Call to Order / Roll Call

Approximately 6:06 pm

Chair Templeton: And let’s call roll call.

Mr. Vinhloc Nguyen, Admin Associate III: Commissioner Alcheck?

Commissioner Alcheck: Present.

Mr. Nguyen: Commissioner Hechtman?

Commissioner Hechtman: Present.

Mr. Nguyen: Commissioner Lauing?

Commissioner Lauing: Present.

Mr. Nguyen: Commissioner Riggs?

Commissioner Riggs: Here.

Mr. Nguyen: Vice-Chair Roohparvar?

Vice-Chair Roohparvar: Present.

Mr. Nguyen: Commissioner Summa?

Commissioner Summa: Present.

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Mr. Nguyen: Chair Templeton?

Chair Templeton: Present.

Mr. Nguyen: Ok, we have a quorum. Thank you.

Chair Templeton: Great, thank you so much.

Oral Communications

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

Chair Templeton: Ok now do we have anyone who wishes to speak on items not on the agenda? If so, please raise your hand.

Mr. Vinhloc Nguyen, Admin Associate III: Ok, we do have one raised hand, so let’s get the speaker timer up. Ok, our speaker will be Rebecca Eisenberg. If you can please unmute yourself and you may speak.

Ms. Rebecca Eisenberg: Hi, thank you so much Planning Commission for allowing me to address you today. I know you have a tenant study session later, but this is a specific item that I did not see on tonight’s agenda. And that is two issues that came up before the City Council last week that I’m hoping that you call can consider taking a closer look at.

One involves height limits for residential developments. The City Council outsourced to a consultant as research regarding how to achieve more affordable housing and that consultant came back with a number of recommendations. One which included the fact that lifting the height limits would actually make it easier for the City to build more affordable housing under current strategies. But City Council didn’t even consider as far as I could tell lifting those height limits. So, I guess I want to say since you’re the advisory group on these issues. If you could consider may be issuing an opinion about these height limits and I want to speak for the fact that I am a resident. I live in Old Palo Alto in an RH-1 neighborhood and I strongly support the lifting of these height limits. In part, I dislike height limits because, for many reasons, one is which it harms the environment to have to build out rather than build up.

And another is that... and this is the second point I want to make... is that I believe that multi-family developments actually help improve a neighborhood. I grew up in a community where every household was filled with either grandparents or a family with kids. And I remember Palo

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Alto being that way when I lived in the 1980s, but right now, at least for my kids here in Old Palo Alto, there aren’t any kids that are anywhere near their age nearby at all. We strongly believe, at least in this family, that having multi-family developments in our neighborhood would be very helpful to our quality of life because for one thing, we’re really lacking our kids... is kids. So, those are the two things I want to say. One is I hope you’ll maybe rethink whether advice about height limits and second maybe consider that there are many of us residents who actually want multi-family developments within our RH-1 neighborhoods. Thank you for considering.

Ms. Eisenberg: Thank you Rebecca for your comments. So, Chair Templeton, that concludes Oral Communications.


Chair Templeton: Ok, thank you.

Agenda changes, Additions, and Deletions
The Chair or Commission majority may modify the agenda order to improve meeting management.

Chair Templeton: Any agenda changes or additions or deletions?

Ms. Amy French, Chief Planning Official: No.

Chair Templeton: Oh ok, great.

City Official Reports

1. Directors Report, Meeting Schedule and Assignments

Chair Templeton: So, let’s move to Agenda Item Number One which is the City Official Reports.

Ms. Amy French, Chief Planning Official: I’ll take this. Amy French, Chief Planning Official. Rachael is out of the meeting tonight, but I’ll just give a quick update on COVID related and that is that the City and county continue to respond to COVID-19. As of now, we remain in the Red Tier. Yesterday was a chance to move up, however, our numbers did not support this move, so next Tuesday we may be able to advance again. There is COVID testing available coming up October 9th from 9:30 am till 4:30 pm at the Palo Alto Art Center.
Another item that is a thanks to the Planning and Transportation Commissioners who responded. We will be having a Planning and Transportation Commission meeting on November 18th. That will be a Special Meeting and the only meeting in November this year.

Another exciting moment is... for us is that we have made an offer to a Senior Housing Planner that has actually accepted the offer so we’re very excited. So, we’re going to get through the background check and paperwork. We’ll go ahead and announce who’s the person and we’re expecting them to begin in early November. We’re just very excited about that and that concludes the brief report.

Chair Templeton: Excellent. Well, that is good news.

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

2. Study Session to Review the Pending Planning and Housing 2020 Legislation.

Chair Templeton: Alright, next up is the Study Session to review the Pending Planning and Housing 2020-2021 Legislation.

Ms. Amy French, Chief Planning Official: I’d like to introduce Clare Campbell who will say some words about herself. She’s here tonight to present this first item. Welcome back to planning, Clare.

Ms. Clare Campbell, Planning Manager: Thank you so much. So, my name is Clare Campbell and I am now the Long Range Planning Manager and I’ve been in this role for about 8-weeks; since the beginning of August. I was previously working in the Development Center as the Permit Manager for the past year and then prior to that I’ve had many years of time in Long Range Planning and in Current Planning and I basically had my fingers in all of the areas of the department. So, I’ve kind of... I’ve got a great range of experience with our department here in Palo Alto and I bring all of that to this position here that I’m in today. So, I’m looking forward to... for this role and working with you all closely in the future. Thank you. So, should we get started with my item? Ok, great.

Alright, let me share my screen. And share and lets... alright, so everyone seeing the PowerPoint? Great. Alright, so tonight we’re here to... sorry. So, the purpose of our meeting this evening is a Study Session to review with you the update of key 2020 legislation for housing

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and planning related items. And these are ones that are just most current and relevant to our current operations. So, although Staff hasn’t yet fully analyzed all of the details of these new laws, we have provided some preliminary feedback as to what the implications may be for additional tasks for our Long Range Planning Work Program. So, tonight I’m going to be reviewing five of these bills with you.

So, here for the 2020 Legislation Legislative Session, there were many bills that were introduced and this is a really fun graphic that I have here in the PowerPoint to share with you. But it just shows the range and the volume of bills that came forward and but with the onset of COVID-19 and our Shelter in Place conditions. The legislator really had to pair down what they would focus on for this year for this session. So, many bills did not move forward just because of the timing and they ran out of time for the review and it’s not because there was a lack of interest. So, we can definitely expect to see many, many of these return next year for the next session.

So, this past Monday, September 28th, the Governor signed into the law the bills that we will be reviewing this evening and this is the list of the ones that we’re going to be looking at tonight. And just to note, that there were other housing bills, probably maybe 10 or 12 other ones... maybe 10ish... that I haven’t focused on in our presentation this evening because these are ones that I think aren’t as relevant to our day to day activities and operations. So, I really have focused on ones that I think will have a direct impact to the work that we do currently. So, all but one of these will be effective come January 1, 2021, and AB 831, which is focused on SB 35, that was an Urgency Ordinance so that one actually became effective on Monday when it was signed.

So, the first on here is AB 2345, so this one modifies the existing State Density Bonus Regulations. The key changes from this bill are that it increases the Maximum Density Bonus for housing projects from 35 percent to 50 percent. It makes it easier for a project to qualify for two and three development concessions by reducing the required percentage of lower-income level housing units. So, in order to two concessions for your project, 17 percent of those units must be at the lower-income level range, and that is a reduction from 20 percent which is what it currently is today. And for three concessions the project would need to have 24 percent of the units at a lower income level which is a reduction from 30 percent. So, the bill also reduces parking spaces for two- and three-bedroom units from two spaces to one and a half-spaces. And it also requires that the state-mandated Annual Progress Report include Density Bonus applications that we’ve received and approved for the year. So as a result of these new

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regulations, Staff will have to update Section 18.15. It’s our current Density Bonus Section of Title 18 to reflect these new standards. So, that’s something that we’ll be working on and we will bring forward when we have a draft ordinance.

Ok so the next one is AB 725 and this is related to the Housing Element and RHNA. It is focused on the middle... missing middle housing and it requires zoning for a moderate density housing, such as duplexes or four plexus or townhome, through the Housing Element update process. So, this bill requires that 25 percent, at least 25 percent, of the City’s RHNA Allocations must be for moderate and above moderate units and located on sites zoned for at least four units. So, I’m just going to give you a quick example of what that means. So, if our RHNA Allocation for moderate and above moderate-income levels totaled 800-units, 25 percent of those, so 200-units, would need to be on sites zoned to allow four or more units so that’s what that means. So, the bill also requires that these sites be identified in our Housing Opportunity Sites in our Housing Element and it also specifically points out that Accessory Dwelling Units and JADUs, Junior Accessory Dwelling Units, do not count in this 25 percent requirement. So, right now Staff is in the early stages of preparing for the next Housing Element update. So, definitely when we go through the process of analyzing and preparing that work effort. We will be incorporating the requirements of AB 725 as we go along that.

Alright so the next one is AB 831 and this one is the cleanup bill for SB 35 and again, this is the one that became effective on Monday when it was signed. So, SB 35 established back in 2017 a ministerial approval process for qualifying housing projects in jurisdictions that do not meet their state-mandated goals for housing production. So, for Palo Alto specifically, a project must have at 50 percent or more affordable housing units in order to take advantage of this streamlining process. So, I don’t think to date we’ve actually had any projects that we’ve been able to process through SB 35. So, the two key things that were changed or amended for this is that the bill includes limits on the City’s discretion regarding the review and approval of public improvements. So, often we’ll see projects that come through the have to do something maybe in the public right of way. So, utilities, ped, and bike path connections or landscaping improvements. So, we do have specifically limited discretion on how we review those components and the bill also provides... it also allows SB 35 project to make modifications following an SB 35 approval. So, before they obtain their Building Permit, they’re allowed to go through a process to make some changes to their project and we have to apply the very limited or narrow review process to that project if they request it. So, for this bill Staff will need to evaluate further what procedural or code changes will be needed as a result of this bill. I know

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currently, we’re in the process of working on our Objective Standards relating to SB 35 implementation, but we may need to incorporate additional items because of this bill so we’ll be working on that.

Alright so the next bill is AB 1851 and this bill supports the development of affordable housing on religious-use sites. So, this bill prohibits requiring the replacement of religious-use parking spaces that are removed to allow development of an associated housing project. And with that, the City cannot require a correction to any existing non-complying parking standards and they are allowed a maximum of up to 50 percent reduction in their existing parking to accommodate this housing development. And lastly, with this bill, the new units would only be required to have one parking space per unit. So, for this one for sure, we will be working on some updates with Title 18 for consistency with the state law, and when we have that draft ordinance ready we’ll be bringing that forward to the Commission to review.

And the last one I’m going to do a summary of is SB 288, so this one creates new statutory CEQA exemptions for various transit projects and it also extends some existing transit-related exemptions to expire in 2030. So, the intent of this bill is generally to help streamline infrastructure improvements and the exemptions are for specific transit-related projects listed here. I think we’ve got some on the slide. So, for the creation of new bus rapid transit, bus or light rail services, transit prioritization projects, projects that improve customer information and wayfinding for transit riders, bicyclists, and pedestrians, projects carried out by a City or county to reduce minimum parking requirements and projects for pedestrian and bike facilities. So, the creation of these new CEQA exemptions and the extension of these existing ones are just to help facilitate the implementation of new transit projects... transit-related projects and we don’t anticipate any additional workload related to this particular bill.

So, again, the purpose of tonight’s update is to make the Commission aware of the relevant new planning related legislation and to indicate how those bills affect our Long Range Planning Work Program. Staff’s next steps are to review the adopted legislation and determine the appropriate follow-up Staff actions which will include updating Title 18 to bring applicable code sections into compliance with the state law. So, this concludes Staff’s presentation and I’m happy to answer any questions you have. Thank you.

