Hi everyone, my name is Sam Durston
15 and I've been a renter in Palo Alto for the last few years in Midtown along with my wife and
16 young daughter of eight months. This is the first time I'm ever speaking before any Palo Alto
17 Commission or Council and it's because this issue is extremely important to me.

18

19 Just last month we got a \$ 250-a-month rent increase from our landlord. This was while my wife
20 was laid off and while we... our costs were already going up because of the baby. We need a

-
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1 Rent Registry because the City needs to be able to track such increases and dispute them
2 appropriately.

3
4 I'm also concerned about the cost of housing as many landlords raised but to address that we
5 should advocate for building more dense housing to increase the supply and reduce the prices.
6 Rent protection are a relatively small cost compared to the regulatory blocking my name
7 homeowners.

8
9 I know a Rent Registry is necessary for the City to ensure that AB 1482, the California Tenant
10 Protection Act of 2019, if being followed and that landlords are not raising rent past the legal
11 limit. I strongly encourage that this Rent... sorry, this Registry is inclusive of all types of rentals
12 as possible; whether renting a room or an ADU or mobile home because any landlord can break
13 the law, raise the rent past the legal limit and our housing non-profits know this is occurring in
14 Palo Alto. Thanks for all your work on this and happy to give back the rest of the time to the
15 Council.

16
17 Chair Summa: Thank you. I have a question for Staff. We didn't really anticipate so many
18 speakers this evening. We're very happy we have a lot. Are... does the... are we allowed to stop
19 taking more speakers as a body? I know Council does it.

20

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1 Ms. Amy French, Chief Planning Official: You can close the public hearing at your discretion.

2

3 Chair Summa: Okay, so I think our last speaker... and we haven't had anyone sign on for 10
4 minutes or something... will be Adam at EFF.org. Okay? Thank you, please continue.

5

6 Commissioner Hechtman: So, just to clarify because I don't know if everybody can see the list.
7 Everyone who's already raised their hand is going to get an opportunity to speak and
8 (interrupted)

9

10 Chair Summa: Yes.

11

12 Commissioner Hechtman: What the Chair has just done is said we're not going to take any more
13 raised hands.

14

15 Chair Summa: That's correct, thank you.

16

17 Commissioner Hechtman: So, if you've raised your hand and you can't see the board, you will
18 get a chance to speak.

19

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1 Chair Summa: Yeah and we haven't had any more raised hands for 10 or 15 minutes. Okay,
2 thank you.

3

4 Ms. Dao: So next is R Elysa Gurman.

5

6 Ms. R Elysa Gurman: Hi, hi, I wish that I could say I'm a renter but unfortunately right now I'm
7 not. As a young person, even though I grew up in this area, I can't afford to live here anymore
8 which means I'm living with my family. My family is renters but almost none of my friends from
9 growing up still live in the area and the ones that do make more in one pay check than I make in
10 a year sometimes working in non-profit. And I also know for a fact that I've lived in apartments
11 where, you know, landlords have changed the rent three months in or charge different
12 amounts for different units. And that's just not fair and everyone deserves to have a stable
13 place to live.

14

15 So, I know that Staff has put months and months into this and has taken a lot of feedback on
16 this policy which is great. I think you guys have done great work. I definitely think this policy
17 should move forward.

18

19 I also I really value what all the housing non-profits have to say as experts in the issue area. And
20 I know that they've seen some demographics impacted by evictions and I was wondering if the

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1 Staff has seen other cities record demographic information in their Rental Registries. Thank you
2 so much.

3

4 Chair Summa: Thank you.

5

6 Ms. Dao: Next is Ryan C.

7

8 Mr. Ryan Carrigan: Hi, my name is Ryan Carrigan, I'm with the Silicon Valley Association
9 [unintelligible – audio cut out]. I appreciate the opportunity to speak here. I am speaking in
10 opposition [unintelligible – audio cut out]. Overall, I think we understand that this is a pretty
11 costly and resource [unintelligible – audio cut out] for the City moving forward. I think the fact
12 that a similar policy has been on the books [unintelligible – audio cut out] (interrupted)

13

14 Chair Summa: Excuse me, we're having a little trouble hearing you. You seem to be cutting out
15 every (interrupted)

16

17 Mr. Carrigan: Sorry.

18

19 Chair Summa: Okay, continue.

20

-
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1 Mr. Carrigan: There's a lot of discussion about data and information. Easy Google search can
2 provide plenty of resources to find rent. [unintelligible – audio cut out] many of that is also
3 cited in newspapers, reports, Council reports [unintelligible – audio cut out] the issue. And
4 furthermore, that data isn't going to [unintelligible – audio cut out] MCT, ABAG have already
5 given the City plenty of goals and [unintelligible – audio cut out] that's identified in opportunity
6 sites in the element. So, this really isn't a [unintelligible – audio cut out] the City needs to plan
7 for in the future. You even discussed some [unintelligible – audio cut out] evening.

8
9 So, overall I just think that it really should [unintelligible – audio cut out] discussion and
10 resources put into a Rent Registry is just a distraction. Resources and time that could be spent
11 on actually building the housing that is [unintelligible – audio cut out] in Palo Alto. Thank you.

12
13 Chair Summa: Thank you.

14
15 Ms. Dao: Next is Edie Keating.

16
17 Ms. Edie Keating: Hello, I am proud is moving forward with a Rent Registry. I was a renter for
18 around 30 years in Palo Alto and but then moved to Mountain View. And the reason I'm calling
19 in tonight is that I've actively followed Mountain View implementing strong renter protections
20 following a vote for rent control in 2016 which passed.

-
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2 When rent control first began in Mountain View there was no Rent Registry. So, it was a
3 complaint... a fully complaint-based system and there just started being questions about is it
4 being... is the law truly being followed and what don't... what isn't known about the landlord
5 compliance with the law? So, I don't know the exact year but at first, there was developed
6 software so that there was a voluntary Rent Registry and almost no landlords registered. So,
7 then the Rental Housing Committee voted to make the Registry required and you think that
8 would have all landlords comply. They've had fairly good compliance with paying a fee for their
9 units to support the Rental Housing Program but surprisingly perhaps, or perhaps not, well
10 under 50 percent of landlords still did not register. Even though registering annually had been
11 changed to be a requirement of the Mountain View implementation of their rent law. So finally,
12 less than a year ago the Rental Housing Committee in Mountain View added late fees for
13 registration for non-compliance of registration which is annual. It's \$25 per unit, those fees are
14 starting to be collected and the level of registration is now well over 70 percent and climbing.

15

16 So, the reason I'm calling in is just to say that a crucial part of having a Rent Registry is to have
17 some enforcement mechanism, such as a late fee or deadlines and a fee imposed if the landlord
18 does not register and I yield my time. Thank you.

19

20 Chair Summa: Thank you and our final speaker?

-
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Ms. Dao: Two more. Second to last Randy Mont-Raynaud.

Mr. Randy Mont-Ranynaud: Hi, I'm Randy Mont-Raynaud, I've been 40 years a renter and I'm blessed now with being a homeowner. That's another story. No, I didn't win the lottery. I wanted to raise the issue of the cost that is passed onto land owners. Mr. Reed, Ms. Leannah Hunt also raised this and I'd like use to look at yes, there is a cost of having a Rental Registry but what about the cost of not offering support for young people and renters and seniors? And how can... isn't this possibility tied to the affordability issue raised by Commissioner Summa and others?

All of us have certainly considered when mention is made of families and family housing. The impact on school. This... the protecting renters also serves as a protection for teachers and teachers and staff and administrative in schools who do need to rent here until they can buy. There's been a token amount of building nearby for teacher housing. I'm asking that we look at this not just as the cost of having a business, but what is the cost of not protecting vulnerable people and professionals who are caring for our children. And notwithstanding the decline in population that was mentioned by I think it was Mr. Reed. Yes, there will be a decline in population. Fewer and fewer people are having fewer children but for the moment, we do have

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1 schools and teachers that need housing nearby and this also ties in with the transportation
2 issues.

3

4 So, let's keep any open mind and let's look at the Rental Registry as a beginning for serving and
5 protecting vulnerable people in the community. Thanks.

6

7 Chair Summa: Thank you.

8

9 Ms. Dao: And last is Adam.

10

11 Mr. Adam Schwartz: Hello, my name is Adam Schwartz, I am a resident here in Palo Alto. I call
12 to speak in strong support for the ordinance. I thank the City Staff for all the time they spent
13 writing it and this Commission for spending time talking about it today.

14

15 I, myself, happen to own the house I've lived in here in Palo Alto for 6 years. I've got two adult
16 kids who are interested in living here and are struggling to find ways to do so and are frankly,
17 priced out. And much more needs to be done to protect our struggling renters and to be an
18 inclusive community for people at all income levels. The Rent Registry is a very important step
19 forward and I strongly urge this Commission to adopt it. Thank you for listening.

20

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1 Chair Summa: Thank you very much to all of our speakers this evening and now we'll bring it
2 back to the Commission. I see Commissioner Templeton has her light on.

3
4 Commissioner Templeton: Thank you so much and thanks to everyone who called in and spoke

5 here. It was really interesting to hear your different perspectives. I am going to start with the
6 form because I love forms. No lie. On Page 3 of the form, you have number of people in the

7 rental unit household. I feel like this question may be harmful. I don't think you should ask it.
8 So, if you'd like more information on that you can let me know, but I don't think that the

9 landlord should fill it out and I don't think that the renter should fill it out and I don't think you
10 need that information. You might want to change it to something like max number of people

11 intended for this unit so that it's more abstract.
12

13 Regarding the burden of filling out the forms, I don't know if you have filled out a rental
14 application form lately, but I can assure you they are much, much longer. So, I don't think

15 there's any appreciable burden that this three-page form is asking. So, I would move past that
16 or lower prioritize that kind of a feedback.

17
18 And in general, do I think that we need this? Absolutely. You may not that I'm a former

19 computer scientist and project manager. I live off of data, literally made my living off of having
20 enough information to make good decisions and I can state with confidence that the City

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1 Council will be better informed with this information. City Staff will be better informed with this
2 information. Landlords will be better informed with this information about how to stay
3 competitive and how to fill any vacant properties. So, we're looking out for you too and then of
4 course, we think that people who would benefit the most are the renters who will have City
5 support for any transgressions that may occur. So, I think this is a good idea, I think what's
6 proposed is a good idea and that's all for now. Thank you.

7

8 Chair Summa: Thank you. Commissioner Reckdahl. Oh, Commissioner Akin.

9

10 Commissioner Akin: Thank you, Chair. I have one suggestion and then two privacy questions.

11 The suggestion is as a part of outreach and also for explanation to Council if you could explain
12 why a given item of data is necessary and sufficient for a given goal. That would help people
13 understand why you're asking what you're asking and why it's absolutely essential.

14

15 Two privacy questions, the section that struck me as particularly sensitive was tenancy
16 information. It seemed like there was a number of ways that you could combine an address and
17 say reason for vacancy that would yield unhappy results. So, if you're looking for suggestions as
18 to which section might be removable then depending how you proceed with the first
19 suggestion I made. The tenancy section is the one that I would target as being likely the most
20 sensitive.

