



Planning & Transportation Commission Action Meeting Agenda: February 14, 2018

Council Chambers
250 Hamilton Avenue
6:00 PM

Call to Order / Roll Call

Chair Lauing: Thank you. Alright, I'd like to call to order the Valentine's Day Planning and Transportation Commission (PTC) meeting. Would the Clerk please call the roll?

Yolanda Cervantes, Administrative Assistant: Commissioner Alcheck, Commissioner Gardias, Chair Lauing, Vice-Chair Monk, Commissioner Riggs, Commissioner Summa, and Commissioner Waldfoegel. Six present.

Oral Communications

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

Agenda Changes, Additions, and Deletions

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

City Official Reports

1. Assistant Directors Report, Meeting Schedule and Assignments

Chair Lauing: Thank you. Are there any agenda changes, additions or deletions? Ok then we'll move on to the Assistant Directors report.

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Jonathan Lait, Assistant Director: Thank you, Chair, happy Valentine’s Day. Two items to report; one is that the City Council had made a recommendation to staff on the Housing Work Program which you're going to hear a brief little study session on in a moment from Director Gitelman and two, that same evening on Monday initiate or continued, started a conversation regarding the North Ventura Coordinated Area Plan and they continue that discussion I think it's going to go back to Council I think March 5th or something like that. So we'll keep you apprised of that effort as well. And that concludes the report.

Chair Lauing: If there are Oral Communications this is the time to do that. I believe we have one. We have an unusual request of one person to speak for a number of people. If I'm sorry how many that has to be? If five of the people are listed here... are five of the people here that are on this list? Ok, great. Ok, so Fred Bacon? Balin, I’m sorry. How long do you feel like your comments are going to be?

Fred Balin: It'll be about nine minutes.

Chair Lauing: Ok, that's in with then, that's within the law. Thank you.

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1 Mr. Balin: Chair Lauing, your fellow Commissioners, Fred Balin, 289 Columbia Street, 25 year
2 Palo Alto resident. I watched your four hour Agenda Item 2 two weeks ago, January 31st.
3 Around the dais it was tough going and I'm not talking about positions, but rather process and
4 conduct. I let it all settle for a few days and started watching again. This is my capsule report of
5 how where and why the discussion went off the rails.

6
7 Chair Lauing opens the hearing and explains the ground rules. The item will be separated into
8 two distinct sections. First, a discussion of a proposed a work force housing combining district
9 which would be a new zoning and after that discussion of an application for a project at 2755 El
10 Camino Real to utilize that zoning also, Commissioner Summa will be recused from the second
11 part, the project. Just after the Chair gives the floor to Commissioner Summa and she states
12 that she is following the City Attorney's advice her microphone amplifies two distinct sounds.
13 Commissioner Alcheck having arrived late and seated directly to her left has just flipped over
14 one book and then another. Why? Not clear, but later he will repeatedly claim that
15 Commissioner Summa should also be recused from the first part, the zoning.

16
17 An hour later and after the applicant's presentation and the public's comments Assist Planning
18 Director Lait restates the separated two stage discussion process to follow. Commissioner
19 Alcheck interrupts to make a Point of Order. Point of Order is not included in either your or the
20 Council's procedural rules. It will however be invoked by Commissioner Alcheck numerous

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1 times and not once by any other Commissioner. Under Robert's Rules a Point of Order is
2 allowed if rules appear to have been broken. Which rules did he cite that were broken? None.
3 Commissioner Alcheck merely states that he finds the separation of the two items to be very
4 difficult and then he wants to make a point before we begin. At that juncture it would have
5 been best for the Chair to stop him because not only does Commissioner Alcheck move on and
6 out of turn to discuss the zoning he also references the project. The project is a quasi-judicial
7 matter in which Commissioners act like judges and are not to make statements on it until it is
8 discussed in part two.

9
10 In closing Commissioner Alcheck states that he cannot separate the two matters, he will reserve
11 his comments for the second half. After that he travels around the dais and down toward the
12 staff area. Was something discussed? If so why was it not made public? Then he returns in
13 time to twice interrupt the next speaker that would be Commissioner Gardias as formal
14 discussion now proceeds clockwise around the dais. Commissioner Gardias expresses
15 dissatisfaction with the proposed zoning, but also wanders into discussion of the project. So at
16 this point based on the comments of two Commissioners the validity of their participation in
17 the project is arguably open to challenge because they have spoken about the project. Next
18 Commissioner Waldfogel who poses questions on the proposed zoning and states that the main
19 potential benefit is an opportunity to collect data. Vice-Chair Monk endorses the new zone and
20 makes a Motion to adopt it together with four amendments. We move past the Chair who will

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1 speak last. New Commissioner Riggs seconds the Motion and adds an amendment.
2 Commissioner Summa explains why she cannot support the Motion and states that after all the
3 other Commissioners have spoken she will propose a Substitute Motion, then back to
4 Commissioner Alcheck.