Chair Templeton: Thank you very much. Do we have any questions before we go to public comment? Alright, seeing none.

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Vice-Chair Roohparvar: I actually... sorry, I need to raise my hand, sorry.

Chair Templeton: No, go for it.

Vice-Chair Roohparvar: I think it’s just a clarifying question for AB 725. I just think I’m not grasping it. So, 25 percent of our RHNA Allocation for moderate and above moderate units has to be allocated to sites with at least four units. What if we don’t have enough sites? Are... does that mean we need to take sites that are allocated for one unit and up zone it to four or how does that... I’m just not grasping it? Can you just clarify that for me?

Ms. Campbell: So, what it means... and I’m sorry, did I have the... everyone’s picture on the screen the whole time? Sorry. Anyway, what it means is that... so, I was trying to give an example to hopefully explain it. So, basically, the City has RHNA Allocation for moderate and above moderate units so my example was having 800-units. So, if we have 800-units at that income level, we need to have 25 percent of that number so 200-units in this example, that would need to be on sites that are zoned to allow for four or more units. So, currently, the zoning that we have in place that allows for four or more units would be most of our RMs. So, if any RM like RM-15, 30 or sorry, not 15; 20, 15 and 40 and are mixed-use developments. Typically, all of those will allow for four or more units to be developed on those sites.

So, what will happen is when we go through our Housing Element process of identifying Housing Element... Housing Opportunity Sites, this is part of that process. We’re going to look at all of these sites and when we find those sites we’d have to make sure at least we’re taking care of this requirement for this bill. Did that help a little bit?

Vice-Chair Roohparvar: Yeah, I got it and then we have enough sites where we can do this? We have enough RM sites, whatever, where this would... where we would be able to comply with this requirement?

Ms. Campbell: Yes.

Vice-Chair Roohparvar: Cool. Ok, that makes sense.
Chair Templeton: Alright, anyone else? Alright, if you have... if you’re a member of the public and would like to comment on this agenda item please raise your hand. Alright, giving you one more moment to raise your hand if you would like to speak on this agenda item. Ok, so let’s go back to the Commissioners. Commissioner Hechtman.

Commissioner Hechtman: Thank you, Chair Templeton, and thank you for the report, Ms. Campbell. I did have a question on the Wicks Bill, AB 1851. I was wondering if, in your review of that legislation, you got some clarity on what they mean by affiliated affordable housing project. Is that clergy housing or something else?

Ms. Campbell: Well, all I understand it has to be associated with their operations and I haven’t dived into it deeply yet but my general understanding it has to be associated with their operations; but I can definitely find out more and we can bring that back to you.

Commissioner Hechtman: I would actually appreciate that in some future report from the Assistant Director maybe. That just (interrupted)

Commissioner Riggs: Yeah, I’ll just say I assumed it was student housing as well because I had heard some chatter about how this was allowing us to include student housing formats in our RHNA Allocation. So, some clarification on that would be also helpful. Sorry, sorry to take over your question Bart [note – Commissioner Hechtman] but I... it’s very aligned with what you just suggested.

Commissioner Hechtman: That was my only question. I look forward to getting more information. Thank you.

Ms. Campbell: Thank you.

Chair Templeton: Great, thank you. Next is Commissioner Lauing.

Commissioner Lauing: I’ll first pile in on that one there on Wicks. If it’s part of operation, the question is it for money-making for that operation for that religious organization, or is it for social work? So, in general, three of us want some clarification there.

Ms. Campbell: Got it.
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Commissioner Lauing: Ok, overall, I didn’t hear you say if all of these if applied equally to rental units and units for sale?

Ms. Campbell: So, it maybe depends on which one we’re looking at.

Commissioner Lauing: Ok.

Ms. Campbell: So, I don’t know if you want me to go through it, but the Density Bonus applies to both rental and for-sale units. This one... so for the RHNA and Housing Element, that would be for whether it’s for sale or rental as well. And SB 35 applies to all housing projects whether it’s rental or for sale and then this one I’m not too sure. I would assume its part of the church or whichever organization would be owning that so I don’t think it’s either one. That’s ownership I guess, the church would own it or that institution.

Commissioner Lauing: Good, you answered most of that questions that it’s applicable regardless of rental or purchase and I think an important consideration for us to know. Under Gonzalez 2345, I understand the reduction in affordable. Does that mean that all of the rest of the units could be at full market rate? There’s no more tiering of affordable leveling?

Ms. Campbell: No, there are tiers. So that doesn’t change but it’s just for that the one level... so that hasn’t changed. There’s just a specific change to a certain level. There’s only... again, it’s a very specific change.

Commissioner Lauing: Good, I’m glad I asked that question and then on Wicks, could you remind us what the current missing middle AMI definition is?

Ms. Campbell: You know honestly, I feel like that’s been a little bit of a mystery to nail down 100 percent. I think it is between... I can’t tell you for sure, but I think it’s between 120 to 80 but let me look that up and I can confirm for you because I know there’s been some back and forth about what specific range is supposed to be.

Commissioner Lauing: Ok and there was a phrase relative to Wicks in the second paragraph that this requires applicable jurisdictions. Does that just mean where there’s affordable housing allocation?
Ms. Campbell: So, we’re talking about the one on the screen?

Commissioner Lauing: I’m talking about the second paragraph under Wicks. Yeah.

Ms. Campbell: Ok.

Chair Templeton: I believe the Commissioners referring to 725.

Ms. Campbell: Thank you.

Commissioner Lauing: Correct.

Ms. Campbell: Ok.

Commissioner Lauing: Oh yeah.

Ms. Campbell: Oh ok, so for this particular requirement or for this bill, it definitely affects just the Housing Opportunity Sites that are identified throughout the Housing Element update process.

Commissioner Lauing: Ok. Very good and that’s it for me thanks.

Ms. Campbell: Thank you.

Chair Templeton: Alright would any other Commissioners like to speak to this item? Vice-Chair Roohparvar.

Vice-Chair Roohparvar: Just a question, I don’t know if you know the answer to this, but I was looking at your map of housing legislation highlights. I know some of those were passed and some of them weren’t; like AB 69 I think was passed very recently like a week or two ago. Do you have any sense of which of these are going to come back for the new legislative year or (interrupted)

Ms. Campbell: I don’t.

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Vice-Chair Roohparvar: What are the hot button ones just so we can think ahead?

Ms. Campbell: I don’t know which ones those would be. I think there were so many that were shelved just because of everything else that was going on. So, I wouldn’t be able to speak to that. Maybe we’d have to do a little bit more research to see what was the hot issue of the... but I don’t know off the top of my head what that would be.

Vice-Chair Roohparvar: Ok, that’s ok.

Ms. Campbell: I’d be guessing right because I wouldn’t know (interrupted)

Vice-Chair Roohparvar: Yeah, yeah, I didn’t... I thought maybe you knew and I’d be curious, but that’s cool. That’s fine. Thank you.

Chair Templeton: Commissioner Summa.

Commissioner Summa: Thank you. So, some of my questions have been asked. I was also curious about the legal definition of missing middle. It seems to be a kind of loosie-goosy thing and I don’t understand how we apply law and zoning regulations to somebody’s idea of what missing middle means. So, that’s kind of curious to me and then I also did want to observe that in the background on Packet Page 8 of our Staff Report that you refer to a lot of these bills didn’t move forward because time ran out and not because there was a lack of interest. I watched the state legislature pretty carefully for a layperson this year and I would say that my observation was that a lot of these development bills didn’t pass because lack of interest on the part of our state legislatures and advancing them too what they felt was their merit. So, I just wanted to put that out there.

I don’t know... there’s not a lot we can say about this. If something is enacted into law, of course, we have to comply with it; but I find it dismay that some of these bills are reducing affordable housing requirements and mixing up people at affordable levels with those in great need of affordable housing and the mystery of what missing middle means legally and how we’re addressing that. So, I don’t have any other specific questions. Those are just my observations in general.

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Chair Templeton: Great, thank you. Anyone else or anyone want a second pass?

Mr. Albert Yang, Assistant City Attorney: So, I can address this issue of the concept of the missing middle and how it’s defined.

Chair Templeton: Thank you, Mr. Yang.

Mr. Yang: Sorry, I wasn’t able to join earlier, but so the bill itself doesn’t use the phrase missing middle. I think that’s something that’s just popped up to describe in collocal terms it’s purpose but the bill deals with moderate-income housing and above moderate-income housing. And that’s defined to… moderate-income housing is defined to mean households at 80 to 120 percent of AIM and then above moderate-income housing is above 120 percent of AMI so that’s what that means.

Chair Templeton: Great, thank you. Commissioner Summa, do you have any more questions?

Commissioner Summa: No. If I might make a broad observation, that I think a lot of these bills were driven by... not by HCD’s... the state Department of Housing and Community Development numbers of housing, deficits that we may be experiencing; or I was reading Freddie Mac’s evaluation of state by state and countrywide housing deficits and they were instead based on this 3.5 million. And I think it’s kind of unfortunate that we haven’t been able to establish a reliable basis of missing housing units and that there’s so many different numbers out there, but HCD and Freddie Mac sort of agree that it’s closer to 1 million and Freddie Mac is even lower in the 800,000. Freddie Mac and I can send you these studies if you haven’t had a chance to look them up on your own but Freddie Mac thinks 3 million is a countrywide deficit of housing. So, I just think... I just wanted to put it on the record that I think it’s unfortunate that we’re not doing things I think are important in housing which is addressing the affordability issue that so many have that would like to live or stay in our community. And instead, we’re addressing it from the development side; increasing the benefits and... for developers. So, I just wanted to get that on the record before we leave this conversation understanding for why we have to comply of course with any state laws.

Chair Templeton: Thank you, Commissioner Summa. Commissioner Riggs followed by Vice-Chair Roohparvar.

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Commissioner Riggs: Well, I’ll put on the record to address affordable housing you have to do three things. You have to produce, you have to protect as well as you have to figure out how to address some of these. I mean all those... three of those things are connected to affordable housing so I just... I... you can’t address affordable housing without producing units. It’s got to be a part of a comprehensive strategy. So, I mean that’s across the income spectrum. So, I have some specific questions. Sorry and I’m just going to say produce, preserve and protect... but that’s just a sing-songy way of getting it; like three verticals.

I was curious and just wanted to clarify on SB religious housing bill and I still... I apologize, I still don’t have the nomenclature down. Is it 1851? And so, I just wanted to clarify my comment based on what Commissioner Hechtman asked is that my understanding of that bill is it’s not... it doesn’t have to be connected to a religious... a parochial use of the housing produced on the site but I think I would want... I need a little clarification because I mean I’ll just hypothetically I’ll just say. One of the ways I envision this and its just like say I am at a parochial campus. My campus could say we want to produce housing for students or faculty and necessarily would they have to be connected with the campus? My understanding is they would not have to be. They could be, but I think we would need some clarification. I mean... if we looked at this in the Palo Alto context, it could be could be an institutional... religious institutional site or religious institution for example partner with Stanford? And I think that would be... it’s an interesting idea, it’s a provocative idea, and it... I think it really hits a segment that’s under... segments that’s under-produced in the housing market in terms of unit type. And we had Jon Dishotsky here from Startcity a couple years ago... a couple years ago? Last year talking about these certain types of units, these co-living units that we’re not particularly producing for and I think if I’m quoting you right Commissioner Lauing. You were like when can you do your development here in Palo Alto, but the point here is that maybe this is one of the opportunities we can... we could look at but I think we need some clarification. I need some better understanding of the policy.