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2 Third, this form requests a lot of information and some of it has to be updated pretty
3 frequently. So, again as a computer person, I assume this leads to a design where you've got
4 some kind of a permanent account system. So, when your consultants presumably set this up at
5 some or proposes at some time in the future. The account system allows you to retain
6 information so that incremental updates become easier. That's what you're going to want as
7 tenancy changes for example or rents change. That presents a number of interesting
8 cybersecurity issues because you've got a database with a lot of information people would love
9 to have. That's a target, so please take that consideration into account very carefully and
10 consider what you can get by with simply aggregating rather than retaining the original
11 information. That could help you with PRA request concerns as well. That's it, thank you.

12

13 Chair Summa: Thank you and then we'll go Commissioner Chang [note – Vice-Chair Chang] and
14 then Commissioner Hechtman and then Commissioner Lu.

15

16 Vice-Chair Chang: I'll start by saying that I'm also supportive of this Registry because I
17 remember when the renter protections item came before the PTC and it was really hard to
18 make decisions on most of the items because there was no data about what the impacts would
19 be. And so, we could hypothesis about whether there would be positive or negative impacts

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1 and that was why we had prioritized the Renter Registry as... the Rental Registry at the highest
2 priority and also why the Council came to the same conclusion.

3

4 And I understand that there's a concern about the burden on landlords as well as the potential
5 cost burden being passed down to tenants, but what I'm hearing from the public comments is
6 that for the most part, the tenants are really excited about this. So, any potential... despite any
7 potential costs that might be passed down, they're not worried about it and then when I look at
8 the costs that are actually in question. Based on the benchmarks, it looks like it was \$4,200 per
9 unit, so spread over the cost every year that's pretty low given the size... given the relative
10 amount of rent in the relative scale of total rent in this area. So, it seems like a reasonable price
11 to pay for the information that we need to be able to effectively make decisions.

12

13 Jumping into the form itself, I really appreciate the comments that Commissioner Akin,
14 Commissioner Templeton made. I had the same thoughts and also, there's a section that seems
15 a little bit potentially duplicative that might maybe can be collapsed into one. I also wonder
16 why we need it. So, the amenities and services, rather than making somebody fill it out twice.
17 Maybe there's a way that the amenities and services under rental unit characteristics and then
18 under rent information can kind of be collapsed into one. I'm also wondering why we need that
19 information. I'm not saying that we don't but I do remember again when that renter protection
20 came before us. That we wanted... that there... I remember that there was specific pieces of

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1 information that we really wanted in order to make certain decisions and so again, that
2 Commissioner Akin pointing out, that we want to ask this question to be able to inform this
3 type of policy is very helpful. Because I could see that this rental unit characteristics piece being
4 potentially very helpful but also being very time intensive and maybe not that helpful. That
5 said, if you are... there're things that I thought... if you are doing this section. There are things
6 that I thought could be very valuable. Particularly, as we talk about green space and design and
7 the size of units and what we're trying to incentive in our Code and in the Housing Element. So,
8 things like it says the unit have a balcony, does it have a yard, does it have a patio? Because in
9 this area we have a lot of single-family homes and whether... anyway, that affects the rent that
10 people are paying. The rental unit size being clear, whether that's internal square footage
11 versus things like the outdoor space. The year of last remodel, that's a vague... I think we're
12 trying to get a sense of how hold the unit is but we need to be... you know, we need to be clear
13 about what we're asking for there. So, you know, any rental unit improvements, if I add a
14 dishwasher is that an improvement? So, we need to be careful about what we're asking here to
15 get the data that we want.

16

17 Also, in prior discussions here on the PTC we've talked about different types of housing that
18 might start becoming more prevalent. So, things like dormitory-like housing where you have
19 shared kitchen space for example, but then separate living quarters. So again, I don't know how

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1 we would accommodate for some of these things but just some thoughts as... that might not fit
2 so clearly into these boxes.

3

4 Under the tenancy information area, with respect to the reason for vacancy, I didn't know if the
5 intent behind this was to understand whether this was a for cause or without cause, but maybe
6 if we're tying it... if... I understand correctly, part of the reason we're doing this is we're trying
7 to understand whether rental protections should be activated. And so, we might be able to ask
8 the question in a broader way that doesn't have the negative ramifications that Commissioner
9 Akin was referring to.

10

11 And then, I'm kind of bouncing around here a little bit but for renter... rental property contact
12 information. Keep in mind that not all the owners are going to be individuals. They may be
13 corporations so it's that you need a contact person at the corporation.

14

15 And then finally under rental... under rent information there's a... the second item says initial
16 base rent amount monthly and I'm confused what that's referring to? Is it the initial base rent
17 amount for this lease? For this tenant and what's the intent behind this? In other words, are we
18 trying to make sure that the rent doesn't increase beyond a certain percentage or to be able to
19 calculate that from lease to lease, or since the inception of the existence of this rental unit? But
20 we need to be clear about what we want and then to be clear about what we're asking for, but

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1 it's probably important data point to be really clear on. Otherwise, we're going to have garbage
2 in, garbage out and then again, there's another point that says additional non-optional charges
3 and optional charges. I don't know what that is and if we don't... if I don't know what it is. Then
4 the landlord is not going to know what it is and we're not going to know what we're collecting.
5 So, if we don't know what it is, either eliminate it or make it crystal clear with examples.

6

7 And then I think... yeah, I think that's about it for my comments. There's might be a second
8 round. Thank you.

9

10 Chair Summa: Commissioner Hechtman.

11

12 Commissioner Hechtman: Thank you, so I'm supportive overall of the Rental Registry but I've
13 got some concerns with some of the pieces that I see here. Oh, I want to, in the first-round
14 though, just ask a series of questions I have drawn from the Staff Report. So, the first one is,
15 what's Staff's estimate of the number of rental units of all types in the City of Palo Alto?

16

17 Ms. Atkinson: The... there's... the number of rental units that we have, it's a running estimate
18 but it's over 11,400.

19

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1 Commissioner Hechtman: 11,400, okay, thank you. I know in... well, I believe in our Municipal
2 Code that we require landlords to offer a 1-year lease upfront. Does our Code require them to
3 offer a 1-year lease on renewal?

4

5 Ms. Fine: It will take me a minute to check that.

6

7 Commissioner Hechtman: Okay, I'll keep going and though I think I'm going to have another
8 one for you here, I'll come back on that one. We don't have rent control here so I don't think
9 that there is anything that would prohibit a landlord from passing on whatever costs is
10 associated with this onto a tenant. Am I right there?

11

12 Ms. Atkinson: There isn't a specific provision in the ordinance that would specifically say it
13 couldn't be. It's my understanding that it's possible to add something like that but it would be
14 very difficult to enforce. So, that's why it wasn't particularly added but it is something that
15 could be mentioned in the draft ordinance.

16

17 Commissioner Hechtman: Well, I guess I would... I'm glad it's not in there because I would
18 question its enforceability since we don't control the rent. They can call it whatever they want,
19 although I was thinking rather than spread it over the rent, if I have a new tenant coming in and
20 I know my fee is going to be \$220, I'm going to have a registration fee that I tack on right up

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1 front with the first rent payment and I don't know that we can... because we don't have rent
2 control, I don't know that we can stop that from happening.

3

4 Alright, next question, California Public Records Act, so our form here is asking for the rent.

5 What rent are you charging? What additional fees? That's financial information. I don't... and so

6 I know that's not trademark information. Is it considered proprietary or would it have to be

7 disclosed in response to a Public Records Act request?

8

9 Ms. Fine: Our stance is it would be disclosed in response to a Public Records Act. Part of the

10 standard for proprietary information that can be withheld is that it gains value from secrecy for

11 example and you know, as commenters have mentioned and as renters know. A lot of that

12 information is publicly available and broadcasted very widely. So, we find it hard to kind of say

13 that the secrecy is the value of the information, so, in general, we would not recommend or we

14 would generally disclose that.

15

16 Commissioner Hechtman: Okay, alright and that was my feeling is so and I want... you know,

17 that's something we have to be aware of is that this financial information people consider

18 private but anybody will be able to get it simply by asking.

19

20 Ms. Fine: If I can also note, just confirm that renewal of leases also 1-year requirement.

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Commissioner Hechtman: It's a requirement that we offer a 1-year renewal?

Ms. Fine: Yes.

Commissioner Hechtman: Okay, that's helpful, thanks.

Commissioner Templeton: [unintelligible – off mic]

Commissioner Hechtman: They don't take it, right. Okay, yeah I'm sorry, Commissioner Templeton was mentioning, off mic though, that the tenant doesn't have to take it. So, that's useful to complete the picture, thank you.

Alright, a process question, so it looks like the way this Registry is going to travel, it's not coming back to us. It's going to... it's passing through us now and we won't see it again. It will go to Council eventually and be adopted. So, I just want to plant a seed there, depending upon the totality of all the changes we come up with as a group, concerns we have, whether we might want to see it again.

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1 So, we have drawn information in building the Registry from it looks like six other jurisdictions.
2 I'm not... I recognize all of them and I don't know how many of them are really comparable to
3 our market, but I'm curious about them and whether collecting data... information, whether we
4 got a sense where Rental Registry is effect. Are we seeing any impacts on reduction of rental
5 stock or increased costs that the Commission should be aware of?

6
7 Ms. Atkinson: With the time that Staff had available to... in these actually quite detailed
8 interviews that we had with Staff from other jurisdictions. We didn't ask that specific question
9 because we were focused on other topics at the time.

10

11 Commissioner Hechtman: Okay, thank you.

12

13 Commissioner Templeton: Just FYI, we do have two experts in the gallery here that I'm sure if
14 the Chair would allow it, could answer those questions.

15

16 Chair Summa: What... if you have questions for someone in the room that would be fine.

17

18 Commissioner Hechtman: So, yeah.

19

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1 Commissioner Templeton: Do you know who they... so we two people. We have one person
2 that has served on the Rental Committee in a neighboring city. That is Councilmember Emily
3 Ramos and we also have the Chair of the... or renters group, Lauren Bigalow. So, they both have
4 probably a lot of information here as (interrupted)

5
6 Chair Summa: That would be fine with me and Ms. Bigalow also was working with the City
7 doing an internship so.

8
9 Commissioner Hechtman: So yeah, I would... I'd love to hear that information. It may be that
10 there's really no evidence one way or another but you both have had more experience.
11 Mountain View is one of the six cities we looked to and Ms. Bigalow, maybe you have some
12 information on this. My question for either of you, and if either you had information just
13 approach the mic and reintroduce yourself, is are we seeing that these Registries have an effect
14 on rental stock or now, this won't be a Mountain View... Mountain View does have rent control.
15 So, I don't think... I don't know that Mountain View would have data on passing the fees on
16 because the rent is controlled there, but at least on the rental stock what's your experience
17 been in Mountain View?

