Call to Order / Roll Call

6:05pm

Commissioner’s Gardias and Riggs absent

Chair Lauing: Ok I’d like to call to order the July 25th, 2018 Planning, and Transportation Commission meeting. And have Yolanda call the roll please as soon as she delivers speaker cards, thank you.

Oral Communications

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

Chair Lauing: Ok the first item of business is oral communications. I think as all of you know... actually, I have a number of cards. As all of you know this is for items that are not specifically on the agenda so I have a number of cards.

[Note - Male: unintelligible - speaking from the audience]

Chair Lauing: We need to have a card but you can give it to us when you come up if you’d like and yeah you can do a card now. And then we move onto respective speakers regarding each of

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
the agenda items. Yeah, I’m just making sure that I’ve got… that they are all oral communications here correctly in no particular order. Mr. Bill Ross are you on... for oral communications? Ok.

Mr. Bill Ross: Thank you.

Chair Lauing: So, I do have a card here.

Mr. Ross: I’d like to comment on a premise that’s been advanced by some of your members that the number of automobiles is going down and that there’s a transition to use of alternative means of transportations and that should serve as the factual basis for some of the policy decisions you make. No matter what area of the Bay or even Northern California you look at from DMV figures, auto registration is increasing. There’s no evidence to suggest that there’s abandonment of cars for some type of alternative transportation. In fact, the evidence is to the contrary. If you look at Caltrans’s reported for critical intersections all of them based on vehicle miles traveled are going up which is different than LOS. It’s an actual indication of more vehicles being at a specific site. It’s also the standard that’s going to be used for allocation of the bridge tolls, not some promise in the ballot. So, I know at least two of you have been advocating that that’s the basis for your decisions. I would respectfully suggest that the empirical data is exactly

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

1. Whether you do it by the City of Palo Alto itself, the County of Santa Clara, the eight Bay Area counties, automobile registration is going up. Thank you.

Chair Lauing: Thank you very much. Next speaker is Alex, I believe it’s Samliy. Ok, 3-minutes.

Mr. Alex Samliy: Members of the Commission I am speaking about the planned or the forthcoming elimination of the President Hotel Apartments by Adventures Journeys Capital Partners.

Just a bit about me I’m a software engineer, I have been living here in Palo Alto for about 6-years and for the 6-years I have walked to work right here downtown. I walk to basically everything I need for my daily needs.

I’m very glad the City has responded to the developer with a request for further review of the sale and conversion of the building. However, the developer is going to keep trying to find loopholes. They are already no longer accepting applications for any tenants in the building and existing tenants have been asked to move out by mid-November. So, it effectively it leaves 75 units of housing already off the market.
There are a number of regulations that raise questions about the conversion of this building from residential to commercial property. I am not nearly qualified to discuss any of them in detail but there are certainly very little housing downtown that’s anything like the President Apartments.

I hope that further review can be conducted into the conversion of the building of certainly for my own sakes as well as for the community that occupies the building right now. Shutting down the President is an example of moving away from dense, walkable, transit [unintelligible] communities that I personally moved here to be a part of. And it’s moving us away in the direction of greater car reliance, great congestion, more traffic, more need for parking, and that’s really not why I moved to Palo Alto to... like that’s not why I moved to Palo Alto for. For many of us at the President, the elimination of the building as housing will mean not just moving away from Palo Alto or from the area but also looking for different jobs else ware because this community is just not quite what we came here for. Thank you for your time.

Chair Lauing: Thank you very much. I’m going to get this one wrong probably, Katja Priess. Next up is Ruth Chippendale.

Ms. Katja Priess: Good evening. My name is Katja Priess and I also live in the President Apartment building. I’ve lived there for 20-years, I’m a single mom and I’ve raised my daughter

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
in that building and in that neighborhood. I own a language school called Language Arts that
I’ve been running out of Palo Alto for the last 20-years and had to move the school as well due
to increasing rent and difficulty to find affordable office space to keep the school running
downtown. I was able to start teaching from the President Apartments and it has afforded me
to continue being part of the community.

I... we really appreciate that the City did step up last week I believe it was. We’re kind of losing
track of what’s happening when because so many events have happened in the last couple of
days but we did appreciate that the City did put a hold on converting the building immediately
into a hotel. And we hope that we will continue to have the support from the City to keep this
building potentially as a place where we as the residents can remain in an environment that’s
workforce housing, allows us to be part of the community, and also not need to commute from
an area back into this area to run our businesses.

So, we’d really appreciate if you would support us to continue being part of the community
within the President Apartment. Thank you for your time.

Chair Lauing: Thanks very much.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

Note – unknown female: (speaking from the audience) Will you turn the mic up, please? It’s difficult to hear.

Chair Lauing: The speaker?

Note - multiple audience members started speaking at once

Chair Lauing: Ok, that happens in the back so we’ll ask them to bring it up.

Ms. Ruth Chippendale: [unintelligent]

Chair Lauing: Ms. Chippendale.

Ms. Chippendale: I’m Ruth Chippendale and I’ve lived in Palo Alto for 61-years. My husband and I moved here in 1957 when you could buy a home with a moderate income, have children, and live a decent life. Now, this is only available for millionaires. How things have changed. For many years Casa Olga on the corner of Hamilton and Emerson was home to many physically and mentally challenged people. Several years ago, it was sold and is now the Epiphany Hotel.

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
The Casa Olga residents all had to leave. Now we are considering selling the President and forcing those residents to leave. At the President, these people are able to rent small units on moderate incomes. If sold the President would go back to being a hotel. Don’t we have enough hotels around here? The Weston, the Sheraton, the Four Seasons, the Epiphany, I think so. Do we have enough housing for folks making a moderate income? I think not. I will approve any action the Planning Commission can make to keep the President open for the people who live there now and for future folks on moderate incomes. Thank you for listening.

Chair Lauing: Thank you so much. Next person is Diane Boxill. Next is Tucker Berckmann.

Ms. Diane Boxill: Good evening Commissioners, my name is Diane Boxill, I am a musician, an artist, and an educator. I’m also a recent graduate of Stanford University. I went to Palo Alto schools as a child including Castilleja. I have been teaching piano lessons in Palo Alto for the past 30-years but I am not a wealthy Palo Altan. I am simply a working professional in Palo Alto with roots in the community. The President has been my home for 30-years. It has also been the place where hundreds of kids and adults from Palo Alto and surrounding areas have come for piano lessons during that time. The President community is diverse in age, ethnicity, and profession but united in the kind of neighborliness that is fast becoming a memory of the past. I would like to thank the City for contributing this past week to our efforts to keep our 6-story,

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

75-unit neighborhood alive. However, it will take continued participation from the City in order to save our community and take an overall stand for workforce housing in Palo Alto.

The issue is larger than those of us at the President and in many ways, we are representative of the 44 percent of Palo Alto who rents. Not everyone who lives in this town owns property but that does not mean that we don’t contribute. For example, my students come to the President for lessons but while their families are in town they shop at local stores, eat at restaurants near the President, and get their hair cut at the President barbershop. It is important that the City protect families, teachers, seniors, and other working professionals who are part of the fabric of this town. The City says that it would like to encourage mixed-use housing in walkable neighborhoods. The President has organically evolved into that kind of community.

I would like to request that you enforce the grandfathering ordinance and make every effort to protect us from a massive monolith that can dispense with us in its wake. I would also like to urge the Commission to allow time so that an amendment can be approved or proposed at the very least to assure new development in downtown does not eliminate residential units. Thank you for listening.

Chair Lauing: Thanks very much. Mr. Berckmann.
Mr. Tucker Berckmann: Good evening. My name is Tucker and I am also a resident of the President Hotel where I’ve lived for about 5-years. President Hotel is under threat. I would like to take a few minutes to explain to you or show you how the President Apartments relate to the Palo Alto Comprehensive Plan for 2030. The apartments are an example of a type of housing that is a key part of this plan. For example, in Policy L -2.3, encourage a mix of housing types to design for greater affordability. Particularly smaller housing types such as studios. Many of our units are studios including the one I live in. Support the creation of affordable housing units for middle to lower income level owners such as school district employees. Several of our residents are teachers. Finally, preserve residential units from conversion to office or short-term rentals. We are a long-term housing situation. Many of the people have lived here for decades.

This community is scheduled to be liquidated in November in favor of a hotel by the new owners. We should respect the business interest of the new owners. Certainly, the City should welcome prosperous businesses which are good community citizens. And in defense of this community, I would like to appeal to the Planning and Transportation Commission to delay those interests until the current residents have been met and until the Comprehensive Plan has been assured. You are calling for the development of small housing and this is exactly the type of housing that is being eliminated by this move. Thank you very much.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Vice-Chair Monk: Thank you very much. Next speaker is Rita Vrhel, followed by Michelle Kraus.

Thank you.

Ms. Rita Vrhel: Good evening. I live on Channing and at 738 Channing recently two to three low to moderate rate housing units were destroyed. At 833 Channing two moderate rate housing units here actually destroyed last week and at 741 Homer five moderate to low rate housing units were destroyed within the last 2-weeks. So, all of these units which are either nine to ten units have been destroyed within the last 3-months. They are within walking distance of my home. I have not ventured out to see what’s going on in the rest of Palo Alto but I would imagine that similar circumstances are occurring. Roberta Ahlquist at City Council within the last several months discussed the amazing and increasing loss of low to moderate units; ADUs, apartment buildings, etc. So, I’m just wondering how the City Council and I know you’re not the City Council but I know that you’re appointed by the City Council, can be so pro-growth for housing and yet allow this to continue to happen?

We are basically ruining, in my opinion, Palo Alto by allowing only the richest to live in our fair community. As the other speakers have so eloquently stated, diversity, economic, and ethnic is a part of any vibrant community. I would really appreciate if the Planning and Transportation Committee [note – Commission] could show some leadership in this area and begin the discussion of how can we talk about new housing for moderate to low rate renters when we

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

Theresa: Keep destroying the housing that we already have? What happens to these people? And this probably does relate to the President Hotel but I know we’re not supposed to talk about that until the topic is brought up.

Please hear our plea and discussion a moratorium. I own my own house, this doesn’t involve me, I got in early, I’m fine but every day other people are being evicted and have to leave our town. Thank you very much.

Chair Lauing: Thanks very much. Michelle Kraus followed by Art Keller.

Ms. Michelle Kraus: Hi, I am Michelle Kraus, and I’m a tech exec and I do a great deal of work in transportation on the future of transportation. I live in the President Hotel Apartments. I work there, I thrive there. We’re going to urge you to continue your leadership. Jonathan Lait, thank you. Thank you. You’ve upheld the ordinances, you’ve spoken up, you’ve risen up. This really is a fight for the sole of Palo Alto and for Silicon Valley. You have ordinances on the books, you’re going to be discussing caps tonight, we urge you to go forward, to continue, and we applaud you for what you’ve done so please join us. We have formed a tenants’ group and Diane believe it or not it is over 44 percent. It’s close to 50 percent. There are people in this town don’t own, that didn’t have the luxury of building 30-years ago, being the wife of, the divorcee of or cashing out. So where do they go? Where does... where do people live? In our building, we have

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
nurses, doctors, lawyers, entrepreneur, and this is not indigent in any way shape or form. AJ Capital talks about concurring space and taking white space and making it meaningful. We have a great deal of meaning, we are the sole of Palo Alto and thank you for what you’ve done. Just keep running and we’ll join you.

Chair Lauing: Thanks very much. Arthur Keller.

Mr. Arthur Keller: Thank you. So, it’s clear that we have inadequate renter protections on the books. There was a Colleague’s Memo before the Council late last year and among others Council Member Wolbach voted against it. And it basically... it seems incumbent upon the Planning Commission to initiate meaningful renter protections which because the other Colleague’s Memo did not prove appropriate protections for existing residents. So, it’s incumbent upon you, Commissioners, to initiate on your own motions the process of having renter protections to protect existing residents living here because they are not offered one-year leases. They’re being kicked out on November 12th and that’s not being changed for the President Hotel Apartments.

Also, we need to think about existing... as was mentioned by another speaker early. We need to protect the existing housing units. There’s a lot of housing units that are less expensive but... and then... it’s not that they’re affordable because they’re subsidized. They’re affordable...
because they’re... by design they’re small and I think that... and they’re also old. When you create new housing, even if it’s small, it’s going to be more expensive. And the idea that the VTA lot for example housing which is smaller that will have no parking and using President Hotel Apartments which has no parking. That’s not an apt comparison because most of the people living in President Hotel Apartments, in fact, do have cars and they get RPP Permits to park those cars. So, you know... and they can park them at night anywhere so that’s an issue.

Finally, one of the things that you might be interested in is that I heard on the radio that two county... two supervisors from San Francisco are actually initiating an ordinance to prohibit office space from... in the commercial areas from having internal cafeterias. Now it may make sense for internal cafeterias in the Stanford Research Park. It does not make sense when all the touting of business being good for restaurants for places like Palantir to have a former copy shop to be a restaurant. So, we should think about basically prohibiting office space downtown from having their own office... from having their own cafeterias and require them to compete with... to basically provide patronage to the downtown restaurants. So, I would encourage you to think about that as well. Thank you very much.

Chair Lauing: Thank you. Thank you I have a R. Ahlquist, R. Ahlquist.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Ms. Roberta Ahlquist: My name is Roberta Ahlquist, I have lived in Palo Alto since I received a scholarship as an undergrad and grad student to go to Stanford in the 60’s. At that time, I was a tenant in the downtown area and was one of the founders... and I’m sure many people aren’t aware of this because this is history back a bit but I was one of the co-founders of the Palo Alto Tenant Union. We actually had a tenant union because this City allowed Wells Fargo on the block of Hamilton and Cowper and Webster to tear down I think it was 14-units of low income, low moderate-income housing. We stood up in front of bulldozers to try and keep that housing for our neighbors. We lost that battle but we also had a battle on Channing and Webster and Middlefield and Lincoln. We won that battle, we got Webster Woods. That was low-income housing and it continues to be today. We need to save the existing low moderate-income housing. There’s very little low-income housing in the City today and if you survey anyone around you... I’ve surveyed informally many of the people who work for the City including police people, fire people. They can’t afford to live here, let allow people at Trader Joe’s who I... I went and talked to ten of them today over here in the Town and Country Shopping Center. None of them but one who works part-time there who’s living with his mother can afford Palo Alto. We need a moratorium while this existing housing continues to serve the community until there’s replacement housing for these people.

I speak on behalf of the Women’s International League for Peace and Freedom who has a low incoming housing subcommittee. You must do something to save the existing rental housing.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
We were successful with Bona Vista, we can do it again with the President and on Hamilton, there’s another big project going up at 430 Forest. AAA was replaced by housing. Do you know how much a 2-bedroom unfurnished apartment costs at 430 Hamilton... Forest? How much?

[Note – Female: unintelligible – speaking from the audience]

Ms. Ahlquist: That’s exactly right, $7,800 per month. That’s absurd. Thank you.

Chair Lauing: Ok thank you. That is all the cards that we have for oral communications.

**Agenda Changes, Additions, and Deletions**

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

Chair Lauing: Looking at agenda changes, additions, or deletions. I understand that the agenda order went out incorrectly. Do you want to speak to that?

Mr. Albert Yang, Senior Deputy City Attorney: Just to explain, the printed version of the PTC’s agenda was correct but for a time the online version had Items 2 and 3 switched. That’s been corrected and I think the agendas at the back of the room are correct now as well. So just to be clear Item 1 is the Assistant Director’s report, Item 2 is the public hearing on the proposed ordinance, and Item 3 is a discussion of PTC’s by-laws and procedural roles.
Chair Lauing: Ok thank you.

City Official Reports

1. Assistant Directors Report, Meeting Schedule and Assignments

Chair Lauing: So, we’re going to go to the Assistant Director’s report and Mr. Lait is on vacation so Amy why don’t you introduce yourself and take it away for a Staff presentation.

Ms. Amy French, Chief Planning Official: Sure, I’m Amy French, I’m Chief Planning Official, and I’m standing in for Jon Lait who is on vacation. So, let’s see, we would be looking at future meeting dates? Does anyone have any questions about that? Upcoming meetings? We have a canceled meeting on August 8th and back again on August 29th.

Chair Lauing: Ok, are those the only items to report?

Ms. French: Well those are the most pending meetings coming up. There’s a Council meeting coming up on Monday.

Chair Lauing: Ok.

Vice-Chair Monk: I’m sorry, Ms. French, did you say that August 8th is (interrupted)

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

Vice-Chair Monk: Thank you.

Ms. French: So, the next meeting after tonight’s meeting of the Planning and Transportation Commission is on August 29th. And there’s several items noted therein on Packet Page 6.

Chair Lauing: Ok that’s (interrupted)

Ms. French: And Jon Lait will be back for that meeting.

Chair Lauing: Ok so that concludes your report. You don’t have any other announcements, right?

Ms. French: That concludes (interrupted)

Chair Lauing: Ok just wanted to make sure that you had time to give a report.

Study Session

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

There are no study session items.

---

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

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

2. Public Hearing: Recommend that the City Council Adopt an Ordinance Amending Chapter 18.18 (Downtown Commercial District) of Title 18 (Zoning) of the Palo Alto Municipal Code to Repeal Section 18.18.040 Regarding a Nonresidential Square Footage Cap in the CD Downtown Commercial Zoning District to Implement and Conform to the Updated Comprehensive Plan. CEQA: Comprehensive Plan Environmental Impact Report (EIR), Council Resolution No. 9720

Commission Action: Motion made by Commissioner Waldfogel to Recommend Council reject staff’s proposed ordinance, motion seconded by Chair Lauing (friendly amendment by Summa). Motion passed 4-0-1 (Waldfogel, Monk, Lauing, Summa. Alcheck abstained, Gardias and Riggs absent)

Chair Lauing: So as stated the next item on the agenda is Item Number 2 as printed here and that’s a recommendation on an ordinance amending Chapter 18. And I believe we’re going to have a Staff presentation on that as well from (interrupted)

Ms. French, Chief Planning Official: Yes, hello again. I’ll introduce Elena Lee who is going to be presenting the PowerPoint she prepared.

Ms. Elena Lee: Thank you Chair and Members of the Commission. So tonight, the proposed repeal of Palo Alto Municipal Code Chapter 18.18.40 is a direct outcome of the Comp. Plan update and per specific Council motion at the January 30th, 2017 Council hearing on the Land Use Element.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
So PAMC 18.18.40 provides the following should certain thresholds be met. First of all, this code chapter involves all non-residential floor area. That would be office, retail-like, not just office and R&D. So, at 350,000-square feet of non-residential development and as of now we have about 25,000-square feet left. Chapter 18. 18 would be repealed and a 1-year moratorium accepting and processing applications in the CD District and the City would study new CD District regulations.

So, at the January 30th, 2017 City Council hearing on the Land Use... the draft Land Use Element the Council directed that the final Comp. Plan policy be focused on office and R&D uses, that it be applied (interrupted)

Chair Lauing: Yeah, just go a little bit slower for us.

Ms. Lee: Sure, sorry about that.

Chair Lauing: Thanks.

Ms. Lee: Ok so at the January 30th, 2017 hearing the final draft... the City Council actually directed that the final draft Comp. Plan includes a revised policy that focused the cap on all

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
office and R&D uses only. It would apply City-wide rather than the 9 monitor subareas and it would also require annual monitoring to assess the effectiveness of the development requirements and to determine whether the cap and development requirement should be adjusted. In addition, the Council also directed Staff to make permanent an Annual Office Limit Ordinance of up to 50,000-square feet per year for office and R&D uses only separate from the Comp. Plan update in the downtown, Cal. Ave, and El Camino Real area. Thirdly the Council directed Staff to eliminate the Downtown Cap found in existing Program L-8 and to focus it on monitoring and development and parking demands.

So, the previous policy and program are shown here on this slide and in this... under Policy L-8, that second item, it shows that the Comp. Plan stipulated that we have them limit of 3.2 million-square-feet of new non-residential development in the 9 planning areas as evaluated in the 1989 Citywide Land Use and Transportation Study. And so that would be focused on 9 planning areas that include downtown, Cal. Ave, Research Park, amongst other areas. The associated program specific to downtown said that new non-residential development, again this includes retail as well, in downtown would be limited to 350,000-square feet or 10 percent above the amount of development existing or approved as of a May 1986 study. And then this limit would be reevaluated when the non-residential development approvals reached 235,000-square feet which happened around 2012.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
So after... through the Comp. Plan update consistent with the January 30th direction the City adopted... City Council adopted new Policy L1.10 which states... said that we should have a City-wide cap of 1.7 million-square-feet. That would be the remaining from the 3.2 million that was identified earlier and that would be for office and R&D development only. Exempting medical uses such as SUMC and then that we would use a January 1st, 2015 as a baseline. In addition, we would monitor development towards a cap on an annual basis and require the monitoring to determine the effectiveness as well as looking at specific measurements to make sure that we are complaining with the policies. And note again that this cap applies only to office R&D so the cap would apply for example if someone converted an office use or sorry, convert a retail use into an office use. Previously under the old Comp. Plan as well as 18.18... Chapter 18 currently, if somebody converted retail to office space that wouldn’t count against the cap. So that is a difference between the two so that would definitely capture any potential retail uses that would want to convert to office space. So, the associated Program L10.1 stated that we should reevaluate the cumulative cap when the amount of a new development reaches 67 percent or 1.139 [note- 1,139,000 slide]. And then concurrently we would consider removing or other potential changes to the cap.

So, concerns have been raised by the members of the public that this repeal... proposed repeal is inconsistent with the recent direction. This ordinance would bring the Zoning Code into consistency with the recently adopted Comp. Plan. The Comp. Plan also includes provisions for

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
regular evaluation of the cap and a program for the coordinated area plan for downtown. Other policies and programs were also adopted with the Comp. Plan that provides the City with great tools to address development. Including new TDM requirements with required reductions in ranging from 45 percent reduction downtown as well as up to 20 percent elsewhere in addition to the update to the Transportation Impact Fee.

So, in summary, Staff recommends a repeal of Chapter 18.18.40 because its consistent with the Comp. Plan update as well as the January 30th motion from City Council. So, the PTC may recommend for or against this ordinance or may continue the hearing to a date certain or uncertain. If the PTC recommends Council adoption or recommends against or against the ordinance, Staff will forward a draft ordinance to the City Council for their review and action. However, if the PTC continues... chooses to continue this item to a date certain or uncertain we would return with this item later that... at that time. This concludes Staff’s report.

Chair Lauing: Amy did you have anything to add? No?

Ms. French: Not at this time.

Chair Lauing: Ok.

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

Chair Lauing: I think if we want to... if there are any prudent preliminary question from the Commission to Staff we could do that and then we want to go to public comment. Any questions? No? Ok. Commissioner Summa.

Commissioner Summa: Thank you. Thank you for the report and thank you for everyone in the public for coming out tonight. I have a couple questions and I know that as of January 2017 the cap I believe... the square footage, the commercial count was at 317,000. And I have a question because there’s some confusion in the Municipal Code. It says that it's supposed to capture... count square feet and I think that... and so I’m wondering if you have been calculating that number counting square feet or FAR because in not all cases are they the same?

Ms. French: So square footage is known as Gross Floor Area. The Floor Area Ratio is when that Gross Floor Area is divided by the lot area so when we talk about square footage that’s kind of interchangeable with Gross Floor Area or/and square footage.

Commissioner Summa: But we wouldn’t be counting footage that is exempted from being counted.

---

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Ms. French: So yeah in the Stanford University Hospital area, that medical office is not counted into the cap.

Commissioner Summa: Oh, sorry I wasn’t clear. I mean square feet that exists in a given building but don’t count against the FAR and I’m wondering if there was any idea how much of that there might be that maybe should be included in the number? I have a couple questions about the count.

Ms. French: I don't really have an answer for that. I’m not prepared for that question.

Commissioner Summa: Ok.

Ms. Lee: So actually, if I may? So, I think there are multiple items that we are evaluating for that we monitor on an early basis. So, for... so I think the... for Program L-8 there was a specific way we count versus for example the Annual Office Limit. So, in this case, we are compliant with the limitation within Program L-8 and we are counting all the square footage that would be applicable for this particular but we can certainly come back with more detail if you need it.
Commissioner Summa: Ok I was just curious and then do you know where we are now because I’m sure there’s been some commercial development downtown since January of 2017 and we didn’t have that number in our report?