The other thing I just want to highlight and what to a certain degree concerns me about the Grayson Bill, the 831, is we have this tension between sustainable mobility and the provision the City... the Impact Fees and the provisions the City needs to put on projects from a supporting suitable mobility standpoint. When we take away the requirement for parking but we don’t provide the mechanism to enforce or finance bike-ped facilities and put all the burden on the General Fund or on tax increment... some type of special use tax. My worry is bike, ped, multi-model transportation facilities aren’t going to be produced and because we don’t set our own agenda they’re going to come to Planning Commission for us to talk about. And the good

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example here is... I’ll just site it because we talked about this about 2-months ago with the San
Antonio project that Ted O’Hanlon brought up. And we talked about we’re going to do this
awesome, sustainable... sustainably oriented multi-family building down on San Antonio but it
is a precursor. And now potentially we can’t enforce a change in the mobility environment
around it without doing a special specific plan that could... that predates any type of investment
in sustainable mobility on the San Antonio... boys, please... hey guys? Sorry, it’s COVID, I’ve got
little boys. So, anyway, I want to highlight that because I don’t... I think that is an unresolved
tension and I don’t know that the... I think we need an institutional... Cities need an institutional
mechanism to talk about that. And I don’t know how it happens with Council... with a
Commission that can’t bring stuff to itself and a Council that may or may not highlight these
things when they approve a project. So, I’ll leave it at that.

Chair Templeton: Alright, thank you so much, Commissioner Riggs. Vice-Chair Roohipparvar
followed by Commissioner Alcheck.

Vice-Chair Roohipparvar: I just wanted to... just going to back to the legislation. I think we are
clearly... across the Bay Area, across California, across the United States, we are clearly facing a
very significant housing crisis. If you even look at the RHNA numbers this cycle, the state has
come out and doubled the Bay Areas RHNA Allocation numbers and tripled the Los Angeles
area RHNA Allocation numbers. So, I think the message the state is trying to send to all Cities is
you need to step up housing or we are going to come in over the top and start legislating. And I
think we’re seeing that happen and a lot of local jurisdictions losing control in areas they
previously had jurisdiction to legislate in. So, that is my reading of my tea leaves when I look at
what is going on a macro level from a state-level with housing. So, I think we’re going to
continue seeing these types of bills until Cities are ready to step up and do their job and start
creating housing.

And I do agree with Commissioner Riggs, we just need to create more housing. I think if we only
focus on... I do agree affordable housing is extremely important, but when you have more
housing generally that helps to regulate prices and rents more. Because the issue is if you only
focus on affordable housing... and we’ve said this tons of times before... and you start putting in
all these restrictions where it’s not going to pencil for the people that we need to construct that
affordable housing for us. We’re going to end up with no housing and continuing legislation
over the top from the state. So, that’s my kind of read of what’s going on in my opinion.

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Chair Templeton: Thank you very much, Vice-Chair Roohparvar. Commissioner Alcheck.

Commissioner Alcheck: Hi, good evening. I think... I’m a... I’ll just say, I mean look, we’re at Planning Commission having a study session on new laws passed. I’m not sure that there’s Commission benefit to sharing political perspectives on these laws. I understand why people are taking a position on them right now because we’re in the middle of an election campaign locally and residents want to understand how potential officials feel about certain laws; but I think at a Commission level, I’m not sure we should spend to much time on those perspectives.

Since it was brought up I... and I always suggest that we... I've always encouraged the idea of Commissioners that come across information that they think is relevant or interesting sharing that. That... we haven’t really had a normal year so just because we haven’t had a lot of that this year I don’t think is relevant, but in years past that’s not uncommon. Commissioners read an interesting article in the New York Times or in the San Francisco Chronicle about housing-related issues. They can share it and it helps our dialog.

So, I would welcome the sharing of the reports that Commissioner Summa referred too, but since it was brought up I will suggest... I would like to acknowledge that I have read and studied reports that Governor Newsom has referred too when he’s talked about the 3-million-unit deficit; the 2- to 3- million-unit deficit that he believes in the State of California. And I’ve also heard... I’ve also read the reports that he refers to when he refers to the deficit in the United States of America to which he has mentioned in the past. California having 50 percent of that deficit, but I do think that... I think one of the things that I really would love to spend time on is understanding how for example we would experience one of these laws. How an applicant would put... would utilize one of them and so I don’t know. It sounds like there’s some report... someone... two Commissioners referred to a report or some further time spent on this and I do think that it would be interesting to have Staff do an exercise on a lot. What would an SB 35 application look like on a given lot and I think that is a... is worth the time because it helps people understand how the application would have been under our current zoning and how it would in essence benefit SB 35. And so, I think I’ve said this before, I really think those sort of illustrations if you will do a lot more than simply descriptions of or written interpretations of the law changes. The... I’m not suggesting a 3-d model but a more illustrative description of what a project would like on such and such parcel. I think would really help members of the public and frankly, the Commission and the City Council probably wrap their heads around some of these issues.

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And I also think actually and I don’t know if anybody is going to... the last time we did it I think the City of Palo Alto sponsored participation. I remember Council Member Kniss is there and former Commissioner... oh my gosh, I can’t believe I’m forgetting her name. A former Commissioner was there and we did this event where we participated in a City process with other City officials locally in working through an application. I think it was sponsored by the Urban Land Institute. I can’t remember what that event was, but it... I think it would be really interesting if we in-housed something like that and went through the process of what exactly how State Density Bonus laws work. What does an applicant experience from their side of the table when they approach a project and what... how do the menus work? What... how... what effort do they have to make to qualify for this in theory and that and have that... imagine... you know those charts where it’s like yes, no, and then the arrow goes here and here and then that question is yes/no. Imagine there was a chart that showed the path to various finish lines depending on the decision you made. I think that would also be illuminating and I’m sure that’s busy work and somebody that’s talented with probably PowerPoint or something could create it. But again, I really think those illustrations would help so if there is an effort to follow up and there’s some material produced. I would encourage Staff to consider those two ideas. Number one, some exercise that demonstrated how an SB 35 project or like would be different from a project on that same parcel. And then the other one that really went through the exercise of just what does it mean when somebody benefits from bonuses as they go through our development process and how will they qualify for them and what the trade-offs are?

And even if would be interesting also to have some analysis of these are all the options that an applicant could choose from but here are the ones that they choose from every time. Is there among the sets of options that someone can choose from, what are the ones that really, they’re choosing almost every time? And so, we... you can get too... we become familiar with that process and understand it from a historic respective. I think that would help too.

Chair Templeton: Thank you, Commissioner Alcheck. Vice-Chair Roohparvar, your hands still up. Did you want to go again?

Vice-Chair Roohparvar: No, sorry.

Chair Templeton: No problem. Alright, any others? Ok. Thank you very much, Ms. Campbell, for this presentation. It’s very helpful to see what’s on the horizon and to understand what may be

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affecting building in Palo Alto. So, we appreciate your effort and welcome to the team I guess is appropriate to say, or is it welcome back? I’m not exactly sure which is the right one but we’re glad you’re here and appreciate you taking the time to put this together for us.

3. Study Session Regarding the Renter Community and Renter Protections in Palo Alto.

Chair Templeton: So, let’s move onto Agenda Item Number Two [note – Item Three]. Ms. French?

Ms. Amy French, Chief Planning Official: Yes, today we have our fellow Lauren Bigelow who is here to join us and present her PowerPoint. I think I see... oh there she is. Hello Lauren. Lauren has come to us through this Fellow opportunity for 2-years and she will describe what she’s up to and the path she is taking here. Thank you, Lauren.

Ms. Lauren Bigelow, Fellow: My pleasure, and I will just share my screen here. Come on guy. It all works out in the end, right?

Chair Templeton: Absolutely. There you go.

Ms. Bigelow: Alright, good evening Chair Templeton and PTC Commissioners. Thank you so much for the opportunity to present this evening. My name is Lauren Bigelow and I am the Partnership for the Bay’s Future Fellow placed with the City of Palo Alto. You may wonder why I’m here tonight so I’ll talk some about the Challenge Grant and I will also be talking about Palo Alto’s rental housing inventory and the profile that we’ve created of Palo Alto renters. And we will also talk a little about renter protection policy as they apply to the City of Palo Alto.

So, to give you a little bit of context about the Challenge Grant and the Council’s focus on renter protections. On September 10th, 2018 Council Members Kou and DuBois introduced a Colleague’s Memo regarding the need to review Palo Alto’s existing protection and what neighboring jurisdictions were doing to protect their renters. In August of 2019 City Staff submitted an application to Partnership for the Bay’s Future which I’ll occasionally refer to as PDF or the Partnership. Their thought process was that the Planning and Development Department had been operating with some Staff vacancies and lacked the policy expertise to make much headway on renter protections. The Challenge Grant’s program design was such that while participating jurisdictions did not get extra funds, they were loaned a mid-career Fellow for 2-years to advance [unintelligible] protection policy. In Palo Alto’s case, this was the

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answer to how renter protections could be thoughtfully addressed. On February 4th, 2020 the City of Palo Alto was notified that it had successfully competed for the Challenge Grant and would therefore be awarded a Fellow for 2-years. And on March 16th, 3-hours before the Governor announced Shelter in Place, I showed up to work for my first day.

So, a little bit about the Partnership for the Bay’s Future. It was established in early 2019 and it really focused on building an inclusive, vibrant, and livable Bay Area. They are taking a multi-pronged approach because the Partnership really believes that the housing crisis is a big problem that is decades in the making. So, there will be no one silver bullet that will take care of everything. There’s a regional push to recognize the three P’s which are better understood as Production, Preservation, and Protection of affordable housing as the approach to take. So, while the Fellowship itself assists jurisdictions in the creation of policy, another arm of PDF works on the development and production of affordable housing. There’s also an emphasis on the notion that no one City should shoulder the burden of the housing crisis alone. We’re all in this together and this should be addressed as a regional issue. Because of this, the seven Fellows involved in the Challenge Grant communicate constantly about what they’re working on and what best practices they’re seeing. The Fellowship is being managed by Policy Link which is a rational equity think tank based out of Oakland that was started over 20-years ago by Angela Glover Blackwell. Blackwell has fought for inclusion and the protection of the most vulnerable which is the kind of ethos that the Fellows bring to their work with the jurisdiction. We really believe in bringing that racial equity lens to policy creation. There are also several large philanthropic organizations like San Francisco Foundation, the Chan Zuckerberg Initiative, the Ford Foundation, and Silicon Valley Community Foundation that help push some of the work forward. Recognizable names like Facebook, Gen Tech, and Kaiser Permanente are also involved. There are currently $500 million that have been fundraised for this initiative specifically.

Ok so now we get to the fun part. The profile of Palo Alto’s rental units and who Palo Alto renters are. So, according to the American Community Survey or ACS data, there are 26,212 occupied household units in Palo Alto. Of those, 11,764 units are rental units and 14,448 are owner-occupied housing units. This means that a whopping 45 percent of the housing stock is occupied by renters in Palo Alto. ACS data also states that the average number of residents per residential unit is approximately 2.55. So, based on that number we can estimate that there are about 29,998 renters and approximately 36,842 owners in Palo Alto. Big numbers, I know.

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And another interesting little tidbit is that we need to understand... to understand renters in Palo Alto we must first understand that which is rented and is being rented by Palo Altans. And so, there are 11,764 rental units in the City of Palo Alto. As you can see here more than a quarter of the renters in Palo Alto are renting single-family homes and a lot of people believe that this is somewhat unusual for communities but that is not case according to data. It also makes renters a little bit more difficult to engage with because if a renter is in a single-family home, it’s less easy to identify them than those that are in apartment complexes. About 10 percent of the population rents duplexes, triplexes, and fourplexes. Small and medium-sized apartment complexes between five to 49-units make up a quarter of the local rental housing stock and 22 percent of the rental units are located at apartment complexes of 50-units or more.