18
19 Ms. Ramos: So, I believe in one of the previous public comments that Edie Keating was saying, it
20 took actually a long road to get to our Registry. We actually had a Registry after we got our

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1 Tenant Protection Law and a lot of... there was a lot of mechanisms that kind of triggered why
2 we kind of had to have it. Particularly, an interesting situation happened, we have Atreo [note –
3 phonetics] in Mountain View and there was a landlord that wanted to redevelop their property.
4 And they turned in their paperwork and all of that stuff and then Atreo [note – phonetics]
5 group was or Atreo [note – phonetics] staff, they're like great. Now we need to let your tenants
6 know that they're eligible for Atreo [note – phonetics]. Can you give us their contact and all that
7 stuff and they're like we have no tenants. And we're like, that's like a 10-unit property, what
8 do you mean you have no tenants? We had rent control, you can't just kick them out and we
9 actually had no information on how to even do that and that was actually one of the bigger
10 triggers for it. Rather than our own Rent Control Law or Rent Control Law ended up allowing for
11 that to happen.

12
13 But as for the seeing trends and patterns, the problem is when we made it mandatory it was in
14 the middle of the pandemic and so it was hard to really adjust that. However, what was really
15 interesting is that we were able to take some of that data and connect with the eviction data in
16 the courts. So, we actually saw... when you... the data from the courts, this is actually really
17 difficult to get the data from the courts for some reason. I'm not entirely sure why but we
18 found that were so many more evictions happening even outside of the courts. People where
19 essentially self-evicting out. If you go through an eviction process, first the landlord sends your
20 three day pay rent or quit and then they go through the process of going to the courts. People

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1 just leave at that three-day or pay or quit kind of thing and they don't even get to that court
2 one which is actually where we get the most set data of and that's what we saw when we
3 started taking our Rent Registry.

4
5 As for rent increases, we saw a decrease but largely because the pandemic and then we also...
6 what was interesting is that we were able to start calculating vacancies, which also was a very
7 important piece of data that we were kind of very curious about because there's that question
8 of how much housing do we need and how many of those units are actually vacant? And that
9 Rent Registry is actually an interesting... it was a bonus that you got from the Rent Registry. But
10 as for data increases and pass-throughs, we... it was hard to see that. We might see it more as
11 we get more data in the years pass as we get farther away from the pandemic.

12
13 Commissioner Hechtman: Thank you very much, Councilmember.

14
15 Chair Summa: Are you (interrupted)

16
17 Commissioner Hechtman: That was my last question, thank you.

18
19 Chair Summa: Okay, thank you. Commissioner Lu.

20

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1 Commissioner Lu: Thank you. I'm generally supportive of this too. I have a couple of
2 questions/suggestions. I'm not sure if we can really substantively address these questions right
3 now, but I just wanted to second some questions that Commissioner Akin raised.

4
5 So, firstly it's just about exactly how the data will be used. Like the data is obviously not useful
6 to collect if we don't actually use it and I mean I would love an intuition from Staff on how
7 much of this data would be used for better implementation versus policy development. What
8 are some of the existing policies that we've been developing like on Packet Page 223 that would
9 have substantively benefited or maybe even change if we had certain kinds of data? I think
10 color there would be really useful just about the scope of the data we should think about
11 collecting. So, yeah, if that's something that Staff could address that'd be great, but yeah, I
12 realize it's a... realize I kind of want like... would love a comprehensive answer and so could also
13 potentially be taken off line or sent over to the Council. Does that make sense?

14
15 Chair Summa: Are you asking Staff?

16
17 Commissioner Lu: Yeah, can Staff put some color on how the data would be used, whether it be
18 [unintelligible] versus policy and where it would have been useful so far? Where would it have
19 been most useful so far?

20

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1 Mr. Sheldon Ah Sing, Principal Planner: Rebecca, maybe I can start off this, so we... this question
2 that Commissioner Lu has raised came up when we went to the Policy and Services Committee
3 about what are the policy questions and how are we using this information? So, we did kind of
4 put together a matrix that showed some of the policy questions that could arise and what
5 would be the information category in those. That's how we came up with this form for instance.
6 So, one of the questions, policy questions, you know like what are the most frequent reasons
7 for eviction in Palo Alto and information category that we came up with was tenancy status or
8 event-based reports. So, that kind of mapped along that line. We have several other policies...
9 we do have a method to why we came up with this form.

10

11 Chair Summa: Commissioner Lu, do you have more comments or questions?

12

13 Commissioner Lu: On the privacy, just a suggestion, feel free to comment on this if you have
14 extra context. It would be interesting for Staff to investigate ways that we could [unintelligible]
15 data after a certain retention period. Potentially delay reporting of Public Records Requests, so
16 it happens on 10 days so it doesn't happen necessarily in real-time. Potential ways we could
17 notify people if there's a Public Records Request on their specific property or where they live or
18 things like that. I think those would be interesting ways to look into potentially [unintelligible]
19 some privacy concerns. If there's anything that's Staff has looked into, you know I'd love to hear
20 comments. If not, I can move on to a couple of other comments.

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Chair Summa: Does Staff have a comment on Commissioner Lu’s question?

Ms. Fine: I can address a couple parts of it. I may need to be refreshed on sort of the first comment you made. In terms of deadlines on giving out information that’s requested under the Public Records Act, there are fairly strict deadlines and the City is required to respond promptly. So, a delay would not be something that the City could do. What... another option could be to collect data on a delay if you wanted to have outdated data released but of course, that would have the consequence of working with outdated data, which is just kind of how the privacy conversation will go. The more we try to preserve the privacy and obscure the data. The harder it will be to analyze it.

I think your first comment was about anonymizing it after the retention period completes. I don’t think we’ve discussed that at all. I think... it’s difficult to logistically know how that will work. The retention schedules of all our records are... they’re quite difficult to keep up with and it’s not something that’s often a priority. So, we’d be interested to hear if that is a priority from the Commission or Council.

What was the last piece?

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1 Commissioner Lu: I think that answered it.

2

3 Ms. Fine: Okay, thanks.

4

5 Commissioner Lu: I think it's not a priority for me, would be curious to see how this evolves and
6 if Staff can think of any potential mitigations there.

7

8 I just wanted to make a couple quick comments on some other threads that were brought up.

9 On ADUs I could see why we would potentially want separate policies for ADUs for a variety of
10 reasons but as far as collecting data goes. I'm not sure there's compelling reason to exclude
11 ADUs from data collection. It's not clear that that would actually be a significant disincentive to
12 actually building ADUs or maybe even renting out ADUs as long as the policies that come down
13 the line make sense.

14

15 I'd also just shout out a couple things about privacy and costs. So, I lived in Santa Monica for
16 several years, we had a really robust rent control and also Rental Registry program. I could
17 literally go on the website and look in real time what rent my neighbors were paying and this
18 was ostensibly fine. I know there were some concerns in the past of like oh, maybe this could
19 provide opportunities for crime or maybe this would be a significant privacy risk or cause tenant
20 discontent. And I don't really think that there's any clear... I don't have any clear experience

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1 that would suggest that's a problem and I'm not sure if there's any clear external data that also
2 suggests that's a problem. So, I would generally discount the privacy... like some of the privacy
3 concerns. I found the extra data actually quite useful.

4
5 Also, as far as passing costs on, I think k that's also something we can really avoid. Santa Monica
6 actually allowed landlords directly pass on half of the registration and rent control fees directly
7 to the tenant. And so, I paid those fees and it was fine because I felt like I got a lot out of them
8 and it was a good value and yeah, there's not necessarily any language I would suggest adding
9 there.

10
11 A couple quick suggestions on data we could collect, I'm not sure if this would be useful but
12 maybe we could collect APN. That might make it easier to avoid with county data on like sales
13 prices and even size and a couple of other things.

14
15 I think going to a previous point on vacancies, I think it... I would be interested in potentially
16 collecting more data on vacancies; like if it's off the market when it would potentially go on the
17 market or when the last tenancy occurred. I think vacancy tax is... could long term be an
18 interesting policy and an interesting thing to collect data on.

19

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1 And on the evictions front there are a couple of other pieces of data we could collect like what
2 portion of the security deposit was actually kept; or as a reason for eviction or vacancy whether
3 the landlord is converting that unit to short-term rentals; or there could also be other questions
4 on evictions like how long the eviction process actually took.

5

6 And so yeah, those are a set of comments from me and that is all.

7

8 Chair Summa: Thank you, Commissioner Lu. I believe Commissioner Reckdahl is next.

9

10 Commissioner Reckdahl: Yeah, during the Housing Element we had no data, we had no idea
11 about affordability, rental affordability. We had not idea what kind of niches of rentals... renters
12 we weren't serving and so I do really strongly support this.

13

14 I do have concerns; the privacy people have talked about. I agree with some very good points
15 there. The others cost and when I look on Packet Page 27 it was saying that all but one city had
16 two full-time equivalents supporting their RRP. That seems a lot. What would two people do
17 full-time with the Rent Registry?

18

19 Ms. Atkinson: Thank you for the question. In general, well there was one city that had one Staff
20 person as a percentage and then the consultant team did everything, you know, in addition. So,

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1 there was an example of a city completely outsourcing aside from that person's portion of their
2 FTE. Otherwise, people had more of a policy and program manager role and then they also had
3 more of an administrative day-to-day quality control customer service person. So, you could see
4 with 11... over 11,000 rental units, there would be need to have regular customer service and
5 the quality control checking all of the rentals.

6

7 Commissioner Reckdahl: So, the customer service would be landlords who are filling out the
8 form and needed help?

9

10 Ms. Atkinson: Correct.

11

12 Mr. Ah Sing: [unintelligible – off mic] The key to this successful program is having participation,
13 so there's on going outreach that needs to be done. An example like Mountain View, they have
14 videos of how to... instructions on how to complete this Registry. So, there's... a lot of time
15 where there's collecting data and ramping up, but there's also the offsite where you're
16 preparing for the on-season when you're getting ready for this data to come in.

17

18 Commissioner Reckdahl: Okay, I mean if one percent of the people need help, that adds up if
19 you're talking about thousands of rental units. So, the Staff Report had... what was the limit,

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1 \$40 to \$200 per unit? Do you know where we're going to be in there? Do we have an estimate?
2 Are we going to be closer to \$40, closer to \$100?

3

4 Ms. Atkinson: Thank you for the question. The City's actively reviewing proposals for the
5 procurement of software and so forth. So, we can't actually discuss cost information right now
6 in that respect.

7

8 Commissioner Reckdahl: So, do you think that... what's the biggest cost? Is it going to be labor,
9 is it going to be the software that we have to buy, is it consultants? What... where are we going
10 to be spending most of our money?

11

12 Ms. Atkinson: Would you like to take that one, Sheldon?

13

14 Mr. Ah Sing: Yeah, so there's certainly the initial cost of trying to ramp up, implement and
15 launch this software program. There's the ongoing maintenance and licensing of the software
16 and then as we just mentioned about Staffing that's ongoing. So, I would say probably Staffing
17 if going to be your biggest cost overall.

18

19 Ms. Atkinson: I'd also like to mention that the cost... any kind of cost recovery fee or
20 participation fee is a process that would be set by the Council and there's a question out there

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1 about whether or not it could be full cost recovery, or offset, or something that's an active or a
2 specific point that would need to be discussed at Council.