Ms. Lee: Actually, I do have that number. I’ve been having some technical problems.

Commissioner Summa: You can let me know later... you can let us know later when you find it. And then this is a small thing but I notice that a lot of buildings downtown have converted basement which was typically used as storage or warehouse to office and I’m... I have no idea how many. I know it’s come up before at Council and maybe even from me actually. Do we have any idea if that’s included in the square footage? The downtown non-commercial... non-residential?

Ms. French: So, I believe this is the case if it had been counted towards the parking assessment roles. In other words, some basement area has... have been used for offices etc. and if that area was counted towards the parking assessment district as existing then it would have been included in the existing floor area in town.

Commissioner Summa: Ok. Ok, thank you that’s if for now.

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

Vice-Chair Monk: To follow up on Commissioner Summa’s question regarding count, if hypothetically Staff... I guess my first question... preliminary question is given the fact that we’ve heard from a lot of concerned residents over the President Hotel. Has that space already been accounted for in the Square Footage Cap?

Ms. Lee: It... no, it counts as... it... except for the ground floor. The ground floor is retail and the above floors are residential so the residential units would not count against the cap.

Vice-Chair Monk: I see so if hypothetically there was a conversion, that then would trigger application towards... with the cap? With the rules for governing cap, correct?

Ms. French: If we received an application for modification to that building that you’re bringing up, that hotel building, the President Hotel, then it would be looked at as far as that goes. You know we have a maximum of 25,000 left I believe in the Downtown Cap so if they were to come forward, grandfathers’ facility aside, then there would be an issue with the amount of remaining cap area.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
1. **Vice-Chair Monk:** Ok and then on that same hypothetical, if we were to remove the cap then we’re looking at the City-wide cap and the 50,000-square foot cap. Where would that building fit? Would it still be precluded from a conversion based on the square footage or is it... wouldn’t it exceed the 50,000-square foot limitation that we currently have in any event?

2. **Ms. French:** Yeah that’s a... the 50,000 Annual Cap is related to office, not all commercial. The Downtown Cap that is in this code that we’re talking about tonight is related to call commercial, not just office and R&D. Whereas the 50,000 Annual Cap Citywide or in those areas is related to office R&D.

3. **Ms. Lee:** And also, the 1.7 million that is in the new Comp. Plan would also be office and R&D. So, if the hotel was converted to an office R&D use that would be counted towards the annual limit. Of course, if the previous Comp. Plan was still adopted... is still... was still effective then a conversion from if say for example the hotel existed and it was already hotel. It could convert to any non-residential use and it would not count against any cap.

4. **Vice-Chair Monk:** I’m sorry could you just repeat that?

5. **Ms. Lee:** So basically, under the old Comp. Plan the cap was for all non-residential uses. So, you could go from commercial... you could go from retail to office and there’s no cap. And there’s

---

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1. Vice-Chair Monk: Ok and in regards to that removal of the Policy L-8, was that recommended by the Citizens Advisory Committee?

2. Ms. French: I believe it was.

3. Ms. Lee: Actually, so the way the Comp. Plan CAC process worked was that there were multiple policy recommendations made by the CAC so that was one of the options. They didn’t have a strict recommendation by the whole CAC for Land Use policies... for... specifically for the Growth Management Policies.

4. Vice-Chair Monk: Ok and then does our vote tonight on updating the code with this new ordinance whether we vote year or no on it, how will that impact this... Hotel President?

5. Ms. French: The Hotel President is related to the existing code, not this code per say. The Grandfathered Facilities Code that says if there’s a grandfather’s facility that is non-complying in the downtown CD then that it can continue with its existing conforming use. Which it is a
conforming use, mixed-use, you know housing and retail but yeah so that’s what that code is about. That’s the code that the City has alerted the new owners that this is in effect and applicable to that property.

Vice-Chair Monk: So, you’re referring to the code I think it’s 18.18.120 which handles the grandfathers which is not before us tonight.

Ms. French: Correct.

Vice-Chair Monk: And what is before us tonight whether we vote yes or no or modify it in any way will have absolutely no barring or impact on existing residential use in the downtown?

Ms. French: It has an impact on if their conversion where allowable to one of the commercial uses and we were going past 25,000 which is what’s left then it would have an impact. There may be other properties that are interested in adding square footage beyond 25,000 and so this code section doesn’t allow those projects to go beyond 25,000. You know office, retail, any commercial.

Vice-Chair Monk: So, the new owner technically if this date on the books could bifurcate and convert up to 25,000 K or whatever we have left on under this cap?

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Ms. French: If somebody wanted to come forward and it wasn’t a grandfather’s facility and they wanted to convert then yes, they would be subject to a cap.

Vice-Chair Monk: This current cap that we’re looking at tonight?

Ms. French: This current cap, yes. If the cap was removed then an existing facility that was not a grandfathered facility could... you know as long as it’s allowed by zoning could convert but then that would go towards the 25,000.

Vice-Chair Monk: But this current property that we have the community out and discussing tonight, although it’s not related to this specifically, that property does not fall within that zoning that you’re referring too?

Mr. Albert Yang, Senior Deputy Attorney: So that property is a non-conforming facility and so there is an entirely separate section of the code that applies and restricts its uses.

Vice-Chair Monk: Ok and I just want to confirm that any action we take tonight, I would like to know what our actions tonight will impact or not impact to and to what extent with existing properties downtown so that’s where my questions are coming from. Thank you.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: Do you... yeah, I want to get some comments from the public. I’ve got quite a few cards. I’m sorry, Commissioner Alcheck.

Commissioner Alcheck: Ok I just want to ask you a quick question sort of following up on what Commissioner [note- Vice-Chair] Monk (interrupted)

[note-female:] [off mic-speaking from the audience] We can’t hear you.

[note- several audience members started talking at once]

Commissioner Alcheck: Don’t worry, I’m getting there. Warming up. Let me follow up on what you just said to Commissioner [note- Vice-Chair] Monk. You have a recently enacted Comprehensive Plan which replaces the Comprehensive Plan that supports Chapter 18.18.040. And you have recent Council direction in the form of a directive that suggests enact a 50,000-annual limit, that’s changed a little bit over the course of the year and delete this downtown specific cap. Are you suggesting that a parcel owner that came forward with a project that exceeded 25,000 which is what we presumably have left would somehow be denied? And I ask that question because when I put my land use attorney cap on it suggests that you’d have two conflicting code directions and I would assume based on my experience that a court of law, if it

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
got litigated, would rely on the more recent code language and the even more recent Council direction to eliminate the conflict. So, I’m asking if for example we recommended not changing this code section or deleting it and Council agreed with that decision would this not be indefensible? Wouldn’t you be stuck because we’ve just essentially created an annual limit of 50,000 that contemplates double what a much older 30-year old law allows? I see a problem here and I need to understand how you think it at least from a legal perspective.

Ms. Yang: So that’s something that we would look at if and when that situation arose but Staff’s recommendation tonight is that PTC recommends adoption of this ordinance which would remove the cap and that potential conflict that you described.

Commissioner Alcheck: So, it’s… ok. I guess what I’m… I can fully appreciate the legal department’s desire not to openly discuss a legal vulnerability. That’s fine, I won’t push you to do that but I’m going to assume that your recommendation that we delete this is an effort to eliminate a conflict that might be indefensible unless you tell me that it’s not. I’m not… again I can fully appreciate you’re desire not to get into it because people are listening but I… it sounds to me like the legal department’s hands would be tied with this 25,000 remainder with all of the action Council has taken and the new Comprehensive Plan.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Ms. Yang: Again, I think that’s something that we would look at if and when it came up. I would note that the 50,000-square foot cap that you mention does apply not only to the downtown but also to a few other areas in the City. So, in that sense, there is not a head-on conflict (interrupted)

Commissioner Alcheck: Right.

Mr. Yang: Between the two policies.

Commissioner Alcheck: Right, ok, that’s sort of the extent of my questions for Staff.

Chair Lauing: Commissioner Summa

Commissioner Summa: Thank you. Just one more and I thought maybe what Commissioner [note-Vice-Chair] Monk was trying to get at and forgive me if this wasn’t what you were trying to get at. Are there other residential buildings existing in the CD district that if we eliminate the cap will be vulnerable to be converting to commercial uses? I’m not… I can think of one maybe but do we have any idea of how many of those there are?
Ms. French: I mean there’s a number of mixed-use buildings, larger buildings downtown that contains residential that are in the CD Zone. So, I mean I can’t think of any that use to be a hotel I mean if that’s what you’re (interrupted)

Commissioner Summa: No, I’m not... that’s not relevant to my question actually. It’s just do we have an idea... if we eliminate... take the... recommend eliminating the Downtown Cap L-8, I mean not... 18.18.0... whatever it is but if we do that are there... do we have any idea how many other residential units or residential buildings there are in the CD Zone that could be converted to a more lucrative purpose which is office commercial?

Ms. French: I mean for one thing the existing Zoning Code for CD has a limitation on the square footage so for instance if you had a mixed-use building that had 1 to 1 FAR for... Floor Area Ratio for commercial and somehow 2 to 1 for... existing for residential. Could they convert and have it all be 3 to 1-floor area for office? I mean I don’t... that would be a tough one too because that would be kind of non-conforming. A non-complying facility that you’re changing the use in so we might be in that same similar situation about conversion of use inside a grandfathered building. I’m just trying to kind of throw out a hypothetical. This (interrupted)

Commissioner Summa: Ok so it sounds like... I mean that’s not exactly what I was asking. I was really trying to get some idea of potentially how much... I mean I think we’ll all agree that office

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: Ok let’s move to public comment. We have quite a lot of speakers, welcome you all for participating in the process and I’d like to do 3-minutes per speaker given the size of the group. So, the first one up and this is speaking to the hearing on adoption of the ordinance omitting Chapter 18.18 is Joe Hirsch and next is Suzanne I believe it’s Kek.

Mr. Joe Hirsch: Thank you. I am Joseph Hirsch, a member of the Palo Altans for Sensible Zoning Steering Committee which has authorized me to make the following statement on its behalf. Now withstanding Council’s prior actions, it may be the time given what is known now to give Council a different recommendation on this item than what they might expect. City Staff and some of you, maybe all of you, have spoken out about encouraging below moderate rate housing throughout the City, particularly in the downtown area. It is our suggestion that whatever action you take tonight you should be extremely clear about the effect your recommendation will have on Hotel President Apartments and other similar properties in the downtown area. You should be very clear if the action you recommend tonight will make it easier to convert current rental apartments to either hotel rooms or luxury apartments. If you

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
do that the Palo Alto community will be fully advised as to what is happening. They deserve that and you do deserve to be fully clear with the people you serve.

From our perspective, we urge you not to be apart of a process that will, in essence, evict the tenants of the Hotel President Apartments. Some of whom have been living in downtown Palo Alto for long periods of time. Accordingly, we suggest that you recommend retaining Section 18.18.040 and its non-residential development cap which is different than an office R&D cap. Given the adverse consequences, we now know will result if the non-residential development is unfortunately repealed. That is if repealed one barrier to the tenant’s eviction will have been removed. Is that what you want to recommend? We urge you to take a stand that will help preserve below moderate rate housing in the downtown area by recommending retaining the non-residential development cap. We need your leadership in view of changed circumstances. Thank you for considering this request which as I noted before is being made on behalf of Palo Altans for Sensible Zoning. Thank you.

Chair Lauing: Thanks very much. Suzanne Kek? Keek? I’m not getting it correct, you’ll help me out.

Ms. Suzanne Keen: Suzanne Keen. Good evening. I have never... I never knew about Hotel President and the wonderful community that live there until all this came up. I am actually so

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
thrilled that we have a group like that and that we can continue the ordinance as it is and support this kind of diversity with such vulnerable people that we need in our community. So, I hope that you will keep the ordinance as is and protect vibrant communities as is. Especially since we seem in Palo Alto think we need to build more below market rate housing and as somebody who else spoke said, this is... if you build new it’s nowhere going to be so much more expensive than keeping something old that is working. Thank you.

Chair Lauing: Ok thank you. Robert Moss.

Mr. Robert Moss: Thank you, Commissioners. I agree with Joe Hirsch and I think it’s essential that we retain Section 18.18.040. As you know we have a jobs/housing imbalance in Palo Alto. We should be doing everything that we can to preserve housing, especially lower-income housing, and everything we can to prevent housing or housing type uses from being converted to offices. We should [unintelligible] a proposal for downtown right now would do. Now I have happen to be very familiar with the President Hotel. When I first started working in Palo Alto in 1971 we couldn’t sell our house in Rancho Costa Verde so for 2-years I lived at the President Hotel during the week and on Friday I’d fly home to LA and on Monday I’m back up to San Francisco. Fortunately, we’ve been able to live in Palo Alto since 1973. Only 45-years, I’m a newbie here so I think if you retain 18.18.040 you are saying that you are retaining the kind of low capacity development that we need downtown. We're supposed to be encouraging

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
downtown residential and discouraging increasing office use. If we allow the existing elimination of 18.18.040 all that goes away. So, I think it’s important for a number of that we preserve that and we do everything we can to preserve housing. Especially small lower cost housing downtown so I would urge you to act effectively tonight and don’t allow the conversion and don’t allow removal of 18.18.040.

Chair Lauing: Thank you. Arthur Keller.

Mr. Arthur Keller: Thank you, Commissioners. So, there was an interesting blub in the Weekly, which I’m going to paraphrase, of Mayor Kniss’s quote. And she said it’s hard to get City employees because it doesn’t have the same cache as it uses too. Well, it actually doesn’t have the same cache as it uses too and part of the reason for that is because prices are... of living in Palo Alto are going up and up and up. And why is that? Because we keep on building more office space and there’s a push for office space and not enough push for housing. And as a result of that, we are now... you are being asked to remove one of the caps which has been in effect since 1989 and that cap is on an amount of non-commercial downtown. So, I’m wondering if this the right time? Why is... why are we rushing to do this? The Council did recommend removal from the Comp Plan of this policy but that’s not the same as recommending removal from... actually having a policy or program to remove it from the Comp... from the ordinance. And so, we don’t actually have a recommendation removing the

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
ordinance from the actual motion that was made by Council. And in fact, the motion talked about monitoring development and parking demand. Where are we... wherein the Staff report does it talk about monitoring development? Where in the Staff report does it talk about parking demand? Nowhere and there for doing this instead of... it does not make sense when we’re not doing the things that even the motion talked about doing in concert. In addition, we should be talking about traffic because we increasing are seeing going through downtown, going on University Avenue, going on Willow Road, going on Middlefield Carmageddon. So, we need to think about traffic impacts. People talk about traffic being bad. We should... I don’t recall the CAC specifically making this an option for the Council to consider. I think it was on the Council’s own motion.

And also, why are we rushing through this? Is this because we’re removing one barrier for the President Hotel Apartments? It seems to be suspicious that that might be a cause. We should wait until new TDM evaluation is done and see how that’s unintelligible. We should wait until the Stanford GUP happens and we see how much growth is going to happen in there in terms of traffic that’s flows through downtown. And until the Stanford Medical Center construction is complete and a November election in which there is a growth ordinance initiative on the election. So why are we rushing to do this? You should say no, don’t implement this change and let it come back. Instead, implement changes of things we need like renter protection. Use your time for that.

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

Ms. Elaine Meyer: Good evening Chairman and members of the Commission. There’s so much confusion. Hardly anyone knows what’s going on. Sure, this ordinance is supposed to clarify the confusion? Yeah, right. Who benefits from the confusion? As specified in the January 2017 Wolbach motion focus should be on monitoring, development, and parking demand before making any other changes.

When I first learned of the Council’s intention to pre-empt the Citizens Intuitive, I was disheartened. How could our City leadership be so deeply in the pocket of developers as to try and silence us? Then I realized that this move... their move could backfire. It will make people feel betrayed. I think the result could turn out to be that the Citizen’s Intuitive will win by an even larger margin than we anticipate.

Just a reminder on another subject, you probably know that the 2017 Citizen Survey reported the percentages voting good or excellent on many issues. In fact, only 40 percent of the population approved of the City’s “Land Use Planning and Zoning”. Only 51 percent believe Palo Alto is generally acting in the best interest of the community and only 45 percent approved the overall direction that Palo Alto is taking. I have a suggestion for the Planning Staff. The code is
barely readable. It needs to be clarified, simplified, removing redundancy, and made readable by intelligent people. I think that is where the Staff’s energy should go because who benefits from the confusion? Maybe the developers of the President Hotel. Thank you.

Chair Lauing: Thanks very much. Ms. Roberta Ahlquist. Next up is Terry Holzmer.

Ms. Roberta Ahlquist: My name is Roberta Ahlquist and I’m speaking on behalf of the Women’s International Leagues for Peace and Freedom, low-income housing subcommittee. And half of my speech was already said by Mr. Keller so thank you very much for putting that on the table. There are two caps, one cap is a cap on Annual Office Cap Applicants to the downtown El Camino and California Avenue. The other cap is an Absolute Cap on downtown commercial development. I think those have been conflated in the discussion and they need to be separated. We don’t need... we need the caps on office development. It’s clear if you would want to do something for the Council it would be recommend renter protections, recommend that no low-income housing, no rental housing be destroyed until there’s replacement housing. So, the people who are living here who are now getting increased... rent increases, therefore, having to leave. There’s a whole building with 11 different units on the corner of Webster and Hamilton that is vacant. All those people had to leave town because there’s a proposal for a commercial office and condominium development. That’s what’s going to happen unless you find a way to stop it. We don’t need high-income condos. We need housing for the people who

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
work here. Those who travel the farthest who have kids who they have to put in some kind of
daycare in order to get to work. Those are the people who have the least amount of money for
the gas or the other kinds of transportation costs. So, find a way to not remove the caps on
office development but to provide low-income housing for our workers which makes the
community more or a community.

Chair Lauing: Mr. Holzmer. Yeah, we like... Council has advised me that it’s not policy to
support with that kind of demonstration but we do thank you for your participation. Mr.
Holzmer followed by Rita Vrhel.

Mr. Terry Holzmer: Good evening Commissioners. I wish to highly recommend that you support
ordinance 18.18.040. I recommend that the PTC take no action tonight that would endanger or
change the current downtown cap. Changing or modifying this cap would seriously impact not
only the residents of the President Hotel but potential residents that live also in the downtown
area. I’m against anything that would severely impact the residents of this community that
would impact them in a bad way. The residents of the President Hotel disserve the same
treatment that any neighborhood in Palo Alto receives. We need to keep our existing housing
stock and prevent any attempt that would either eliminate that or change it. We need to do
more to protect the citizens and the residents of this City. Thank you.

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

Ms. Rita Vrhel: Vrhel

Chair Lauing: Ok thanks.

Ms. Vrhel: I don’t envy you tonight. I have to say that I’m completely confused and I am just going to speak my mind. I think everyone has already spoken very well to the topic. I am really concerned about the timing of this issue. Why now? Is that because of the votes initiative to roll back office growth and development? Is it because of the sale of the President Hotel? Is it because our City Manager and some City Council Members met with the new owner before they bought the hotel? Is it because Jeff Levinsky dug through all the data and found that it was a non-conforming use and therefore probably can’t be converted without a legal fight? I wrote a letter to the editor a while back that basically stated politics in this town stink. People are fed up. You know you talk about the Comp Plan being changed. I was by a 5 to 4 vote and I would remind you that 3 of the people that voted in the 5 to 4 majority were investigated for campaign issues. One of the investigations is still going on a year and a half later. I wonder why? I also would remind you that the CAC met for, oh god what was it, 18 months? Doria, you were on it and there was actually no majority view. It seemed like it was Palo Alto forward and the residents. It was very, very divided and if you remember the January 2016 Comp Plan meeting it

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
was a disaster with our then-Mayor Greg Scharff making motions and hogging the floor and saying I won’t accept that. So, when you talk about a 5-4 majority and directing you to do something you really need to look at that majority and the way that majority came to the City Council. And honestly, there are a lot of things that are not in the Comp Plan which remain in the Municipal Code. I would urge you not to get involved in the tardy display of politics that the City Council has shown us lately. People are fed up. I would table this and say go it on your own and let the voters decide. Thank you.

Chair Lauing: Ok thank you. Next speaker is Herb Borock followed by Becky Sanders.

Mr. Herb Borock: Chair Lauing, Vice-Chair Monk and Commissioners I urge you to continue this agenda item until the first meeting in January to give the Staff the time required to prepare a project. Let allow an environmental document as required by the environmental impact... California Environmental Quality Act. And also, as other speakers have said for the practical reason that there’s intuitive measure pending and you might as well see what the results of that are to inform any decision that you make. You can’t make a recommendation in the absence of the required environmental document. A motion to continue takes precedence over a motion to take action on the Staff recommendation and therefore it would replace such a motion if it... ones before you but a motion on the recommendation could not replace the

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

An Environmental Impact Report is a consistent set of policies... internally consistent set of
policies and programs and in this case is EIR for a Comprehensive Plan that replaces another
Comprehensive Plan of internally consistent policies and programs. Within a specific
Comprehensive Plan, you can replace programs and policies but individual programs and
policies from one EIR one Comp Plan did not replace those as another as stated in the Staff
report.

The existing cap that’s being discussed before you is consistent with the cap that was adopted
Citywide; they both occur. There’s nothing in the Comprehensive Plan that has a policy or
program to eliminate this downtown cap. Accordingly, since the EIR did not... does not contain
sufficient information to assess this proposal and all the effects of the specific action Staff is
required to do the Environmental Review conveyed in an initial study leading to a Negative
Declaration... a Mitigating Negative Declaration or another EIR. I’m surprised that this is coming
before you now because unlike a number of speakers who are speculating what development
will occur. I see nothing in the next 6-months that’s going to be impacted by this and certainly,
that wouldn’t impact the continuation until January. Thank you.

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

Ms. Becky Sanders: Good evening Commission Members. Thank you for your service. I was triggered by a previous comment mentioning Casa Olga so I threw out my prepared statement because it took me an entirely different direction. If we don’t keep 18.80.040 [note- 18.18.040] it will not only exacerbate an already direr housing situation. I think it will accelerate. We really need to do everything in our power to prevent the erosion of any kind of housing and of course to promote the building of more housing. In my neighborhood Ventura I walk all the time and in the past 5-years, I’ve seen a real change with more people living on the streets. The Olga... Casa Olga a good friend of mine’s mom lived there and she was evicted and she died within about 3-weeks of relocating. I’m not saying that was the fault but eviction is very stressful, particularly on elders, people living in a fixed income, I think it’s cruel and I was really saddened to be reminded of Carol’s passing.

So ok in Ventura my daughter and I were hanging around and we drove... we found someone dumpster diving and we drove them to the Opportunity Center. And his story was like many other people’s story. Had an apartment, lost it, lost his job, that was 2-week ago. A woman... I thought I recognized her was living behind the Shell station near my house and I talked to my neighbor and they went and kind of looked at her and it turned out she use to rent in Ventura. And nobody had seen her for a while and all of sudden she’s living behind the Shell station and

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
she moves between three places. And then there’s this family that lives in a car that I see on a regular basis and they’re doing a great job; of a father, a daughter and a mother living in the sedan. I’m not quite sure what this has to do with this ordinance but somehow the drive for money over people is turning our City into a very ugly place. And so, I want to encourage you all from a moral standpoint and you have a legal standing to do so because it’s not like we’re asking you to do anything illegal. Just go ahead and uphold this ordinance a little bit longer so that we can continue toward to address this crisis in humanity in our City. Thank you.

Chair Lauing: Thank you. Tucker Berckmann followed by Annette Ross.

Mr. Tucker Berckmann: I wanted to respond briefly to the question from the Commission to the Staff of whether this would actually affect the President Hotel and I believe the response from Staff was no because this is a non-conforming building. What if in the meantime the building classification changes and then it would be protected by the cap? That was not clear from the earlier comments tonight and I think clarity should be gained on this point before we dismantle 18.18.040. And I think we need to find the exact count of the building, I think we need to find out who the suitors are for the remaining space and also if there is pressure to remove this cap it should be clearly stated what that reason is and who it is that needs a space. Otherwise, there is no immediate need for removing the cap. Can’t we live with 25,000-square feet for another 6-months? Does this item need to be retained, perhaps changed, or merged into

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Ms. Annette Ross: (off mic) I’d like to give my time to Taylor Brady. Is that ok?