5
6 He begins "I wasn't going to speak, but didn't think you were going to speak," turning to
7 Commissioner Summa. "So I'm going to speak now." Why would he think that Commissioner
8 Summa would not speak? Did he not understand the Chair stated that she is recused for the
9 second part? Later he says, "Again I suggest that this issue can be separated for the purpose of
10 your recusal does not pass the smell test." A correction, the item was separated into two parts
11 not for the purpose of Commissioner Summa's recusal, but to help prevent any Commissioner
12 in part one from speaking about part two. He continues, "And the fact that you are making a
13 Substitute Motion now strikes me as inappropriate." Later and possibly most revealing, "I am
14 concerned that the one individual who is recused from having a discussion about this project
15 could tank the entire conversation tonight with a Motion to not pass this ordinance and I think
16 that would be unacceptable." Could it be that in trying to count [no count] Commissioner noses
17 and under the guise of knowing better and vigorous engagement Commissioner Alcheck is
18 afraid that the measured statements of Commissioner Summa might actually have an impact on
19 other Commissioners and imperil a result he seems almost desperate to achieve?

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1 Later after the main Motion is ironed out Commissioner Summa presents her Substitute Motion
2 that staff return with a revised ordinance including parameters she specifies. As soon as the
3 Motion is seconded Commissioner Alcheck interrupts with a Point of Order on some convoluted
4 procedural ground. The Chair states that he is incorrect and explains why. Commissioner
5 Alcheck rejects the explanation. The Chair replies that the matter was explained to
6 Commissioner Alcheck by staff. Commissioner Alcheck not satisfied response again. The chair
7 calmly reiterates his points and the meeting finally moves on.

8

9 So let's review, a Commissioner will not accept the procedures for discussion set down by staff
10 and the Chair. He preempts all discussion with a false claim of rule violation. He makes
11 reference to the project application which he is not supposed to do and which possibly
12 encourages a second Commissioner to do the same jeopardizing the validity of the forthcoming
13 discussion on that application. He repeatedly challenges legitimacy of another Commissioner
14 for participating in any part of the hearing without basis and in contradiction with the City
15 Attorney. He expresses surprise that a fellow Commissioner would speak and then seeks to
16 prevent that Commissioner from bringing forth a Substitute Motion and after it is brought
17 forward immediately interrupts and insists on the correctness of a procedural challenge in
18 contradiction with the Chair and the Assistant Director. He repeatedly violates your procedural
19 rules including **[Section 3(c)14]** that every Commissioner shall be confined to the question
20 under debate, avoiding all indecorous language and personal attacks. He is disrespectful of the

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1 Chair, repeatedly interrupts him and other Commissioners. He is disrespectful of staff although
2 he [feels to] travel down the staff area at will without permission and without reporting what
3 was discussed and all this is just from within the sections I'm reviewing this evening.

4
5 It would be nice to think that the Chair with more assertiveness and experience can exercise a
6 better handle on this situation, but he tried hard. He was fair, firm, and polite while not
7 allowing himself to be bullied or bluffed. Nonetheless it all came at a steep cost to the
8 Commission's procedures and processes, smooth functioning interaction with staff, and
9 standing among the citizenry. I believe that all of us are capable of change, but at a certain
10 point some characteristics can become firmly entrenched. To ignore that here will lead to
11 other such incidents. I will send this report to the City Council interspersed with time stamps
12 and request action. In the meantime and to best serve the community I request that
13 Commissioner Alcheck resign and apply his talents and energy outside of the Planning
14 Commission. Thank you.

15
16 Chair Lauing: That concludes Oral Communications.

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18 **Study Session**

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

20 2. Update on the City Council's Discussion of the Planning and Community
21 Environment's Housing Work Plan.

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1 Chair Lauing: Now I'll move to the first agenda item which is listed as Item Number 3 under
2 action items.