3

4 Commissioner Reckdahl: Okay and so for that cost recovery for BMR units, would they have to
5 pay the fee? Is that still an open question?

6

7 Ms. Atkinson: Let me check the ordinance, the draft ordinance for that.

8

9 Commissioner Reckdahl: Okay and so also, well anyway, I'll just... you don't have to look it up. I
10 would just recommend that BMR units do not have to pay. We really want to encourage BMR
11 units in the City and I think we should mandate that they collect data but I don't see why they
12 should pay the fee and same with ADUs. I think we want to make it mandatory that we collect
13 the data from ADUs but again, we're trying to encourage ADUs. I won't want to charge the
14 ADUs a registration fee, so from a cost recovery part, I'm willing to sacrifice there because I
15 think the data is what we really want.

16

17 Ms. Atkinson: Thank you for that feedback.

18

19 Commissioner Reckdahl: Yeah and that's it, thank you.

20

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1 Mr. Ah Sing: I think the cost is really an administrative feedback Rebecca than in the ordinance
2 so we'll definitely take that.

3

4 Chair Summa: Okay, we're going to go for a second round but I'm going to sneak in yet because
5 I haven't had an opportunity to. I do support this for all the reasons my colleagues have stated.
6 This is just data we sorely need in the City. Probably nearly half or maybe more of our
7 community are renters, so we really needs this data so I do support that.

8

9 I am very impressed by how some of my colleagues can improve forms. That's not really my
10 forte but I am convinced that the form needs improvements.

11

12 And I did have a question in the ordinance, the proposed ordinance. It's Page 2 of the
13 ordinance, 9.65.020, definition E, which is Packet Page 219. So, E says Residential Rental Unit
14 mean any housing structure occupied as a dwelling or offered for renter lease as a dwelling blah
15 blah. The term Residential Rental Unit shall not include attached bedroom of a landlord-
16 occupied dwelling where the landlord and renter share living facilities. Isn't that a JADU? I mean
17 or why would we... I'm just wondering why we would exclude that. I mean it may not be a
18 formal JADU, meaning that they may not have applied but there's a lot of rental situations like
19 that.

20

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1 Commissioner Templeton: JADU is a completely separate dwelling with a separate kitchen.

2

3 Chair Summa: Separate kitchen, that's right, but I mean I'm not sure (interrupted)

4

5 Commissioner Templeton: This is if you're renting your bedroom out.

6

7 Chair Summa: Is that not something we would want? I'm just asking, I'm not sure what the
8 thinking was on that because I think there are a lot of informal renting situations like that
9 where people essentially share a house but rent out bedrooms. There certainly are in my
10 neighborhood which abuts Stanford University so. Is there a legal problem or?

11

12 Ms. Atkinson: So, if you could clarify? That my understanding of your question, I think you're
13 referring to the last sentence in the draft ordinance on E, definition under Residential Rental
14 Unit and the last sentence says shall not include the attach bedroom of a landlord-occupied
15 dwelling unit. And so, the intent is to not capture someone renting out a bedroom within
16 someone's overall home.

17

18 Chair Summa: Okay, I mean that's what it says very clearly. I was just wondering why that was
19 not something we would want to capture but.

20

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1 Ms. Atkinson: The existing Registry doesn't necessarily include those types of rental
2 circumstances and so the Policy and Services Committee recommended retaining the existing
3 participation requirements in the existing Registry.

4
5 Chair Summa: Okay, alright, thank you for that and then I think I'm going to turn it... then go
6 ahead and turn it over to Commissioner Templeton and then Commissioner Chang [**note – Vice-**
7 **Chair Chang**] who wanted to speak again.

8
9 Commissioner Templeton: Thank you. Everybody has had such good comments tonight. This is a
10 very collaborative process. I love this. I would say that the difference... to Commissioner... to
11 Chair Summa's comments. I think the difference is if the owner is in the room-sharing situation.
12 So, if there's five rooms in the house and the owner is occupying one of them. They don't have
13 to participate but that's going to be less common. So, I hope... I think our net would be pretty
14 broad. We wouldn't get them all but I think that would perhaps explain the intent is that we're
15 trying to reduce the burden on homeowners living in their own property.

16
17 And then about the privacy thing, one of the products I have experience working on is a very
18 popular web analytics tool and we handled this separation of information. It sounds like your
19 going to get an app, the app probably already handles this well, but my suggestion as you
20 evaluate the apps is that your information about the renter is on a complete separate account.

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1 So, if Commissioner Akin's comment was correct, and I suspect it was, of how it's going to look.
2 You'll have a login for the landlord or their delegate and you probably will want to have a
3 separate login for any information about the renters. So, that you can keep those silos separate
4 in case you do get an information request. So, I leave that to our attorney's team to figure out
5 how that might play out. You don't have to have an answer right now but think about if you
6 could satisfy the request with giving the landlord information or the rental unit information
7 without giving the renter information. That's how you would want to structure your database.
8 Does that make sense? Okay.

9

10 And probably your whatever form tool you get with the software will be able to combine the
11 things. I liked Commissioner Chang... Vice-Chair Chang's information suggestion on how to
12 combine those. Instead of having a check box, you could have two columns of check box, pay or
13 included, right, like you can accomplish that.

14

15 Regarding the fees, ADUs, my goodness, don't we already collect like 10s of thousands of
16 dollars worth of fees from them? That should... like this Registration should happen at that
17 same time that all those fees are collected and whether it's a separate fee or not a separate
18 fee. If it's getting built and getting approved, register it immediately. That's a process
19 suggestion.

20

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1 There was something that Commissioner Lu asked that I wanted to address but I don't
2 remember it at this point. So, I will yield, thank you very much for the second round.

3

4 Chair Summa: Commissioner Chang [**note - Vice-Chair Chang**]

5

6 Vice-Chair Chang: I'll just start kind of where Commissioner Templeton left off. With respect to,
7 I think there was somebody who suggested that we should exempt landlords who have four or
8 fewer units and I disagree with that. I think we need to collect all the information that we can
9 get because we don't want to cut ourselves off at the knees with this, but depending on where
10 our fees come out because we don't know where they're going to come out. I think one option
11 maybe if we are getting a lot of feedback that the fee of, let's say it's on the higher end, \$200 is
12 for some reason cost prohibitive for a very small landlord, which I don't think it is given again,
13 the relative amounts for fee versus rent in Palo Alto, but if it is, or if we somehow think that the
14 fee itself is presenting a burden. We could always exempt single unit owners from the fee or
15 something like that or make it a lesser fee but we need to keep the penalty probably for all the
16 reasons that have been mentioned today by both public commenters and by Commissioners.

17

18 Question that I have about how this works in terms of the initial registration and then the
19 subsequent registrations because it... so its... how often would somebody have to input their
20 information into the system if they have the same tenant with an annual lease that's getting

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1 renewed? Because if I understand, so [unintelligible] have a hypothetical situation, so say initial
2 registration is every January, but my lease, I'm a renter and my lease renews every June. So,
3 and every year there's a slight rent increase and I have an annual lease. That slight rent
4 increase, if I understand it correctly, triggers a change in event and so that would trigger a... my
5 landlord would have to go the system and update. Do they then have to go again in January to
6 reupdate the system... the reupdate the information at the open period? Because what I would
7 hope we do is essentially say that a once-a-year update is good enough unless there's a change.
8 So, because I would hate to see somebody have to go twice a year when they have one tenant.
9 You know, I have my one tenant for 10 years, why do I have to keep going in here? All I need...
10 everything is staying the same. All I need... all our system really needs is to track the fact that
11 the rent has gone up every single year and I would really hate for us to force the landlord to
12 touch the system another time. That seems silly. The other question... so, that's just a... I didn't
13 know how you guys were envisioning this so that was just a thought that I had.

14

15 And then also, with respect to the fee, I think that... it sounds like the fee was going to be
16 collected annually and so my question was is it going to be collected annually or every single
17 time that somebody needs to touch the system? So, if I have a vacancy and then I fill it and then
18 I have a vacancy again because it was a short-term rental for some reason. They didn't want to
19 rent it for the long term or so whatever it was or so are they... am I going to get charged that

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1 amount every single time or how are you going to administer that? So, these are the questions I
2 have looking at this annual process versus the event change. That's it for now, thanks.

3

4 Mr. Ah Sing: Just to add to that, the fee is annual, it's an annual fee.

5

6 Vice-Chair Chang: I'm sure that's good, what everybody wants to hear and then I think it's just a
7 question of how to streamline it administratively so a landlord doesn't really need to go in if
8 nothing changed. Thanks.

9

10 Chair Summa: Commissioner Hechtman, then Commissioner Akin and then Commissioner Lu.

11

12 Commissioner Hechtman: Thank you, Chair. So, I'm going to start with the... my comments on
13 the registration form and then go the ordinance. So, on the registration form in... I appreciate
14 this is going to be on somebody's computer, they're going to be looking at this. I think it needs
15 to start with a statement from the City regarding the use of the information, privacy,
16 confidentiality and fees. We need some kind of preface and I realize that this is an early draft
17 but I think it's really important for... and some of the Commissioners have talked about the
18 importance of helping the people who are going to have to fill this form out understand why
19 we're asking. What are we doing this for, so I think we can go a long way toward slowing the

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1 whining if we give a good explanation upfront to help them understand why this is going
2 forward.

3

4 Then I'm just working my way down Packet Page 230, we ask whether the owner is a Palo Alto
5 resident. So, one of the things I think is every piece of data here is going to be entered 11,400
6 times a year and maybe more in the circumstances that Vice-Chair Chang was talking about.
7 And then it has to be manipulated by Staff who's gathering and collating data. So, why is this
8 important or relevant that we know that the property owner does or does not reside in Palo
9 Alto and if it's not important, let's get rid of it?

10

11 Then we get a separate section for the property manager and that was reminding me, you
12 know when I go online and buy something, it says where do you want it sent and I tell them and
13 then it says what's your billing address. Click here if it's the same, right and then I don't have to
14 fill it out a second time. So, I would hope that you would do that here with this second
15 category so that people don't have to manually put in the same information twice. And in the
16 property manager section, where they are different, again, why do we need to know if they're
17 Palo Alto residents?

18

19 Down in rental unit characteristics, second category, total number of housing units at the
20 property, I'm just wondering if we need to clarify, is that rental units? Like if I live in my house

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1 and I've got an ADU and I'm renting out the ADU, am I going to answer that question two or
2 one? So, I think that should be clarified so that people don't give you the wrong answer.

3
4 I... let's see, going to Packet Page 232, okay well this is... this will give us something to talk
5 about. So, I'm going to recommend that we take out the information on security deposit, initial
6 rent and additional rent charges. When I think about this, you know I pay a mortgage and the
7 only person that has any business knowing how much I pay a month is my lender. And I make
8 income and the only people that have any business knowing that information are the IRS and
9 the person who writes my check. And I would think that tenants might feel the same way about
10 somebody telling what they pay for housing, particularly, in a situation like in this form where
11 they don't even get to consent to the disclosure of the information because we're just asking
12 the landlord to tell us how much money does the tenant give you. So, I have a concern about
13 that and similarly, we're asking landlords basically to disclose their income and what we've
14 learned from our City Attorney is there is no way to protect that information. So, we'll get
15 11,400 pieces of information like that and somebody can come and collect all of it. So, I realize
16 that if there was a way we could do it and it could stay in the City so that it wasn't publicly
17 available, then it might be useful in amalgamated forms but we don't have that protection. So, I
18 don't think we should be collecting that information. I think that the privacy concerns outweigh
19 the usefulness of doing that and the... when I get to the ordinance.