Chair Lauing: Sure. It’s just one of you.

Mr. Taylor Brady: Good evening everyone. My name is Taylor Brady and I am a resident of College Terrace as I have been since 2014. And I would like to speak in favor of maintaining the 18.18.040. One thing I’d like to point out as I begin is this particularly rich but a double speaks in the Planning and Transportation Commission’s summary. The proposed repeal of... in Palo Alto Municipal Code Section 18.18.040 would bring the Municipal Code into conformance with the recently adopted Comprehensive Plan and then, this is the important bit, reflecting the policy change to focus on limiting office/R&D growth Citywide. Of course, limiting office and R&D growth Citywide also involves focusing on critical areas which it seems like the City is blindly assuming is not an important thing. The downtown area where we’re talking about development caps is one through which three major transit and thoroughfares run. We’re talking about University Avenue, we’re talking about in an ancillary capacity the Embarcadero and we’re also talking about El Camino. So, we’re talking about major routes through which people come into the City which exacerbated the traffic problems...
in the morning that exist because of the massive imbalance between office workers and people who can afford to live here. And we’re talking about removing those caps in order to allow the development of more space that not only specifically evicts low income or low or moderate-income residents who have a low impact lifestyle but also provides the precedent for allowing future developments, non-residential developments, to go bananas all over the City. The 50,000-square foot Annual Cap is a somewhat annual cap on office space in the three targeted zones is somewhat misleading because it also goes along with the 1.7 million additional square feet that are being allowed to go on in the rest of the City. I’d also like to focus on a couple of key elisions by the members of the Staff representatives French and Lee enlighting the type of square footage that has not been counted in the cap for 18.18.040. Talking about common areas and parking and other such parts of all of these commercial developments that are of course key to their operation as commercial or non-residential developments but are not being included. Thus, giving us this magical 25,000-square foot that are still left. What we need in this City are beds, not desks as Annette encouraged me to say and I say that from a very personal standpoint as a young person who’s having a hell of a hard time staying here.

Chair Lauing: Thanks very much. The next speaker is Iqbal Serang.

Mr. Iqbal Serang: Evening... good evening Commissioners. I’m one of those newbies living at the President for decades, close to 3. I remember when he had dark hair, I’m kind of losing it too.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
I’d like to support Arthur Keller’s statement and others who have suggested you tabling this for a future date. Perhaps give the opportunity for City Council to take the lead and provide unique protections for the existing residential rental units at the President. Since all new developments of larger sizes of residential or housing developments are practically modeled after the President Hotel Apartments being dense, being small sizes, being hardly any parking, being in the CD Zone and close to mass transit. It is time to consider that building a treasure for Palo Alto. I understand you may not be able to make that type of statement for it to apply to an existing structure but what a statement it would be. It may provide some teeth to City Council to take the lead and create that possibility. Thank you very much.

Chair Lauing: Thank you. Margaret Heath.

Ms. Margaret Heath: [unintelligible] ok, can you hear me? Yes. Good evening Commissioners. I’m here to support keeping the cap downtown. Others have spoken very eloquently this evening about why you should do that and I agree and support all of their reasons for doing so. In fact, this suddenly… we find this week this suddenly is on the agenda and it has all the appearance of being a bit sneaky actually. As if it’s possible for the benefit of one particular business without having the chance to really explore why we should eliminate the cap? What are all the unintended consequences might be or the intended ones? The President Hotel is a perfect example of exactly the kind of housing that we need downtown. Council has been

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
advocating for this. I think many people have and I don’t see any reason to remove it from our rental units... our residential rental units and most especially because of its location. And indeed, there may be other housing unit’s downtown that would also be eliminated if the cap is reduced. Thank you.

Chair Lauing: Thank you. Mr. Jeff Levinsky.

Mr. Jeff Levinsky: Good evening Commissioners. Look around at downtown and see what it’s become. We’ve piled in more buildings and more workers and more cars. We’ve created a mess. Downtown residents here tonight are being evicted because we have no effective renter protection and residential preservation laws. Others here can’t park in front of their own homes or get out of their own driveways at rush hour because so many commuters have taken over our neighborhood streets. Those of us who live yet farther away won’t even come to downtown anymore because it is... it’s traffic and parking are unbearable. Downtown is supposed to be the heart of our community, it has become a disaster. And then we find in all this darkness a small but gleaming ray of hope. A 3rd of a century ago a wise City Council anticipated what would happen. They foresaw that excessive development might go awry and they crafted a solution. A cap on downtown commercial growth that lets us step back and address the traffic, parking, and other problems. That cap kicks in once 350,000-square feet of non-residential development are added downtown. The law says the City should count all new

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
non-residential square footage, the City hasn’t. According to its own records, it has not counted common areas, parking, storage spaces converted to offices and more. You don’t have to look far to find an example. For most of the 20th century, there was a 1-story, 5,000-square foot building right across the street from us at 240 Hamilton. Radio Shack was there. A few years ago, it was replaced by a new 4-story building. You would think the new non-residential space at that site would all count towards the 350,000-square foot cap but the plans for that building show it actually added 50 percent more new commercial space than the City shows on the records for the cap. That’s just one small building. Once you start correcting for others it appears that we’re already over the 350,000-square foot cap. That means there should be a 1-year moratorium, that moratorium will apply to buildings like the Hotel President and others and prevent them from converting to hotel or offices. And let me say that the grandfathering law, I am familiar with it is not enough because our City loses cases. They lost the case on Edgewood Plaza. We hoped that they went back on appeal but we need all the protections that we have in the law. We cannot give any up and keeping the cap also provides a unique opportunity for you as Commissioners, the Council, and most importantly the public to reimagine downtown so it can best serve its residents and our entire community. We can fix Palo Alto. Please help by voting tonight to keep the cap in place and to protect our City. Thank you.

Ms. Karen Porter: Good evening. I’ll acknowledge I’m actually fairly new to this issue. I’ve been focused on the jet noise fiasco over the last couple of years. I see some similarities. I don’t see our City leaders taking enough action to protect the residents and community members interests. And I have to say I’ve been very impressed by all the speakers I’ve heard tonight who are unanimous in their ask that the City either delay or reject this proposal. And I have to ask myself where are the people, the community members, who are in favor of this proposal? Why aren’t they here? Why are they not showing their faces? And so, to me, it suggests that it’s really just the lobbyists for the developers who are behind this proposal. I really think we need more transparency and more effective and considered decision making before a change like this is implemented. Thank you.

Chair Lauing: Thank you. Lenore Cymes and then Mary Sylvester.

Ms. Lenore Cymes: Thank you very much for hearing me out and for you service of what you’ve got to do up there. I hadn’t planned on talking. I just want to share my experience. On Tuesday I had to go from my house which is on Wildwood Lane, I turn on Channing and I turn to St. Francis and I get in Embarcadero. It took me 25-minutes to get to Home Depot. Think about that. It usually takes me 2-minutes, 3-minutes, 5 if I get a couple of red lights. Coming back, I had to do an errand on University Avenue so went over 101 and I couldn’t figure what was
going on. From 101 to Middlefield Road heading east it was bumper to bumper the entire way.

It didn’t stop. I heard horns for the first time in Palo Alto. Is the new ruling going to be what is a second in New York for time for the car in front of you to honk the horn for the car behind to hear it? It just didn’t make sense and tonight I noticed coming down here, I come down on Hamilton to come downtown. When I got past Greer there was hardly a parking spot. Maybe somebody was having a big party, I don’t know but I’ve never seen that many cars on Hamilton to get all the way downtown. Thank you and I hope you think about the real-life experiences as you make your decisions.

Chair Lauing: Thank you. Mary Sylvester and then Katja Priess.

Ms. Mary Sylvester: Good evening Commissioner and City Staff. I’m here to echo much of what’s been said this evening. I urge the maintenance of 18.18.040, the cap, not it’s repeal as has been recommended by City Staff. We need more time for review before this is even seriously considered. As has been said tonight why now? This Council chambers and the media we’ve heard for over a week is confused. Why is this going on? Can we please have some transparency why this discussion is happening at this point in the middle of summer when many residents are out of town?

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
On a personal level, I am particularly concerned about the President Hotel residences. This is a warm, vibrant community as we’ve seen not only tonight but before the Council before it took its break. I’ve had friends and still do in the President Apartments. One of whom is a teacher in our local school district. These are people assisting our community.

Just to walk down memory lane, I remember Cosa Olga and the single room occupancy hotel that use to be next to it on Hamilton and Emerson Streets. These two facilities had over 100 residents; low income, seniors and the disabled. Where is the replacement? There is none. And as to more commercial growth you’ve heard from all the speakers tonight. We don’t need that at this time. We need to rectify the job/housing imbalance. Arthur Keller well illustrated this year the number of major issues this community has to grapple with. This should not be one we’re considering at this time. Thank you.

Chair Lauing: Thank you very much and Katja Priess.

Ms. Katja Priess: Yeah, my name is Katja Priess and I spoke earlier so I lived in the Hotel President again 20-years. And I didn’t really prepare much to say at this point but I wanted to thank really everybody who spoke right now in favor of keeping the cap. A lot of our community right now said that there is hope and what really touched my heart is that I don’t know a lot of the people who spoke tonight but this is the reason why we would like to stay in Palo Alto.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Because there is still this spirit of community that people do speak up for each other and support each other. If we cannot stay in the President, we have to get out of Palo Alto. We would lose this spirit of community and it would break the heart of a lot of us who live in the President. That’s all I wanted to say, thank you.

Chair Lauing: Thanks very much. So that concludes the public speakers and the...

Mr. Bill Ross: [unintelligible – spoke from the audience off mic]

Chair Lauing: Right, we only got one card.

Mr. Ross: [unintelligible – spoke from the audience off mic]

Chair Lauing: Ok that’s fine. Why don’t you just... why don’t you just fill that out again? We’re not trying to keep you away.

[Note - many people from the audience started speaking at once]

Commissioner Alcheck: [off mic] Do you want me to fill that out for you?

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Mr. Ross: [unintelligible – spoke from the audience off mic] respectfully, I have comments in two areas barring on this agenda item. One is General Plan consistency and the other is CEQA compliance. Pages 3 to 4... first of all what’s before you is a change to the Zoning Ordinance. It’s not just a code change. This is clearly a project under CEQA. It’s also subject to General Plan consistency analysis. The analysis that you have before you is on Pages 3 to 4 and focuses principally and exclusively on the Land Use Element. That’s not the standard. The standard is that articulated in the 2003 and 2016 General Plan guidelines that confirmed judiciously. What is that? That you look at the action and you say does the action further without hindering all elements of a General Plan? That analysis isn’t here. Respectfully if you look at the Housing Element of the new Comp Plan there are several policies that bare on the preservation of existing housing. Among others, there’s an inventory of sites that should be in that analyzed in such an analysis that would bear on the CD district. That’s absent. On the CEQA issue, I would incorporate the testimony of all the tenants that were present here tonight. Why does that bare on not just relying on the Comprehensive Plan/General Plan? Much like Herb Borock, I would say there’s a need for another assessment, an initial study. Why? There are changed circumstances under CEQA guideline Section 15.626 if I remember correctly, under which this project would be carried out. What is it? Among other things, tenants are going to be displaced. There’s an economic impact. The normal rule under CEQA is that economic impacts are not assessed but that’s qualified if there’s going to be an

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
effect on the environment. We know there are going to be displaced. There’s already an agreement for relocation assistance by AJ Capital. Let’s look at AJ Capital and on this, I have personal knowledge. What are they doing? They have 11 existing facilities in university towns, 9 planned, all of them convert to exclusive Airbnbs. Is that what we want? We want to have that displacing of diverse housing opportunities that exist right now contrary to the new General Plan policies? I would respectfully suggest and this would be the part that’s based on personal knowledge, let’s go look at another one of those existing facilities. One exists in Iowa City, Iowa. It’s 9-stories, it’s 237 units, the prices... and the cost of living in Iowa City is about 1/3rd of what it is here, is for units for $160 to $360 a night. It’s for people like Gene Wilder. Allow me to finish if you will please? My point is that’s what we’re putting in in the President Hotel and we’re displacing tenants? Much like Mr. Borock, I think there’s an incomplete CEQA analysis and incomplete General Plan analysis. On those bases alone, you should differ until you get that type of analysis supported by substantial evidence before you. Thank you.

Chair Lauing: Thank you. Alex Smaliy.

Ms. Alex Smaliy: [unintelligible -off mic]

Chair Lauing: Ok.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Mr. Smaliy: Hi, I spoke early and I wanted to follow on from what the previous speaker said. I just wanted to speak plainly about what is actually happening at the President right now. Which is that yes, there was a comment earlier that AJ Capital have not applied to change the use of the building. But we have to look at what they are which is they’re a hotel developer. They develop hotels. They are not... it is difficult to imagine a scenario in which they maintain the use of the building as residential. They will apply for an exemption. They may have to struggle with the City to get it but if we limit the protections on the building to just it’s grandfather statues it again may not be enough. Because they will try to get like...this is what they bought the building for, they paid untold millions of dollars to convert the building to a hotel, they’re even quite clear about the recent New York Times article with a wonderful title of the Education of a Brotelia [note – couldn’t find the spelling]. So, its... just because they haven’t applied to change the buildings use far and away doesn’t imply that they will... that they will not do it. They’re already... they’re forcing the tenants to empty the building so the [unintelligible] is already being destroyed. And as a landlord, they are within their own rights to do that. We are tenants, we are not owners. Sure, we may be gone but maybe the building will remain and others will have the opportunity to live downtown in this walkable, transit-accessible, dense, wonderful downtown community. Great but it is extremely dubious that this is what they are planning to do.

Chair Lauing: Ok the last speaker and we’re going to close comments here is Michelle Kraus.
Ms. Michelle Kraus: Thank you so much, Commissioners. I just wanted to thank the community as my colleague and friend Katja did. They’ve stood up for us and not only the Planning Staff have raised their voices but here we are and we’re asking you to join us. Again, what I [unintelligible] in my professional hat is there’s confusion over the metrics. Doria, you raised it. Is it FAR? Is it square footage? What’s counted? What isn’t counted? Let’s go back, take a step back, and let’s take time to figure this out and I urge you to uphold the cap of 18.18.040. We need you. Thank you.

Chair Lauing: Ok thank you. That concludes the testimony part of the hearing and now we’ll bring it back to the Commission of Item Number 2. So, we just opened the floor to comments and questions from Commissioners. Just light up your lights. Commissioner Alcheck.

Commissioner Alcheck: Ok, I have a question but I’m not sure you’ll be able to speak to maybe but just so I make sure not to misspeak later. Would it be your understanding that (interrupted)

[note – many people speaking from the audience at once]

Commissioner Alcheck: Do you think it’s correct to suggest that the ballot measure coming before the City in November, I think that’s qualified, regarding amending the cap that was

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
adopted in the Comprehensive Plan is not impacted by this adjustment? What I’m trying to say is there’s been a suggestion that this would somehow preempt the citizens ability to speak but it’s my understanding that the ballot measure isn’t amending the Comp Plans 1.7 million City-wide cap, not another or I should say the more current 1.7 million cap not this sort of pre-existing cap. Is that accurate?

Mr. Yang: I think what you’re asking is, is there a relationship between this cap and the ballot measure or the City-wide cap of 1.7 or half of that amount whatever it may be. And from our perspective no, there’s... those are unrelated caps.

Commissioner Alcheck: Ok that’s sort of what I understood the ballot measure to say. Ok, so I’m going to... are you setting time limits or are we... ok, so I’m going to... I’m just going to address one thing about process real quick. I’m glad Elaine Miller that you joined us tonight. I was hoping I’d have an opportunity to meet you. I want you to know that when I saw your Next-Door post on Monday at 4 because I get the roundup, I was a little disappointed. Because you wrote and I’ll quote it because I think it’s worth... that we all work setting the tone here, which is you said that the development cabal on the PTC is concerned about the Citizens Initiative to restrain office growth will pass. And so, the Planning Commission has scheduled a discussion to raise the Downtown Cap to preempt the election and the expression of the citizen’s voice. I think it’s safe to assume that when you say development cabal you are

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
referring to some nefarious group of which you believe I am a member. And if that’s the case I just... I want you to know that none of the Commissioners before, all of which are volunteers, have any oversight or influence on agendizing an item like the one before you... before us tonight. In fact, I had only begun and had not yet finished reviewing this item when I saw your post and so I just hope that everybody knows that there’s no effort... the cabal members are did not ask Staff to bring this forward. And you know you may not realize it but on our Commission’s website my contact information is provided and I really wish you’d called me before suggesting that somehow there was nefarious intent.

[unintelligible -speaking from the audience] a conversation [unintelligible].

Commissioner Alcheck: No because I want you to know we received almost (interrupted)

[unintelligible – speaking from the audience]

Commissioner Alcheck: Excuse me.

Chair Lauing: Right.

Commissioner Alcheck: I just... I want to address the fact that we (interrupted)

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

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Chair Lauing: Let’s just make it brief Mike.

Commissioner Alcheck: Yeah, I just wanted you to realize we received hundreds and hundreds of email (interrupted)

Commissioner Alcheck: I just want you to realize we received hundreds and hundreds of emails and there was a general fear (interrupted)

[unintelligible – speaking from the audience off mic]

Just don’t point out one person.

Commissioner Alcheck: It’s... I’m not (interrupted)

Chair Lauing: Ok Michael, Commissioner (interrupted)
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.

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

[note- many people from the audience speaking at once off mic]

Chair Lauing: Commissioner (interrupted)

[note-many people speaking from the audience at once off mic]

Chair Lauing: Ladies and gentlemen, Commissioner Alcheck currently has the chair.

[note -male:] (off mic) How does this move the (interrupted)

Chair Lauing: Ok, ladies and gentlemen (interrupted)

Commissioner Alcheck: Please let me finish.

Chair Lauing: We’ll move to recess if we can’t get order. So, Commissioner Alcheck currently has the floor and I would urge brevity because I think you’ve made a point.

Commissioner Alcheck: Let me... if I sound like I took it personally, I’m not. It’s just that I’m... we... I’m here to engage with you and I make my self-available. I think we all do and what we
saw in the last 48-hours is a tremendous sense of distrust in us. The suggestion that we have somehow attempted to further the President Hotel’s process.

Chair Lauing: Please.

Chair Lauing: Yeah, could (interrupted)

Commissioner Alcheck: We have (interrupted)

Chair Lauing: Mike, I think you’ve made that point and I don’t really want to carry on with it too much longer. Did you have any other comments on the merits here?

Commissioner Alcheck: Yeah, I’ll (interrupted)

---

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

Commissioner Alcheck: Ok.

[note-male:] (off mic) it’s not on the issue.

Commissioner Alcheck: Alright, I think we’ve heard (interrupted)

Chair Lauing: Are we going to (interrupted)

Commissioner Alcheck: I will continue with my comments.

Chair Lauing: Let’s say... let’s stay on the agenda and let’s urge brevity.

Commissioner Alcheck: I’ll say... I’ll try to conclude with this. The... this issue has been litigated sort of at nauseum this specific issue in our community. I did not agree with everything that came to pass with the adoption of our Comprehensive Plan but I did and I continue to respect the process by which it came about. This... tonight this concept it is a policy discussion and we’ve already participated in it and Council acted upon it. And with that said though, there remains a legal ambiguity here. I attempted to also understand how this came to us and it

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
seems to me that there’s an effort maybe during the summer when our Legal Department or our Planning Department tries to understand what potential issues may come that they are trying to address that issue which is, I think, admirable. That said there’s remains a legal ambiguity and we need political clarity. Clarity that really only our Council can provide which is why I would suggest that tonight we come together. We show the community that we’re equally unsure of what the Council’s direction was and support a motion that recommends that the City Council make the determination on this code section without direction from the Commission. We’ve reviewed the growth strategies, in summary, we’ve reviewed the growth strategies and opined on them. And there’s a conflict in our code between this section and the Comp Plan’s newer City-wide cap and whatever compromise our Council came to, to enact that cap along with the 50,000-annual limit. And the City Council could immediately resolve this confusion and add clarity and help us understand exactly what was the strategy that they had intended. So again, I want to reiterate that I’m here, I’m available and I would support that we come together as a group to demonstrate that we want to resist sort of the pollicization of this Commission and allow our Council to just provide the clarity that they may be unfortunately didn’t provide.

Chair Lauing: Ok. Other speakers? Commissioner Waldfogel.

---

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

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

 Commissioner Waldfogel: Right. I want to thank all the public speakers for coming out tonight. I know that it’s not... can you hear me?

 Commissioner Summa: No, I can’t even hear you.

[note-male:] Get close.
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Commissioner Alcheck: If I need to... I’ll second it just to simply ask him a question.

Chair Lauing: Well yeah, I think we... ok because then we can have a... then we can begin discussion. So, Commissioner Waldfogel moved and it’s seconded by Commissioner Alcheck.

Commissioner Alcheck: I would like to understand the rationale.

Chair Lauing: Which is why he’s going to speak now.

Commissioner Alcheck: That would be great.

Chair Lauing: Commissioner?

Commissioner Waldfogel: Great, we have the motion and a second so it’s on the floor. So, I’d like to say I will vote against this motion and my reasons are the following. The City Council and the Comp Plan have set multiple contradictory goals in place that just don’t coordinate. I mean right now housing is Priority One, reducing commercial intrusions into the neighbors is I think Priority Two through RPP and other tools, retail protection is Priority Three. I mean I may not be getting the exact priorities right but these are stated priorities and more office is not even a

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
stated priority. So, we’re solving a non-problem today and it’s something that’s just wildly contradicted in the Comp Plan.

We also see from tonight’s speakers on various issues that it’s really hard to make any progress on housing. Developers will continue to develop commercial office uses as long as commercial and office uses are possible and they are more profitable than housing. I mean that’s what’s been happening for the last 15-years and it will continue to happen. And so, until we understand that we really shouldn’t change anything. And we’re in the middle of a Housing Work Plan and we should really look at this in the context of that Housing Work Plan. Finally, there is a Growth Ordinance on the ballot in November and taking this on right now just looks like it’s undermining a democratic process. We just shouldn’t do that so if we retain the cap tonight and if we hit the limit in the next year or two, which were likely to do, we have time to develop an alternative. After that Growth Ordinance is voted up and down and after the Housing Work Plan is completed so we have plenty of time to do this. We don’t have to do this tonight but my ask is whichever way we vote on this, whether we vote this up or down, let’s get it to the Council quickly. I mean here I agree with my colleague Commissioner Alcheck. I think we should make a recommendation, I think we should get at Council, and Council should say whether they like this or not and resolve the ambiguity. I don’t think we should let this hang out until next year.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
I also have a question for our esteemed counsel which is this... and if this is off topic just stop me but just what tools do we have from PTC to make a quick recommendation to Council on renter protection? I mean are there... is there anything we can do around renter protection, evictions, rent increases? I mean we’ve heard loud and clear that these are issues and just what can we do? I mean do we set up an Ad Hoc? Do we... what’s our process?

Ms. Yang: You know you and your fellow Commissioners are free to communicate with the Council anyway you want too. I mean (interrupted)

Commissioner Waldfogel: But as a body how do we communicate an intent if we had an intent?

Mr. Yang: I... that’s something that I can think about but (interrupted)

Chair Lauing: I think we just have to agendize it as an issue and work with Staff to get it on the agenda.

Mr. Yang: This is something that we can talk about at another time in the meeting.

Chair Lauing: Right.

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

Commissioner Alcheck: I’ll just withdraw my second since I don’t really support the motion.

Chair Lauing: I’m sorry where you done Commissioner Alcheck [note- Commissioner Waldfogel]? So that’s on the... it’s on the floor for discussion.

Commissioner Alcheck: I wanted to understand his rationale so I withdraw the second because I don’t wish to support that motion but I do wish to (interrupted)

Chair Lauing: Is that an option?

Mr. Yang: Yes, of course.

SECOND

Chair Lauing: Ok. I’m happy to second it to continue the discussion if we want because there’s a motion on the table, right?
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Mr. Yang: Only if it’s seconded.

Chair Lauing: Right but I think it’s a worthwhile discussion so I’m happy to second it.