One interesting fact is that there’re 6... 1,696 affordable rental units that are part of Palo Alto’s rental stock. So, approximately 14 percent of the rental housing stock is affordable. Affordable housing rental units serve households from between 30 percent of Area Median Income to 50 percent of Area Median Income. And Inclusionary Zoning Units, more commonly referred to as BMR units, serve between... households making between 50 to 80 percent of Area Median Income traditionally. The AMI for a household of four in Santa Clara County is as you see the red number up at top; $141,600 for the entire household. A household of four making 50 percent of the Area Median Income will make $78,950 and will be part of that very-low-income category.

If you reference the Staff Report you will see that 39 percent of households in Palo Alto are making more than $150,000 a year while 27 percent are making less than $50,000 a year. And that is important because HUD, the US Department of Housing and Urban Development, has said that anyone spending more than 30 percent of their income is cost-burdened. So, what we really care about is how many Palo Altans are spending more than 30 percent of their income on housing costs? And (interrupted)

**Commissioner Alcheck:** I’m sorry, I’m sorry to interrupt. Can you do back to the last slide real quick?

**Ms. Bigelow:** Of course.

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Commissioner Alcheck: The number... when you say 27 percent of... are you referring to households or individuals?

Ms. Bigelow: I’m referring to rental households.

Commissioner Alcheck: Households making less than $50,000 represent 27 percent of Palo Altans?

Ms. Bigelow: Correct. There’s more than a quarter of Palo Altan households that are renting that are making less than $50,000 a year.

Commissioner Alcheck: And do you have... can you extrapolate that to the number of... you had... was it 2.25 members... average members per household?

Ms. Bigelow: Sure so 27 x 2.55, right? No, we’re saying... oh gosh.

Commissioner Alcheck: 27 percent of rental households which is the 11,000 number.

Ms. Bigelow: Right. So, give me one second to break out my calculator here. So, 11,764 x .27 = 3,176.

Commissioner Alcheck: So, we have roughly 3,000 individuals that are living below poverty line?

Ms. Bigelow: Households. Those are households.

Commissioner Riggs: Well, and these are units so that means (interrupted)

[note – many people started talking at once]

Ms. Bigelow: That’s right.

Commissioner Alcheck: There’s 3,100 households which you would multiple by the 2.55 number to get the average members (interrupted)

Ms. Bigelow: [unintelligible] To get 8,100 (interrupted)
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So, being with our Eviction Moratorium, which is tied to the local State of Emergency and will expire when City Council votes to no longer extent the State of Emergency. That’s applicable to renters. Then on top of that, you have Santa Clara County’s Eviction Moratorium which applies to all of the Cities in Santa Clara County as well as the unincorporated areas. That Eviction Moratorium is tied to the State of Emergency and local experts believe that because the Governor signed AB 3088 on August 31st. He most likely will not be extending the State of Emergency because the CDC was also concerned about how people being evicted would impact the spread of COVID-19. They issued a national Eviction Moratorium which is good through the end of the year.

So, on January 1st... oh, 1482 becomes... it comes into play on January 1st of this year. It was actually signed in 2019 and is known as the Tenant Protection Act of 2019. It has several common rental protection laws folded into it so that there are Anti-Rent Gouging and Just Cause protection that cover the entire state. So, for example, with the Anti-Rent Gouging, rent increases are capped at 5 percent plus the rate of inflation; or they are a maximum of 10 percent increases annually. There’s also the Just Cause Eviction Framework that is built-in and with Just Cause Evictions, they’re broken up into two. So, they’re split into at fault and no-fault cases. And with At-Fault Eviction cases, the causes are based on the actions of the renter that fall within the permissible scope of under the law and would be something like none payment of rent or breaking a lease. No-fault eviction causes are when the eviction is not based on the actions of the renter but rather due to the owner’s actions and that would be something like an owner intending to occupy or substantially remodel the unit. The thing to note here with these statewide renter protections policies is that the state doesn’t apply funds for implementation. So, local municipalities are responsible for designing implementation that best suits their economy, community, both.

So, where do we go from here? My plan and the rest of the team is to continue analyzing renter protection policy, continue reaching out to the renter community so that we have a greater understanding of the needs of Palo Alto renters and then come back to you and to Council with
proposed Renter Protection Policies and analysis. Because as has been mentioned many a time tonight, I am here for 2-years, so I’m not going away anytime soon.

So, I would really love to hear what surprised you about what you heard tonight and what you’d be interested in hearing more about, and what your ideas were regarding renter outreach? And that’s me and Chare. Thank you so much, guys.

Chair Templeton: Excellent, thank you for your presentation, Ms. Bigelow. Alright, before we go to comments from the public, please... commenters from the public please raise your hand and get ready. Any Commissioners have questions before we go to the public comments? Vice-Chair Roohparvar.

Vice-Chair Roohparvar: Always with the questions. So... I know... AB 1482, I just want to clarify that exempts single-family residential townhomes/condos, right?

Ms. Bigelow: Oh goodness.

Vice-Chair Roohparvar: I think so.

Ms. Bigelow: Ok.

Vice-Chair Roohparvar: And then my next question is do you have data as to how much of our rental stock is in single-family residential housing... sorry, condo and townhomes? Because I would like to be able to understand what kind of protections that actually provides our renters in our City because I was mind blown by that 27 percent that was flagged. That’s insane.

Ms. Bigelow: Yeah, it’s (interrupted)

Vice-Chair Roohparvar: Wow.

Ms. Bigelow: Big and particularly considering the fact that there are 1,696-units of affordable housing but there are 3,000 households that are talking about being... living with $50,000 a year is significant.

Vice-Chair Roohparvar: Wow, right.

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Ms. Bigelow: But as for what protects what? I can certainly do some digging into the ACS data to see what exactly they break out the single-family detached and things like that. I’m not sure that they indicate specifically which are condominiums and townhomes but I’ll spend a little bit of time with it and can get an answer back to you.

Vice-Chair Roohparvar: Cool, that’s great. Yeah, and the question is how much does AB 1482 really protect our renters given this exemption.

Ms. Bigelow: Right.

Vice-Chair Roohparvar: Great, thank you.

Ms. Bigelow: Of course, that’s one of the things that we’re really interested in is making sure that we protect Palo Alto renters specifically. So, that’s one of the things that we’re looking into in the future as well.

Vice-Chair Roohparvar: Thank you.

Chair Templeton: Thank you very much Vice-Chair. Commissioner Riggs followed by Commissioner Alcheck.

Commissioner Riggs: Yeah, sorry I have a lot of data questions and I guess I… there… I need to understand your data a little bit more before I actually… I’m not exactly sure what data source you’re using. You did talk about what geographic scale you’re using, so can you explain a little more. Are you looking at a track level or the blocker level… the block, City level because I think there’s some baked-in assumptions that are based on the geographic scale.

Ms. Bigelow: Ok, City level is what I was looking at.

Commissioner Riggs: So, if that’s the case then how do you crosswalk the income levels to the units?

Ms. Bigelow: You talk about… so when it (interrupted)
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**Commissioner Riggs:** But you’re talking about it in a super aggregate level so you have to apply the income threshold at the City to the units... to the unit break down. It’s... that’s a messy... there’s a lot of... anyway. So, you at it at the City level and you cross walked the City income data to the City number... unit break down?

**Ms. Bigelow:** Right and then they gave a break down for the City of what households were making what broken into $5,000 increments etc. And those were household units that they were talking about and so (interrupted)

**Commissioner Riggs:** But you can’t... at that aggregate scale you can’t assign the unit to the... it’s... you can’t assign the income level to the unit at that scale. The crosswalk doesn’t work like that. It... you’ll over underestimate.

**Ms. Bigelow:** Ok. Great feedback. I appreciate it and I will look into it.

**Commissioner Riggs:** Yeah, I would... I think I would double and triple check. I think you really need to be looking at at least the Census Track Scale or else your crosswalk becomes income level and units... basically, you’re applying aggregate numbers across the... aggregate income levels to unit type. And it’s just you’re going to end up... yeah, I just think that those numbers are not... I’m assuming it’s 2018 data too?

**Ms. Bigelow:** Yes, correct.

**Commissioner Riggs:** 2018 [unintelligible] year? Yeah, I think you ought to change the geographic scale.

**Ms. Bigelow:** Ok.

**Chair Templeton:** Alright, was it for before public comment Commissioner Riggs?

**Commissioner Riggs:** Yeah.

**Chair Templeton:** Thank you very much. Commissioner Alcheck.
1. **Commissioner Alcheck:** Hi. Hold on, I’m trying to... ok, Lauren, would you do me... I have a couple questions and you’re going to spend most of the time talking. So, maybe I can just do them one at a time. Would you mind going back to the slide right before the COVID-19 protections?

2. **Ms. Bigelow:** These?

3. **Commissioner Alcheck:** Yeah, would you just... can you spend 2-minutes or so, do... if you’re familiar or if any of the Staff members are, can you just tell us what these do?

4. **Ms. Bigelow:** So, the Palo Alto Mediation Program essentially works with the community to provide non-legal help to the tenants and landlords so that they can avoid court essentially. One-Year Leases, the minimum term is 12-months and that helps a lot of renters. As for Tenant Relocation Assistance, that was... came about I believe on the dais in 2018 when we were talking about the President Hotel. And so those I believe are units... building size that have 50-units or more, but Albert I am turning to you to double-check me on that.

5. **Ms. Yang:** That’s correct. That applies to structures that have 50 or more units.

6. **Ms. Bigelow:** Ok, thank you.

7. **Commissioner Alcheck:** And then I had written down 2.25 but it was 2.55 (interrupted)

8. **Ms. Bigelow:** Correct.

9. **Commissioner Alcheck:** As your residents per house and I’m curious how do we know that or how did you come up with that?

10. **Ms. Bigelow:** ACS... I would say that ACS data said that that is the average household size and... for a residential unit. So, as I mentioned, these are approximate numbers and for number of people that are in these households. So, when I talked about that 8,000 number that you and I came up with together. That is an approximate number, not (interrupted)

11. **Commissioner Alcheck:** Right, yeah, I get it and then do... and maybe I missed it but did you... do we have median rental value? Do we know what median rent is?

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Ms. Bigelow: And that’s a great question and it is a topic (interrupted)

Commissioner Alcheck: I mean that’s changing. Right, that’s changing every week but I’m just (interrupted)

Ms. Bigelow: It does so (interrupted)

Commissioner Alcheck: I wonder if there is any (interrupted)

Ms. Bigelow: So, one, the data is old and is pre-COVID numbers so we’re talking about 2-years and this is a completely different world and so the 2018 numbers, ACS quoted it as $2,500. Policy Link, which is the organization that I work with, did use a framework called the Bay Area Equity Atlas and they quoted that number as $6,000. So, there’s... and they used ACS data and Zillow as well. So, there are different numbers and I didn’t want to give you just one that wasn’t right.

Commissioner Alcheck: That’s fine. I was just wanted to piggyback off that answer. I think that’s the right answer by sharing anybody who wants to get a pulse on average or typical rents in Palo Alto can actually use the Zillow tool with great effect. You are not... not only can you look up what’s available now, you can distill it into categories depending on bedrooms and I think you can look at historical data too; like what were some of the no longer available units listed for at this particular time.

Ms. Bigelow: Right.

Commissioner Alcheck: And then I just wanted to jump in just so that if anybody in the community wants to talk about it, it to Commissioner Roohparvar [note – Vice-Chair Roohparvar], 1482 does exempt single-family homes, townhomes, and condos unless they’re owned by corporations.

Vice-Chair Roohparvar: By a corporation or an LLC. I [unintelligible](interrupted)

Commissioner Alcheck: So, if it’s an individual who is renting the space out then the 1482 doesn’t apply but if it’s a business or corporation then it does.
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Vice-Chair Roohparvar: It will.

Commissioner Alcheck: And interestingly a lot of single-family homes that are put into... I guess put to work if you will. Even if they're put to work by individuals, are often put in corporations (interrupted)

Vice-Chair Roohparvar: Interesting.