20

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1 Actually, the one suggestion I have is maybe it's okay if the rental information is supplied to us
2 by the tenant, voluntarily by the tenant. Remember, this requires, the landlord is obligated by
3 law to fill this out or pay a penalty if they don't and so when I get to the ordinance I'll talk about
4 that.

5

6 I liked... yeah?

7

8 Commissioner Templeton: Chair, can I interject real quick and ask a... I just want to ask a
9 clarifying question.

10

11 Commissioner Hechtman: Yeah.

12

13 Commissioner Templeton: So, the question is for Staff but to address your comment. Are you
14 asking those question because part of the purpose of the Rental Registry is to check and see if
15 the landlord is in compliance with the size that a security deposit can't be passed a certain
16 multiple of rent? Is there a purpose to that other than just being nosy about their financial
17 information? So, I think that would help because yeah, thank you.

18

19 Ms. Atkinson: Some of these questions, the topics themselves, there might be a suggestion of
20 an option wheel here or a check box that the software... it doesn't necessarily need to recreate

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1 the wheel in terms of... there can be easy ways of filling in this information and how best to
2 phrase it can be further clarified and so forth.

3

4 But yes, these topics and information (interrupted)

5

6 Commissioner Hechtman: What it makes me think is if that's the concern, for example making
7 sure that the security deposit does not violate State Law in its relationship to the rent charge,
8 then you could ask the question that way. Is your security deposit more than 2.5 times the rent
9 or whatever the number is on a monthly basis? You can ask that. You can ask if your rent
10 increased more than whatever that number is that's allowed by State Law without requiring
11 them to disclose the rental figures. And so (interrupted)

12

13 Commissioner Templeton: Or you can ask them to enter it but not store the information. You
14 could check that in the user interface.

15

16 Commissioner Hechtman: Well, I'm not sure how that... again, if its... if the number... if the
17 dollar amount is delivered to the City, it's a public record that the (interrupted)

18

19 Commissioner Templeton: It doesn't have to be delivered to the City. You can calculate that in
20 the web browser.

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Commissioner Hechtman: Okay so I'm not clear how that would work but this is my concern. I mean I'm open to other solutions. I did like I think it was Vice-Chair Chang's idea to collapse the next two boxes on 232. I mean these things are either included in rent or additional fee or not provided. And so maybe (interrupted)

Commissioner Templeton: [unintelligible – off mic]

Commissioner Hechtman: Yeah, right and so I think there's a way to do that. Again, it makes less work, less cost.

And then the last thing, and this is something Commissioner Templeton raised, number of people in rental unit household. There may be some legal issues in that and I'm wondering if the better... and this is kind of paraphrasing what I think Commissioner Templeton said. What if you change that to maximum number of occupants allowed by lease? Right, because I think a lot of leases say you can have no more than two people or six people or whatever it is and maybe that's as much information as we need or it can lawfully get.

So, those are my comments on the form. On the ordinance, which started on Packet Page 218, on 219 we have the statement of purpose and while it's clear from the context later on, I think

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1 in our purpose statement; the purpose is to adopt a Rental Registry Program for the City of Palo
2 Alto. I think it should say “Residential Rental Registry Program”. Again, it’s clear from the
3 context later on. There is a reference to residents but in the statement of purpose, I think that’s
4 a really place to... a good place to announce it, so that’s a pretty simple one.

5
6 On Packet Page 220, let’s see, Section 9.65.030 C(2), the City Manager, or designee, has the
7 authority to require or request landlords to provide any information which may help achieve
8 the intended purpose of this chapter. So, that really concerns me, that’s a very broad statement
9 and we’re already, just the seven of us, debating what information the City should be asking in
10 a form. And to think the City Manager or designee can go off the menu and maybe not ask
11 every landlord the same question. That concerns me and so I think that there’s a risk of unequal
12 treatment there. And for example, we could agree and the Council could agree we’re not going
13 to ask for financial information but the City Manager, if it doesn’t prohibit him in the ordinance
14 from asking that, he can ask it, so I really think there needs to be... I think we ought to stick to
15 the menu and there needs to be some public process to revise the menu. Now maybe it doesn’t
16 have to go back to Council. You know, maybe there’s a Zoning Administrative hearing or
17 something where changes, tweaks can be made to the form but I really am concerned about
18 that.

19

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1 Next section, event-based registration amendment, so I have the same concern that Vice-Chair
2 Chang had here and that actually, when you look through this, if you don't have a solid tenant
3 who you have year after year, there are years where you will do this five times. Five times,
4 right? Increase in rent, new tenancy, vacancy or eviction, you're going to do one or the other
5 because... and then offer a 1 year, right and that's too much. And again, it is like four or five
6 opportunities for a landlord to forget, they're subject to a penalty and I just think it's
7 unnecessary. I think it should be done once annually and what I was thinking and here's really
8 where the tenant can come in, what if we instead of doing it this way, we obligate it... in the
9 ordinance, we obligate the landlord to give the tenant... every tenant a notice that says hey
10 tenant, we have a Rental Registry and you have the right to provide us information anytime
11 there's an increase in rent or if you're evicted. You can tell us your... basically give them an
12 opportunity to participate and obligate the landlord to give them this notice which would be a
13 form... a notice that the City would design. So, that way I think you can get some of this
14 information where a tenant feels it's important because really part of what we're looking for
15 here is if we feel like... if the tenant feels like they're not being treated properly in their housing
16 situation. This would give them an outlet to do that, so that's a thought I have there.

17

18 Let's see, top of page 221, fees, fees set by City Council, so your Staff Report says that the cost
19 would not exceed cost recovery but the ordinance doesn't say that. The ordinance doesn't say
20 that and so I think if that's the plan the ordinance needs to say that. That the fee is set by

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1 Council but in no event greater than cost recovery, and when you're talking about cost
2 recovery, now we have to start thinking about if we're going to exempt certain groups like
3 BMRs. Well, let's say we've got 100 BMRs and we're not going to charge them, but that's a
4 \$10,000 cost annually. Are we not spreading that among everyone else? So, it's not really cost
5 recovery for those units. It's cost recovery for the overall program, so I think that has to... we
6 have to give some thought about that.

7

8 Ms. Fine: If I can make a quick comment?

9

10 Commissioner Hechtman: Yeah.

11

12 Ms. Fine: The fee section does say for the sole purpose of reimbursing the City of Palo Alto for
13 the reasonable cost of maintaining the records and related administrative systems. So, there is
14 a tie in there to the cost of the program.

15

16 Commissioner Hechtman: Well, okay, I guess I was feeling that language was a little loose
17 compared to the more clear language in the Staff Report. I was feeling comfortable in the Staff
18 Report.

19

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1 Okay, let's see, we've already talked about the privacy section because financial information is
2 neither trade secrets nor proprietary and so in the penalty section, which is these are my last
3 comments. I'm sorry this is taking a while.

4
5 First of all, this needs to be limited to cost recovery too if that's our plan which is what our Staff
6 Report says but the ordinance doesn't unless I missed it again. No, in an amount to be
7 determined by ordinance or resolution. So, but the real concern I have here about the whole
8 penalty concept is the noticing. We've got 11,400 forms that need to be turned in. We don't
9 have that many landlords because a lot of these are multi-unit but maybe we've got 1,000
10 landlords in Palo Alto and I don't think it's fair to penalize one of them if they didn't know that
11 they were suppose to do this. So, how are we going to make sure that they know that they're
12 suppose to do this before we penalize them for the first time? I mean once they're in the
13 system then I don't have an issue but it's really... I think we've got to give some thought to that
14 initial noticing provision. How many letters are we going to have to send out to people to tell
15 them hey, even if you're just renting out your ADU in the back? You're part of this program and
16 that needs to be a good cause if for some reason they didn't get the notice. And so that's going
17 to be kind of a slippery slope but I think it's a concern I have with the penalties, so thank you for
18 indulging lengthy comments.

19

20 Mr. Ah Sing: Sorry, if I just (interrupted)

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Chair Summa: Yes.

Mr. Ah Sing: Have an opportunity to address to... a couple of questions had Commissioner Hechtman? So, we were thinking definitely about the City Manager has for the authority. We were thinking kind of prior to all of this that potentially we could run additions or deletions of questions to the Policy and Services Committee or maybe just Housing Ad Hoc if that goes on. I don't know how long that will go, so that could be an opportunity for the Commission to consider.

And then for sure about, you know penalties and such that we intend to have a soft rollout of the program, so we definitely want to do a lot of outreach. This will require a significant amount of outreach to get people to participate. So, we're definitely understanding, we're not going to out the gate just start penalizing people for not participating.

Chair Summa: Commissioner Akin.

Commissioner Akin: Thanks, I think my concerns was covered earlier so I'll pass.

Chair Summa: Thank you, then Commissioner Lu.

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1

2 Commissioner Lu: I'll just come back with a couple of more thoughts on data fields that may be
3 worth collecting as a kind of throwing it out there for further evaluation and not a clear
4 suggestion. I was looking earlier at the LA County Rental Registration Ordinance and they
5 collect fields on whether there are children under 18, whether a tenant has a disability,
6 whether a tenant is a senior and these feel like very useful... this feels like really useful data to
7 collect as a policy objective and understanding impacts to seniors or schools or people with
8 disabilities. But I also understand it's a particularly acute privacy concern, so I'm not exactly
9 sure how they navigate that. It would be data worth collecting but maybe not if there isn't a
10 privacy mitigation available.

11

12 Also, I'm not sure if tenant safety is a serious concern or like policy topic but there could also be
13 fields on like whether carbon monoxide detector is available, whether a fire extinguisher is
14 available. Things that extensively are required but not obviously always followed and also one
15 potential field on the payments and rent information. It could be useful to collect data on the
16 kind of the initial terms of the rent and the kind of discounts that may have been applied.
17 During the pandemic, a lot of landlords and properties were offering several free months of
18 rent or other kind of abstract sweeteners. So, that they could keep the base rent high as a
19 backhanded way not to have to increase the base rent later and potentially run into issues

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1 there. And that may not be a significant issue but could be data that we consider collecting and
2 beyond that, I'll just throw out a couple comments.

3

4 I generally disagree on the privacy risk of collecting the rental amounts and the security
5 deposit. I think... I mean seemingly a lot of jurisdictions find ways to mitigate the privacy impact
6 and I think the privacy impact is a little bit abstract. There is already public data on the purchase
7 price of someone's home. You can back out mortgage information, the monthly payments
8 there. There's a lot of data that we would leave on the table and a lot of potential policy
9 outcomes that we couldn't really evaluate if we kind of officiate the rent and security deposit
10 into questions like how much... what percent was the rent increased? Or what was the multiple
11 the security deposit compared to the rent and things like that? So, yeah, just some thoughts I
12 wanted to shout out.