Vice-Chair Monk: I don’t think it’s a good practice to second motions for the... we can still have a discussion without [unintelligible].

Chair Lauing: Ok, sorry, did you want to go ahead?

Vice-Chair Monk: I just think it’s odd to make a motion that you have no intention of advancing on and having it pass so why would we discuss it further?

Commissioner Waldfogel: [unintelligible -off mic] take a vote.

Vice-Chair Monk: You... oh so you might change your vote on your motion because you stated earlier that you would not be supporting your own motion which I thought was (interrupted)

[note-female:] (off mic) We can’t hear you.
Chair Lauing: The motion on the... the motion that was made was to accept the Staff recommendation which generates the discussion. So that’s basically where we are and he stated why he wouldn’t vote for it. I’m interested in getting more conversation so I don’t care procedurally how it is. Did you have a comment Commissioner [note-Vice-Chair] Monk? Your light went on.

Vice-Chair Monk: Yeah, I do have a few comments. First, I’d like to acknowledge some of the members of Council that are here tonight. Our Vice-Mayor is here, Council Wolbach is here if there are others I’m missing thank you for coming tonight, and showing your interest. And also thank you to everyone who sent in letters and everyone who’s come tonight. We definitely appreciate all of the input.

There was an overwhelming support to address the housing crisis and push to preserve housing at all income levels and I heard that unanimously stated by everyone present tonight. When we return on August 29th we will be discussing a framework for Housing Ordinance specific to the downtown area. And I’d like to extend an invitation to everyone here and everyone listening at home to please come, please speak, send letters, walk the walk. We definitely want to hear from you on that issue.

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
As far as the timing of this particular ordinance I find it unusual in that Staff typically goes over agendize items with the Commission. And also, with... specifically with the Chair and myself and this was on that had not been previously brought up to our attention. So, if there was some reason that this came forward other than the code cleanup, which is what we’re telling... being told is the reason, I would like to know it. And until then in the absence of that my understanding of our objective tonight is to look at the Staff report because Staff has identified a need to update the code so that it complies with the new adopted Comp Plan and Council direction from January 30th, 2017. So, in that regard, it’s quite clear to me what our objective is tonight and why this is being brought to us. And if there is any further confusion on what it is that is before the PTC I would refer to Packet Page 12 which is the actual ordinance and gives background on the prior Comp Plan where the Downtown Cap was put in place. It also explained what was to happen when we got used... got close to approaching the maximum under that and about 4-years ago we were getting close and would have triggered the moratorium. And so that’s why it went back to Council and the Phase One of the Downtown Cap Study was put in motion. And based on the findings of that study based on the new Comp Plan Council made the recommendation that we go with a City-wide cap which incorporated the Downtown Cap. And they also enacted the 50,00-square foot cap so we have two other caps that were to replace and update the direction that we needed to go in.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
We’ve heard from residents that retaining this cap will somehow have a bearing on preserving residential buildings in the downtown area. However, when we asked Staff about that and look at the code there was anything that I’m seeing that supports that. So, I don’t know if there’s something indeed that I’m missing but my understanding is that whether or not we take a yes decision on the Staff proposal or we take a no-decision. Either outcome from my understanding has no barring on any residential buildings or conversions in the downtown area. And if I’m mistaken in that conclusion I would like any of my colleagues to correct me or anyone in the audience I invite you to correct me. I did reach out to certain members of the community because there were posts online and on social platforms that gave rise to my questioning as to what was before us tonight. And when I attempted my follow-up I did not get any additional clarification from anyone actually linking what was before us tonight with any potential action that can or cannot occur in regards to the residential units in downtown. That this is an ordinance that relates to the commercial development and it has no barring on residential.

So, I haven’t taken a position on this particular motion just yet but I would say that based on what I’m currently understanding, the motion is to advance this to Council so that it will be back in Council’s court for them to reevaluate and decide what to do in terms of this new ordinance. So, I guess I’m leaning towards having it go back to Council in some format or another because we’re an advisory Board in any event. And they’re going to end up making their decision irrespective of what we decided tonight and it may or may not comport.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Arthur Keller, I’d like to acknowledge that you are here at the podium and if you wanted to address us if the Chair would be ok with that?

Chair Lauing: The hearings closed but did you have a question for him?

Vice-Chair Monk: Well, I’m curious Chair, I’m wondering if he wanted to answer my question because I did put a question out to the community where I generally would like to know what exactly is the nexus between what’s before us tonight and the Hotel President. And if someone can clarify the nexus for me and... then I would like an answer to it. So, if the Chair is... if that’s (interrupted)

Chair Lauing: Counsel?

Mr. Yang: It’s in the Chair’s discretion.

Chair Lauing: Commission, allow the speaker?

Commissioner Summa: (off mic) That’s fine with me.

Chair Lauing: Just say yes or no. We’re just taking a Commission vote. One, two, three.
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
because of representations made by the City Manager then having additional ordinances that apply will [unintelligible] the City’s case.

Chair Lauing: Ok did you have any other questions Commissioner [note-Vice-Chair] Monk?

Ms. Vrhel: I would also like to speak because Commissioner [note-Vice-Chair] Monk (interrupted)

Chair Lauing: Wait, this is what I don’t want to get into.

Ms. Vrhel: I think there’s only one... it’s just me. She asked the residents (interrupted)

Chair Lauing: I think... did you have your question answered, Commissioner [note-Vice-Chair] Monk?

Vice-Chair Monk: No. I’d be happy to hear what Ms. Vrhel has to say but if you need to put that to a vote to the Commission.

Chair Lauing: Ok.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Ms. Vrhel: I think what I heard today was that the two City Staff representatives from the Building Department really didn’t have a clear answer as to many of your Commissioner questions. And I think you have an attorney here and I think actually what would be very good would be for Ms. Monk’s questions to be given over to the legal counsel... the City’s legal counsel and for them to provide you a rock solid, honest question or answer to her questions. I think the rest are conjecture. And having worked with the City Staff before on planning and particularly Ms. French, I have personal experience that all... that leading information out of an answer creates confusion. Thank you.

Chair Lauing: Alright, let’s move on. Did you have any other questions or comments at this point?

Vice-Chair Monk: Thank you for the input. What I do believe is that additional changes to the code would need to take effect in order for there to be any sort of action on that particular... on the President Hotel. So, this singular action I don’t think would have any barring at all and that in order for something to happen additional changes would need to occur. There would need to be another change in the code or zoning or something in order for there to be something to change... to really impact that unit.
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

I do have one question for Staff and that has to do with the... and I know this isn’t... Staff has represented that the item that the public is speaking to is not... that there is not a nexus and there’s not a relationship to what’s before tonight. So, I hope that I’m not out of turn and still referencing it but I also just wanted to confirm that... I just lost my train of thought. I apologize but I guess my main concern is that some of the confusion that I believe that the residents are expressing tonight has to do with what we’re tasked to do and what might be available to the residents of this other property. And I don’t know that there’s been sufficient nexus between... connecting the... what’s before us tonight with the Hotel President hasn’t been shown in my viewpoint so far. Thanks.

Chair Lauing: Ok, Commissioner Summa.

Commissioner Summa: Well, thank you, everyone, for your patience this evening. So, I would like to start out by saying that one of the things that has been emphasized the Council vote on this about 18-months ago. In the last year, the Mayor and the Council have been unanimous in one thing and that is that we need more housing and we need housing downtown. Removing the commercial cap from the downtown will disincentive housing and will create more offices that will contribute to the existing problems that the... our former Council Member’s in 1986 were smart enough to see so that’s the first thing.
I think the Council would like to have us give them the recommendation to reconsider this because I don’t think since in the last year that is what they have expressed. And I think they rely on us to give them good information. Furthermore, we have had a superabundance of concern from every point of view; the moral; the legal; the sensible. We know we have an existing problem with traffic and parking downtown. We have made a commitment to the residents of Downtown North and South to annually reduce the number of commuter parkers in their streets every year and we cannot do that if we continue to add office. We can add office in other parts of downtown where... and other parts of the City but downtown is full up. I think we should assume given the difficulties that we seem to encounter counting the square footage I think we should assume we’ve hit the cap. I didn’t hear a direct answer but Staff referred to 25K left. That... you know... so let’s assume we’ve hit the cap. This cap is not a hard cap, it is a cap that says huh, we’re here. This is where we thought the trouble would really start to get really bad so we want to take a year off, we’ll take a moratorium and I think that is a really good thing for us to discuss how this affects the other housing issues that are coming before us. I think we should approach this from a holistic policy issue. That is how we will wind up with a solution and a conclusion that serves all the residents in this City as best it can and no longer continues to burdened the downtown with too much office space that it cannot support. So, I would... if I thought there was support from my colleagues I would make a motion that we recommend that we believe we have reached the cap and the moratorium should immediately be put into place. In the absence of that kind of support from my colleagues, I would simply like

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

Chair Lauing: Wait so procedurally do we not have the motion already on the table from Commissioner (interrupted)

Vice-Chair Monk: That’s a substitute motion, correct?

Mr. Yang: Yeah so that would be a substitute motion that Commissioner Summa has made.

Chair Lauing: That’s what I wanted to clarify.

Vice-Chair Monk: And I would second that.

Chair Lauing: So please restate the substitute motion.

Commissioner Alcheck: (off mic) Which one are you seconding?

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

2. 

3. **Commissioner Summa:** (off mic) I can’t restate it. [unintelligible]

4. 

5. **Commissioner Alcheck:** She said two motions. She suggested (interrupted)

6. 

7. **Chair Lauing:** It was your ladder motion I believe Commissioner Summa?

8. 

9. **SUBSTITUTE MOTION**

10. 

11. **Commissioner Summa:** I don’t... if I have support for enacting the law that exists right now on

12. the books of the City that would result in a very sensible 1-year moratorium on office space. So,

13. we can all take a step back and look how we can achieve the goals we want together. I would

14. make that motion.

15. 

16. **Chair Lauing:** Then you need to make it as opposed to ask the question but if you’d like to

17. (interrupted)

18. 

19. **Commissioner Summa:** Ok I’ll make that motion.

20. 

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: do that one, that’s ok otherwise we’ll go to the second.

Commissioner Summa: That’s a law that is in place and we have every reason I believe to follow it.

Chair Lauing: Ok so now (interrupted)

Commissioner Summa: Do I have a second?

Chair Lauing: Is there a second to that?

Commissioner Waldfoel: [unintelligible – off mic]

Chair Lauing: Well first let’s see if there’s a second. It doesn’t sound like there’s a second so that motion is not going to forward.

SUBSTITUTE MOTION DIES DUE TO THE LACK OF A SECOND

FRIENDLY AMENDMENT

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

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Commissioner Summa: Ok and I’m sorry I made the double motion. I’m not very good at making motions and I make it extemporaneously so whatever I said in the second motion and that is basically that we recommend that the Council not pursue abandoning the Downtown Cap at this time for all the reasons I stated before.

Chair Lauing: Ok is there a second to that? Was that Commissioner [note- Vice-Chair] Monk’s second? I’m not trying to put you on the spot just (interrupted)

Vice-Chair Monk: I just want to clarify from the maker. Are you just recommending that we don’t advice this to Council or are you actually also making some affirmative direction?

Commissioner Summa: No, I’m… Staff’s recommendation was that we recommend that Council go ahead and pursue abandoning 18.18.040. I am saying for all the reason that I stated and the many people in this room who spoke so well that we do the opposite. And we tell them that we think that they should keep 18.18.040 in place and not remove it from the Municipal Code.

Chair Lauing: Ok so the motion is to retain 18.18.040 so is there a second to that? That’s fine if you don’t I just didn’t want to preempt you from seconding it. We just need a second so we can discuss it so.

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

Chair Lauing: So procedurally... what I was going to say is there’s no second but procedurally I don’t see that that’s much different. It’s just one of those substitute motions that get to the same place depending on which way you vote on it because the first one says we should go ahead and do it and then it’s going to be either approved or not. And you’re saying we should tell them not to do, it’s going to be approved or not so I think we’re in the same place.

Vice-Chair Monk: I guess I have a question for counsel then. Is it the same effect to make a recommendation to keep an ordinance on the books that we know is in conflict with other existing ordinances versus just saying let’s not advance this to Council?

Mr. Yang: So, this... let me try to help maybe structure this. Right now, there’s a motion on the table which was the Staff recommendation that the Council adopts the ordinance. One way to distinguish Commissioner Summa’s substitute motion is to frame it as a recommendation that the Council rejects the proposed ordinance. And those would be two separate affirmative actions which the Commission could vote on.

Chair Lauing: Which I think is essentially the same thing as what you’re saying, right Commissioner Summa?

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Vice-Chair Monk: No, she’s (interrupted)

Chair Lauing: Because I don’t want him to put words in your mouth so I want you to itemize your own motion.

Commissioner Summa: No, he’s correct. To... they are in my mind diametrically opposed. One says please do this and get rid of 18.18.040 from our Municipal Code and the other says please do this, keep 18.18.040 in our Municipal Code.

Chair Lauing: So are... I just want... are you going to accept his language that you want to reject the proposal of Staff?

Commissioner Summa: Sure, I appreciate that Staff will probably word it better than I so that’s fine as long as it’s clear what the difference is.

Chair Lauing: Ok so we need a second for that which again to my mind sort of going the same place which the same kind of motion.
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

Vice-Chair Monk: I’d prefer to vote on the first motion and then just start fresh with a new motion then go through the substitute motion so I will be seconding it.

Chair Lauing: So, there’s no second to that motion at this point.

Commissioner Waldfogel: (off mic) I’ll accept that as a friendly amendment. I mean we’re just trying to get to the same place. The question is just what’s the most expeditious process to get to the same place?

Chair Lauing: Ok, that’s very accommodating. That’s very accommodating. So, let him just rephrase the motion then as a friendly amendment. Right, did you want to try that one Alex... Albert or are we ok?

Mr. Yang: So, I guess the question is does the seconder of the main motion accept that friendly as well?

Chair Lauing: Yeah, no I was just trying to get... we’re onto... we’re basically onto Commissioner Summa’s language now.

Mr. Yang: Ok so the motion as amended (interrupted)
Chair Lauing: And my second still stands.

Mr. Yang: The motion as amended is a motion to recommend that the City Council reject Staff’s proposed ordinance.

Chair Lauing: Right. Ok and now Commissioner Alcheck has a comment?

Commissioner Alcheck: Yeah just... so just for clarity, I think even though they’re opposites and the failure of one is the same as the success of the other. You need an affirmative motion to have... we cannot conclude this item without an affirmative... without a motion passing. Whether that’s a motion to continue, a motion to recommend not approving (interrupted)

Chair Lauing: Right so that’s in place now.

Commissioner Alcheck: That’s why the failure of Asher’s [note-Commissioner Waldfogel] original motion wouldn’t be the same as the success of her substitute. Now (interrupted)

Chair Lauing: Ok so we got that.

Commissioner Alcheck: Ok I just wanted clarity there. Ok now (interrupted)
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Chair Lauing: So, let (interrupted)

Commissioner Alcheck: Now I’d like to make the comment that I’m waiting to make.

Chair Lauing: Sorry because I haven’t spoken yet to the motion so.

Commissioner Alcheck: Yeah so, I’m going to respond to something. I... there’s a little more nuance here regarding housing growth that I’d like to acknowledge. Our code... and please correct me if I’m wrong. It’s my impression that our current Municipal Code disallows development of solely residential in our downtown. That without a mixed component of commercial you actually can’t add any residential to our downtown. So, this is a little problematic because I am firmly in support of the strategy to add additional housing. I don’t share the belief that commercial office space is more lucrative simply because it’s commercial. I think our code has created incentives that allow commercial projects to be of great intensity and thus reap greater rewards. If our residential projects could have that same advantages I think we would see a lot of more residential projects. One of those disadvantages is that our residential projects have to incorporate some mixed-use or they can’t come forward. Am I right about that?
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.

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Ms. French: In the CD Zone that’s correct. Some of the downtowns like RT, the SOFA area is different.

Commissioner Alcheck: Some of that is inclusive but most of it. So, I mention that only because if for example, we had considered a moratorium on any of those uses then we would also be considered as our law is currently written a moratorium on residential because our residential is handicapped by this requirement. I am satisfied if this Commission decides to further the recommendation that’s currently on the dais simply because again, I think this is a decision... a discussion that we’ve had and we’ve expressed points of view on it. We really need the Council to tell us what is it exactly you intended or what is it that you now intend? I think regardless of what the Council decides on this when the citizens vote in November if the citizens of this great community decide to half the City-wide cap then that is the purgative of our citizenry. And that effort shouldn’t be preempted. I don’t think telling us providing clarity here would do that but I will say this if the... and I’ll just... I’ll direct these comments to Council. If you elect not to make the change and retain the cap we really need Staff to address the issue of the requirement that our residential include a component of commercial because without addressing that we are allowing the code to essentially restrict residential development. And that is a huge concern of mine.
I want to just say one additional thing. I don’t feel that we have really enough information to address the impact of this element on the President Hotel situation. We haven’t been informed about it and it’s not... it’s... I know probably far less about it than most of you who are living there.

Chair Lauing: Yeah, it’s not even a project, that’s correct.

Commissioner Alcheck: Right and so I think it’s important to acknowledge that even if... it wouldn’t... it probably would not be appropriate for us at this juncture to suggest some specific legal policy with respect to that site. Because there is a process by which we have to be informed and hear community input before making such a recommendation. So, I just want you to know that I believe we share some of that concern and we feel a little unprepared to provide some feedback in that regard simply because of a lack of insight and prep.

Chair Lauing: Ok.

Commissioner Alcheck: But I... again I welcome... I would welcome our Chair inviting that discussion so that’s what I have to say about the motion on the floor.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: So, I’d like to speak to the motion and actually my own second. First of all, as been stated by a couple of my colleagues we just got this agenda item without any prior discussion ever. Either up here or independently so we’re reacting from the time that we got our Packets delivered on Friday night to try to prep for this. Highly respect and appreciate all the input from the public.

The whole point to me as I began studying this issue from the get go up to this second is timing of any sort of discussion or action on the accruing cap one way or the other. A number of speakers have asked why... why now? What’s the rush? There isn’t any. We have a common pre-meeting with Assistant Director Lait and the Commissioner [note- Chair?] and Vice-Commissioner [Note-Vice-Chair] and others we discussed it at length yesterday. And my questions were around why are we discussing this now? Why is it even in front of us? Why don’t we continue this until there are some other things that are more important that we’ve studied and taken action on called the Housing Work Plan? Which is substantial stuff that is likely going to result in the need for code changes to give incentives to development of housing and relaxation of standards which I think there is close to universal support on this dais for.

So, we talked about continuances and how urgent was it and unfortunately the Assistant Director isn’t here but I mean we agree that a continuance would be acceptable. And also, that it is not particularly time-sensitive relative to existing projects or frankly anything else. So, one

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
way or the other I come in tonight saying that I think we do not want to take official action on
the exact ordinance language that was put in front of us. A lot has changed in 18-months since
January 30th, 2017 when Council had these discussions. Not the least of which is again the acute
situation around housing and the commitment of Council to more housing of all types and
particularly the commitment of Council and the community to BRM and affordable housing. We
have got to take action on that, that takes the highest priority, that’s what we need to work on
the rest of the year, that needs to be done before we look at this thing in front of us	onight in a vacuum because we don’t know what the impacts are. And we don’t even have
things in the Staff report on transportation impacts, TDMs, etc. etc. etc. There’s just nothing
there to look at so for those two reasons the whole issue here is the sequence on addressing
this as is, is just wrong. We have to calculate the impacts and we have to sort out what we
really want to do to change the housing build rate in the City and all areas. So that has to be
done first and therefore this thing should not be approved, particularly since there’s no time
sensitivity.

So, I think that we’re just looking at the right technique to send that message back to the
Council and in support of the community. I think that the motion that’s on the floor does that
fine because we can say we don’t want to approve that now and these are the reasons why so
I’d be happy to support that motion. I think that we’re getting, regardless of the technique,
close to the consensus that we’re not ready to move on that now. We all want to prioritize

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at
   the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair,
   provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
housing and Council ought to take a second look at that in the context of what we get done through the end of this year before taking a look at that cap issue in a vacuum. So, I’d be happy to support the motion as it is. Other comments on that? Commissioner Summa.

Commissioner Summa: Just a specific comment but I… Staff can maybe verify that this is true. I believe by using TDRs… we can use TDRs for residential so you could get buildings that have quite a bit residential. Is that accurate? I think it’s in the code.

Ms. French: We can get back to you further on that but we don’t think there’s a prohibition in the code to use TDRs for residential but it just hasn’t been done. It’s always been (interrupted)

Commissioner Summa: Because off… yeah because most property owners are going to go for commercial space but we can.

Ms. French: As too Commissioner Alcheck’s point, you wouldn’t be able to use it and create a holey residential project in the CD Zone downtown.

Commissioner Summa: No but you have to put… in lots of CD you have to have ground floor retail anyway which is protected Citywide. So, I think there’s more potential than maybe my colleague was thinking about at the moment.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: Ok if there are no other comments let’s take a vote on the motion and to restate it.

Commissioner Summa: (off mic) Are we voting on mine?

Chair Lauing: We’re voting on the friendly amendment that you gave to Commissioner Waldfogel which is to… if you want to give us the exact wording.

Mr. Yang: The recommendation that the Council rejects Staff’s proposed ordinance.

Chair Lauing: Yeah at this time or something like that.

Commissioner Summa: Can you say that again? I can’t hear you.

Mr. Yang: Sorry, it’s a Planning Commission recommendation that the Council rejects Staff’s proposed ordinance.

Commissioner Summa: Thank you.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

VOTE

Chair Lauing: Ok all in favor of that motion signify by raising your hand; four. Opposed? Zero. Is there an abstention? One. 4-0-1. Do you want to speak to your abstention?

MOTION PASSED 4(Lauing, Summa, Monk, Waldfogel)-0-1(Alcheck)-2(Gardias and Riggs absent)

Commissioner Alcheck: Yeah, I’ll just quickly restate that I think this is... I don’t know that the Commissioner needs to provide input here outside of the tremendous amount of input we gave during the Comp Plan process. And I think Council can provide us the clarity without our direction so as to give us our greatest chance to avoid the politicization of our work during this very tentious election year.

Chair Lauing: Ok, thank you. That concludes Item Number 2 and I’d like to call a recess here at 8:35 for about 10-minutes.

[The Commission took a short break]

3. The Planning and Transportation Commission Will Review and may Amend the PTC By-Laws and Procedural Rules. (Continued from June 27, 2018)
**Commission Action:**

1. Waldfogel motion to add language to Bylaws to consult chair in setting agendas; Lauing second; friendly amendment by Monk accepted by maker and seconder. Motion failed 2-2-1 (Monk and Alcheck opposed; Summa abstain).
2. Monk motion to add footnote on quasi-judicial hearings in PTC Procedures; Alcheck second. Motion passed 5-0 (Gardias, Riggs absent).
3. Alcheck motion to clarify consent calendar procedure in PTC Procedures; Monk second. Motion passed 3-2 (Waldfogel and Summa opposed, Gardias, Riggs absent).
4. Alcheck motion to continue remaining discussion on PTC Procedures; Summa second. Motion passed 3-2 (Monk and Waldfogel opposed, Gardias, Riggs absent).

Chair Lauing: pause and now we’re onto the procedures. I believe that starts on... with introduction and content on Page 22. So, I think we can move this... move through this pretty quickly. The original version was redlined and unfortunately, this one isn’t. I brought my handy redlines with me to help but it’s at least underlined so we can look at what the changes are. So, we’ll just go through this unless you have comments. We’re going to look at Pages 22 and 23. There are no suggested changes. Did anybody have any? And there are no suggested changes on Page 24. New Packet Pages 20... sorry, Pages (interrupted)

Commissioner Alcheck: Can I ask a favor?

Chair Lauing: Go ahead.

Commissioner Alcheck: Would... after you call out the new Packet Pages will you call out the old ones because I brought my old Packet too with the redline and it helps if you do both?

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: Yeah, ok. Alright, so 22 and 3 [note-Pages 22 and 23] are the old Packet 47 and 48. There’s no changes there. Are you with us Commissioner Summa? Got it? Ok, great so (interrupted)

Commissioner Summa: 22 and 23 is the new Packet.