Commissioner Alcheck: Even if they're not what we think of when we think if large corporations. So, it’s more prevalent than you think, the application of 1482, and then my other question was do we... and this... it would be interesting... I’m just going to say I don’t know if you know the answer but it would be interesting to know if we had an ADU number. And I don't know that ACS could even provide that but and I am not necessarily suggesting that we track every ADU but it would be interesting to know would that number come up as a duplex number or how would an ADU in the market place be represented?

Ms. Bigelow: That’s a great question so when they looked at the data they said that single-family attached, single-family detached, then they went into duplexes, tris, and fours. So, I can see what... where ADUs fall in those specific definitions and bring those back because I think that’s definitely interesting. And over the last couple of years, I imagine we don’t have current data yet that would talk about ADUs as (unintelligible) (interrupted)

Commissioner Alcheck: And I’ll just say in case you haven’t had this perspective yet. I think that there are efforts... the City is hanging its hat on ADU being one of the tools to production and to the extent that it actually is trackable I think is relevant to what you’re doing. So, I would be very interested to see what you come up with, and thank you for the presentation.

Ms. Bigelow: Agree. Thank you.

Chair Templeton: Thank you, Commissioner Alcheck. Commissioner Summa.

Commissioner Summa: Thank you. Really quickly I think Commissioner Alcheck asked one of my questions about tenant relocation; that it was not across the board, but I did want to ask about the One-Year Leases. My understanding... so you’ll let me know if this is incorrect... is that 30-
day, so month to month leases are allowed if both parties agree; the renter and the rentee. Is that correct?

Ms. Bigelow: I believe that is correct. I would also say that most... so before I did this work I worked at Palo Alto Housing... not Alta Housing and I worked in Direct Services with... as the BMR Administrator. So, I have a lot of... I spend a lot of time talking to renters about what they wanted and the only... not the only time but most of the time renters wanted longer leases for more stability for their households. And if they had month to month leases the likelihood was that it was after they had been there for 12-months already and then they had gone to month to month and that had just happened. So, that had been... that has historically and anecdotally been the way I have experienced people’s interactions with 12-month leases.

Commissioner Summa: Ok so we don’t have any data on... so anecdotally I’ve heard people kind of being forced into month to month which puts them in a situation of less security and... but do we have any data on that? I understand that would be hard to get but.

Ms. Bigelow: Yeah, it would be difficult and I think that’s one of the reasons that we’re so interested in talking to the renter community and strengthening that connection. Both with the renter community and the PTC and renter community and City Council just so that we can get more awareness of what people are going through; but again, that would be anecdotal rather than data but anecdotal data is better than no data.

Commissioner Summa: Yeah and then I think it’s also true that the City of Palo Alto does not enforce the lease requirement. It’s just to the renter to do that. Is that also... am I right on that?

Ms. Bigelow: Talk more about what you mean by force. Do you mean that we don’t heavily enforce, is that what you mean?

Ms. Clare Campbell, Planning Manager: Maybe we can ask Albert to chime in on this one.

Ms. Bigelow: Yeah.

Commissioner Summa: Yeah, that’s fine.
Mr. Yang: So, Commissioner Summa is correct. The City doesn’t actively enforce that provision of its code. It creates a right for private tenants that they can enforce themselves but there’s no... it’s not something that the City has someone assigned too.

Ms. Bigelow: Right and that’s one of the reasons that outreach and education is so important so that the rental community actually understands what things that they can partake of.

Commissioner Summa: That’s my questions, for now, thank you.

Ms. Bigelow: Thank you very much.

Chair Templeton: Thank you. I have a question too and I do want to get to our public commenters. Commissioner Riggs, do (interrupted)

Commissioner Riggs: Yeah, I just... actually, I need to apologize to Lauren. I’m sorry, I was completely misreading your... I understand what you were doing now between Slide 11 and 12 and I am super sorry. You do not have... I was wrong. So, I thought you were changing geographic scales there and drilling down so I apologize. I just reran your numbers so my bad. Apologies. I just wanted to put that on the record.

Ms. Bigelow: I appreciate the feedback so thank you for [unintelligible] the numbers.

Commissioner Riggs: Yeah, I thought we were doing a geospatial step down so I appreciate you being patient with me.

Ms. Bigelow: Of course.

Chair Templeton: That is good to know. Thank you for clarifying that. Alright, so I just have a couple of questions. So, the One-Year Lease is a topic that we were just discussing with Commissioner Summa. That is that they are required to offer a one-year lease, right? Not that they couldn’t decide on something else. It’s so (interrupted)

Ms. Bigelow: Sorry, say the last part again.

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Chair Templeton: So, the one-year lease item that you had in your presentation in Palo Alto is that the landlord is required to offer a one-year lease, right? It’s... they could decide later after offering it to do month to month or something else. Ok.

Ms. Bigelow: I believe that this... right, the option is available to them.

Chair Templeton: Ok and then I had a couple of just clarifying questions then I want to go to the public comment.

Ms. Bigelow: Sure.

Chair Templeton: Do we have any information on the rate of eviction; like how many people are being evicted in Palo Alto in a given period of time?

Ms. Bigelow: No, Mathew Desmond spends a little bit of time from the book Evicted. He spent a little bit of time creating something called the Eviction’s Lab and he’s been tracking data for evictions. He says only two have happened in Palo Alto and I know that’s wrong. So, it is I think... and again this is me talking about my experience, is that I think a lot of folks get an eviction notice and they’re gone. They don’t want to pursue it legally because that’s an additional stress and expense to them. So, it’s a hard, hard thing to track but definitely very interesting.

Chair Templeton: I think that would be interesting to find ways to track that if it does trigger people changing homes or something.

Ms. Bigelow: Sure.

Chair Templeton: It would be interesting to have that data because then we’d know the size of the problem, right?

Ms. Bigelow: Yeah.

Chair Templeton: And then of your large percentage of people living at the poverty level and I was just wondering. We do have a large percentage of our population in Palo Alto is eligible

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retirement age. Do we think that they take... they count for a significant portion of that poverty level income?

Ms. Bigelow: Right. So, the best I can say is potentially just because we looked at when the ACS data doesn’t attach to any age or anything. It doesn’t attach to... it doesn’t look at households specifically or age of the tenants or anything like that. So, it would be difficult to get at that data.

Chair Templeton: Could we get it through Census perhaps, like age versus income? That might be another level to add to your analysis because that was the first thing I thought is who might those people be and what can we do for them? So (interrupted)

Ms. Bigelow: Right and when I worked at Alta Housing I did have a fair number of folks who were on Social Security and retirement income. Generally, if they were living here they were doing fairly well. They had been here for a while but if they tried to downsize, things like that, it became difficult for them.

Chair Templeton: Interesting. Alright, thank you very much for this presentation. We’re going to come back with another round of questions.

Commissioner Riggs: Can I ask one more question? Oh ok, I can wait. That’s fine.

Chair Templeton: Yes, yes, don’t worry. I just want to give... the public has been so patient and then we’ll come back to the Commissioners for their next round of questions. So, Mr. Nguyen, would you like to conduct public comment?

Mr. Vinhloc Nguyen, Admin Associate III: Yes, we have four speakers. The first one will be Angie followed by Anil, followed by Ryan, and then followed by Kevin Ma, and then followed by Rebecca Eisenberg. If there’s anyone else who wishes to speak who’s name I did not call, please raise your hand now otherwise Rebecca will be our last speaker. Ok, up first will be Angie. Angie, can you please unmute yourself and you may speak.

Ms. Angie Evans: Oh, did I do it?

Mr. Nguyen: Yes, we can hear you. Thank you.
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Ms. Evans: Ok great so I have a whole public comment that I’m going to say but I want to first start with my first point. So, most tenant groups have actually gone back and rescinded support for One-Year Leases because they’ve proven to be really ineffective because they were all past as sole lone policies instead of paired with something. My first point and then my second point is really to Lauren’s point, you cannot effectively collect data on economic evictions. I’ve talked to at least three renters in the last month with current evictions. So, we know that the data is never going to be accurate around evictions so that’s it.

Alright, so my whole public comment thing. I’m Angie, I’m a renter in Crescent Park in Palo Alto, I’ve got two kids, I’ve got a dog, it’s really great. I’m calling in tonight because one of the issues I’ve focused since moving to the Bay Area is renters’ rights. One of the first things that really surprised me when I moved here was just how few renter protections there were. They’re very little stability and dignity for renters here where nearly half of the residents in Palo Alto and 60 percent of the PAUSD’s students, I said 60 percent of our public-school students, are renters. I know that because I called the register and asked; or had someone else call the register and ask. And our voices are really not represented on Commissions like this one. They’re rarely in elected office. So, the Bay Area is allotted as this progressive hub but until we actually pass policies that recognize renters in every City deserve fair, stable, and predictable rents. We really can’t claim that political philosophy. So, I hope that this body and others in Palo Alto will take advantage of having a dedicated Fellow to really do this work because we need things that prevent the loss of rental homes, apartments, and renters in our City. And mitigation is what we often do and it’s just not enough.

So lastly, I want to say that I hope we’re building out a policy framework that we can begin to recognize just how flawed means testing is since helping to form the Palo Alto Renters Association. I get about three to five emails or Facebook messages a week and many of them are residents who need help and they can’t qualify for it or they’re scared to fill out the forms. All these additional hoops really make us feel better when we’re providing services but they don’t make the services more effective.

And I also just wanted to… I didn’t get to speak on the last agenda item but I want to second or third Billy Rigg’s point. We can’t view any of these issues in a vacuum and in order to address the housing crisis we’re going to have to protect current renters, produce more affordable, and
market-rate housing. And doing one or the other isn’t... it’s not only incomplete, it’s really just bad public policy. Yes, I nailed that timer. Ok, guys, you get 17 seconds back. Thank you.

Mr. Nguyen: Thank you Angie for your comments. Our next speaker will be Anil. Anil, if you’re there, can you please unmute yourself?

Mr. Anil Babbar: Hi, can you hear me?

Mr. Nguyen: Yes, we can. Thank you.

Mr. Babbar: Thank you. Hi, Planning Commission, thank you for allowing me to speak to today. My name is Anil Babbar with the California Apartment Association. I wanted to speak today on the topic at hand. In the year there have been two significant legislative actions which you’ve touched upon that have had a stabilized impact on the rental housing market. AB 1482 which was passed last year enacted a statewide rent cap of 5 percent plus CIP and just cause. For Santa Clara County that rent cap is 6 percent right now. The Turner Center found out a cap of 5 percent plus CIP would provide a meaningful protection for tenants while allowing owners to earn a profit. This rent cap provides a fair and predictable rent increase for tenants every year and CASA, the regional effort, all endorse rent cap measure. AB 38...3308, another legislative bill that took place this year, the Tenant Protection Act, pass... would provide eviction protections through January of 2021. Both bills we partnered with the legislature on.

To talk... to speak for a second about rent... median rents in the City of Palo Alto. The City Staff Report issued indicated that rents were at $2,400 give or take a few dollars back in 2018. I can tell you today, given the data we’ve pulled through CoStar, a net nationwide rent tracking firm, that asking rents, which are usually higher than in-place rents for tenants, current is about $200 less than that level that you’ve indicated in 2018. It’s currently about $2,200 as we speak and is forecast to drop over the next few years as the COVID impact is going to affect rental housing markets and existing leases will mature and when they get renewed that we’ll definitely see a decrease in average rents.