13

14 Chair Summa: Thank you. Does Staff... doesn't look like Staff has a response so thank you for
15 that and then we'll go to Commissioner Templeton.

16

17 Commissioner Templeton: Thanks. I know we all want to stay late and talk about rent but you
18 guys are all bringing up great question. So, I want to thank Commissioner Hechtman and
19 Commissioner Lu, especially for those recent comments and I wrote some notes and I
20 remember the other thing that I wanted to talk about.

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1

2 So, first thing is a question to Staff, are we concern about compliance from people who've built
3 illegal units? Yeah, okay, you don't have to answer. I think that's something for you to consider
4 so write that down in your notes and we can talk about that later.

5

6 I think Commissioner Hechtman, we only need to fill in the unit information once. So, the... at
7 the renewal point you're not doing most of this form. You're only doing a portion of this form
8 so it is minimized in terms of effort.

9

10 Utility setup, we can send some of these renter information our during the... when they turn on
11 their utilities. So, Commissioner Lu, to address your question about safety, you can have that in
12 the letter and that also addresses something that Commissioner Hechtman was bringing up
13 earlier to make sure people know their rights.

14

15 And then County data and other data, so get some of the metadata that Commissioner Lu was
16 talking about. We can get that from all sorts of available data sources like the County Voter
17 Registration data will tell you someone's age, sometimes their gender, their nationality before
18 they registered to vote and whether they're a registered resident of Palo Alto. So, I'm not sure
19 some of these we have to ask for. We can... if we need to run a report and get some aggregate

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1 data without having to ask the people that information we can get it from that. So, County data
2 and utility data will give you some of that information.

3

4 I don't know how much of the property information you can get from the County. Only if
5 they're renting a single-family home would you really get that information. I think sometimes
6 the records on apartment buildings aren't good but might be helpful.

7

8 And there was one more thing and now my mind is blank. Oh, about the fees, so I agree with
9 Commissioner Lu. I don't love the idea of publishing and publicizing those kind of what it costs
10 for my house but as a single-family homeowner it's out there and I'm not sure that it has been
11 an undue burden. And so, I'm sure it would be an undue burden on the renters to be able to
12 say this was my security deposit and this was my rent; and what's more, I think in fact it would
13 be very liberating for that kind of information to be available in the Registry to see... for people
14 to... to see who's being fleeced because I should want to know that. So, those are my thoughts
15 as well, thank you.

16

17 Chair Summa: Commissioner Reckdahl.

18

19 Commissioner Reckdahl: Yeah, I understand the privacy concerns but knowing the price that
20 you pay for the down payment or the security deposit and the monthly payment. That's

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1 absolutely essential. We need to know who are we not serving and by knowing what rent is we
2 can see what classifications, what thresholds are not being served by the City. So, I understand
3 it's a privacy issue but that's... the public benefit far outweighs any privacy issue.

4
5 Chair Summa: Thank you. I also I believe that rents are broadly advertised so I don't know why
6 that's so private but I think I see no more lights. I'm not sure if anybody has any other
7 comments or questions. Oh yes, Commissioner Akin.

8
9 Commissioner Akin: Thanks. I want to follow up on something you just said. So, you may be
10 aware of the controversy from last year about a product called Yield Star where people were
11 trading proprietary rental information in order to collude to set rents to higher levels. So, things
12 like rents, deposits, and so forth were managed under the table that way. So, making that
13 information public, it eliminates that problem so for what it's worth.

14
15 Chair Summa: Interesting, thank you. So, I guess we will be looking for a motion at this point
16 and I am thinking... I don't know what Staff feels about the timing but I am thinking there were
17 so many very specific comments that I thought had merit about the form itself. I think forms are
18 very hard. I don't know if this body would like to see the form come back again. I think
19 Commissioner Hechtman might have mentioned that so.

20

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1 Commissioner Hechtman: [off mic] And the ordinance.

2

3 Chair Summa: And the ordinance Commissioner Hechtman mentioned. It... would that work
4 with Staff's scheduling?

5

6 Mr. Ah Sing: I mean we... our direction was to try and launch something by the end of the year.
7 So, it is quite tight as it is, so I... the form I think is separate from the ordinance and there's not
8 really an issue I think with coming back and tweaking that with the Commission. But the
9 ordinance, maybe is there a way that we could get some direction on the ordinance so we can
10 reconcile that with the HRC and just bring everything forward to the Council?

11

12 Chair Summa: I think... it's my feeling, we'll find out from my colleagues, but it's my feeling that
13 we could do that tonight and that it might be good for the form to come back. I thought there
14 were very thoughtful comments about the form. I kind of look at forms and I'm like yeah, I
15 don't want to fill this out because I have no idea how to fill them out because I just think... I
16 always think the questions aren't precise enough so. Commissioner Templeton?

17

18 Commissioner Templeton: I was planning to try and take a stab at making a motion but we have
19 a little bit of discussion that we need to have first it sounds like. So, I would love to know, I
20 thought Commissioner Hechtman's comments were very good. He could repeat them and we

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1 could hear anyone else who had comments on the ordinance. Did you also have some, Chair
2 Summa?

3

4 Chair Summa: No.

5

6 Commissioner Templeton: No, okay so does anyone... could you raise your hand, just a straw
7 poll, if you have comments on the ordinance? Okay, so it's just you and then on the form, I'm
8 going to tell you, since they're going to be developing it in the software. It's really pointless for
9 us to give them more feedback. We don't need to see it again in my opinion because its... they
10 can't produce it in the way it's going to look. So, what if we ask them to come back with it after
11 you've chose your software and can mock it up? Is that too far in the future?

12

13 Mr. Ah Sing: I think we'll have to think about that a little bit.

14

15 Commissioner Templeton: Well, who's going to give you feedback on that form once you've
16 mocked it up to see that it complies?

17

18 Mr. Ah Sing: I think that... you know we're kind of in the Phase One of two of the product. So,
19 Phase One is getting the ordinance through and Phase Two is like let's deal with the software
20 and these questions.

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Commissioner Templeton: If you've want that ordinance, we're going to have to agree on when we get to see the form again because it's all going to be in one motion.

Mr. Ah Sing: I mean we're... our plan is hopefully, knocking on wood here, to get to the Council in August with a contract with the vendor. So, I mean that's I think if we want to maintain our schedule. That may or may change.

Commissioner Templeton: So, what we'll do is we'll give you guidance on what we want to forward to Council for the ordinance and we will ask you once you've chosen the software, to come back as you're developing the form to get some input at the nearest... it's not... we talked a lot about it tonight. We're not going to talk a lot about it when you bring it back. We just want to see it and see if there's any final optimizations we've given you tremendous amount of feedback right? Is that something you're comfortable with?

Mr. Ah Sing: I think that will work.

Commissioner Templeton: Okay, so if Commissioner Hechtman wants to kick it off with his ordinance comments. You can make the motion and I'm happy to second it or I can just say what he said.

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Chair Summa: Please, if you have a motion to make, pursue.

Commissioner Hechtman: Well, I'm concerned that... about trying to do this on the fly because the... you know, I've provided the comments on the ordinance and some of them... they're not like word changes. Some of them are concept changes, like not giving the City Manager or designee authority to collect whatever information they want. And so, I'm having... and we heard some comments from Staff about well how we might be able to fold in some kind of process for that, but we don't know what that is now.

Commissioner Templeton: Okay, when does it go to Council?

Chair Summa: So, they know when they want to get it to Council. I have a suggestion to make, why don't we vote... the ordinance is not very long and you had a few... several I would say, not a huge number, of substantive changes. I don't think adding... we need to vote on adding the word Residential Rentals and why don't we vote on those and then I think... one-by-one. There's just like three and then we can form a motion based on that, or alternatively, you can make your motion with your changes and we can amend it. Either way I think (interrupted)

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1 Commissioner Templeton: I think it's a good suggestion and I'm not sure that we need to
2 separate them. I think really the issue is that Commissioner Hechtman likes to provide word-by-
3 word direction and this is not that scenario.

4
5 Commissioner Hechtman: Yeah and not always. A lot of times in these ordinances we'll give
6 Staff just direction to reshape in a certain way and that's fine. Here, I'm just worried that it
7 might be too vague. So, let me... let's do it this way, let me try a motion, let me see if there's a
8 second and then we can ask Staff if it's sufficient, that they feel like there's firm direction or it's
9 too vague and we can try and tighten it up. Alright?

10
11 Commissioner Templeton: And what he means I think, I'm going to clarify here, what he's
12 saying is will you have enough to take it directly to Council without having to come back here or
13 do you think it's big enough that you have to come back for another chance?

14
15 Commissioner Hechtman: Right.

16
17 Mr. Ah Sing: Understood, thank you.

18

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1 Commissioner Hechtman: Yeah, because the goal would be to give you enough direction
2 through our motion that you don't have to come back because then you can keep your
3 schedule.

4

5 Mr. Ah Sing: [unintelligible – off mic]

6

7 Commissioner Hechtman: Okay so (interrupted)

8

9 Chair Summa: So, you make a motion on part number one which is the ordinance.

10

11 Commissioner Hechtman: Well no, I'm going to do the whole thing.

12

13 Chair Summa: You're going to do the whole thing.

14

15 Commissioner Hechtman: I'm going to do the whole thing, right because multi-part and before I
16 do that, let me just understand. Staff is asking for...actually, you're only asking today for a
17 recommendation on the ordinance to go forward and just feedback on the form and so we've
18 given you our feedback on the form. That doesn't need to be any part of the motion.

19

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1 Commissioner Templeton: [off mic] Only thing about the form... the only motion-relevant part
2 of the form is that they need to bring it back when they've mocked it up in the new software.

3

4 Commissioner Hechtman: Okay, alright so maybe we could just... do you want to just do that
5 first because it's really separate?

6

7 Commissioner Templeton: [off mic] Yes.

8

9 Commissioner Hechtman: Okay, why don't... will you make that motion?

10

11 MOTION #1

12

13 Commissioner Templeton: I move the Staff recommendation that we have provided feedback
14 and that Staff bring it back when they have the chance to mock it up in whatever software they
15 pick.

16

17 SECOND

18

19 Vice-Chair Chang: Second.

20

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1 Commissioner Templeton: Thank you.

2

3 Vice-Chair Chang: So, can I just speak to that a little bit?

4

5 Commissioner Templeton: Sure.

6

7 Chair Summa: Please.

8

9 Vice-Chair Chang: So, I think that for the most part, I mean we did have different opinions a
10 little bit on say privacy but for the most part I am hoping that you got enough... I mean you
11 could sense sort of like the general direction of the feedback for most of the items. And so, if
12 there are questions and you can bring those questions back when you come back to us. Does
13 that work? Do you feel like you got good enough feedback?