Chair Lauing: Right and new Packet 24 also has no changes suggested so if there aren’t any we’ll move to Packet (interrupted)

Commissioner Summa: I had a question about quasi-judicial hearings.

Chair Lauing: That’s on Pages 20 (interrupted)

Commissioner Summa: 5.

Chair Lauing: 5 which we’re just going to and/or Page 50 in the old Packet which is redlined. Yeah, go ahead with that Commissioner Summa.

Commissioner Summa: Oh, I was just wondering what the thinking of why let appellants and applicant teams speak during public comment also?

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

Mr. Yang: So, the rule and current rule on the proposed both say that members of those teams cannot speak during public comment.

Commissioner Summa: Ok so I read it wrong. Ok, thanks.

Chair Lauing: And the line that says surrebuttal?

Mr. Yang: So that's just a (interrupted)

Chair Lauing: Do we need to know Latin here or something?

Mr. Yang: It means the rebuttal to the rebuttal and it’s meant to just help distinguish between the first and the second person to rebut.

Chair Lauing: So, English isn’t possible there, we have to use surrebuttal?

Mr. Yang: I mean we could get rid of sir and just have it be the applicant’s rebuttal.

Chair Lauing: That probably makes more sense to me. Is that ok with everybody?
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Commissioner Alcheck: It’s the applicant’s rebuttal though to the appellant’s rebuttal, is that right? And so, we call the appellant statement a rebuttal and the applicant response a surrebuttal. It’s a... it distinguishes between the two.

Chair Lauing: Ok then we need a footnote. Ok, teasing, just go ahead, let’s go.

Commissioner Waldfogel: (off mic) I had a comment on the previous page.

Chair Lauing: Let’s just finish up with quasi-judicial hearing if there’s any questions here. Any other questions on that? Yep, Commissioner [note -Vice-Chair] Monk.

Vice-Chair Monk: This issue came actually before us not too long ago where we had an applicant and then we had a member of the public and so it... it didn’t... neither party quite fit within this existing definition. So, I just wanted to propose maybe adding hearing requestors or something of that nature because it’s not always an applicant or an appellant. It’s a hearing requestor unless I’m incorrect.
Mr. Yang: So, for... that term hearing requestor comes up around CPs because it’s the term that’s used in the Municipal Code but their effective appellants and we treat them like their appellants.

Vice-Chair Monk: Do we want to consider putting a footnote in or (interrupted)

Mr. Yang: Sure.

Vice-Chair Monk: Is it not relevant?

Mr. Yang: Sure, I can put in a footnote explaining that for the Comprehensive Plan hearing process hearing requestors. For... basically, it’s called the Staff Standard Review Process, hearing requestors are considered appellants so I’ll put in a footnote to that effect.

Vice-Chair Monk: And then in that instance the... in... does that change the priority of the opening statement in any way?

Mr. Yang: No, they’re functionally the same.

---

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

Mr. Yang: Correct, they’re like the moving party basically. They’re the person who is challenging
what is the status quo so they have the first statement.

Vice-Chair Monk: And if there is... ok, so there isn’t going to be a priority problem? There
wouldn’t be two applicants where we need to establish priority of their opening (interrupted)

Mr. Yang: No, it’s more common that you’d have two appellants or two hearings requestors
and that’s... it’s generally something that we will work out informally with them to figure out
who will present first. Usually, we’ll take the filing date, you know who filed their appeal first
and that will be the decider. But yeah, I think that’s a level of detail that we don’t necessarily
(interrupted)

Vice-Chair Monk: Yeah that was just kind of my side note was to perhaps consider adding a
protocol for instances for when there’s more than one appellant and give priority if... I can’t
even read my notes. It was from so long ago. Or give authority to the presiding officer if there’s
multiple appellants to determine the order or [unintelligible] at the time.

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

Vice-Chair Monk: Yeah.

Chair Lauing: Ok so we’re going to move back briefly to Page 49 in the old document, 24 in this document. Commissioner Waldfogel?

Commissioner Waldfogel: I’m sorry I want to move back even farther because I missed this note. This is Packet Page 19, Section 6 of the bylaws, agendas.

Chair Lauing: Oh, we weren’t even going to go over those but go ahead.

Commissioner Waldfogel: Well I’d like to add that agendas shall be prepared with... in consultation with the Chair.

Chair Lauing: Section 6, agendas?

Commissioner Waldfogel: Yes.

Chair Lauing: Somewhere in the first sentence there may be.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
1. **Commissioner Waldfogel:** I mean tonight’s first agenda...tonight’s agenda item was a great example where consultation with the Chair would have been valuable.

5. **Chair Lauing:** He’s on new Packet 19.

7. **Mr. Yang:** So practically speaking I think the Commission’s agendas are driven by the Council’s direction and Staff’s work.

10. **Commissioner Waldfogel:** Well but the thing is they’re not... the issues aren’t always... the timing on the issues isn’t always urgent. And given that, I mean as Commissioner members we’ve had problems or I’ve had problems with agenda items being added to meetings last minute where I may have planned travel or something; like tonight was a great example. I mean the only agenda item that we were aware of prior to last Friday was this bylaws item and so adding that previous item which the public turned out in droves for was actually a giant full pot. That was something that should not have happened and if the Chair was in the loop I don’t think it would have happened. So, I think it’s really essential that the Chair be in the loop for determining agendas.

20. **Commissioner Summa:** (off mic) I have a comment [unintelligible].

---

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Chair Lauing: On that? Yeah, go-ahead Commissioner Summa.

Commissioner Summa: [unintelligible] being stupid. Just... well, this is sort of for Staff also but I think that last minute change created a lot of mistrust in the public. So, I think it’s... when it’s something that has to be removed because Staff isn’t ready, I think that’s fine but adding something so substantive at the last minute. And to be honest I found out because I read about it in the newspaper and I don’t think that’s really the way we want to do things. So, I think changes should be discussed with the Chair and especially in the middle of summer when somebody may have planned to travel. Because frankly, what was on our agenda were two map acts and our bylaws. Things pretty lightweight were as this turned out to be as Asher [note: Commissioner Waldfogel] said a huge thing with residents. So, I think it would be better to check with Chair before substantive changes like that and also that the Chair should let everybody know as soon as possible. You know because even the way I manage my time I would have had... I had to... and because of the Staff report didn’t have links in it I had to look up all the links myself for like the 2014 report and I had... and I read the transcripts. This was a lot more preparation than our former one so what... you know and we got it a little late so what if I had two parties this weekend? I wouldn’t have had much... or something... I’m just saying it’s better if we all know sooner because I think we can have more time to prepare.
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Commissioner Waldfogel: I would just say I don’t think this is a negotiation with Staff. If this is something that we want as a body that we should add this to our (interrupted)

Commissioner Summa: Yeah [unintelligible -crosstalk between the Commissioners]. I’m just trying to explain my theory behind it if that makes sense?

Chair Lauing: Commissioner [note- Vice-Chair] Monk did you have your light on for this item?

No, ok. Commissioner Alcheck did you?

Commissioner Alcheck: Yes, so let me say two things. I think for the very reason... ok, I think Staff makes us aware of City work as soon as possible. As soon as they are able to present information that could be shared with the community they make it available to us. I think we are among the first to be informed. I think that if the change you are requesting is one about timing that’s one thing. I think that any changes that would imply oversight over the setting of agenda would be inappropriate. I don’t think that the preceding officer should have oversight over agenda-setting simply because number one, that’s not a role... we aren’t here serving at the desire of the preceding officer. The preceding officer is empowered to help the meeting process as opposed to result. That’s number one. Number two, some of the very suggestions that have made me very uncomfortable coming into this meeting were that somehow, we as volunteers had somehow participated in the setting of this specific agenda for this specific
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
concluded it maybe it would have allowed Staff to prepare something else that needs to happen for this meeting.

Chair Lauing: We were too tired anyway.

Commissioner Alcheck: That’s a better reason but I’m just telling you that.

Chair Lauing: So, I just want to respond to a could things. There are certain things in the City that obviously we do not get... there are certain things that have to come to PTC. That’s not debatable on anybody’s part, Staff, or us. I would prefer as a Commissioner, I’m not talking about as a Chair, that what we do is talk about upcoming agenda items as a group and opine on that. So that the Chair never has to make a decision such as being suggested here and that way we can all give our input. And we do have an excellent example in terms of the immediately preceding agenda item because that had never been discussed in this group. It had never been discussed anywhere so when it came up in this group we might have been able to have a discussion with Staff that said, you know we just don’t think the timing is right about that. Why don’t we just put that out 90-days or 120-days and it could have all been resolved right like that in a group situation. So, I would hope that if this was done it would be a rare occasion that any Chair would have to do that. On the other hand, when something like this comes up we could have also had that conversation if the Assistant Director had talked with the Chair and the Vice-

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair and said what do you think about this? Because at the end of the day he even said that it wasn’t really that time sensitive and so I think having that kind of safety valve on quick adds does make some sense to be in here. And I think the other issue with respect to having the things on the agenda is a little bit different than what you were saying. Is that if somebody really wants to get there for a certain agenda item and it’s there, that’s great, but if it’s added at the last minute like it was tonight Commissioner Waldfogel at the last minute had to disrupt everything to get here. So, I think that’s what... those are my thoughts. Any others?

Mr. Yang: So, I guess I think I’ll be the first to acknowledge that the earlier agenda item tonight was a mistake on our part and I think we didn’t anticipate that it would be that it would have the impact that it did. We thought it would be a 30-minute item that we thought there was space in the agenda so let’s add it in. And obviously that was a mistake but I think we’ve all learned quite a lot from that.

As to the current proposal, I guess I would suggest somewhat more immediate language that to the extent feasible the timing and order of agenda items would be established in consultation with the Chair. Because I think that gets to the concern that I’ve heard expressed but it doesn’t give the impression that the Chair has a substantive role in determining what comes to the Commission. Which I think is largely driven by these applications that we get in the door and the direction we get from Council.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: Well it also goes the other direction as was brought up tonight which was technically off agenda and we correctly said we should address that. But when there are things like looking at... I don’t know the correct word... not rent control but rent whatever it’s called. Reduction, thing like that, if something like that comes up from the Commission and we want to agendize it we also don’t want that vetoed.

Mr. Yang: Right.

Chair Lauing: So, what we’re just trying to get here is a communication process so that we're putting issues on the agenda that make sense at the right time.

Commissioner Waldfogel: (off mic) Excuse me?

Chair Lauing: Yeah go ahead.

Commissioner Waldfogel: But I think we’re trying to get to that but look, we all have lives outside of this. I mean we’re not like Staff where you’re paid to be here. I mean I’m sure you would do it anyhow but we’re volunteers, we have lives, I mean I travel a couple times a month professionally. I have run back here to get to meetings that have been canceled last minute.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
You know flow in from all kinds of places. I’ve seen stuff added last minute when I think that I
don’t have to worry about traveling. So, it’s... my perception is that there are places where
there is where time is of the essence but often even applications. We were told there would be
two zoning maps on the agenda tonight, they’ve moved, apparently, time was not of the
essence in getting those prosecuted tonight so I think that you’re perhaps exaggerating how
much work we do that actually needs to be done on a specific day on a date certain. And I think
that managing our calendars so that we can fully participate is an essential part of having a
functioning Planning Commission.

Chair Lauing: So, Commissioner Waldfoergel do you want to try to add some language as maybe a
second sentence under agendas after the words Brown Act and then something else?

Mr. Yang: Can I suggest that I think I would appreciate having a little bit of leeway in the exact
language and just getting a general direction from the Commission.

Chair Lauing: Summarize what you think the general direction is and then (interrupted)

Mr. Yang: I... my understanding is that the Commission would like for the Chair to have... to be
consulted in the scheduling of agenda items.

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

Vice-Chair Monk: Like Commissioner Waldfogel I’ve had to rearrange travel because a meeting that I was coming back from an international flight. The meeting I found out days before was canceled so then I ended up being able to stay at my international destination which is quite an expense to me personally. So, my concern isn’t that the Chair necessarily be notified because he’s just one member of all of us who makes certain travel arrangement. And I don’t know how you can accommodate this but my request would be that from the moment you know there’s going to need to be a change to what we talked about. Because I presume that Staff is doing what it can to predict what and when they’re going to bring to us but things come up, things change, I get that but it wasn’t as though you... for example this last time that it only was on just last Friday that we learned of this. Staff started working on this report, this issue came up probably at least a day, a couple days before that date. And even though the report wasn’t ready... didn’t get made online I think the intention of letting the Chair know is that perhaps as a courtesy the Chair would inform others.

Chair Lauing: Well I think the point to support you is that we would first negotiate like is that really necessary because people have already made their plans. So, on your behalf, the Chair

---

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

Chair Lauing: Yeah Commissioner Summa.

Commissioner Summa: I very much appreciate what Commissioner Waldfogel is trying to do but I think we’re... we also don’t want to constrain Staff, where they have to think oh, is Sue [note: Vice-Chair Monk] going to have to change her airline ticket and pay more money. And maybe a way to do this would simply to change the draft agenda online in the prior... from the prior meeting because those are all public. The draft agenda are public too.

Commissioner Waldfogel: But the problem is bigger than that because often say for work travel plans are being made weeks or months in advance. And so, when I look at these outlooks, you know like right now the Halloween meeting is canceled. That’s not binding on anybody. I mean we could decide at the last minute to un-cancel that meeting.
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.

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Commissioner Summa: Halloween?

[unknown speaker:] [unintelligible- speaking off mic]

Vice-Chair Monk: Well we voted on it.

Commissioner Waldfogel: But (interrupted)

Vice-Chair Monk: Because we’re all going to go to your house and trick or treat.

Commissioner Waldfogel: I know but Staff has the discretion to un-cancel that meeting. I mean I’ve had agenda items come up where something was agendize for a meeting. And then for whatever reason, it was moved to a subsequent meeting when I have a 2-year old commitment that I couldn’t make it to that subsequent meeting and that stuff is just wrong. That stuff is just wrong because (interrupted)

Chair Lauing: Can we... ok, Commissioner Alcheck.

Commissioner Alcheck: (off mic) Actually if you’ve not done, go ahead, let him [unintelligible].
Commissioner Summa: No that’s ok. So maybe... I think Staff can maybe hear our concerns and come back with us with a way to solve this that doesn’t constrain them and also doesn’t give, no offense to you personally but doesn’t give the Chair (interrupted)

Chair Lauing: I agree.

Commissioner Summa: A superabundance of power on the Commission.

Chair Lauing: Totally.

Commissioner Summa: So that’s all.

Commissioner Alcheck: I see this very... look it’s clear there’s some sensitivity among some Commissioners about the predictability of the calendaring. And I imagine that Staff is doing their best but no travel arrangements I think needed to be changed tonight because we had four members that didn’t need to adjust their travel schedules and four members (interrupted)

Chair Lauing: One did.

Commissioner Alcheck: But we had four that didn’t.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Vice-Chair Monk: Well and we had one that made plans based on miscommunications about tonight as well.

Commissioner Alcheck: Yeah not but the meeting tonight was on the calendar. The business of the meeting may have changed but as long as four could be present the business of the meeting regardless of what it was could occur. What I’m trying to say is that the community is really... this is... this should be community focused and so to the extent that the agenda can be predictable from us that’s very helpful, that’s good because we do volunteer our time here. It’s the community, it’s the applicants, appellants, hearing requestors, who business needs to be done in a timely fashion. And I don’t really fault Staff moving items in when for example it wouldn’t surprise me if the subdivision request weren’t postponed because of Staff’s determination but because the people who are making those requests weren’t prepared. And if that’s the case then suggesting that Staff who maybe made an effort to fill the time that was scheduled with something relevant did so inconsiderately. As long as four people can get here, their job is to put something in front of us and the requirement that there be I think it’s 72-hours is all it is. We’re entitled through 72-hours of advance notice to review City business and I don’t think that... I don’t think it’s great if you think a meeting is going to have something arbitrary or not so interesting and then you find out oh wait, actually this is something I care about and then you just... that’s a bummer. But all business deserves four Commissioners and
as long as we can get four I think my biggest concern with what you said a minute ago was that
you could check with someone’s schedule and see if they were available. The question is would
you (interrupted)

Chair Lauing: No, no, I was saying we should... if we could we would talk about it together to
see if we wanted to address that meeting agenda.

Commissioner Alcheck: Then the public... I think your... I think we’re failing to appreciate the
extreme fluidity of City business and there’s very little predictability.

Chair Lauing: Right but what I’m saying to you in Exhibit A is that no, 72-hours is not enough to
add an agenda item like tonight because it was a mistake.

Commissioner Alcheck: That I think Staff appreciates.

Chair Lauing: Right.

Commissioner Alcheck: I don’t think though that... I think they got that, I think we know that
but it... I’m... I think I share Commissioner Summa’s concern here that putting the Chair in a
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

position of oversight though doesn’t solve this problem the way that it should be. So, I guess that’s all I’m trying to say.

Chair Lauing: You got direction. Yeah sure Commissioner Monk.

Vice-Chair Monk: Chair I just wanted to respond to one piece of what Commissioner Alcheck stated because there was a partial truth in that there was a communication that went out about changing today's meeting to the 18th. And then this was taken off and put back on and so because of that, that’s why Commissioner Riggs ended up making plans for tonight even though it’s a regularly scheduled meeting. It was taken off at one point and so that’s why he’s not here so I’m just saying it wasn’t... that was just one thing that I wanted to correct as far as everyone being able to come and relying on the existing schedule.

Chair Lauing: So, I think you have kind of the sense of what a few of us are saying and it’s definitely not an individual. It doesn’t have to be the Chair, it can be two people that... it doesn’t matter. It’s just some sort of communication and maybe we could have a negotiation discussion about hey, maybe that’s not the best time that’s all.

Mr. Yang: So, I guess would this capture it to say that Staff will endeavor to alert the Commissioners to any changes in the schedule at the earliest possible time?
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

Commissioner Waldfogel: I think that's too weak.

Chair Lauing: Yeah, I don’t think that’s enough because that would have been this meeting, 3-days.

Chair Lauing: I guess (interrupted)

Mr. Yang: An opportunity that Staff would communicate with the Commission to say look, this is a potential change and (interrupted)

Chair Lauing: I guess my concern here is you used the word notification. That’s not what I’m trying to get too. I’m trying to get to collegial discussion.
1. **Commissioner Waldfogel:** The other thing that would help is if we had... let’s say we had a cadence that said that we take policy issues in the first meeting of the month and we take up quasi-judicial matters on the second meeting of the month or something like that. Then at least we would know where the policy issues are coming into play but as it is now they just come in and out of focus in what seems like very arbitrary ways. I mean there was no timeliness around what happened tonight. Could have happened next meeting, it could have happened 6-months from now and so just a notification isn’t enough.

2. **Vice-Chair Monk:** I have a point of order. Do we already... What we’re talking about right now is in the bylaws. Didn’t we already move this item?

3. **Chair Lauing:** Yeah, we discussed it but I’m not sure we actually approved it because did we hold the approval until this meeting?

4. **Mr. Yang:** Yes, and if there were additional changes that are being made tonight then it would have to be approved at the next meeting.

5. **Chair Lauing:** Right so I think to move this one along I’d be ok with you trying some language for next meeting to bring back to us on this. Is everybody ok with that?

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Commissioner Alcheck: Would you be comfortable with just seeing... I feel like I’m a little uncomfortable with the oversight component that I think you, Commissioner Waldfogel and you are interested in. I got the sense that Commissioner Summa felt that way, I don’t know where Commissioner... I guess my point is if there isn’t a majority here, it feels that way, then maybe he doesn’t have to spend any time. I mean let me put that differently, maybe the... I’m not uncomfortable with the language he suggested now two times. The first one providing as soon as possible providing as much... you gave us two examples. The first one is a little different than the second one. Both of those I was comfortable [note-uncomfortable] with and maybe we don’t need to wait... I (interrupted)

Chair Lauing: Then one of you should make a motion and we’ll just (interrupted)

Commissioner Alcheck: I don’t have a change for this section.

Chair Lauing: Ok so [note- Commissioner] Waldfogel do you want to make suggestions not necessarily for the language but what we would like him to work on to see if there’s three of us that agree with that?

MOTION #1

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
1. **Commissioner Waldfogel:** Well let me try for the one that I want first and let’s see if we get support for it. And then we’ll try... if not then we’ll try something weaker which is I... it doesn’t bother... I mean we do give the Chair some extra powers. You know that’s sort of the definition of the Chair so I’m comfortable with the Chair being a consenting party to agenda development. So, I’d like to see language that requires Chair consent for an agenda. That would be my preference.

8. **Chair Lauing:** An agenda changes or an agenda?

10. **Commissioner Waldfogel:** For any published... before an agenda, it published I’d like to see the Chair consent to that agenda.

13. **Commissioner Alcheck:** Should we vote?

15. **Ms. French:** Can I jump in here? I just wanted to say that we do have notice deadlines to go to the newspaper, to the Weekly so that happens before an agenda is ever published. It’s a notice... required notice. So, at that opportunity when there’s a notice being placed it’s several weeks before the agenda is actually created. The order of the agenda etc. Is that a time that notification could be given that we’ve placed an ad? Is that... would that be helpful?

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: If you’re asking me it would be helpful but we’re still back into the notification range. The only thing (interrupted)

Ms. French: I’m sorry but at that point, the agenda has not been published. It’s an ad for individual items and there could be a dialog with the liaison to the Commission and the Chair about what’s (interrupted)

Vice-Chair Monk: Are you saying that there was an ad placed prior to 1-week of these agenda... our printed materials in this last (interrupted)

Ms. French: For quasi-judicial and legislative actions we typically place ads.

Vice-Chair Monk: So was there an ad placed... this was a legislative action tonight. Was it not?

Chair Lauing: Yeah so, we have a motion so do we have a second to that motion? No second.

Ok, any other motions?

MOTION DIES DUE TO THE LACK OF A SECOND

MOTION #2

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Commissioner Waldfogel:  Ok so what about with Chair consultation?

SECOND

Chair Lauing: I could second that one. As I say all I’m trying to do is get some communication to prevent what happens tonight on items that are potentially massive items.

Commissioner Waldfogel:  But that has to be codified in our bylaws because otherwise (interrupted)

Chair Lauing: So, I think the consultation things is fine. As a matter for practice in the other Commission I was on, that’s how it happened with the Chair so it worked fine. It wasn’t... it was never contentious, there were no veto powers back and forth. It was just a discussion, that’s all. It was just two colleagues talking or three or four sometimes. Yep go ahead. So, I seconded that one so (interrupted)

Commissioner Alcheck:  Just so I have clarity on this motion. Would a member of this Commission have insight... is your understanding that a member of the Commission would have insight on the agenda before the community, before any other member of the community?

__________________________

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Chair Lauing: You specifically mean community, not commission?

Commissioner Alcheck: I need to understand whether the consultation... is the benefit of the consultation that the Chair can say we’re not ready for this and Staff can then say we are and that’s ok that we disagree or is the purpose of this consultation so that you can hear about something, ask us what we think about whether the Commission is ready because you had asked for some sort of group process or is the consultation simply them notifying you and you being able to provide some of us with more advance notice than the published date of the agenda? I would say this to you all three of those seem a bit problematic.

Chair Lauing: Ok so I’ll answer your question. From what I understand the request from Commissioner Waldfoel is it’s not that different than going over this stuff as we do at this Commission meeting. But this happens all the time and as it changes you know that could be discussed in a phone call between the Chair or a designate and the Director saying you know we’re moving these things around, check. That’s it or well then are we going to get to this thing? Oh yeah, I guess I forgot that. Maybe we should put that one in there. Ok, that’s fine and then we’re done. That’s all it is, it’s a conversation. I don’t care, it’s a conversation and I don’t think it’s going to happen very often that there’s going to be any changes or disagreements.
Who was first? Was your light on Commissioner Summa? If it wasn’t we’ll go to Ms. Monk [note-Vice-Chair Monk].

Commissioner Summa: Go to Ms. Monk [note-Vice-Chair Monk].