Lastly, I want to touch upon the notion that this effort is really going to engage the renter community. All the recommendations I’ve seen produced by Policy Link in other jurisdictions greatly impact the ownership community as well. And I don’t think any effort to meaningful understand renter protection can be done so without engaging the rental housing community;

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to understand how this impacts the owners and their ability to manage their property. I can tell you that given the recent COVID crisis many owners are facing foreclosure because their inability to make their mortgages, make their expenses, make their maintenance cost because of many tenants unable to pay their rent. So, as you go through this process it’s important to remember not only to engage the renter community but also the landlord community as well. Thank you.

Mr. Nguyen: Thank you, Anil. Our next speaker will be Ryan. Ryan, can you please unmute yourself?

Mr. Ryan Globus: Good evening, Commissioners. My name is Ryan Globus, I live in Mid-Town, and I rent a single-family home. So, I have a variety of points that I want to address. One is that the One-Year Lease requirement, I know Angie said that she’s heard differently from folks in the community but for me personally I love having a one-year lease. Having that stability knowing... we can plan a little bit more, have that stability, know we’ll be here, and know the rent will be the same, but I was a little bit shocked to find out that the one-year lease does not apply to single-family homes in Palo Alto. I didn’t know that until I read the Municipal Code and again, that’s about a third of the renters or the housing units in Palo Alto. So, that’s a pretty big gap that we should probably fill.

Second, I want to talk about rent control. So, yes, the statewide cap does not apply to many single-family homes. However, if Prop 21 passes this November, it would let City’s apply rent control to single-family homes if the landlord doesn’t know... sorry, owns more than two units. So, potentially Prop 21 could expand that but it would require that Palo Alto to take action. So, I think we could be partially fill in the gap of Ab 1482 if Prop 21 passes.

I also want to add that we saw that a lot of renters in Palo Alto are rent-burdened and our neighboring communities have rent control that’s lower than the statewide cap. I know there’s strong pros and cons for rent control. It’s not as simple as passing a law but I think we should very seriously consider Palo Alto having its own rent control law to better suit our community especially when rent is so high.

The third thing I want to add is that the President Hotel and the eviction of all of those tenants was something really awful in the Palo Alto community. And so, I know that our hands are tied

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by state law but it would be nice to have Staff try to work on solutions that prevent that from happening in the future at other apartment buildings.

And finally, I just want to add, there’s this $2,400, $2,600 number being thrown around and as someone who has looked for rental housing recently in Palo Alto. This just doesn’t... that seems a little bit unbelievable to me. I’ll add that a lot of tenants, myself included, have pets or I don’t have kids but many tenants do and so that often restricts what kind of places you can move into. And so, what you’re actually able to find is going to be much more expensive than that so please keep that in mind.

Again, just a high-level summary, fill in the gaps for single-family homes, one-year leases, and rent control, and prevent another President Hotel. Thank you so much.

Mr. Nguyen: Thank you Ryan for joining us tonight. Our next speaker will be Kevin.

Mr. Kevin Ma: Hello PTC Commissioners. My name is Kevin Ma Hehan [note – spelling], I am a renter in Ventura. However, I’m probably not on the survey of renters because I rent a room in an owner-occupied single-family home. So, there’s going to be a lot of us that are going to be left out which brings to the point of as people have brought up, data is inaccurate because guess what? We don’t have a rent registry. In fact, we should probably have a registry except for groups like the California Apartment Association rejecting it because guess what, they defend landlords and their money, not tenants. In fact, we should be doing more for tenants because as we can tell from our current protections, 1482 and stuff like that are good on paper but in practice, you’re going to need law assistance because 3388 is the law that just got passed for the Eviction Moratorium. It actually has a section that extends 1482 until February for almost everyone in the state but unfortunately, these are so nuanced and most people aren’t lawyers. So, they’re not going to have this kind of information on hand and the threat allow of an eviction is enough to basically kick people out. As such we should be focusing on more of the direct-action things like actually funding a source of legal assistance. The Mediation Program is nice on paper but it’s basically toothless. It’s you’re trying to get a person who has all the power, which is the landlord, and a tenant to try to get an agreement. It’s going to be on the landlord’s side. It’s not even mandatory mediation. We saw that in Mountain View that Measure W which was basically their mediation program was rejected by the voters in favor of Measure V which was actually a rent control program which was supported by a majority of their people.

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As such, rent control is a solution... one of the solutions to this current crisis. It’s not obviously an end solution more housing and more support for tenants’ rights. So that we don’t get threatened by eviction but stuff like that. Rent control, like Prop 21, are things that are here to stop the bleeding honestly because tenants have been really screwed over by most of our policies. Everything is basically homeowner focused, especially from this PTC or Council where none of you are renters. So, none of you actually know what people are going through because City Council and ya’ll don’t really care so much about the 45 percent that are in this City.

As such we should be stewing stronger measures regarding things like stronger tenant protections, stronger at cause, or just cause regulations or actually decent tenant relocation assistance cause if we want to be the progressive community we are. We should be able to allow all members of society to be in a City. Not at risk of being kicked out or driven on the streets because as we also see there’s a lot of RV residents because they want to be within this community but can’t afford the rents. So, thank you.

Mr. Nguyen: Thank you Kevin for joining us. Our next speaker will be Rebecca.

Ms. Rebecca Eisenberg: Hi there. Thank you so much for having this study session on such a truly important topic. First, I want to thank Commissioner Riggs... well, all of you for having this study session but in particular Commissioner Riggs for pointing out the triple obligations that the City needs to... our City needs to focus on. That of producing affordable housing, preserving existing affordable housing as other speakers, I think Angie, pointed out was not done with the Hotel President, and also the third prong is protecting tenants.

I want to point out, Anil spoke earlier saying that you should ask tenants and landlords. Well hello, I am a tenant and a landlord because of the somewhat regressive implications of Prop 13. We actually still own our home in San Francisco that we initially bought when we couldn’t afford to buy in Palo Alto. Which we still can’t afford to do but to even move down here we rent out that home in San Francisco and rent in our single-family home here in Palo Alto. So, I guess I am here to say not only am I a tenant and a landlord, I’m also part of that 27 percent of tenants who rent single-family homes and also set... a part of that 17 percent of tenants who pay more than 30 percent of our income on housing; which I have to tell you sucks. Especially with two kids hopefully entering college within the next couple years.

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But most importantly I want to say that Palo Alto does not have sufficient tenant protection. This study group is about tenant protection but I didn’t see any actual tenant protection proposed. So, I want to toss out here some ideas that similar Cities do that I think Palo Alto should consider as well. One of them is expanding... oh wait, before I do that I want to say as to landlords. Landlords actually... I hope that you will discount a lot of statements from landlords claiming poverty because the PPP Loans and SBA Loans offered by CARES were widely and generously available to landlords. Landlords have had capacity and many landlords actually took advantage of those loans which were offered by the government to be reimbursed for losses caused by tenants who no longer can afford to live there. So, keep that in mind when landlords say that they’re poor because of the pandemic. It’s really the tenants who are hit much harder and the tenants who actually live here, while landlords often live outside of Palo Alto.

But real quick as to potential tenant protections. We need stronger protections against evictions that is continued past that when the moratorium is going to expire and we should look into pricing protection for people who not just live in the small number of apartment units but also the single-family homes and townhouses. I don’t have time to say more but I really appreciate your time looking at this. Thank you so much.

Mr. Nguyen: Thank you Rebecca for your comments. Our last speaker will be Rohin. Rohin, it looks like you’re using an older version of Zoom so I actually can’t unmute you. Instead what we’ll have to do is I will temporarily promote you to panelist so you can turn on your microphone.

Mr. Rohin: Hello, can you hear me?

Mr. Nguyen: Yes, we can hear you. Thank you.

Mr. Rohin: Hi, I would like to echo a lot of what my... what previous speakers have said and expressed very strong support for actually moving on implementing renter protections in Palo Alto.

Chair Templeton: Excuse me, speaker, could you please turn off your video. You’ve got campaign material there. Thank you.

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Mr. Rohin: We have seen... we’ve seen in this community fairly repeated incidents of a lot of displacement occurring and people being priced out of this community. And as a student, I’m seeing it first hand in the school district system with a lot of my fellow students at Pally being... having to move out and change schools due to a lack of renter protections in this community. So as previous speakers have said, renter registry, stronger enforcement of just cause, enforcement of AB 1482, and exploring options such as rent stabilization are things that the City of Palo Alto really needs to start exploring. Thank you.

Mr. Nguyen: Thank you Rohin for your comments and Chair Templeton, that concludes public comments for this item.

Chair Templeton: Alright, thank you so much. Now we’ll go back to Commissioners. You can raise your hands. I see Commissioner Riggs.

Commissioner Riggs: I just actually I had a question and we don’t need to belabor it but so Lauren, this is just going to back to some of the really what’s covered, what’s not covered in the numbers. And part of this is I actually don’t know if there’s any... how are group quarters factored into these numbers? And I’m assuming that the President Hotel might have been classified as group quarters but any SRO would be classified like that and I don’t even know how many parcels in Palo Alto would fit in that qualification.

Ms. Bigelow: I don’t know is the quick answer and so the question is about group quarters so SROs?

Commissioner Riggs: Well, there’s many... any number... I mean this goes to some of the things on the prior item; that’s clergy; that’s any kind of student housing. Technically I guess a single-family home [unintelligible] what some of the speakers have mentioned. A single-family home with multiple parties who are unrelated living in it would classify has group quarters. So, I’m not clear how that factors in and I would think it would be really interesting.

And another thing is one thing that struck me is and I unclear... is how... I’m curious if there’s any... never mind. I’ll... that will get us way in the weeds so I’m going to hold off there. I’ll stop there.
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Ms. Bigelow: And also, my contact information is at the end of the slide if we want to continue any conversations. I’m more than happy to talk about any of this.

Commissioner Riggs: No, I think just figuring out the group quarters and making sure that we’re not missing a small segment similar to what Commissioner Alcheck said about how are ADUs factored in here. Really important.

Ms. Bigelow: Sure, absolutely.

Chair Templeton: Alright, Commissioners, raise your hands if you would like to have another round of comments. Commissioner Alcheck.

Commissioner Alcheck: Not that I support the argument of landlord poverty or anything but the member of the public who mentioned that. That’s the first I’ve heard of that and I would be interested to received data on landlord use of PPP Loans. That’s an interesting comment and it’s the first I’ve heard of it and I’m relatively informed on the industry. So, if that commentator could send her data to the Commission, I’d review it just to understand that better. Also, there... I want to make a point that I think anyone that received... I don’t know what it was. We need more than $10,000 in the PPP Loans. I don’t know what the threshold was but it wasn’t that high. You can look up by zip code so we could theoretically... actually I don’t know, it depends I guess. If the landlord doesn’t live in Palo Alto that could be a problem, but that would be interesting in the broader perspective of a discussion about COVID relief for renters to understand what extent landlords are receiving separate COVID relief from the government. I mention that because I continue to be confused about how we will eventually come to terms with the COVID relief that we’ve put in place. It seems incredibly necessary to create those protections. At the same time if for example, there are individuals in Palo Alto who are benefiting from the time they’re being given to rent or to remain in their housing unit despite maybe being unable to pay their rent. What does that mean for the landlords who rely on it? The perfect example was that speaker, right? If maintaining her rent in Palo Alto is... if a significant portion of the income she uses for her own living is earned from rental housing. What happens, right? And so, we’ve created a local assistance program and statewide assistance program and I think it’s... I think there’s a question as to how long we can do that. How many months of... can that go on?
I think one of my questions and I… this would have been for a lot of the speakers is what is… what specific rent control programs do they feel like they’re missing? I personally feel that 1482’s approach statewide is a… there’s a benefit to having a statewide program because it creates a more uniform basis for renters and landlords to engage. And it’s not uncommon for renters to move frequently and so… and in a lot of ways, people don’t… I mean I wonder… I… it may be anecdotal but I think that renters do frequently move across City lines despite the close proximity of maybe their residences. And so, there’s some benefit to uniformity but I would be interested to know is when the speakers tonight spoke about great renter protection. Are they suggesting that the 5 percent threshold isn’t significant enough or are they uncomfortable with its inapplicability to single-family homes that are rented out by private owners as opposed to corporations?