14

15 Mr. Ah Sing: Yes.

16

17 Vice-Chair Chang: Okay, great.

18

19 Mr. Ah Sing: I think we did, thank you.

20

-
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1 Commissioner Reckdahl: I mean the one comment I would have is make it really precise
2 language because it makes it hard to fill out a form when you don't know exactly what they're
3 asking and also, it makes it harder for us to interpret the data.

4
5 VOTE

6
7 Chair Summa: So, I believe we should take the vote on that first. Alright, Ms. Dao?

8
9 Ms. Dao: Yes, Commissioner Akin?

10
11 Commissioner Akin: Yes.

12
13 Ms. Dao: Vice-Chair Chang?

14
15 Vice-Chair Chang: Yes.

16
17 Ms. Dao: Commissioner Hechtman?

18
19 Commissioner Hechtman: Yes.

20

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1 Ms. Dao: Commissioner Lu?

2

3 Commissioner Lu: Yes.

4

5 Ms. Dao: Commissioner Reckdahl?

6

7 Commissioner Reckdahl: Yes.

8

9 Ms. Dao: Chair Summa?

10

11 Chair Summa: Yes.

12

13 Ms. Dao: Commissioner Templeton?

14

15 Commissioner Templeton: Yes.

16

17 Ms. Dao: Motion carries 7-0.

18

19 MOTION #1 PASSED 7(Akin, Chang, Hechtman, Lu, Reckdahl, Summa, Templeton) -0

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1 Chair Summa: Thank you for that. Okay, you're up Commissioner Hechtman.

2

3 MOTION #2

4

5 Commissioner Hechtman: Thank you. I will recommend... I move that the PTC recommend to
6 City Council the adoption of the Draft Rental Registry Program Ordinance, adding PAMC
7 Chapter 9.65 in the form of Attachment A with the following modifications. In the purpose,
8 Section 9.65.010, add the word "Residential" before "Rental Registry Program". In 9.65.030 C(2)
9 and D(2), provide more of a process for requiring information that is not required through the
10 registration form to prevent unequal treatment of different landlords. And in Section 9.65.030
11 D, the event-based registration amendments, give some consideration to whether some
12 modification of this potentially repetitious process can be designed,so, that you don't
13 necessarily have to do the annual registration if you have recently done one or more of these
14 other updates along the lines that Vice-Chair Chang had commented on. In Sections 9.65.030 F
15 and 9.65.050 A, revise the language to provide greater clarity that the fee will be limited to cost
16 recovery. And in 9.65.050, the penalty section, I suppose consider adding to Subpart B some
17 reference to lack of receiving notice being good cause for a waiver of the penalty.

18

19 Commissioner Templeton: [unintelligible – off mic].

20

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1 Commissioner Hechtman: First time, yeah, right, notice of the existence of the program
2 requirement is what I'm talking about. So, that would be a first timers' waiver. That would be
3 the motion.

4
5 SECOND

6
7 Commissioner Templeton: I second.

8
9 MOTION #2 PROPOSED AMENDMENT

10
11 Commissioner Lu: Can I make a couple of comments or amendments? A couple of quick
12 thoughts. I'm not sure if you're screen sharing or copying down the exact language so correct
13 me if I didn't get this right but on the comment on making sure that we do not treat landlord
14 unequally. I think we don't want to take that too far in the sense that we could consider lower
15 fees for small landlords or below-market-rate units or ADUs. And I think if we take that too
16 strictly that could kind of constrain us there and so maybe there's some language amendment.

17
18 Commissioner Templeton: What about like to prevent abusive power?

19

-
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1 Commissioner Lu: Yeah, like don't be arbitrary and capricious. I know that's legally a loaded
2 term but something like that.

3

4 Commissioner Templeton: The lawyers are laughing, Commissioner Lu.

5

6 Commissioner Lu: Yeah and I guess another comment is just when phrasing the fees to be
7 entirely related to the cost recovery, I think there is some room for the penalties to be actually
8 have the punitive intent and so if we say it's only related to cost recovery. We don't want to
9 bind in the ordinance oh we can only charge a \$5 penalty because the program is otherwise
10 neutral and it doesn't actually collect... off set the cost of the program as a penalty for instance.

11

12 I would also shout out that (interrupted)

13

14 Commissioner Templeton: Hold on, can you let Commissioner Hechtman respond?

15

16 MOTION #2 AMENDMENTS DECLINED

17

18 Commissioner Hechtman: Yeah, thank you, so your first comment on unequal treatment,
19 recognize that the change I am suggesting is to specific provisions which allow the City Manager
20 to gather additional information. So, it doesn't really relate to... so in other words, you turn in

-
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1 your form, the City Manager calls you up and says yeah you know I'm just kind of curious
2 whether you have any disabled people in our rental unit?

3

4 Commissioner Templeton: Or what's your mother's maiden name?

5

6 Commissioner Hechtman: Yeah or right, so it's additional information, that's what I'm
7 concerned about is that if we're requiring information, it should be... everybody should be
8 required to give the same information and that's my concern with the language here is it would
9 allow the City to ask off the menu and not to everybody. So, I'm hesitant to modify that concept
10 because it's already limited to just requests for additional information.

11

12 Chair Summa: I have a suggestion. Why don't we strike two? Why should a City Manager or
13 their designee be able to ask follow-up what everybody is required to fill out with an individual
14 additional question?

15

16 Commissioner Hechtman: Well, I think and I've seen kind of a similar provisions, I think the idea
17 here is we need a little relief valve. Right, that this is a form that's going to go to Council for
18 approval and we're going to learn as we go along and maybe realize we missed some things and
19 we don't want to have to go back to Council for every nit. And so, I think the concept here is a
20 good one, that we should have a lesser process and my only point here is that we should have a

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1 process, rather than individualized determination of the City Manager and I think Staff gets that
2 from my motion and so I think they can build something.

3
4 Commissioner Lu, your second concept on cost recovery, I... in my work, I do a lot... I represent
5 a lot of people in Code compliance and the way cost recovery works is the Staff we have sitting
6 here, they actually have an hourly rate that basically their salary is... salary and benefits is
7 broken down and when they have to deal with a Code Enforcement issue, that's a charge to the
8 person who's making them... who has violated the rule and so there is no scenario here where
9 somebody's only going to get charged \$5. It's going to or you know, it's going to be at a
10 minimum a few hours of Staff time and so it's going to dwarf the fee which... and I think part of
11 you... your... you know, the punitive nature is kind of present in that because if I just do this and
12 pay the \$220 fee and follow the rules, I'm done, but if I don't do it and Staff spends five hours
13 chasing me, now I've got a \$700 fee, you know it's three times what I would have paid if I had
14 just played by the rules so and I think that will have the effect of (interrupted)

15

16 Commissioner Templeton: [off mic] So, you're not accepting either of his changes?

17

18 Commissioner Hechtman: Correct, long way.

19

20 Commissioner Templeton: [off mic] Okay, just (interrupted)

-
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Commissioner Hechtman: But you had another one, Commissioner Lu?

Commissioner Lu: Oh, I... you had... you mentioned requiring or asking landlords to forward some notice to renters and maybe that's not [unintelligible] language here but a suggestion for Staff to explore.

Commissioner Hechtman: Yeah, so I didn't... I was proposing that as an alternative to the (interrupted)

Commissioner Lu: Oh, that was the form.

Commissioner Hechtman: Repeated event-based registration amendments and I didn't really hear a lot of support for that alternative. So, instead of including that, I followed the Commission... Vice-Chair Chang's thought process of seeing if they could stream... if Staff could streamline that a little bit.

Commissioner Templeton: [unintelligible – off mic]

-
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1 Commissioner Hechtman: That is part of the motion. Yeah, to streamline... think about if there's
2 a way to streamline Subpart D of 9.65.030.

3

4 Commissioner Lu: Okay, cool, that's good to confirm that that's is kind of in scope of that
5 [unintelligible -audio cut out]. So, yeah, I feel good about that.

6

7 Chair Summa: Okay, so (interrupted)

8

9 Commissioner Hechtman: So, then I guess if... I don't need to speak any further to the motion.
10 I'd like to know if Staff feels that the motion gave its sufficient direction that they don't... that
11 they can take the ball and run?

12

13 Mr. Ah Sing: Yeah, I think that they confirmed with my team and we understand it, thank you.

14

15 Chair Summa: I think you have not accepted those amendments. Are there any other
16 amendments or comments at this time? Do you have your light on?

17

18 Commissioner Reckdahl: Yeah, I had the same reaction as Commissioner Lu had about the cost
19 recovery for the penalty waiver or for the penalty. If it is going to be \$700 of Staff time, we
20 certainly aren't going to charge \$700 so it this is even necessary?

-
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Commissioner Hechtman: I think we are going to charge \$700.

Commissioner Reckdahl: You're saying that we should... are you saying that the cost recovery is a maximum or minimum or?

Commissioner Hechtman: No, what I'm saying is when you get into a violation situation, Staff is required to actually track their time to deal with that violation. So, we're going to have these two people, they're going to be working most of the time on administering the ordinance and managing the information. But now they're pulled aside from that work to go chase Bart who's a delinquent landlord and they're going to be asked to track their time specifically chasing me.

Commissioner Reckdahl: Okay.

Commissioner Hechtman: And then I get charged for that. That's the cost recovery.

Commissioner Reckdahl: Okay.

Commissioner Templeton: So, the nuance here and the question that Commissioner Reckdahl asked is, is that the cap, or are required to charge someone the entire of the recovery?

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Commissioner Hechtman: Oh, no, it wasn't... well, it wasn't intended to... it was required to... my proposal is it's a cap.

Commissioner Templeton: Okay.

Commissioner Hechtman: Right.

Commissioner Templeton: [unintelligible – off mic]

Commissioner Hechtman: Thank you.

Chair Summa: Cost recovery... the way I see it, fees and penalties are totally different things. Fee would be cost recovery and penalties are set in a penalty schedule and would be determined differently. And there is a minimum actual for a misdemeanor which is any... most things not following the Municipal Code and Staff can correct me if I'm wrong, but I wouldn't think the cost recovery has anything to do with a penalty schedule.

Commissioner Hechtman: I'm... my motion suggest that it does. In this instance that there is... that the penalty is cost recovery for the cure of the violation.

-
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Commissioner Templeton: What is your intention by tying it to cost recovery is the question?

Commissioner Hechtman: That we not have some... unless we're going to establish a penalty, a \$1,000, \$500, \$10,000, whatever, then we... I think... and again, I'm coming from the Staff Report. The Staff Report said the penalty would be cost recovery and I... to me that makes sense. I'm not a fan of municipalities fining their citizens and so here is your cost... if cost... if delinquent Hechtman is costing the City \$700. Then he should have to pay them the \$700.

Commissioner Templeton: Well, we heard from one of the public commenters that this penalty was required in order to get high level of compliance, so I think it needs to be there. How it's done, the schedule, all that, that's not specified in the ordinance. You're giving it a boundary and that's why I'm okay with it.

Commissioner Hechtman: Yeah, the boundary and the boundary I'm suggesting is the one that Staff is implicitly suggesting in the Staff Report. It just didn't make it into the ordinance.

Chair Summa: Okay, could Staff clarify how they would like to handle cost recovery, (interrupted)

-
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1 Ms. French: Yes, thank you.