Vice-Chair Monk: I feel like we’re conflating two concepts here. One giving the Chair a new power so to speak and also talking about giving the entire Commission as much notice as you can give us. To me, those are two distinct and different topics that I feel like we’re mushing into one and we started this discussion with the fact that we did not feel that we were... we felt as though we would have appreciated having as much notice as possible that this could be coming our way. So, I’d like to focus on that piece of it and I don’t know if there’s an interest in actually making a change here. If making a proposal to change the language here now will result in this having to come back and reopen up the discussion on the procedural rules then I’d probably rather not make a change and just move forward and vote on this. Because to take the number of hours that we’ve taken on our procedural rules is absolutely beyond belief and I think we should try to close it tonight so I am concerned about that. So that’s fundamental but if we are going to make changes this is going to come back then I would make a change on that.

In regards to giving the Chair increase or superior authority, that doesn’t help the rest of the Commission know what the changes are going to be, and it just doesn’t do anything as far as

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Chair Lauing: Yeah.

Commissioner Waldfogel: [unintelligible – off mic]

Vice-Chair Monk: Sorry, what’s… ok can you please (interrupted)

Chair Lauing: Consultation is the word (interrupted)

Vice-Chair Monk: What’s the motion that’s on the table?

Commissioner Waldfogel: (Off mic) The motion that’s on the table is [unintelligible] Chair consultation to the agenda-setting process. [unintelligible]

Chair Lauing: I don’t… frankly, I don’t even care if it’s Chair consultation. It’s just somebody to talk to, to say… and because to Commissioner [note-Vice-Chair] Monk, to your point, I think that again, unfortunately, tonight’s example was a good one. With that discussion, I don’t think it was a question of getting notified sooner that this was coming up. I think it was a point of having a discussion about is it really wise to bring this up because this is not time sensitive and we probably could have had a short discussion. And Jonathan and Albert would have said yeah,
probably let’s move it our three meetings and we would been... we would have saved a gazillion hours.

Mr. Yang: I will just add regardless of whether or not there’s a change made to the bylaws I think Staff has heard the Commission’s concern about being notified early and being in the loop on changes. And so that’s something that we will take to heart.

Chair Lauing: Ok but there’s other discussion from Commissioner Summa.

Commissioner Summa: I’m so tired. I don’t want to belabor this point but I did feel kind of personally bad. I don’t know when you guys made the decision to change it but I don’t know why at that time you just don’t give us a heads up because we could start thinking about it. And it wasn’t... that’s more my thing than giving extra power to any Chair and so I would just say that that would have... because it’s legal then at that point, right? So, you’ve published... I don’t know how many days out you have to go to the paper just to get the ad in but at that time you’ve made a commitment and a decision unless there’s a last-minute revision for an emergency reason like you’re not ready or something else. But so, I think that would just be appropriate to just let us know so we get a heads up. I don’t think it has to be a big dramatic thing and maybe you forgot, I don’t know.

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: Well we can just vote. Let’s see, did you have another Commissioner Alcheck?

Commissioner Alcheck: Look I just want to… let’s acknowledge we only spent 2-hours on the item earlier tonight. It’s 9:30 now, we finished almost an hour ago. It wasn’t a gazillion hours. You actually made very quick work and you got a motion… an active motion… excuse me, an actionable motion with a 4-1 vote… 4-0-1 vote. So, I actually think you dispensed with Commission business rather effectively tonight.

Chair Lauing: I was adding the homework time when I called it a gazillion hours.

Commissioner Alcheck: That’s… look, I just… I think you’re underestimating actually how efficient you were tonight. I don’t know that if you would have had three more weeks to be perfectly honest you would have come to a different conclusion than you did tonight. I suspect you would have come to the same conclusion and we’ve really advanced the agenda of the City. We’ve saved the City 3-weeks of waiting to understand what’s going on.

Chair Lauing: Ok so let’s just go to the vote.

Commissioner Alcheck: I’m saying that they did it… that was… I’m just saying… I just want to acknowledge, you did make good work tonight. We did good work tonight. We responded to

---

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

Chair Lauing: My question was if Jonathan and somebody on this Commission had had a discussion about it maybe we would have postponed it 3-months, that’s all I was saying.

Commissioner Alcheck: I still would have been here and so would you and so would of Sue [note-Vice-Chair Monk] and so would Doria [note-Commissioner Summa]. And maybe Commissioner Waldfogel would have missed it if this wasn’t on the item because this particular other secondary item was less significant and not worth canceling the travel but we still would have gotten it.

Chair Lauing: Ok so let’s just go to the motion then and just go... and I think the spirit of this Albert is that this is the motion. If you want to come back with some slightly different language that’s ok but I think you just have the word... where is it in here in the language now? The consultation issues.

Vice-Chair Monk: Well what... I don’t know... what does that mean to have a consultation? I don’t even know what we’re doing with this motion frankly.

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

Vice-Chair Monk: I think it causes more confusion (interrupted)

Chair Lauing: Commissioner Waldfogel could you please say where your consulting word is in the motion?

Vice-Chair Monk: And perhaps issue a definition for consultation because the whole point of laws is to make thing more simple and more direct and not add more ambiguity. And I think putting in language like in consult with really opens us up to a boatload of ambiguity on what that means.

Chair Lauing: I don’t think… I don’t agree with that. We’re not going to get into legal disputes about consultation.

Vice-Chair Monk: Who’s a lawyer here?

Chair Lauing: It’s not a law, it’s a conversation. Call it a conversation.

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

2.

3. **Chair Lauing:** Let’s just vote on this thing and I just want to confirm that the spirit of this is that Albert can try some different language then. Ok so in favor of that... of the motion (interrupted)

6. **FRIENDLY AMENDMENT**

8. **Vice-Chair Monk:** Can I propose a friendly amendment then? That the expectation would be that as soon as any member is notified of any potential change that they ensure that Staff or someone notifies the other members. Because to me, it’s also about making sure that everyone’s aware of the change and not just giving this power solely to the Chair.

11. **Chair Lauing:** Sure, but that would always be Staff that does the notification because the Chair or anybody else wouldn’t send out direct notice.

15. **Vice-Chair Monk:** Is that an amendment I could somehow (interrupted)

18. **Commissioner Waldfogel:** (off mic) Do you know how to implement that?

---

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Vice-Chair Monk: Amy kind of spoke to it earlier. It's surprising to me that that's not already a courtesy that you notify us when you publish.

Mr. Yang: So, I guess as Commissioner Monk you made the point that there are two separate issues here and so it sounds to me like you’re asking to include the second issue... the other issue as well.

Vice-Chair Monk: My concern is that this motion might pass as is and I don’t want to have to go and make an additional motion. So, I’m wondering if I could weave in something into this motion.

Chair Lauing: Commissioner Waldfogel would you accept the spirit of that amendment?

Commissioner Waldfogel: [unintelligible – off mic]

Mr. Yang: Yeah, I think we understand.

Commissioner Waldfogel: (off mic) Ok then yeah [unintelligible].
Chair Lauing: And so, would I as the seconder so let’s go to a motion on that. Al in favor of the motion and seconded and amended and seconded. Wait, do I have to do the amendment first?

Mr. Yang: No, it’s [unintelligible- crosstalk]

VOTE

Chair Lauing: Alright, ok so all in favor of that please raise your hand. Your amendment is in their Commissioner Monk. Ok. Two for, how many against?

Commissioner Summa: I’m going to abstain. I just (interrupted)

Chair Lauing: Motion FAILED 2(Waldfogel, Lauing)-2 (Alcheck, Monk)-1 (Summa)- 2(Riggs and Gardias absent)

Chair Lauing: Ok so nothing happens then. 2-2-1. Ok moving along. We’re back over on Page 20… we were quasi-judicial hearings on Page 25 of the current Packet and I think we just concluded that and 50 of the old Packet. So, if there’s any... not any other questions we’ll move onto more redlines on Page 26 of the new Packet.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Mr. Yang: I’m sorry Chair, just because Commissioner Monk had suggested a couple changes which Staff is amendable too to get clear direction from the Commission can we just have a quick vote on whether the rest of the Commission (interrupted)

Chair Lauing: On what?

Vice-Chair Monk: Well the motion failed. I made my changes because I was concerned [unintelligible] (interrupted)

Mr. Yang: Oh no, I’m sorry, the changes to the quasi-judicial language.

Chair Lauing: Your changes.

Vice-Chair Monk: Oh, you wanted us to vote on that. I wasn’t sure if we were just going to vote at the end of tonight’s discussion.

Mr. Yang: Well I think we’re going to have to (interrupted)

Chair Lauing: Let’s just do it as we go along.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

Mr. Yang: Yeah, a lot of small issues so it would probably (interrupted)

MOTION #3

Vice-Chair Monk: Yeah, I apologize for not bringing a motion at that point. I just thought we were going to vote at the end.

Mr. Yang: Yeah, the proposed changes were to add a footnote and to basically allow the Chair to manage when there are multiple appellants.

Chair Lauing: Ok, no objections, good.

Vice-Chair Monk: Do we need to vote on that?

SECOND

Commissioner Alcheck: (off mic) I'll second the motion to make that change.

VOTE
Chair Lauing: Yeah ok, everybody in favor? All in.

MOTION PASSED 4(Lauing, Summa, Alcheck, Monk, Waldfogel)-0-2 (Riggs and Gardias absent)

Mr. Yang: Thank you.

Chair Lauing: So, we’re on Page 51 of old Packet, 26 of new. So, on Page 26, aren’t you just sort of reorganizing those Albert?

Mr. Yang: Yes, this is reorganizing to reflect the way that we order our agendas these days.

Chair Lauing: And I think the only item that’s changed there is a notation on roll call so that when someone comes in we kind of add them. So, the minutes that they’re here because they start voting and they’ve come in 15-minutes late so that’s the only change there I believe.

Mr. Yang: There’s also the addition of future agenda planning and the addition of a Consent Calendar which was a suggestion of (interrupted)

Chair Lauing: Sorry, I was just on Page 26 but yeah in the next section that’s right.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
the City Council meetings? And if so how does that... how do they reference the item? Is it... are they numbered? Those are my three questions.

Mr. Yang: Sure, so an example would be that... the bylaws, for example, need to be presented again after they've been presented in the first reading and so if the Commission had accepted the bylaws the first time. The second time around it might be an appropriate time for them to come on consent. There may be in the future other items where the Commission has had its discussion but would like to see something come back without scheduling it for a full... as a full item with on the action calendar.

Commissioner Alcheck: So, would it come back in the Staff report but Staff wouldn’t speak to it?

Mr. Yang: That’s correct.

Commissioner Alcheck: Ok so I just really... I always understood that Consent Calendar on the City Council level as a legal requisite. Some things needed two evenings and so the City Council could conclude their discussion, make their motion, however they couldn’t finalize that decision without a second evening. In our case, for example, we were dealing with an item what would be the reason why we wouldn’t finalize it on that evening and push it to a second meeting only to not be really considered?

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

Commissioner Alcheck: Let me rephrase that. What would be that example and number two, is there anything that would come before us for the first time that you think would go on the Consent Calendar? Is that a practice on the City Council level? Something that’s never been heard before on Consent?

Mr. Yang: Yes, the City Council’s Consent Calendar is... it’s primarily items coming on the first... for their first consideration and its routine items that are not expected to require discussion. I think it’s less likely to come up on the Commission level and I think that’s why there isn’t a Consent Calendar right now. I mean I could think of hypotheticals like for example tonight the Commission could have provided or it could provide general direction to Staff but then also want to see a specific... something that’s specifically drafted before it makes its final approval. With that said I think it’s not likely to come up very often.

Commissioner Alcheck: So, would there be a process by which we would vote at the conclusion of a meeting to have something placed on the Consent Calendar? So, we would make a motion that the item that Staff the following changes and present us with those edits and be placed on the Consent Calendar? Is that (interrupted)
1. **Mr. Yang:** Sure, that is a motion that the Commission could make. Staff could decide to put something on the Consent Calendar when it’s returning, even if it wasn’t specified if there wasn’t much discussion left or if there wasn’t any discussion left to be had.

2. **Chair Lauing:** For example, this item, if we want it to come back one more time it could go on Consent.

3. **Mr. Yang:** Then the expectation is set that there will be discussion.

4. **Commissioner Alcheck:** Not yet.

5. **Chair Lauing:** No, no, I said maybe.

6. **Commissioner Alcheck:** We don’t have a Consent Calendar.

7. **Chair Lauing:** Maybe.

8. **Mr. Yang:** So, you had other questions (interrupted)
Commissioner Alcheck: We have to pass if first then there’s a Consent Calendar. Alright, I think I get it. I wonder if somewhere in the motion sections there should be a motion that speaks to that process or I don’t know. I think this is the sort of thing that maybe could evolve over time. Like if we realize that there’s something that we don’t understand we could add something to it next year but I thought that exchange was helpful for me. Thank you. I would suggest though that we add the word tonight... that when the item would be heard (interrupted)

Mr. Yang: So that was your second question and I think that that’s not always going to be the case. So, I... the intent I think is to... that the secretary and the Chair will determine if there’s time on that... on the schedule that evening or should it be scheduled for a later date. And just to give you the example on what happens on the Council it’s very common that something is pulled from Consent it will be heard on a later date because there is just not... their agendas are usually quite full already.

Commissioner Alcheck: Would it maybe be amendable to the Commission or Staff to have the next meeting... I mean I guess to me I’m a little uncomfortable with a date uncertain. I like the idea of... I think this is... this might create better efficiency but I would prefer if the discussion was a little bit more transparent. And so, if the Chair didn’t feel like that evening was an appropriate time then it would be apart of the agenda the next meeting. I would hate to see something... the distance... because we’re already talking about potentially 2-weeks later. If it

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Mr. Yang: How about we’ll determine whether the item can be heard on the same evening so then there’s (interrupted)

Commissioner Alcheck: Or even at the earliest possible convenience. I mean I’m not trying to suggest that it has to [unintelligible] but I wouldn’t want to see something gets pushed off for a really long time. If there was someone who really... if there were two people that really wanted to pull the item for discussion, when do they get that discussion? I think there’s some concern that we... this probably will never happen. I just think that there should be some language helping the Chair understand what his responsibilities are.

Mr. Yang: I guess I would ask for a motion on that as well.

MOTION

Commissioner Alcheck: I would suggest... I would move that the language be added to the line that says this item will be removed from the Consent Calendar and the Chair in consultation

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

Vice-Chair Monk: I thought you said that whether it could be heard on the same evening (interrupted)

Commissioner Alcheck: I know but (interrupted)

Vice-Chair Monk: Or the... maybe just (interrupted)

Commissioner Alcheck: Fine. I think that the earliest possibility encompasses that. I'm not trying to be overly restrictive. I just (interrupted)

FRIENDLY AMENDMENT

Vice-Chair Monk: Yeah because I just think the problem if you don't have it on the same evening it kind of defeats the purpose of the Consent Calendar because they're trying to get things done more expeditiously. And so, they're taking a risk in putting something on Consent and then (interrupted)

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

2.

3. **Vice-Chair Monk:** The risk is that now it will get pushed out much further versus them just regularly agendizing it. So, it kind of puts I think Staff in a tricky position on how to bring items to our attention, am I right Albert?

4.

5. **Mr. Yang:** I think I would just appreciate some... a sense of whether there’s majority support on the Commission to (interrupted)

6.

7. **Chair Lauing:** Yeah, we’re going to do that.

8.

9. **Mr. Yang:** Add further clarity.

10. **SECOND**

11.

12.

13. **Chair Lauing:** I would second that if you want to accept her amended language, that’s fine.

14.

15. **Commissioner Alcheck:** (off mic) I accept the amended language [unintelligible].

16.

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: Ok other discussion. Commissioner Monk you had your light on, on this item.

Vice-Chair Monk: Yeah, I just want to confirm. So, it says the Consent Calendar shall be voted upon as one item. Is that pretty standard that you don’t just go down each item if there’s more than one?

Mr. Yang: Yes. So (interrupted)

Vice-Chair Monk: You either approve the Consent Calendar or you don’t?

Mr. Yang: Well Commissioners would have an opportunity if there were multiple items on the Consent Calendar to say prior to the vote that I’m voting for these items only or I’m voting for all the items except for this one. But if there is no preamble stated then the assumption is that the vote is for the entire Consent Calendar.

Vice-Chair Monk: And then on the last sentence where it says any member of the public wishing to speak shall be afforded the opportunity to speak prior to the Commission taking action. Is that referring to that day because if something gets pulled (interrupted)

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

2

3 Vice-Chair Monk: I just don’t know how this (interrupted)

4

5 Mr. Yang: So, if something is pulled it’s no longer on the Consent Calendar. What this is stating is that someone who sees an item on the Consent Calendar that they want to speak to, before the Commission takes a vote, will have an opportunity to come up, submit a card and say you know I’m speaking to Number 2 on the Consent Calendar. And here are my thoughts and I’d like you to pull it or I’d just like you to approve it or deny it.

6

7 Vice-Chair Monk: Ok I wasn’t sure if that was clear on when that would occur so it’s for that date of that Consent Calendar.

8

9 Chair Lauing: Ok.

10

11 Vice-Chair Monk: I would support this suggestion change.

12

13

14

15

16 Chair Lauing: Commissioner Waldfoegel.

17

18

19

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

--

1. Commissioner Waldfogel: Excuse me, I’m a little confused about this because I think this is pretty boilerplate Consent Calendar language that we have here and I think that the implication here is that the Chair in consultation with the secretary will act in an expeditious way. So, I don’t really see the need for more determined language on this. I mean just (interrupted)

2. Chair Lauing: But you favor it being in here?

3. Commissioner Waldfogel: I think that the Consent… I like Consent Calendar. I think the Consent Calendar language as proposed in our Packet is fine. I don’t understand the quasi-judicial sentence in there but I’m sure you have a reason for that and I just don’t think that we need to be more restrictive.

4. Chair Lauing: Commissioner Summa.

5. Commissioner Summa: I agree and I don’t think we’ll use this very much because it’s used in a very different way on the City Council. And often there it’s the public that comes and says hey, we want this to be heard and they’re not prepared to do it on that night. So, I don’t want to be prescriptive about doing it on that night so I’m fine with the language the way it is. I don’t want to be prescriptive but I don’t think we’ll end up using it very much.
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.

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Chair Lauing: Yeah, I don’t think we’ll ever use it but to have it in here as a tool is ok.

Commissioner Summa: But see the Council has so many contracts (interrupted)

Chair Lauing: Right.

Commissioner Summa: And stuff to get on there and then if... appeals often have to be taken off Consent at the Council level so that's a pretty big deal for somebody to be heard. That won’t happen with us, right?

Commissioner Waldfogel: [unintelligible -off mic]

Chair Lauing: Yeah, exactly, that’s a good point. [unintelligible]

Mr. Yang: I’d have to look at exactly what the requirement in the Municipal Code is but potentially, yes.

Chair Lauing: So procedurally... oh sorry.

Vice-Chair Monk: But now that (interrupted)
1. **Chair Lauing:** Commissioner Alcheck.

2. **Vice-Chair Monk:** [unintelligible - many people speaking at once]

3. **Commissioner Alcheck:** I’d like to just… I have a quick question here and so help me understand this a little better. Would Commissioners… would the opportunity to remove an item from the Consent Calendar occur… like would we have an opportunity to remove something from the… the time allotted for if there’s anybody who wished to remove something from the Consent Calendar. Does that happen before or after an individual in the public is given the opportunity to speak to the Consent Calendar?

4. **Chair Lauing:** After.

5. **Commissioner Alcheck:** Presumably we have time to pull things before the vote but does the community speak to those items before or after we have a chance to pull them?

6. **Chair Lauing:** Before.

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

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

Mr. Yang: Right I think it would be... the public gets to speak... there’s no Staff presentation so then you have public comment. That’s basically the first thing and then the Commission would have an opportunity to pull items before... after public comment.

Commissioner Alcheck: And then if the item gets pulled presumably the people who spoke get another opportunity to speak at the whatever hearing [unintelligible].

Mr. Yang: Correct.

Chair Lauing: Did you have a comment Commissioner [note-Vice-Chair], Monk?

Vice-Chair Monk: First question, can the approval of the procedurals rules that we’re discussing tonight come back to us on Consent?

[note-many Commissioners started speaking at once off mic]

Vice-Chair Monk: If we pass it can it come back to us on Consent?

[(note-many Commissioners started speaking at once off mic]
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.

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Commissioner Alcheck: (off mic) No, it can’t come back on Consent. If we pass it there is no future Consent.

Vice-Chair Monk: What do you mean?

Commissioner Summa: We don’t have any Consent Calendar.

Vice-Chair Monk: We did have a Consent Calendar because we (interrupted)

Commissioner Summa: (off mic) Well that’s Jonathan made it up kind of. He just did it that night and we said (interrupted)

Vice-Chair Monk: We don’t not have one.

Chair Lauing: Ok what’s your second question?

Vice-Chair Monk: Ok. Second question is will the newly created Transportation Department perhaps give way to items that might need to just get more of an administratorial review by us that might be appropriate for the Consent Calendar?

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Mr. Yang: That’s possible. You know we’re not sure exactly how it’s going to work out yet.

Chair Lauing: Ok so procedurally there’s already a motion but procedurally we’re saying all five of us agree that we should keep the Consent Calendar. The motion on the table is to change the language as moved by Commissioner Alcheck and seconded by... no, let’s see. Right and seconded by Commissioner [note-Vice-Chair], Monk, that’s right.

Commissioner Alcheck: Amended and seconded.

Chair Lauing: Amended and seconded, that’s correct. I couldn’t remember if I had seconded that one actually. So, if the motion is approved the new language would be there. If the motion is not approved then it would go back to the default of the current language. In either case, we’re supporting a Consent Calendar so that’s procedure. So, are we ready to vote? Did everybody understand the procedure?

Commissioner Summa: I’m sorry, I need the new language.

Commissioner Alcheck: The language is that the... after the word heard... when the item will be heard either that evening or at the earliest opportunity. I originally said earliest opportunity and the amendment was to add the language of the evening and I accepted that amendment.

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

Chair Lauing’s support too. That’s the purpose of [unintelligible].

Vice-Chair Monk: I guess it’s redundant. You could just say at the earlier opportunity
(interrupted)

Commissioner Alcheck: No, no, no.

Vice-Chair Monk: Including that evening (interrupted)

Chair Lauing: Don’t change it now.

Vice-Chair Monk: Just to make it shorter.

Chair Lauing: No more wordsmithing.

Vice-Chair Monk: Just to make it shorter.

VOTE

Chair Lauing: No wordsmithing. Ok, so we’re going to vote. All in favor of the motion say aye

and against? Two.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

MOTION PASSED 3(Lauing, Alcheck, Monk)-2 (Summa, Waldfogel)-0-2 (Riggs and Gardias absent).

Chair Lauing: Ok so make those slight changes and move forward. Put it on the Consent Calendar. Ok, so I think we’re over to Page 29 in the new Packet, 54 in the old. Still, have a number of (interrupted)

Commissioner Alcheck: (off mic) You said 29, right?

Chair Lauing: 29 in the new, 54 in the old. At least just a notice, we have a number of pages to work through yet and we’re up at almost 10 o’clock.

Vice-Chair Monk: I’m a little worried of bringing this up but can you just kind of clarify what it... what rises to the level of an ad hominem argument and what does not?

Mr. Yang: You know I think that it’s basically an attack on a person’s character or integrity would be an ad hominem attack. Discussion of a person as opposed to the issue before the Commission.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Commissioner Alcheck: Yeah, I was happy to see this language when I saw it in the Packet from a month ago. I think that... I just wanted to say out loud that I really like the idea of speeding up the seconding process. I think we let it linger a little bit and I’m excited to see that language.

Chair Lauing: Any other comments on that? And I think at the bottom your redlines are clarifications, they are not even changes are they really?

Mr. Yang: No, they’re just trying to use slightly more common language.

Chair Lauing: Ok so are we all ok with Page... current Page 30? Everybody ok? Alright 31 or 56, at the top I think is again just different words to clarify what’s being said there. Same thing with table so the only sentence that’s added is recessed. Any questions on that? If not, we can shoot forward here to Page 57 or 32.

Vice-Chair Monk: You’re lit up.

Chair Lauing: Sorry. Yeah, I’m doing a lot of reading so please, do a verbal notification. Thanks.