3

4 Mr. Lait: Chair we're actually on a study session, Number 2.

5

6 Chair Lauing: Oh, sorry. Alright, great. We inserted that later, thank you.

7

8 Hillary Gitelman, Planning Director: Thank you, Chair Lauing. Hillary Gitelman, the Planning
9 Director and I'll be super brief. I know you have two action items this evening that you want to
10 get to quickly and get home. I just wanted to report out that the City Council considered the
11 Housing Work Plan on Monday night. The conversation went long, but the end result was a
12 multi-part Motion directing a number of things. One of them was for us to work with the PTC
13 on preparation of an amendment to the zoning ordinance that could be brought forward to
14 Council in 2018. My staff and I are still kind of assimilating the direction from Monday's
15 meeting. We're going to meet tomorrow and put our heads together, make sure we fully
16 understand what the direction was, and come up with some kind of schedule or game plan
17 which I would be happy to report back to you on.

18

19 I think there's no question that we're going to need a lot of help from the Commission this year
20 on this ordinance. My thought is we'll even be coming to you probably on a monthly basis for

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1 check ins and direction and input on draft text. So we will know more about our schedule and
2 specifically your role and how we're going to structure the conversation by the time you meet
3 next. And we'll either give you a report another report like this or something in writing and
4 definitely get an item on your agenda for the some one of your meetings in March to start
5 digging into the substance of this matter. So we're very much looking forward to working with
6 you on this.

7

8 On a parallel track we're going to be working with the City Council's Policy and Services
9 Committee on structuring a notice of funding availability for use of our affordable housing
10 funds and on an economic analysis which will ultimately result in another ordinance that we'll
11 bring to you for your review after we get through the analysis phase, the economic analysis
12 phase that Council wants us to work with Policy and Services on. So anyway it's going to be fun
13 and we'll be back with more information at your next meeting and a work session in March.

14

15 Chair Lauing: Did you want to mention any changes or field questions from us at this point?

16

17 Ms. Gitelman: If you have simple questions I'd be happy to answer them. I thought maybe we
18 could you could let us organize our thoughts a little more and we might be better equipped the
19 next time we agendize this.

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1 Chair Lauing: Well the work plan was a lot of work. I would like to say that and I mean it's just
2 it's dense.

3

4 Ms. Gitelman: Yes.

5

6 Chair Lauing: And I did hear you use the words PTC many times on Monday night so expect we'll
7 be seeing a lot of this.

8

9 Ms. Gitelman: Definitely, thank you.

10

11 Chair Lauing: Any other high level questions or anything, comments? Ok, thanks.

12

13 Ms. Gitelman: Ok, thank you.

14

15 Chair Lauing: Oh, sorry.

16

17 Commissioner Riggs: I just wanted to thank you for giving me a little leeway in getting here. I
18 appreciate that. It's a lot of running around with two little urchins, so I appreciate that. Thank
19 you, Chair.

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1 Chair Lauing: At least you didn't blame Palo Alto traffic, that's good.

2

3 **Action Items**

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

6 3. PUBLIC HEARING: Recommend that the City Council Adopt an Ordinance Amending
7 Palo Alto Municipal Code (PAMC) Chapter 18.40 (General Standards and Exceptions)
8 of Title 18 (Zoning) to Add a New Section Imposing an Annual Office Limit and Setting
9 Forth Related Regulations, and to Repeal the Respective Regulations from Chapter
10 18.85 (Interim Zoning Ordinances). The Proposed Ordinance will perpetuate the
11 existing annual limit of 50,000 square feet of new office/R&D development per year
12 with modifications regarding the review process, unallocated area rollover
13 provisions, and exemptions as discussed by the City Council on September 5, 2017.
14 CEQA: This Ordinance is within the scope of the Comprehensive Plan Environmental
15 Impact Report (EIR) certified and adopted on November 13, 2017 by Council
16 Resolution Nos. 9720 and 9721. For More Information, Please Contact Clare
17 Campbell at clare.campbell@cityofpaloalto.org. (Continued from January 31, 2018)

18 **Commission Action:** Motion to approve recommendation on staff report made by
19 Commissioner Waldfogel, Seconded by Commissioner Summa Motion Passes (4-
20 3(Alcheck, Monk, Riggs))

21 Chair Lauing: Ok now moving along, we'll go to Item Three which is a... Was continued from the
22 last meeting. It got very late and this is the summary title of the Annual Office Limit
23 Replacement Ordinance. This came to use as a study session as you know and the Staff report
24 here... Is there going to be an official Staff report? Ok, so you'll see that Council made some
25 changes, said yes on some, said no on others so we can decide if we want to take comments
26 back but it's here for our approval. So, go ahead, thanks.