2

3 Chair Summa: [unintelligible] fees and penalties.

4

5 Ms. French: My understanding is that the reason it was stated that way in the report was to
6 cover some kind of \$25 fee for processing. That's the cost recovery piece of it whereas the City
7 has an Administrative Penalty Schedule that charges... you know has flat rates for penalties. So,
8 we don't actually track cost recover Staff's time on an individual basis for each case. We don't
9 do that.

10

11 Commissioner Hechtman: So, what's going to happen if I violate this ordinance? What... okay
12 and you find out I didn't send in... I forgot and I'm... well, I didn't forget. I just didn't think I
13 needed to do it and now you had to come catch me and so, do we know what the fine is
14 according to the schedule?

15

16 Ms. Atkinson: The penalty fee for (interrupted)

17

18 Commissioner Hechtman: Penalty.

19

-
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1 Ms. Atkinson: A Rental Registry Program hasn't been set in that ordinance because it's
2 something that would go before Council as part of the overall fees and so forth. So, the
3 ordinance was written in the way that it was to actually allow for the Council fee setting process
4 and so forth.

5
6 Separately, we can speak to the information that was in the RFP for the Rental Registry and
7 Staff specifically... well Staff became aware of the ability for software to have a CRM. And
8 basically, if an annual registration or some other thing wasn't actually submitted or paid or
9 something like that. That the system can actually automatically notify people and automatically
10 assess a penalty fee and things like that. So, there are definitely things that we've asked for and
11 we're... that information and that request was in the Request for Proposals.

12
13 Commissioner Hechtman: Okay, so let me... I'm going to suggest for the seconder (interrupted)

14
15 Commissioner Reckdahl: Can I have a follow-up question?

16
17 Commissioner Hechtman: Oh yeah, I was going to pull it off the table but if (interrupted)

18
19 Commissioner Reckdahl: Oh, no, I mean at first I was suspicious of it but I kind of like it because
20 if then if someone violates it and is corporative. They get a smaller penalty. If someone is not

-
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1 corporative then it ramps it up and it's a much cleaner way, but you were saying for Code
2 enforcement this is common.

3

4 Commissioner Hechtman: But I think I'm learning from the City that that may be true in the
5 jurisdictions that I work in but I'm not... I can't work in Palo Alto and it's not true here.

6

7 Ms. French: That's correct.

8

9 Commissioner Hechtman: But they do it in [unintelligible](interrupted)

10

11 [note – several folks started talking at once]

12

13 Commissioner Lu: I mean I suspect that person-by-person fees would be a little bit of a mess.
14 You know, if there are like 500 people that aren't compliant, having to track exactly how much
15 to charge per each person. It's like I would give Staff the flexibility to figure out an appropriate
16 fee that is reasonable but also gives good incentives so.

17

18 Commissioner Templeton: If I may? I'm not sure that this financial matter is before us.

19

20 Commissioner Reckdahl: Okay.

-
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Chair Summa: Well, it is generally not in our purview. I was just sort of trying to describe, and I think Staff agreed with me, the way penalty schedules are set up. And actually, I do believe Staff has flexibility to not charge the penalty on the first violation across the penalty board because they... and they often do that I've noticed. And that's because they, like Commissioner Hechtman, they don't like to fine the citizens of the city unless it's necessary. So, I don't think we need to worry about that tonight but I don't think we should marry it to the cost recovery concept in the fee.

Commissioner Templeton: I agree, I think he's sold so let's stop... let's take yes for an answer.

MOTION #2 AMENDED

Commissioner Hechtman: Yeah, so I'm going to... I'd like to modify my seconded motion to remove the cost recovery limitation from 9.65.050 A where I had (interrupted)

Commissioner Templeton: Accepted.

Commissioner Hechtman: Okay, so did Staff follow that?

-
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1 [note – unknown female Staff:] Yes.

2

3 Commissioner Hechtman: And to speak to my modification, yeah I think I read too much into
4 the Staff Report comment in that regard and I agree that the setting of penalties is not PTC
5 work. That's for the Council and that's what Subpart A says. It's the penalty will be set by the
6 Council by ordinance or resolution, so I'm okay with that.

7

8 Chair Summa: Does the seconder want to say anything?

9

10 Commissioner Templeton: It's time to vote.

11

12 Chair Summa: Okay, everybody is ready for a vote so call the vote.

13

14 VOTE

15

16 Ms. Dao: Commissioner Templeton?

17

18 Commissioner Templeton: Yes.

19

20 Ms. Dao: Chair Summa?

-
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1

2 Chair Summa: Yes.

3

4 Ms. Dao: Commissioner Reckdahl?

5

6 Commissioner Reckdahl: Yes.

7

8 Ms. Dao: Commissioner Lu?

9

10 Commissioner Lu: Yes.

11

12 Ms. Dao: Commissioner Hechtman?

13

14 Commissioner Hechtman: Yes.

15

16 Ms. Dao: Vice-Chair Chang?

17

18 Vice-Chair Chang: Yes.

19

20 Ms. Dao: Commissioner Akin?

-
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Commissioner Akin: Yes.

Ms. Dao: Motion carries 7-0.

MOTION PASSED 7(Akin, Chang, Hechtman, Lu, Reckdahl, Summa, Templeton) -0

Chair Summa: Yippee, okay, so that completes that item and we'll go onto... I think we have minutes.

Commission Action: Motion by Templeton, seconded by Chang. Pass 7-0
Commission Action: Motion by Hechtman, seconded by Templeton. Passed 7-0

Approval of Minutes

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

4. Approval of Planning & Transportation Commission Draft Verbatim and Summary Minutes of April 26, 2023.

Chair Summa: Do we have minutes? Yes. Okay, so we have approval of draft verbatim and summary minutes from April 26 and if you were not here you have to abstain. So, can I get a motion?

MOTION

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1 Chair Summa: Okay, I was here so I will make a motion to approve the minutes on summary and
2 draft verbatim minutes from April 26.

3

4 SECOND

5

6 Commissioner Reckdahl: Second.

7

8 Chair Summa: Thank you and if any... unless anybody wants to talk about that, we'll just vote.

9

10 Commissioner Akin: I don't recall whether I was here for that day.

11

12 Commissioner Templeton: [unintelligible – off mic]

13

14 Chair Summa: Just need the vote, please.

15

16 VOTE

17

18 Ms. Veronica Dao, Administrative Assistant: Chair Summa?

19

20 Chair Summa: Yes.

-
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2 Ms. Dao: Vice-Chair Chang?

3

4 Vice-Chair Chang: Yes.

5

6 Ms. Dao: Commissioner Akin?

7

8 Commissioner Akin: Yes.

9

10 Ms. Dao: Commissioner Hechtman?

11

12 Commissioner Hechtman: Abstain.

13

14 Ms. Dao: Commissioner Lu?

15

16 Commissioner Lu: 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 6-0-1.

MOTION PASSED 6(Akin, Chang, Lu, Reckdahl, Summa, Templeton) -0 -1(Hechtman abstain)

Chair Summa: Thank you so much and we're almost finished.

Commission Action: Motion by Summa, seconded by Reckdahl. Pass 6-0-1 (Hechtman abstain)

Committee Items

None

Commissioner Questions, Comments or Announcements

Chair Summa: We just have comments and reports and whatever.

Commissioner Templeton: I need to give about an hour of comments and reports. I'm just kidding.

-
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1 Chair Summa: Commissioner questions, comments, announcements or future meetings which
2 we already know, thank you. So, does anyone have anything to report or comment on?

3
4 Commissioner Templeton: I would like to ask are we going to have a summer break? We don't
5 have to decide tonight. We can decide next time but that week that school starts just... it's
6 crazy. So, I'll probably be absent then but I'll send an email to Veronica.

7
8 Commissioner Hechtman: [off mic] What's the date?

9
10 Commissioner Templeton: The first August.

11
12 Commissioner Hechtman: [off mic] The first of August, August 9th?

13
14 Commissioner Templeton: Yeah, August 9th.

15
16 Chair Summa: Eight, nine, I'm generally not in favor of this what I consider a nouveau trend of
17 PTC having a summer break in general but if people want it. You know, if a majority of you
18 want to have a break that's fine. I would think that we would want to coordinate it with Ms.
19 French because she may know when we have a natural break in our schedule.

20

-
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1 Commissioner Templeton: She's taking a break too.

2

3 Ms. Amy French, Chief Planning Official: Who me, a break? Yeah, maybe. I mean if you would
4 like to as a Commission look at a specific date such as August 9th. I'm not opposed to targeting a
5 specific date and you know because then you all can plan some vacations around that date.

6

7 Commissioner Templeton: Well, I think more importantly we want to make sure that we have
8 the full Commission on things that you plan. So, I guess if everybody just says when they're
9 going to be absent but (interrupted)

10

11 Ms. French: That would help, so far we don't have anything specific for August 9th.

12

13 Commissioner Templeton: Yeah, we have June and July, we have some absences. I guess I
14 better get on that planning stuff so. Alright, thanks.

15

16 Commissioner Hechtman: So, I would say as a nouveau Commissioner that I'm okay with taking
17 a summer break. I think at least once and maybe twice we did target that particular first week
18 of school and I don't feel like we suffered in the balance of the year for doing that. So, I'm
19 happy to attend but I would support taking that one off.

20

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1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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1 Commissioner Templeton: I will be, hopefully, out of the country so you can write that down.

2

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

4

5 Vice-Chair Chang: I don't want you to throw rotten fruit at me but I do need to give an update
6 because it was a really busy meeting, month for City Council regarding PTC business. So, after
7 we all did the Housing Element together, then the next week it was some ordinances changes
8 related to ADUs at which came before the PTC I think six to eight different meetings depending
9 upon how you count and so that passed at the City Council. It's everything from the HCD letter
10 comments to basements and privacy and corner lot incentives and all of that. It all passed with
11 a couple of things. I just thought you guys would want to know how it all shook out.

12

13 You might remember the recent discussion that we had about the entryways for ADUs and
14 JADUs and should they face the street or not or have... face the same direction as the main unit.
15 And so, Council actually decided to say except on corner lots where feasible, so they decided to
16 use the where feasible language. Even though it's unenforceable but that's what they decided.

17

18 And then the only thing that unfortunately... well, that's... this is my editorialization, they are
19 sending affordable ADUs back to us again. Even though Director Lait tried mightily as did
20 Garrett to tell them at this has been thoroughly investigated and we've beat the horse and beat

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1 it some more. So, we'll see but Director Lait also was very clear that the priority is to spend
2 Staff time implementing the Housing Element and that... so there is no deadline or timing with
3 respect to when this comes back to us. So, I thought you would all enjoy that little nugget.

4
5 And then, the happy news is that the following week the Firearms... the changes to the
6 ordinance regarding firearms was moved to the Consent Calendar and approved 7-0. So, those
7 are my updates.

8
9 Chair Summa: Thank you so much. Would anyone else like to share anything? No, okay well
10 excellent meeting. Thank you very much and meeting adjourned.

11

12 **Adjournment**

13 10:45 pm

14

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