Commissioner Monk.
Vice-Chair Monk: So, Albert at Call the Question at the top of Page 32 on that last sentence requiring a 2/3 vote why is this different than other voting requirements? And what does that mean if there’s four people and there’s one abstention and one no vote and are we at 2/3 or not?

Mr. Yang: Right so (interrupted)

Vice-Chair Monk: 2/3 of those voting... present and voting.

Mr. Yang: Right.

Vice-Chair Monk: Does this... I guess we might need to revisit this because I don’t know if this would conflict with what we decide on... later on when we go to abstentions.

Mr. Yang: So, I think the general principle behind requiring a supermajority for... to Call the Question is because it closes off debate and it prevents Commissioners from speaking which I think the principle is just have a high bar for that type of motion. It’s... that doesn’t need to be the case. The Commission could change this language and have it just be a simple majority vote.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

Vice-Chair Monk: Could I propose that we revisit this after we talk about the abstentions because would that impact this at all?

Mr. Yang: So, this section is very specific about the type of vote that’s required to carry and so in this case because it specifies that it’s... you’re just counting the Commissioners who are voting abstentions would not have an effect here.

Vice-Chair Monk: Ok thank you.

Chair Lauing: But I think this raises a good point because for example tonight if we needed a 2/3 vote we’d have to get 80 percent. So (interrupted)

Commissioner Alcheck: [unintelligible – off mic]

Chair Lauing: Which in this case is 80 because you can’t split a person.

Commissioner Alcheck: (off mic) That’s not the requirement. It has to be more than 3/5 [unintelligible]
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: Right I just wanted to raise it intellectually speaking because it means for example that those who were in attendance are penalized on the issue... this issue by those who didn’t come.

Commissioner Alcheck: No, no because if you only had a quorum of four then three would represent 75 percent but if you had a quorum of five then the two is significant enough number as to not be overrun. And so, the percentage isn’t so much (interrupted)

Chair Lauing: On five you’re talking about 60 percent instead of 67 so you’re pretty close.

Commissioner Alcheck: Yeah no I think 2/3 is sort of a significant number in American process in general. We require 2/3... we require special (interrupted)

Chair Lauing: I don’t want to beat it up, I just wanted to raise it, and see if anybody had any questions on it.

Commissioner Alcheck: I don’t think it’s ever been a problem (interrupted)

Chair Lauing: Ok.

---

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

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Commissioner Alcheck: It’s a supermajority.

Chair Lauing: Ok so let’s go back... let’s move on then unless you wanted to do anything more active their Commissioner Waldfogel?

Commissioner Waldfogel: Let’s see where we go with this other question that Commissioner [note-Vice-Chair] Monk and if we need to we’ll come back.

Chair Lauing: Ok so I think J is just clarification of the words, is that correct Albert?

Mr. Yang: Yes.

Chair Lauing: So, let’s just make sure we understand that.

Commissioner Alcheck: Yeah.

Commissioner Summa: I can’t understand [unintelligible] but I think it’s me.
1. **Commissioner Alcheck**: Basically, it’s saying if you’re making a friendly amendment... if you attempt to amend a motion and the maker of the motion doesn’t accept or the seconder of the motion doesn’t accept that amendment then the proposal remains on the table as a now substitute motion to which any person can second. And essentially it would be the language of the first motion with the amendment and if another individual on the Commission seconded it this what was an attempt to amend the motion becomes a substitute motion. I think that makes (interrupted)

2. **Commissioner Summa**: It’s this sentence, a motion to amend an amendment is in order one to amendment an amendment to an amendment is not which really (interrupted)

3. **Commissioner Alcheck**: A motion to amend an amendment is in order (interrupted)

4. **Commissioner Summa**: That’s probably me.

5. **Mr. Yang**: So, it... that just means how many layers of (interrupted)

6. **Commissioner Summa**: (off mic) Of amendments [unintelligible] (interrupted)

7. **Mr. Yang**: Amendments can you get too. Yeah and it’s saying (interrupted)

---

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1. Commissioner Summa: (Off mic) So it just limits the amendments to amendments.

2. Mr. Yang: Yeah some might say it’s absurd to amendment an amendment and that we should just cut it off at one level.

3. Commissioner Alcheck: Wait, I’m sorry, are you suggesting that someone makes a substitute motion or a motion to amend an amendment is in order that’s because if a maker of a motion excepts an amendment it’s considered an amendment in which case the motion has changed. What are you... what is the [unintelligible] amendment?

4. Mr. Yang: What... I think like a second level amendment would be someone proposes an unfriendly amendment and that gets seconded. And before there’s a vote on that amendment that... or a substitute motion someone else makes a motion to amend that (interrupted)

5. Commissioner Alcheck: Substitute.

6. Mr. Yang: Substitute motion and then that could also get voted on but you couldn’t have someone make a motion to amend the amendment to the substitute motion.
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Commissioner Alcheck: Let me ask a quick question. Are you suggesting that… ok, one way I read this is if an individual makes a motion, I offer an amendment and he accepts it? An amendment to the now amended motion can be heard. There would be no issue with that.

Another individual could then offer another amendment. Multiple people can try to amend a motion as long as the maker continues to accept those amendments.

Mr. Yang: Yes, once the maker and the seconder have accepted an amendment it’s… we’re back down to level zero of the amendments.

Commissioner Alcheck: Right my question is if a… if one of those amendments is not accepted then the maker of that unaccepted amendment becomes the maker of a substitute motion. And if that motion seconded and someone attempts to amend that now substitute motion if the maker of the substitute motion doesn’t accept the amendment it’s tabled. Because if you allow the person who is trying to amend the substitute motion to take the floor then that’s fine but you’ve essentially negated… if I make a motion and Commission Summa makes a substitute motion and I get to amend her substitute motion and if she declines that amendment. I get the floor back with my original motion because I’m amending her motion to be my original motion you’ve negated her ability to have a substitute. I don’t think that amendments to substitute motion if not accepted can be entertained.
Mr. Yang: Well (interrupted)

Commissioner Alcheck: Otherwise you steel the floor back which I would like theoretically because I don’t love... do you see what I’m saying?

Mr. Yang: I think that’s one possibility. I think the more common situation is for Commissioners to use the amendment process to try to find greater specificity and consensus. So, it doesn’t have to be that it’s the original maker of the motion who proposes the amendment to the substitute right?

Commissioner Alcheck: I just want to be clear here. I want to make sure I understand this right.

Mr. Yang: Right.

Commissioner Alcheck: I will accept this language because I generally dislike substitute motion process. I prefer to give motions on the floor opportunity. So, if I make a motion and somebody makes a substitute motion and me and my seconder don’t like it. I can then attempt to amend that motion and if the maker of the substitute doesn’t like it as long as I get a second I’ve now recovered the floor and no other amendments can take place in which case I could get my vote.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

Mr. Yang: I think theoretically yes, that would be possible under this language.

Commissioner Alcheck: Then I support this because it creates a very... I like this change because I generally dislike the substitute motion process.

Mr. Yang: This is not a change, this is the existing language that we’re discussing right now.

Commissioner Alcheck: That’s interesting because up until now we’ve acted like a substitute motion gets the floor and there are... I don’t know that motion makers were aware that you could make an unfriendly amendment to a substitute motion.

Mr. Yang: I mean it’s (interrupted)

Commissioner Alcheck: The substitute motion is a tactic, right? It’s a tactic to sort of diver control. I didn’t realize you could get it back.

Commissioner Summa: Is that what this is saying?
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1. Mr. Yang: I think the substitute motion is not meant to be a tactic to divert control. It’s meant to be like any amendment an opportunity to (interrupted)

5. Commissioner Alcheck: Wait, wait a substitute motion… a friendly amendment is not a way to divert control but a substitute motion does divert control.

8. Mr. Yang: Yes, but it doesn’t need to be a complete reversal of direction. It could be… the original motion could be to have a 60 percent vote requirement and this substitute could be to have it be 55 percent instead.

12. Commissioner Alcheck: True. That hasn’t been our practice.

14. Mr. Yang: Right.

16. Chair Lauing: That’s what I was going to say.

18. Mr. Yang: Yeah.

20. Commissioner Alcheck: Our practice has been opposite.
Mr. Yang: Right and... but that’s... a substitute motion then and unfriendly amendment are... you’ve had a lot of unfriendly amendments that haven’t been total reversals. They’ve just been slight changes and tweaks.

Chair Lauing: That’s right.

Mr. Yang: And I think it’s... the intent of this is to also allow an additional tweak to that tweak. Not to have this kind of back and forth.

Commissioner Alcheck: That’s fine with me.

Commissioner Summa: (off mic) But the substitute... if there’s... so there’s a motion, there’s a substitute motion, the substitute motion regardless of whether it gets an amendment that’s accepted or not has to be clear the floor if we go back and either fail or win before you go back to the main motion. That stays the same?

Mr. Yang: Yeah, I think what Commissioner Alcheck is hypothesizing is that the maker of the original motion could as a substitute propose the original motion language. I don’t think that... I mean that’s something I just never thought of before and I guess (interrupted)
Commissioner Alcheck: I can think of many cases where the original maker of the motion easily would have liked to get... to hear their vote. And if we all understand this correctly I imagine that the next time we come to this process if the original maker of the motion which... basically what we’re saying is you can substitute twice. That’s what this is (interrupted)

Mr. Yang: I guess what I’m suggesting is I don’t know... I can’t answer right now and I will need to do a little bit more research into parliamentary procedure whether a substitute motion to a substitute motion that it has the exact same language as the original motion is in order.

Commissioner Summa: That makes no sense.

Commissioner Alcheck: I would argue that the use of the amendment is problematic because we don’t refer to amendments as substitute motions. And so, when you say a motion to amend an amendment is in order, I understand that as amendments can only effect... can only be friendly. And we’ve sort of decided that unfriendly amendments... what we colloquially refer to as unfriendly amendments those are now substitute motions. And so, the... I think to preserve the way that we’ve been doing it and the way maybe Commissioner Summa would prefer you wouldn’t use the word amendment. You would say or I guess if the intent is a motion to amend a substitute motion is in order but one to amend an amendment to a substitute motion is not.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Actually, it becomes problematic because there’s two levels of substitute motions. I think the language is confusing. I don’t know that it says what... I understand... I think I understand what you think it says but I’m a little confused.

Mr. Yang: Ok.

Chair Lauing: Sounds like maybe you better bring back new language.

Commissioner Alcheck: Or just clarify that there can’t be a second substitute motion. I mean unless you’re intending (interrupted)

Mr. Yang: I think the purpose is to allow a second unfriendly amendment.

Commissioner Alcheck: Ok, I think the record that we’ve had in the past has been that if a maker makes a substitute motion and they decline and amendment we haven’t allowed that attempt to change the substitute motion to get a second. We’ve just said we have to vote on the substitutes. So, we have not practiced a process by which somebody can change a substitute motion. We have said she didn’t accept... he didn’t accept... he or she didn’t accept the change to the substitute motion and it’s on the floor and it gets this vote.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Commissioner Summa: (off mic) You know I actually don’t think what you’re suggesting would expedite our meetings or get us to a vote quicker. I think it would make it longer.

Commissioner Alcheck: I’m actually not suggesting a change. I’m just saying that in practice we have not done what counsel is suggesting is what this says.

Chair Lauing: With unfriendly amendments, I think that’s correct.

Commissioner Alcheck: Yeah, we haven’t been active this way.

Chair Lauing: The friendly ones we have.

Vice-Chair Monk: Commissioner Summa can you put your light on?

Commissioner Summa: Sorry, it’s a little bit late. I think the... I don’t think you should allow... I don’t think there’s any sense in allowing an endless process where somebody makes a motion, someone makes a substitute motion that’s substantially different and then the original motion is considered an amendment. That will not expedite anything.
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

I first read this my feedback and tell me if this makes sense was to take out the word amend and if you need to have a section on amend let’s do it.

Also, when you go into your definition you say this is colloquially referred to as an unfriendly amendment and then you go on and talk about it. And an unfriendly amendment I don’t think it actually changes, I think it replaces the main motion. I think it would be clearer to just say this motion replaces the main motion and take out the word changes or reverses because I think just replaces is a lot clearer and it’s more accurate.

And then at the bottom, you’re putting in a note the so-called friendly amendment and I... that sort of contradicts what we’re talking about in the first place. So, I... it looks like there’s a contradiction within the paragraph the way it’s written and going onto that sentence itself, just to read it, a so-called friendly amendment which asks the maker and the seconder of the main motion to change the motion is not a secondary motion. What do you mean by secondary motion? Do you mean substitute motion? What does that mean? What is... because that’s the first time I’m seeing the words secondary and it hasn’t been defined.

Mr. Yang: Ok basically a friendly amendment is not a motion. Motions are seconded and voted upon.
Vice-Chair Monk: So secondary means it’s not a motion that has been seconded, is that what that means?

Mr. Yang: No secondary means a motion that gets made after the main motion. So, all of these motions are meant to... are (interrupted)

Vice-Chair Monk: Is not (interrupted)

Commissioner Summa: (off mic) I think we should just have him rewrite this.

Vice-Chair Monk: Does that make... oh so if you are going to consider rewriting it if it’s possible instead of seeing is not a secondary motion maybe make that a positive.

Mr. Yang: It’s not a motion.

Vice-Chair Monk: Either make it a positive or change it or is not a motion or whatever it is. Might not be necessary but if it was to stay the same I don’t know if it’s redundant or not but I was thinking I don’t know if you need to add additional language that it... at the very end; but must be accepted by both the maker and the seconder. I don’t know if that’s already implied in the sentence. If not, you can consider adding (interrupted)

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

Vice-Chair Monk: That language.

Chair Lauing: Commission Waldfogel.

Commissioner Waldfogel: Yeah, it’s getting late and I can’t tell whether we’re trying to innovate right now on procedures. So, is there just a reference document somewhere that we can go to, to just adopt some procedures? I mean I’m just... I’m uncomfortable with this negotiating over language about things like this in real time.

Mr. Yang: Yeah so there’s... I think the intent is just to have clear language about the rules and not to actually change them in this section. And I understand the confusion among the Commissioners about the difference between an amendment and a substitute and I understand that... I think the common understanding among Commissioners about amendment is that an amendment is a friendly amendment. So, I will work with that too (interrupted)

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
1. **Commissioner Waldfogel:** And I just wonder whether there are existing... aw, turn this on. Are there existing rules of order that we should just be adopting by reference rather than trying to create our own language around this?

2. **Mr. Yang:** There are rules of order. There’s Rosenberg’s rules which Commissioner [note- Vice-Chair] Monk has brought up. I think all rules of order typically run into the same issues. There are... I mean Rosenberg’s rules I believe speak to amendments as unfriendly amendments and uses language in a similar way that is perhaps not the way some of the Commissioners understand what an amendment is.

3. **Chair Lauing:** Ok well let’s just rework that language because it’s getting to be bedtime here. And I think that’s all on that page, right?

4. **Commissioner Summa:** Yep.

5. **Chair Lauing:** Was there... wait, there’s one more light. Commissioner Alcheck you had your light on for this page? No, ok. Alright so we’re on Page 59 of the old Packet which is just a chart and I don’t think there’s really changes there. It’s just entries in the chart, is that correct Albert?

6. **Mr. Yang:** That’s correct.

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: So, any question on that, Table 3B? Then we’re on debate and voting, new Packet 35.

Vice-Chair Monk: On that chart just making sure that whatever language if he does change anything to that amend or substitute that it’s matched in this description.

Chair Lauing: Yeah. You got that right Albert?

Mr. Yang: Yep.

Chair Lauing: Ok.

Vice-Chair Monk: Because in some cases you need a second and some you don’t, right? I don’t know.

Commissioner Waldfogel: Can we just be clear on whether seconds are revocable because this talks about withdrawal of motion and is not I think clear on whether seconds are revocable?

Chair Lauing: You can take back your second. That was a question on Item 4?

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---


2. Mr. Yang: Is that a clarification that the (interrupted)

3. Chair Lauing: Yeah let’s get a clarification of that added. Ok, anything else on Page 35?

4. Commissioner Waldfogel: Well and let’s just capture intent. Is there intent that a second can be withdrawn or is there a second that... is our intent that a second... I mean what is our intent here?

5. Mr. Yang: A second can be withdrawn just as the maker of a motion can be withdraw the motion.

6. Commissioner Waldfogel: But the maker can only withdraw it with the consent of the seconder under these rules.

7. Mr. Yang: No, without consent of the seconder.
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.

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1. Commissioner Waldfogel: A motion may not be withdrawn by the maker without the consent of the seconder.

2. Mr. Yang: Oh.


4. Mr. Yang: Ok. I guess that would not be (interrupted)

5. Commissioner Waldfogel: So, let’s just capture our intent. I don’t know what we want it to be but let’s capture it.

6. Mr. Yang: So, I guess I need some direction on what you want it to be.

7. Chair Lauing: Well the two options are if somebody makes a second can they withdraw it and under what condition?


9. Chair Lauing: Yeah why not?
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Mr. Yang: Yeah, in addition, can the maker withdraw the motion without the consent of the seconder?

Commissioner Alcheck: (off mic) Then the maker show gets to withdraw.

Chair Lauing: Yeah, right.

Mr. Yang: And in addition, can the maker withdraw the motion without the consent of the seconder?

Chair Lauing: Yeah, exactly.

Commissioner Alcheck: [unintelligible – off mic]

Vice-Chair Monk: So, we want to remove this (interrupted)

Commissioner Alcheck: It should say a motion made be withdrawn... it should say a motion may be withdrawn by either the maker or the seconder without consent of the other. And if somebody withdraws I would think... I would assume that if a seconder withdrew or the maker...
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
1. **Commissioner Alcheck:** If you don’t add another second the motion is gone.

3.

4. **Chair Lauing:** Right.

6. **Vice-Chair Monk:** So, the (interrupted)

8. **Commissioner Summa:** (off mic) At which point Chair should ask if [unintelligible] second.

10. **Vice-Chair Monk:** So, the Chair would then... ok. So, if the seconder withdraws then the Chair would ask for another second.

13. **Chair Lauing:** That’s what we did tonight.

15. **Vice-Chair Monk:** Yeah, ok.

17. **Chair Lauing:** Ok so Page (interrupted)

19. **Commissioner Alcheck:** Do you want me to say that again?

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Chair Lauing: 36.

Mr. Yang: I’ve got it.

Commissioner Alcheck: You got it, ok.

Vice-Chair Monk: We don’t need to vote on it.

Chair Lauing: 36 or 61, abstention from vote, why don’t you explain that one out loud because there’s been a lot of questions about that?

Mr. Yang: Ok so I think I’d like to just point out on the previous page there is a section on voting which originally or currently says on the passage of every motion the vote shall be taken by voice and entered in full upon record. I added in language that sets a default which is that the way you count a majority is a majority of Commissioners who are here and voting. That wasn’t clearly stated but it’s the commonly accepted default unless a rule is stated.

Chair Lauing: Yeah.

Mr. Yang: So that just (interrupted)
Chair Lauing: Good improvement.

Mr. Yang: Right, this just makes that explicative. On the next page abstaining from a vote I’ve updated it to make it consistent with that understanding but I’ve had discussions with several Commissioners individually as long as this rule is clear it can operate differently. So, the way it’s currently written I’ve expressed the opinion that it’s not very clear what is meant... what’s intended but the best reading is probably under the current rule that you have to have a majority of the Commissioners present. Which means if you’re abstaining, the effect of your abstention is a no vote. That... you’re... the only thing that you count is of the yeses, is there a majority of everyone here and the abstention because it’s not a yes. It has the effect of a no. That’s let to some confusion in the past. I think if that’s... if you want to keep that rule I would just add a sentence here explain the effect of an abstention is a no.

Commissioner Waldfogel: Let’s do a specific example so we understand... let’s just do some cases.

Mr. Yang: So, tonight there are five Commissioners if two Commissioners abstained, two Commissioners voted yes and one Commissioner voted no, a motion would not carry because (interrupted)
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

1. Commissioner Alcheck: I’m sorry, hold on.

2. Vice-Chair Monk: Two yeses, two no, one abstention.

3. Commissioner Alcheck: (off mic) If you treat an abstention as a... are you... I just need a second. Are you suggesting language treat... my understanding was that your new language treats an abstention as a yes.

4. Mr. Yang: The new language does not treat an abstention as a yes. It simply treats an abstention as not being counted in the tally. So (interrupted)

5. Vice-Chair Monk: Majority prevails.

6. Mr. Yang: Right, you only count the votes that are cast yes or a no.

7. Chair Lauing: So, you... stay with your example then 2-2-1 is the example that you put out there because I didn’t quite hear.
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.

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Mr. Yang: Sorry, no, the example I was giving under the current language which is best read probably as a majority of the Commissioners present so a majority of five is what’s needed whenever... when you’re counting an abstention.

Commissioner Waldfogel: (off mic) So you need three yeses (interrupted)

Mr. Yang: So, you need three yeses no matter the number of no’s when you’re dealing with abstentions and I think that creates confusion often and... but that is one way to have the rule. The rule I’ve proposed is that when you abstain you don’t have an effect on the vote one way or another. You only count the Commissioners who are voting.

Chair Lauing: So, the same thing would (interrupted)

Commissioner Alcheck: [unintelligible -off mic]

Chair Lauing: Yeah.

Mr. Yang: So, two yeses, one no, two abstentions; the current rule that doesn’t pass [note-but] the proposed rule it would pass.

______________________________

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Chair Lauing: Two to one.

Mr. Yang: Two to one.

Commissioner Alcheck: So (interrupted)

Chair Lauing: Yeah so ahead Commissioner Alcheck.

Commissioner Alcheck: So, I... there aren’t that many examples of abstentions. Some of the best examples are when somebody is not present for a meeting and then you’re taking a vote on minutes and they weren’t present and they didn’t watch. How could they possibly vote yes or no whether the minutes are accurate? They are literally not in a position. That seems like an appropriate time to abstain from a vote. Another example would be if they neither support or don’t support the item; like tonight I didn’t support or not support the item. I had sort of a different concern and I abstained but to me, if the Commission during debate can’t convince a majority of those present then an action should be taken. Then the... I’ll give you a perfect example, in your proposal if there was a quorum of four and one voted yes and three abstained then the action would carry which seems... it doesn’t really make sense. And I think if you can’t succeed at convincing... like if somebody makes a motion and we’re all like you know I can’t really support that motion and it’s not that I’m against it. I would... I think we need more time
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

or I’m not prepared. To me, it seems like... it seems to me like you want a majority of those presents to be convinced that the action we are taking is appropriate and if you can’t get that I don’t see how five are present and two abstain two can carry the action. We don’t normally confer with each other and I suspect that someone who would prefer not to make a decision will be forced into a no because it changes... to me, I think a majority of present people still have to say yes.

Chair Lauing: So, but the alternative... just to ask you about that the alternative is that not taking a stand means you vote against it so knowing that why wouldn’t you just automatically vote against it?

Commissioner Alcheck: I’ll give you the example I think there’s a... there’s some sort of... there’s a process about affirming the minutes and if let’s say we were five Commissioners here tonight and at the next meeting or excuse me. We’re four Commissioners here tonight and at the next meeting only one of the present Commissioners comes and the other three that weren’t there come.

Chair Lauing: We can’t approve the minutes.

Commissioner Alcheck: Does it make sense (interrupted)
Chair Lauing: No.

Commissioner Alcheck: That one person is going to attest to the minutes or should we really have a majority of... you know what I mean? So, to me that (interrupted)

Chair Lauing: I do think that if you’re not there you can’t approve something that was prior done.

Commissioner Alcheck: I think we’ve had confusions about abstentions. I think the better protocol would be like ok look, we’ve had some confusion about abstentions. They... when you abstain you are saying whatever the decision a majority of Commissioners come to present... come... concludes...I am essentially accepting which is a vote that suggests that if a majority of the present carry it carries. I think if we clarify that tonight and we walk away understanding what an abstention is that’s good. I don’t think changing that understanding and suggesting that somehow minorities of present can carry action makes sense. I would prefer that we don’t create a... I would prefer that we have our rules state very clearly that a majority of those present whether they vote yes, no, or abstain, you still need three... you still need a majority of present and voting members to act. Whether that’s three of five, three of four, four of six or four of seven.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: So just an example and then I’m going to call on a different Commissioner. So tonight, if we had a vote on something that was 2-1-2 then we’re saying that would not carry.