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1 Mr. Jonathan Lait, Assistant Director of Planning: Great, thank you, Chair. So, yes, this is a
2 public hearing on a proposed ordinance to implement regulations establishing an annual office
3 limit. We have interim regulations that are in place now and they've been in place since 2015.
4 The current regulations established a 50,000-square foot office cap in designated areas of the
5 City and these regulations expire on June 30th, 2018. The Commission may recall having a
6 discussion, not quite about ten months ago or I guess eleven months ago now, on this topic
7 which was the Commission provided some feedback on how to make changes and regulate the
8 annual office limit. Those recommendations were forwarded to the City Council and they had
9 their discussion in September. Council gave us direction at that meeting which has formed the
10 ordinance which is before you today.

11 There are five elements of this ordinance which I'll go into a little bit more detail now. One of
12 the topics of the Planning and Transportation Commission considered in March was how to
13 address unused or unallocated office area. The Council had a conversation about that and at
14 least in their study session [they] seemed to land on that a rollover policy would be worthwhile
15 at any unused square footage carry over for not more than one year and no more than
16 100,000-square feet of office being approved in any one year. They added... They kept the two
17 exemptions that already existed which was office up to 200,000-square feet and medical office
18 up to 500,000-square feet. And added... Proposed adding a new exemption for non-profit office
19 space of 5,000-square feet and this would be deed restricted.

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1 You may recall the interim regulations today how they competitive process to evaluate projects
2 that are seeking to use that 50,000-square foot. While we've never had to use that approach,
3 Council is proposing that or has in their study session discussion is proposing to eliminate that
4 effort and just go on a first come, first serve basis and that is this next slide. And basically, what
5 we would do is at any point when a permit is being ready for issuance, either an entitlement
6 through the planning process or the permit counter, if Discretionary Review is not required, we
7 would maintain a list. And if they have not exceeded... if that approval would not exceed the 50,
8 000-square feet we would issue that approval and will not issue in instances where that has
9 exceeded.

10 So, where we are today is the public hearing on this ordinance and after the Commission's
11 recommendation, we will send this to the City Council. I think we're looking at a date in the
12 near future here as this is expiring shortly. Happy to answer any questions that you have.

13 Chair Lauing: There are no speaker cards so we'll take comments. I'd like to report that we
14 tested all the lights, they are working this time, we have a new grid which aligns correctly. I'll do
15 my best to poke on them as they pop up so would anybody like to comment please light up
16 your light. Commissioner [Note – Vice Chair] Monk.

17 Vice Chair Monk: Vice Chair or sorry, Jonathan, I forgot your title off the top of my head but can
18 you just give us a little bit of overview of what to expect in the event this doesn't get extended
19 or made permanent in terms of development?

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1 Mr. Lait: If the ordinance doesn't go forward?

2 Vice Chair Monk: Correct.

3 Mr. Lait: Well, if the (interrupted)

4 Vice Chair Monk: If it goes... If it reverts back to (interrupted)

5 Mr. Lait: Sure, so it... I'll take a scenario where the Commission makes a recommendation to
6 not advance the ordinance to Council or that it be not continued. The Council would get that
7 recommendation [and] they would make their decision. Hypothetically or in a scenario where
8 they opted not to advance that ordinance, they would not adopt it and the interim regulations
9 would expire.

10 Vice Chair Monk: My question is in terms of development, what would you anticipate that we'll
11 see in terms of development?

12 Mr. Lait: Oh, I (interrupted)

13 Vice Chair Monk: Projects?

14 Mr. Lait: I mean I can't speak to a development that has activity that's happened since it's
15 been implemented. You know I don't want to speculate as to what the development activity
16 would happen if it didn't go forward. I mean I do think that there's... The ordinance has had
17 some effect on development proposals that are being submitted to the City; office

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1 development projects. And so, I imagine that if it were lifted, that might change the perspective
2 of certain property owners or developers in office development but that's... I don't have any
3 data that backs that up.

4 Vice Chair Monk: And there would be no cap. We could theoretically get hundreds of thousands
5 of (interrupted)

6 Mr. Lait: There would be no cap.

7 Vice Chair Monk: Square footage coming in? Ok, thank you.

8 Mr. Lait: Right and just to be clear, no annual cap. We already have in our Comp. Plan a City-
9 wide cap that would stay in effect.