And then I wonder if we could also have some data about what percentage of eviction is… I don’t know. I don’t know if this is even find… whether you’d be able to put this together but it would be interesting to know how many No-Fault Evictions are occurring in Palo Alto. And no-fault eviction becomes more and more important when as you… as the… as rent control becomes greater because you worry that landlords will attempt to bring their units to market through whatever means possible. And is… we have to make sure that there aren’t easy efforts that landlord… oh, I need to remodel the unit and they displace somebody and the real purpose of that displacement is to bring the unit to market. So, as our rent control policies become stricter, our awareness of how individuals can still achieve a market rent become… we need to hone that. So, it would be interesting to know what extent we are experiencing that in the City No-Fault Evictions as opposed to At-Fault Evictions which are sort of a different animal. And I think that would help us understand what policies we should pursue to potentially limit that occurrence.

And then I would also… and maybe this is just Palo Alto specific and maybe this is COVID specific but I think if we’re going to… I think we can’t really avoid that discussion. I think we should have some understanding of how the rental market has changed post-COVID. So, one of the theories behind having the one-year lease, this concept of stability, is that before 1482 a landlord could in theory increase rent every month if they didn’t have a one-year lease. You could get a rental increase and two-months later there could be another rental increase and two-months later there could be another rental increase and 1482 basically said regardless of whether you have a one-year lease or not; month to month or whatnot, increases are capped at 5 percent. So, I’d be interested to better understand what benefits and you spoke from

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experience saying you had... it was your impression that people really preferred it. I’d be curious to know if that perception is a relic of pre-1482 experiences or not. And obviously, if they’re in a single-family home and it’s not affected by that. Then it’s a different opinion, but particularly now which my read on the rental market in the Bay Area we’re seeing a lot of... a significant decline the rental values that are out there and tons of promotions. Month... free months, two free months, and so maybe that doesn’t exist in Old Palo Alto. Maybe there only seven homes in Old Palo Alto that are rented and so that market is pretty in demand. So, that kind of brings me full circle to that idea that we maybe try to understand, although it’s not necessarily relevant looking forward, even recent historical data on rental values. And further, what even... what promotions and how fluid is the market right now and what vacancy do we have?

I think that the... 1482 came late. I’m sure everyone can remember that article, 2016 maybe, 2017 in the San Francisco Chronicle about a guy that got like a $4,000 rental increase or $3,000 rental increase in San Francisco. So, 1482 came a little late because between 2011 and 2017, that’s when we saw just significant increases in rental rates. And I make that point only to suggest that the impact of what we’re doing now may not really be visible today but in three or four years or maybe longer as the market recovers. That’s when these things are going to matter and so I think we have to understand... we have to appreciate that context.

And then the last comment I want to make Lauren, is that I think there’s this housing institute... I’m blanking on the name of it. It’s out of Berkeley... UC Berkeley and they do a lot of studies on (interrupted)


Vice-Chair Roohparvar: Turner Institute.

Commissioner Alcheck: Yeah and I’ve come across so many of their presentations that are really informative and I don’t... I have to be honest. I don’t fully appreciate your role yet but if there’s going to be a link on our Planning Commission page or maybe the City. I don’t even know. I... my... in an ideal world there will be a web page devoted to what you’re doing that provides a lot of information about what you’re working on and what we have in place. And I would just suggest to you that that would be a good place may be to link articles from that institute that really illuminate the discussion. Particularly, the comment by one of our public speakers today

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about the California Apartment Association or CA... whatever, I’m not sure what organization
he mentioned but the suggestion that there’s a lot of money on both sides of this issues maybe;
or there’s a lot of money on one side of this issue. And I think that that organization that I
mentioned that I mentioned out of Berkeley has done a really good job of helping folks
understand the nuance in some of these more complicated policies. And I certainly would
benefit from having that stuff in our discussion. Thank you.

Chair Templeton: Alright, thank you so much Commissioner Alcheck. Commissioner Lauing
followed by Commissioner Summa.

Commissioner Lauing: Thanks much and thanks to Staff for bringing this extraordinarily
important issues to our attention and finally having a resource to put on it to drive action in this
area. It’s just it’s long overdue, it’s crucial. You know 45 percent of the people are renters and
I’d just like to address any member of the public that spoke or that’s listening or that listens to
this later. This Commission is highly attentive to those 45 percent. It is true that to my
knowledge that there’s no renter on here but that doesn’t mean that we don’t really feel that
pain because we are very much feeling the pain of affordable housing. And without affordable
housing to move into, the only option to get folks in here that have low incomes is through
rental and that is an objective I think is a moral objective that we have as a City. So, doing
things to primarily protect renters in that list of P’s I think is what Laura [note — Lauren] is
charged to do and it’s very helpful.

Just also want to comment on that. That we have our own little petri dishes to be studying this
even though we’re not renters. I’ve got my own focus group of three kids who are in California
trying to figure out how to move into houses and make changes because the rent went up or.
And now actually a week ago, one made a change because the rent went down and with COVID
she can’t go to the office and they need two-bedrooms instead of one. So, all these changes
that’s one of my views into it and it’s just... I just want to share with the public that its
extortionary heartfelt on this Commission and in this Commissioner.

The other thing I want to just make a statement on that I think we’re all eluding too. I just want
to state it strongly. Removing housing stock is evil. We just can’t do that and we have to plug
any loophole that allows that to happen. I’m not addressing the icon of the President’s Hotel.
I’m saying any loophole that still exists, including redevelopment, putting in nice new units has
to stop removing housing and a lot of the housing that is removed is the most affordable. As

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one of the speakers said, if the average is $2,300, that’s an average and it’s probably more like, in my judgment, it’s about $1,000 more than that, but the very low-cost housing at $1,000 is the stuff that’s going to get ripped out to put in new housing. And we can’t do that so that has to be changed in the ordinance wherever that exists.

I just had one question on Packet Page 21. So, I take it Lauren that our list is not produced yet of the items... you say that everybody has a long list of what’s on there for... was its Oakland has seven and somebody else has 14 in terms of (interrupted)

Ms. Bigelow: Are we talking about the Just Cause Evictions? The reasons for them?

Commissioner Lauing: Yeah, that’s right.

Ms. Bigelow: So, the ones that fall into ours would be from 1482 and so those exist and include some of the ones that I had laid out as non-payment of rent and breaking your lease. Things like that, but there’s certainly more information about what At-Cause Evictions are out... acceptable reasons for an eviction under Just Cause Evictions.

Commissioner Lauing: Ok and I want to confirm that just because I also want to reference one letter we got late. There were a number of letters that came to us but one letter that we got late from Ms. Emily Lacroix if I’m pronouncing it correctly. And it’s just a very said case study that we heard about someone who’s basically, according to her, customary. You know she’s had to stay in a below 50 degrees Fahrenheit apartment. Now in that regard isn’t there some way we have immediate recourse to that but for privacy reasons could we not have sort of a whistleblower hotline that could call the City so that somebody, I don’t know who. That’s up to you guys but it could be somebody from utilities saying we heard that these furnaces are off in here or something. To provide the privacy so that there’s no retribution taken on that tenant. Is that in place or if not, could you make a note to maybe that’s one of the things you could fix?

Ms. Bigelow: So, you can talk... you can essentially do code enforcement and make reports about things that are going on at your property but having... there are all sorts of repercussions to that and doing so (interrupted)
Ms. Campbell: I will add though for a code enforcement complaint or if someone does file for code enforcement. It is completely anonymous. Whoever does make that complaint is completely... no information is revealed about who that person is.

Ms. Bigelow: And proactive code enforcement is actually one renter protection that people talk about. So, there are all sorts of things that we could explore about what we think are applicable and the best renters’ protections for Palo Altans.

Commissioner Lauing: So, I think that’s, as I said earlier, of the three P’s, I think that that’s to be your main charge is the protection. We’ve got other ways that we need to work on; providing more stock and so on, but thanks for being here. I salute you and come back to us as often as you need input. It’s noble work and it’s really, really important.

Ms. Bigelow: Thank you so much.

Chair Templeton: Thank you, Commissioner Lauing. Commissioner Summa.

Commissioner Summa: Thank you, Chair. Yes, I just wanted to thank Ms. Bigelow for being here and helping us with this problem. It is really a problem in Palo Alto for renters and I... though I do... I am not a renter but I don’t live in an R-1 neighborhood so a lot of my neighbors are renters and a lot of renters live in the same place for a very, very long time. And then we have... I think because of Stanford and the nature of the tech community we have a lot of more transient renters so they have very different needs to me.

And I agree with that protecting renters should be one of the key goals of this program. I don’t think there’s a big problem with evictions in Palo Alto, but there... the unaffordability creates an eviction like process where people can’t afford it anymore. And I know anecdotally that many people are forced to go month to month instead of having the security of a one-year lease and they are afraid to even ask for it because they’re afraid that they’ll be kicked out in a month.

And in terms of... I think our enforcement of our law should be much stronger. I know that that’s a policy that the City Council will have to direct Staff to do, but I don’t... it is not practical for any renter to undertake a lawsuit about not being given an opportunity for a one-year lease. It’s just isn’t going to happen because you’re going to be kicked out before... it just the timing.

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is... doesn’t allow for any sort of protection in the process. So, I would really like to be looked at very strongly.

I also think... I think one of my colleagues touched on this, but I also think there’s a lot of informal renting situations in Palo Alto. And it’s probably more than it used to be but it’s always been this way where people rent rooms in houses and such not. And I don’t... I think that census and other kinds of data collection processes don’t collect that. So, I would say that at least half of Palo Alto probably are renters and yeah, this is very, very important. I don’t know if it’s going to be possible to collect better data on that, but in as much as we can I think we should. And there was some sigma previously with renting rooms in our houses and neighborhoods that might not have allowed that so people were reporting it. I think there may be a little bit more leeway now in people feeling that they could enforce that. ’

So, I would like to see more local enforcement of our laws. I think that rent control is a very tricky subject and needs to be looked at very carefully. I also think that when we say... I think it was a data point that you gave us that 37 percent of our residents are spending more than a third of their income on housing. I think that... I would like to see a breakdown of that data at income levels because somebody at a low-income level spending a third of their money on housing impacts whether they have enough to spend on food and medicine. Someone at a very high-income level, it doesn’t have the same effect. So, I think to understand impacts of that properly we should understand that.

And yeah, we never... we can’t ever let something like the Hotel President happen again. That was a shameful mistake on our City’s part and protecting and preserving existing housing. And yeah, so I’m just interested in your timeline and your outreach and how you’re going to plan all this and I look forward to hearing more about this as you go forward, but I’m really glad that we are addressing this issue. Thanks.

Ms. Bigelow: So, just a point of clarification, on the chart that breaks down the income and how many of them are cost-burdened in that income bracket. You can see that any households that are making less than $75,000 a year, they’re between 70 to 90 percent of them are unfortunately cost-burdened. And the.... And so, the reason... it’s difficult to say exactly what the reason is that that average is 37 percent; but looking at those higher numbers, the lower that you get with those incomes the more that cost burden skyrockets amongst the percentage of those that are in that income bracket. So, they’re a little bit... so, they’re there, it’s more

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difficult to tie them too like does this qualify as low income or what have you because generally Santa Clara County’s Area Median Income numbers are based on your household size and we don’t have that information for the households so it’s difficult to get granular with those. We can make [unintelligible] based on the fact that the 2015 Housing Element said that 95 percent of the rental units had between one and four individuals in them but again, that’s not a perfect way to look at data either. So, it’s just kind of making small leaps to get to final places and making sure that you do it in a way that is truthful.