Commissioner Alcheck: (off mic) Under the proposed language that would carry.

Chair Lauing: Yeah.

Commissioner Alcheck: (off mic) And under our current language and understanding it wouldn’t. To me, it seems kind of crazy that 2-1-2 repents.

Chair Lauing: True but the other side of it and I’m just saying this for debate purposes not taking... the other side is that two folks can’t make up their mind out of five. There’s something problematic anyway because we’re supposed to be doing our homework and coming up and making a decision.

Commissioner Alcheck: (off mic) I think abstentions are... should theoretically be very rare.

Chair Lauing: Should be yeah. Ok Commissioner (interrupted)
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Vice-Chair Monk: I think it’s interesting that we do have a copy of the Rosenberg’s that were disrupted to us at the last meeting. Thank you Chair Lauing for bringing your copy. What’s interesting about it is that the issue of abstentions is the most heavily discussed and analyzed deepest dive section in this relatively short rule of order. And I think what they’re saying and these are what we’re designed for Commission such as ours by the Legal of California Cities is that when our rules are silent on it that you count all votes that are present and voting. That’s the rule of thumb so that would go to what the amended... the proposed amendment would be more in conformity with the Rosenberg’s rules. If we don’t as a Commission want to go that route then that’s something that we all need to decide. What Commissioner Alcheck I think is saying is if we go with the newly proposed language one person can vote affirmatively, everyone else can either abstain or vote no and it will pass.

Commissioner Alcheck: (off mic) No, no, no.

Vice-Chair Monk: Because (interrupted)
1. **Spokespersons** that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

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

Chair Lauing: Yeah and we could also for example accept... we could take the new amendment except in the case when there’s only one person supporting it. I mean we could set that as one of our rules so we didn’t get it passed by one but given that I actually agree with Commissioner Alcheck that this should be pretty rare. And if we were at a Commission meeting and it was two yeses and five abstentions I would not have much patience with those five people who couldn’t come to a no-decision or a yes decision. So, if two people worked it out and said yep I’m going to vote for it and the other people bailed and not use those parliamentary procedures that Commissioner Waldfogel (interrupted)

Commissioner Waldfogel: (off mic) Can we entertain those parliamentary procedures the point of the vote or is it too late to lay something on the table at the time of we’ve Call the Question?

Chair Lauing: At the time that you Call the Question I think is too late but you could say if people are saying hey, I’m going to abstain. The problem is knowing that five people are going to abstain but I guess what I’m saying in different language is that if we had it that two people
out of seven could pass something and that’s our rules. Then those five that are going to abstain can make a decision if they’re going to abstain or vote against it because it can pass with two and five abstentions. Did you have something to say, Albert?

Mr. Yang: Yeah, I guess I would just point out on the bottom of the previous page there’s a note that it’s the responsibility of ever Commissioner to vote unless they are disqualified or I thought there was some language that... or they were unable... not present or something like that. What I think the general principle is that even if you are feeling conflicted you are encouraged to reach a position.

Chair Lauing: Yeah. So maybe we’re going to have to take another crack at this because it’s heading towards 11 but I’m thinking is that we might be able to work out some compromise between Rosenbloom’s [note-Rosenburg’s] and what we have here.

Commissioner Alcheck: (Off mic) I don’t think Rosenburg’s rules say that it’s [unintelligible]. What Rosenburg’s rules say is that (interrupted)

Vice-Chair Monk: Light.

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

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Commissioner Alcheck: The... what the Rosenberg's rules say is the way you determine if a vote pass is you... for example for a supermajority is you count the nose and you double it to get... to understand how many yeses. So, if there's two no's and you need four yeses for supermajority vote. It then goes on to say that if you get 3-2 and clarifies and then it specifically says when it discusses abstentions when there's a tie it suggests that you have to go to local statutes. And it says that if local statutes treat abstentions as affirmative votes then an abstention would allow for a minority of yeses to carry in a tie. So is basically suggests that if it's 2-2-1 if the local statute counts an abstention as a yes then that would be... that would pass. If the local statute doesn't count an abstention as a yes then it wouldn't. And so that doesn't say... that doesn't endorse one or the other, it does provide community (interrupted)

Chair Lauing: Guidance.

Commissioner Alcheck: It suggests the distinguishing factor is whether you count the abstention as a part of the quorum; as a member present. And I would suggest to you that we should count abstention... abstainers as present because they are not recused. They simply can't make their decision yet and if the... if it would have passed anyway because of it's 3-2 then the abstention... if it was 3-2-1 ok? The motion doesn't carry the majority of present, it's three of six. That's 50 percent, not a majority and so I think if we're going to say that an abstainer is a

---

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

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Commissioner Summa: You don’t have a quorum.

Commissioner Alcheck: You don’t have a quorum.

Chair Lauing: Right.

Commissioner Alcheck: So, I think should... I think we understand this better than we use too and I would... my recommendation would be that we do not change this language or the understanding of this language. And table it until maybe we have a situation that comes up and we’re uncomfortable with the result. Because (interrupted)

Chair Lauing: Ok so I want to just call on Commissioner Summa but I think we need to wrap this up. Even if there’s somethings that are left out because we still have a couple more things to do and we’re at 11. So, Commissioner Summa?

MOTION #4

__________________________

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Commissioner Summa: Yeah, I was just going to see if I could make a motion that we have Albert come back with language about... I think there’s just two things. The 2D which is Consent Calendar and then 7... what is it? C7 which is the abstentions and I would say that we should just probably follow what the Council does. And to me if a person... if one of us left the room and we were in the bathroom during the vote, we wouldn’t be part of the quorum because that... we wouldn’t be there. So, it doesn’t make sense but if... unless anyone else has anything else to say I think those were the only two items, right?

SECOND

Chair Lauing: I would second that.

Commissioner Summa: Ok.

Commissioner Alcheck: (off mic) Abstentions are nos.

Commissioner Summa: No, that Albert is going to come back with abstentions and we should consider what the Council does.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
1. **Commissioner Alcheck:** It’s ok. I made a motion that we don’t change the language.

2. **Chair Lauing:** I’m sorry, I didn’t hear that as a motion.

3. **Vice-Chair Monk:** If you can remember to put your mics on. I know it’s late.

4. **Commissioner Alcheck:** Sorry, I had... just before Commissioner Summa I had suggested that I make a motion that we do not change the understanding that we have. That you still need a majority of those present and voting and that an abstention is considered a vote. And that unless... and that we table it until we have an incident that we feel like we did... that didn’t work out. I think we should continue operating under the presumption that a 2-1-2 is a failure and a 1-1-2 is a failure.

5. **Chair Lauing:** I know but all I’m saying is I just didn’t hear that was a motion. I thought that was just an idea and that’s why then she came in with not objecting to your (interrupted)

6. **Commissioner Alcheck:** That’s ok.

7. **Chair Lauing:** She wasn’t objecting to yours, I think she was just saying can we get (interrupted)

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
1. **Commissioner Alcheck:** I’m suggesting that up until tonight we haven’t acted as the proposed language. So maybe... I guess my motion is that we do not adopt the proposed language and we continue to operate under the premise (interrupted)

2. **Commissioner Waldfogel:** But then we’ll have to touch a lot of (interrupted)

3. **Commissioner Alcheck:** A majority of Commissioners present have to support action.

4. **Commissioner Waldfogel:** But then we’ll have to touch a lot of this document because this language of present and voting is pervasive in the revisions to the document.

5. **Commissioner Alcheck:** I don’t (interrupted)

6. **Chair Lauing:** Yeah, I don’t think... I’m not in the mood to spend another hour on this let me put it that way. So, I think whatever motion is on the table (interrupted)

7. **SECOND**

8. **Vice-Chair Monk:** I’d like to second Michael’s [note-Commissioner Alcheck’s] motion and put it to a vote rather than continue a discussion on it.

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: So, does that not include any new language? You’re saying just stay with what there is?

Commissioner Alcheck: (off mic) I am suggesting that an abstention can’t help a minority of members present approve action. That you still need a majority of... maybe you just need to add a sentence that clarifies for action to be (interrupted)

Chair Lauing: That’s what you want.

Commissioner Alcheck: Sorry, sorry, I am suggesting that... this only happens in a tie. You can’t possibly have a 1-2-2 and the motion carries. That simply can’t be. You can’t have one person vote yes, two people vote no and two people abstain and it carries. That doesn’t even make any sense. So, I am suggesting that we continue that understanding which is that a majority of those sitting at this table, whatever the group number is, a majority of those present whether its three out of five, three out of four, four out of six, five out of seven, four out of seven. Any number of those there has to be at least a minimum of three when it’s five, three when it’s four, and four when it’s six and seven for action to take place. You can’t have (interrupted)

Chair Lauing: So, your motion is to stay with the current language.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Commissioner Alcheck: Yeah, that’s my motion.

Chair Lauing: That’s alright. Ok and it’s seconded and I’m going to go back to Commissioner Summa because I’m not sure that was what she wanted so (interrupted)

Commissioner Summa: Is that consistent with what Council does?

Mr. Yang: I... so the Council rules have very similar language but I don’t think it’s consistent with their practice.

Commissioner Summa: It’s not consistent with their practice?

Mr. Yang: That’s right. I think the problem that this is most likely to come up with, with this body, is when there’s one Commissioner absent and so you have six. And in that case, this rule would require essentially a supermajority for anything to pass and a 3-1-2 vote would not pass or a 3-2-1 vote would not pass. And I think that is the most common problem that is going to come up.

Commissioner Waldfogel: (off mic) We’ve seen 3 [unintelligible].

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
Chair Lauing: Yeah ok so I will speak to the motion as well. I’d rather just have more time to kind of consider this before some night at 11 o’clock because I’m wondering if we can improve on the current situation without getting into ridiculous things. Because I am concerned about a large group of abstentions just keeping work from getting done. So, I would actually rather just you noodle it a bit and us noodle it a bit and come back on this issue at a subsequent meeting.

SECOND WITHDRAWN FROM MOTION #5

MOTION #5 DIES DUE TO THE LACK OF A SECOND

MOTION #6

Vice-Chair Monk: I would like to withdraw my second and I’d like to make a new motion that we adopt the proposed language.

Commissioner Alcheck: (off mic) She doesn’t need my consent. We can do that, go. I mean (interrupted)

Vice-Chair Monk: So not he needs a second for his motion to (interrupted)

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
1. **Commissioner Alcheck:** No, no.

2

3. **Chair Lauing:** No, you do.

4

5. **Vice-Chair Monk:** I need a second for my motion?

6

7. **Chair Lauing:** Yeah because you just withdrew your second before we voted.

8

9. **Vice-Chair Monk:** So, then I would need a second if (interrupted)

10

11. **Commissioner Waldfogel:** (off mic) You would need consent of the seconder to withdraw.

12

13. **Commissioner Alcheck:** (off mic) No, she doesn’t. The maker currently needs (interrupted)

14

15. **Vice-Chair Monk:** Does anyone second the motion I just put forth which is to adopt the language as written?

16

17

18. **Commissioner Waldfogel:** (off mic) As written in this document?

19

20. **Vice-Chair Monk:** Correct.

---

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
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.

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

SECOND

Commissioner Waldfogel: Second.

Chair Lauing: So, I’d just like to ask the maker and the seconder why that’s an advantage as opposed to giving it further thought later beside just the fatigue factor?

Vice-Chair Monk: I’ve actually put a lot of thought into it and I didn’t have as much of an issue with it as Commissioner Alcheck does so I’m ok with accepting the language that was proposed. Because the language currently written is problematic and it does need a change. I don’t know if this is the best change but it’s as good as we got and I’d rather advance it than not (interrupted)

Chair Lauing: Well I will say (interrupted)

Vice-Chair Monk: Because if we don’t advance it it’s too confusing otherwise.
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Chair Lauing: I will say that the bylaws or procedures can be amended at any time so it’s not like we’re stuck on this for the next 5-years or anything. Any other comments on the motion?

Commissioner Alcheck:

Commissioner Alcheck: Yes, so look I think I can appreciate the 3-2-1 problem. We’ve had a member missing and we’ve had Commissioner Gardias, for example, abstain somewhat frequently and we have a 3-2-1 problem. I don’t think that the solution to the 3-2-1 problem is to now allow a 1-2-3 problem. So maybe what you need to do is focus on the 3-2-1 issue because I don’t like the idea that... it’s probably not going to happen but the logical significant of now suggesting that a minority of members present including... in theory there could be two that vote for, three that vote against, and two that abstain and the motion carries.

Mr. Yang: That’s not the (interrupted)

Chair Lauing: No, that’s not right.

Mr. Yang: Proposal at all.

Commissioner Alcheck: If two votes for and three votes against and two abstain (interrupted)
Mr. Yang: The motion does not carry because there’s not a majority of people voting for it. Of those who vote (interrupted)

Commissioner Alcheck: You had made a... you had suggested earlier that a 2-1-1 would pass and I asked you if a 1-3 would pass.

Mr. Yang: 1-0-3.

Commissioner Alcheck: A 1-0-3 would pass.

Mr. Yang: Right.

Commissioner Alcheck: Which is to suggest that... are you suggesting that a majority (interrupted)

Mr. Yang: As long as you have more yeses than no’s it passes.

Vice-Chair Monk: So, if there’s one... so let me ask Commissioner Alcheck if at least two people say yes would you be satisfied? So, could we maybe perhaps adopt this language and say except if it’s only one yes (interrupted)

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

Vice-Chair Monk: Ok if we said yes, we’ll take this language except in instances (interrupted)

Commissioner Alcheck: Because it’s a quorum. You don’t even have the majority of the quorum.

Vice-Chair Monk: Except no motion can carry with only one affirmative vote. Would that satisfy your concern?

Commissioner Alcheck: Let me ask you one quick question. Are you comfortable with more than one person abstaining when we have a minimum of four? Can a 2-0-2 pass because I don’t understand how we do business if we don’t have a majority of the requisite quorum which is three out of four? I think the minimum has to be three. There has to be at least three yeses.

Vice-Chair Monk: No, a two... under that scenario, it doesn’t pass because the zero... the abstention is just not counted. It isn’t counted either way.

Commissioner Alcheck: 2-0-2 passes.

---

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

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

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

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Chair Lauing: You made the motion so you can do that.

Vice-Chair Monk: One affirmative vote.

Chair Lauing: And Asher [Note- Commissioner Waldfogel] to you seconded it?

Vice-Chair Monk: If you think that's an issue.

Commissioner Waldfogel: (off mic) I’m sorry what is your modification is a minimum of two votes (interrupted)

Vice-Chair Monk: To accept this language and then maybe say except when there’s only (interrupted)

Chair Lauing: Accept that two have to vote... minimum of two.

Commissioner Alcheck: But doesn’t the three minimum solve your 3-2-1 problem? Why can’t we (interrupted)
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
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.

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Chair Lauing: That language is adopted here right? By the maker and the seconder, right?

Mr. Yang: The seconder does not seem to have accepted that.

Commissioner Waldfogel: I would just like to know if there are other rules of order that incorporate that... that worry about that corner case.

Chair Lauing: I guess I’m just suggesting that we make a decision tonight one way or the other and decide we can come back to it or continue this whole thing to have another long discussion about it because we don’t seem to be getting anywhere at this point.

Commissioner Alcheck: (off mic) I don’t like it.

Commissioner Summa: (off mic) Why don’t we just do what Council does?

Vice-Chair Monk: But Council might (interrupted)

Chair Lauing: So, we don’t have a second yet?

---

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

Mr. Yang: There is a motion.

Chair Lauing: There’s a motion but there’s second and if (interrupted)

SECOND TO AMENDED MOTION #6

Commissioner Waldfoogel: I’ll accept that language in the second.

Chair Lauing: Ok so that’s the new motion. Voting in favor of that passes otherwise we’re starting over on the motion or on a continuance here. With the escape valve that we can make a change of this.

Commissioner Alcheck: So, this is a substitute or no because we withdrew her second.

Chair Lauing: Right so it’s her same motion with slightly different language that she proposed herself.

Commissioner Alcheck: Ok I would like to make a substitute motion.

---

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

1. **Chair Lauing:** I’m sorry to hear that.

2. **SUBSTITUTE MOTION**

3. **Commissioner Alcheck:** I would suggest that we continue it. We’re five people, maybe... we have a regular abstainer, maybe he can provide some guidance in this.

4. **SECOND**

5. **Commissioner Summa:** I’ll second continuing.

6. **Commissioner Alcheck:** I would continue it until we have the... maybe a bigger group.

7. **Chair Lauing:** Ok moved and seconded to continue to a date uncertain.

8. **Commissioner Alcheck:** Yeah can I just make a quick point though. Had we not accepted this continuance... well, that’s fine. I think we can do that because we’re coming back anyway. This particular item that we just decide this at the next meeting when we review the language since we’re already coming back. I’m not intending to belabor the point.
Chair Lauing: We understand the motion and I think you’ve already spoken to the second part.

Commissioner Summa: (off mic) Yeah, I don’t want to speak to the motion.

Commissioner Lauing: Ok so we have a substitute motion so all in favor of the substitute motion signify by raising your hand.

Commissioner Waldfogel: (off mic) Just to be clear what is the substitute motion?

Chair Lauing: To continue this to a date uncertain.

Commissioner Alcheck: No, no, no. I assume that when they bring the other language (interrupted)

Chair Lauing: That’s a date uncertain.

Commissioner Alcheck: Oh, it’s not the next meeting?

Chair Lauing: Could be. Hopefully, it is but (interrupted)
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Vice-Chair Monk: No because we really have to through the Housing Ordinance.

Commissioner Alcheck: I don’t think this is pressing.

Vice-Chair Monk: This isn’t going to come back to us until we’re done with the Housing Ordinance.

Chair Lauing: It’s not pressing.

Commissioner Alcheck: I think we should just determine this with a full bill.

VOTE

Chair Lauing: Ok all in favor of the substitute motion raise your hand. Three to zero to continue.

Commissioner Summa: Just so people can go home.

Commissioner Alcheck: Opposed?
Chair Lauing: Yeah, one opposed? Don’t abstain. Don’t abstain whatever you do.

Commissioner Waldfogel: [unintelligible – off mic].

Chair Lauing: Ok that’s continued and I think the rest of this stuff is word changes but we can package that into the returning to a date uncertain.

Chair Lauing: Then we have approval of minutes which there are three Packets and (interrupted)

Vice-Chair Monk: I wasn’t clear on what our motion to rescind was.

Chair Lauing: We’re going to pick up all those stuff on the next round.

Commission Action:

Approval of Minutes

Public Comment is Permitted. Five (5) minutes per speaker.  

---

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

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

Vice-Chair Monk: What are you... Oh, I’m looking at [unintelligible].

Commissioner Alcheck: It’s odd we don’t have the minutes for April 11th [note-April 25th].

Vice-Chair Monk: I’m looking at my old agenda item.

Chair Lauing: What do you mean we don’t have them?

Commissioner Alcheck: There was a meeting on April 11th or on April 25th.

Vice-Chair Monk: We approved those minutes at the last meeting.

Commissioner Alcheck: Oh, we did?

Vice-Chair Monk: Yes.

Commissioner Alcheck: Ok, sorry. So, April 11th I’m seconding the motion to approve.

VOTE

__________________________

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

MOTION PASSED 5(Lauing, Monk, Alcheck, Summa, Waldfogel)-0-2 (Riggs and Gardias absent)

5. May 30, 2018 Draft Planning and Transportation Commission Meeting Minutes

MOTION

Vice-Chair Monk: I'll move to approve the minutes on May 30th.

SECOND

Commissioner Summa: Second.

VOTE

Chair Lauing: All current Commissioners were present so all in favor? Next.

MOTION PASSED 5(Lauing, Monk, Alcheck, Summa, Waldfogel)-0-2 (Riggs and Gardias absent)

6. June 13, 2018 Draft Planning and Transportation Commission Meeting Minutes

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
1. **Chair Lauing:** What’s the third one?

2.

3. **MOTION**

4.

5. **Vice-Chair Monk:** Motion to approve minutes dated June 13th.

6.

7. **SECOND**

8.

9. **Commissioner Summa:** Second.

10.

11. **VOTE**

12.

13. **Chair Lauing:** June 13th Commissioner Alcheck was absent so can’t vote. Others, all in favor?

14. Four an abstention from Commissioner Alcheck and that takes care of that item.

15.

16. **MOTION PASSED** 4(Lauing, Monk, Summa, Waldfogel)-0-1(Alcheck)-2(Riggs and Gardias absent)

17.

18. **Vice-Chair Monk:** And I did submit minor changes on all three of these to Yolanda so I’m assuming those were incorporated. Just making a record of that.

19.

20. **Commission Action:**

21. **Committee Items**

22.

1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.
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.

The Chair may limit Oral Communications to 30 minutes for all combined speakers.

The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

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

Commissioner Alcheck: Wow, a whole month.

Vice-Chair Monk: What was the reason for the 8\textsuperscript{th} being canceled?

Mr. Yang: It was I believe a suggestion by the Chair and that was carried by a majority of the Commission to have a break in the summer.

Vice-Chair Monk: Oh, I thought the break was for July.

Chair Lauing: Well there was one there and there was one in August. Council was out so ok so I think that’s it and appreciate the Staff stamina as well as the Commissioner’s stamina. I think it was actually quite productive.

Vice-Chair Monk: And I just want to clarify so if something comes up for Staff that meeting wouldn’t all of a sudden get re-noticed correct or is there a potential or possibly?

Ms. Amy French, Chief Planning Official: August 8\textsuperscript{th} is not.

---

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

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

Vice-Chair Monk: Not going to happen.

Commissioner Alcheck: (off mic) Hopefully there won’t be a special meeting going on the 14th or something because then [unintelligible].

Chair Lauing: Or 10th.

[Note – crosstalk among the Commissioners off mic]

Commissioner Waldfogel: [unintelligible -off mic] by the proceeding officer. [unintelligible]

Vice-Chair Monk: Who’s the proceeding officer?

Vice-Chair Monk: And I would just want to confirm that revisiting and continuing on this item isn’t going to take precedence over the Housing Ordinance update.

Mr. Yang: We’ll fit this in when we can.

Vice-Chair Monk: Pardon.
1. **Spokespersons** that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson’s presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.

2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.

3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

---

1. **Mr. Yang:** We’ll fit this in when we can. It’s (interrupted)

2. **Vice-Chair Monk:** Thanks.

3. **Commissioner Summa:** There’s not much left to look at.

4. **Vice-Chair Monk:** That’s what I thought.

5. **Adjournment**

6. **10:00 pm**
Palo Alto Planning & Transportation Commission

Commissioner Biographies, Present and Archived Agendas, and Reports are available online: [http://www.cityofpaloalto.org/gov/boards/ptc/default.asp](http://www.cityofpaloalto.org/gov/boards/ptc/default.asp). The PTC Commission members are:

- Chair Michael Alcheck
- Vice Chair Asher Waldfogel
- Commissioner Przemek Gardias
- Commissioner Ed Lauing
- Commissioner Susan Monk
- Commissioner Eric Rosenblum
- Commissioner Doria Summa

Get Informed and Be Engaged!


Show up and speak. Public comment is encouraged. Please complete a speaker request card located on the table at the entrance to the Council Chambers and deliver it to the Commission Secretary prior to discussion of the item.

Write to us. Email the PTC at: Planning.Commission@CityofPaloAlto.org. Letters can be delivered to the Planning & Community Environment Department, 5th floor, City Hall, 250 Hamilton Avenue, Palo Alto, CA 94301. Comments received by 2:00 PM two Tuesdays preceding the meeting date will be included in the agenda packet. Comments received afterward through 2:00 PM the day of the meeting will be presented to the Commission at the dais.

Material related to an item on this agenda submitted to the PTC after distribution of the agenda packet is available for public inspection at the address above.

Americans with Disability Act (ADA)

It is the policy of the City of Palo Alto to offer its public programs, services and meetings in a manner that is readily accessible to all. Persons with disabilities who require materials in an appropriate alternative format or who require auxiliary aids to access City meetings, programs, or services may contact the City’s ADA Coordinator at (650) 329-2550 (voice) or by emailing ada@cityofpaloalto.org. Requests for assistance or accommodations must be submitted at least 24 hours in advance of the meeting, program, or service.

---

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