Commissioner Summa: Yeah, thank you. I appreciate that.

Chair Templeton: Thank you, Commissioner Summa. Commission Hechtman.

Commissioner Hechtman: Thank you and thank you Ms. Bigelow for the report and the presentation. I guess I have a macro question. Let me ask my question and then I’ll explain it and frankly, I’m not sure if this question is for Staff or it’s for the Commissioners all of whom have been doing this Commissioner work longer than I have. So, the question is where are we going, and to explain what I mean by that, we know anecdotally living here in Palo Alto and from being a part of this community and reading the paper that we have significant rental issues. The rents are too high, there’s not enough affordable rental housing for the people who want to live here, for the people who would benefit from them to live here. We know that as rents increase, some people who are renters are forced out and so we know all those things. We have that qualitative picture. So, now we have this Fellow and we’re getting quantitative data that can illuminate that and inform us and I think that’s terrific and I understand the efforts are going to continue. This is just our first view of this stuff and the numbers are going to be refined and I think we’ve had a lot of good comments from Commissioners to help that refinement process. But what I’m wondering is what are we going to do with the data? Are we going to modulate our response to this problem based upon what the data tells us? So, for example, if... how bad the rental situation is, is measured on a scale of 1 to 10 with 10 being the worst, are we going to have a different policy response if it turns out Palo Alto is an 8 versus a 5? I think that’s the point of collecting the data but I don’t know that we’re going to be able to parse that and if we can’t, then I’m wondering basically what are we waiting for in terms of starting the policy discussions? Let’s let the data dovetail the policy discussions but if we’re not going to be modulating a response then let’s get on to talking about the response. So, that the question. I don’t know if that’s something that any of the Commissioners are interested in discussing. Thank you.
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Earlier tonight someone mentioned in the open comment height limits and I think the... I’m not bringing that up now other than to suggest to you that I think our sphere of influence relates significantly to what policies the City should consider in their effort to address a housing storage which is... to maybe an unquantifiable extent contribute to this renter problem. Most of the time the... most of the time we’re going to have these discussions I think that we’re going to experience anecdotal contributions that will pull at our heartstrings and will potentially demonstrate our lack of ability to empathize because I think someone mentioned quite articular we’re... most of us are not renters. But I also recognize that comment that Commissioner Lauing said which is... and I believe this applies to a lot of Palo Alto residents which is that many Palo Alto residents may have children that are my age that are unable to live in the peninsula. And I mention the peninsula just because I... this is not a Palo Alto problem. This is a regional problem and it’s such a fallacy to assume that we can address rental issues in Palo Alto without addressing them in the entire Bay Area. And that’s why I tend to favor approaches when it comes to rental protection that are more regional or statewide because the renter is a more fluid population; and the extent to which their uniform policies gives them greater awareness and experience as opposed to each City having a different approach. Not suggesting that we don’t need to address some of our problems and I would suggest that the loss of the President’s Hotel that’s a pretty unequally Palo Alto problem.

But again, I’m not really... I just want to acknowledge your question which is I don’t know that we have a large role to play in advising the Council on what specific policies they should adopt to protect renters. Unless it has to do with preservation guidelines for example with respect to the President’s Hotel. What policy should we enact to make sure... you know we had a comment my Commissioner Lauing about not losing housing even for replacement housing. Well, I think that’s a debate we could have. You’re going to tear down four units, well then you better put up eight and that’s a... we recommend that the Council require that any time you demolish a housing unit, you double... the replacement doubles it. That’s an area where I think we can have a conversation and we don’t need to wait for data. I don’t need to know how many evictions in Palo Alto are At Fault to inform that discussion.

I interrupted this presentation tonight as keeping our Commission in the loop on an area that’s related to so much of what we do because it affects so many residents and it has to do with housing. And I... that’s why I suggested to you that there’s a website, here’s what I would put on it and here’s how we can keep the general public informed. I’m not... I didn’t anticipate that

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if you brought that stuff to me I could do something with it. I don’t feel particularly empowered to do that.

However, I would love and this is something Lauren can’t say yes or no too, but I would love it if our Staff and our City Council would give us the opportunity to talk about what would have [unintelligible] in for us to... what preservation law can we create? What incentives can we create to address the supply and I think we keep... we’ve had that conversation. We’ve had a conversation just a couple weeks ago about... you every eloquently Commissioner Hechtman, represented the Commission at a City Council item the other night where you mentioned in your comments that the rules related to affordability. You would recommend increasing those thresholds to requiring landlords... requiring developers to increase the quantity percentage of affordable housing units... this is an issue related to renters... but not in the absence of considering all these levers that we had had a really vivid discussion... interesting discussion about.

And so, I think that your question really drives at the heart of what’s been a difficult I think to acknowledge which is that in my 8 or 9... I think almost 9-years now on this Commission. We keep flying around this issue and not really... not much has changed. And I... every time I hear someone lament the President’s Hotel I want to scream at the top of my lungs you couldn’t build the President’s Hotel today without getting shot down 100 times... 100 bullets by every person it feels like in this community. And it seems to be like the ultimate irony that the President’s Hotel is the greatest loss that gets articulated by every individual that is really familiar with the issue. And at the same time, nobody’s up in arms about the fact that you couldn’t build them one right next store and why? Because parking is inadequate. It’s a perfectly inadequate building that we love. That does so many things well.

And my suggestion to you is that we are having a hard time making headway because perfect is the enemy of good. And so, I guess my response to your question is I’d like to have the opportunity to participate not in a Colleague’s Memo, but in an actual Commission led discussion where we make recommendations on addressing this problem from the perspective of our zoning roles and do just what you suggested we wanted the Council to give us the right to do. I just think we keep asking and it keeps... it doesn’t happen. I’ve spoken for a long enough time but I think that’s what... that’s all I have to say.

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Chair Templeton: Thank you, Commissioner Alcheck. I’ll chime in and say that it may not always be Planning Commissions. In other Cities, for example, they have bodies that are set up to hear and recommend on issues with the renter community. So, I think finding a way to present it with some options to Council might be appropriate. If they want us to work on it, great. If they want to start up another Board maybe that’s the right thing to do. I think it’s an interesting idea of trying to encourage Council to place it somewhere so we can have more discussion about it. Especially because it’s about half of our… almost half of our community so that’s something to think about.

And then Ms. Bigelow I have a question for you as well. So, we talked a little bit about data earlier and that we don’t really have data on evictions. We also don’t really have data on these rental shares; the idea of roommates for example. Is there any precedent that you’re aware of how we can understand that better and I’m particularly thinking about potential abuses of maybe too many people are sharing the same dwelling kind of thing? We’ve been that recently in San Mateo. Yeah, I’m just wondering what thoughts you have there and what we should be looking at in terms of regulations or ordinance and things like that.

Ms. Bigelow: So, the ACS data does look at overcrowding to some degree, but I would also say that again, the… you’re always going to run into this issue where the numbers are older than you want them to be. And so particularly given where we’ve been in the last 6-months and how things have changed for everybody. And so, I thought it was an excellent point to try and look at how the rental market has shifted since COVID has come into play in our lives. But regarding people renting rooms and things like that. I can certainly look into it and see if there are any numbers out there that reflect that reality.

Chair Templeton: And what do you know about the Red Tag Ordinance kind of in response to this? Do you… are you familiar with this? This is (interrupted)

Ms. Bigelow: Very little so yeah.

Chair Templeton: Very little. It might be worth looking into, it was interesting. It was in the paper a few months ago. It’s really (interrupted)

Ms. Bigelow: San Mateo, right?
Chair Templeton: Yes, yes, exactly and it’s about how can landlords help with relocation if their facilities are substandard or overcrowded.

Ms. Bigelow: Right, ok.

Chair Templeton: That would be great. Ok, any other comments from Commissioners? Alright, well thank you very much Ms. Bigelow for the presentation. It definitely got us engaged and excited. We do love our renter community. I know we heard members of the public wondering and so I think it’s great that we’ve heard so many Commissioners express that sentiment that we love you too. It’s sometimes hard for us to address these issues and you gave us an excellent reason to do so with this agenda item so I appreciate it, Ms. Bigelow.

Ms. Bigelow: Fantastic. Thank you so much, guys. Have a great night.

Chair Templeton: Alright, bye. Ok, so this agenda item is closed.

Action Items

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

Approval of Minutes

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

August 26, 2020

Chair Templeton: Let me get my little Packet here and we will go next to the minutes. Would anyone like to make a motion on the minutes?

MOTION

Commissioner Alcheck: I move to (interrupted)

Chair Templeton: Approve minutes?

Commissioner Alcheck: Approve minutes, sorry.

Chair Templeton: Thank you. Commissioner Hechtman, I see your hand raised.

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Mr. Nguyen: Commissioner Summa?

Commissioner Summa: Yes.

Mr. Nguyen: Chair Templeton?

Chair Templeton: Yes.

Mr. Nguyen: The motion carries 7-0. Thank you.

MOTION PASSED 7(Alcheck, Hechtman, Lauing, Riggs, Roohparvar, Summa, Templeton)-0

Chair Templeton: Alright, thank you everyone, and thank you for those revisions Commissioner Hechtman.

Commission Action: Alcheck move to approve, seconded by Hechtman. 7-0

Committee Items

Chair Templeton: Next up is Committee items. Anyone? Alright, I will go. On the XCAP we have begun deliberations around the Charleston and Meadow crossings and we meet every Wednesday right before this meeting. So, usually 3:30 or 4:00, it varies from week to week and if we have a PTC meeting at the time. So, please check out the website Connecting Palo Alto, and is there any update... what’s our other Committee? NVCAP perhaps?

Commissioner Summa: Sure. We are having what I think will be kind of our final full meeting on October 8th and my understanding is that Staff is going to present two alternative plans.

Chair Templeton: Wow, that’s coming up. Thank you for that.

Commissioner Questions, Comments or Announcements

Chair Templeton: Ok, moving on to Commissioner questions, comments, announcements, and future agenda items. Commissioners raise your hand if you have questions, comments, or announcements. Seeing none... oh.

Commissioner Alcheck: Yeah no I’ll just make... I just want to (interrupted)
Chair Templeton: Hold on. Commissioner Riggs has his hand up.

Commissioner Alcheck: I want to call... oh sorry.

Commissioner Riggs: Just go ahead, go ahead Commissioner Alcheck. That’s fine.

Commissioner Alcheck: I just wanted to make a comment which I guess is called an update. I’m sure some of you have noticed that over 101 the bike bridge has begun to be constructed and to just put things in perspective. In 2012 as a Commissioner I remember supporting a recommendation to create a bike bridge design competition which I think was implemented in 2013 which led to I think no... none of the designs getting chosen. But just to put things in perspective, then 2012 we began reviewing the idea of that bike bridge and that now 2020 it’s getting built. So, things happen, they just take 7-years.

Chair Templeton: That is quite the perspective. I appreciate that Commissioner Alcheck. Commissioner Riggs.

Commissioner Riggs: Oh, I just want to say I’m sorry, I was dealing with unstable internet and I was just trying to figure out if I was ready to go on internet. Apologizes. I just... that was a weird 45-minutes or 30-minutes the last little bit. That’s it.

Chair Templeton: It happens, I appreciate that. Alright, Ms. French, do you have any future agenda items you would like to share?

Ms. Amy French, Chief Planning Official: Well, the next we visit with the Planning and Transportation Commission will be October 14th. As you’ll recall you continued an item to that date, the Castilleja School. We also have a RHNA item; RHNA Methodology. An informational report we’re preparing. Things are moving quickly in the world of the RHNA and all those Housing Methodology Committee meetings so we’ll try to report out on that. That’s all I’ve got.

Chair Templeton: Alright, I appreciate it and with that, we will conclude this meeting. Thank you, everyone. Good night.

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

8:40 pm