10 Vice Chair Monk: And where are we at on the City-wide cap? Is it under a million?

11 Mr. Lait: Yeah, no I think it's north of a million. I'd have to take a look here.

12 Vice Chair Monk: I thought it was in the report but when I went back to look for it I couldn't find
13 it.

14 Mr. Lait: We can research that.

15 Vice Chair Monk: Thank you.

16 Chair Lauing: Commissioner Riggs.

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1 Commissioner Riggs: I have a related question. So, there's... As a part of the study session, has
2 been there an analysis on what this does to office rates? For example, does it actually inflate
3 office rates in general or has been there any analysis done what the policy actually does from a
4 market implication standpoint?

5 Mr. Lait: So, no, we don't have a market rate study or an analysis... economic analysis. That
6 was done as a part of this ordinance, not on the interim basis or on the permit.

7 Commissioner Riggs: Is there a long-term plan? I mean (interrupted)

8 Mr. Lait: I think there (interrupted)

9 Commissioner Riggs: To assess that? Clearly, we're making decisions that impact the market.

10 Mr. Lait: Well, I think that discussion took place in the... You know before the Comp. Plan was
11 adopted. This has been a long-standing conversation in the community since even probably
12 before 2015 when the Interim Ordinance was established. The Council went through the
13 process of pulling this piece out to understand... To get a handle on increased office
14 development in the area. And so, I think that the policy position that the City has taken is... has
15 been debated and discussed and it's reflected in the interim and now proposed ordinance. But
16 you know beyond the policies that are set forth and the Comp. Plan that were adopted
17 (interrupted)

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1 Commissioner Riggs: Sorry, I really appreciate the answer but I just want to make sure I'm
2 understanding clearly. So, the policy has been discussed in the absence of data, is that a fair
3 characterization? I mean (interrupted)

4 Mr. Lait: No, I don't think that's a fair characterization.

5 Commissioner Riggs: We don't have data, we haven't tracked the market conditions or changes
6 in the market conditions. I'm sorry, I'm just not getting a feeling like a straight answer... like it's
7 very clear.

8 Mr. Lait: Let's take a look at the finding recitals at the starting of the ordinance, ok? Let's see if
9 that... So, in your... In Section One of the ordinance, there's a... Some information listed that's
10 noting the increased priced per square foot for office space and how that is generated;
11 increased demand; development pressure in the City and how it's driving out other types of
12 uses in the community that are sought after and desires. Along with some corollary impacts
13 that are noted relative to traffic and parking and so forth. So, I wouldn't say it's been done in
14 the absence of data. It may not be (interrupted)

15 Commissioner Riggs: Alright, fair enough, it's ok, fair enough.

16 Chair Lauing: Commissioner Waldfoegel.

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1 MOTION

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3 Commissioner Waldfogel: Thank you. I feel like this has been discussed to death, both at the
4 PTC and at the Council. There are parts of it that I think are good, there are parts of it that I
5 don't love. I don't love the rollover, I don't love the... that we're giving up our voice on what
6 projects we prefer in the years where we might hit the cap. With that said, I think we've
7 discussed it to death and I move the Staff recommendation.

8 Chair Lauing: Is there a second for that?

9

10 SECOND

11

12 Commissioner Summa: Second.

13 Chair Lauing: Commissioner Summa seconded. Sorry, I think Commissioner Gardias's lite was on
14 next. Did you want to address it in the context of the motion now that there's a motion on the
15 table?

16 Commissioner Gardias: Yes so (interrupted)

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1 Chair Lauing: Unless Mr. [Note – Commissioner] Waldfogel, would you like to speak any more
2 to the motion?

3 Commissioner Waldfogel: No, I think the motion speaks for itself.

4 Commissioner Summa: I think that I agree with Commissioner Waldfogel and this is clearly the
5 direction that Council wanted to go. I might have liked personally to see some differences,
6 especially with the rollover but that being said I think that it's clear that's where Council wants
7 to go with this so.

8 Chair Lauing: Ok the motion is moved and seconded to adapt [Note – adopt] the Staff
9 recommendation as is. Then the next speaker is Commissioner Gardias.

10 Commissioner Gardias: Thank you. It sort of delayed by planned thoughts that I wanted to
11 share with you because I pressed the light just before the motion was proposed. No, that's ok,
12 it is what it is right? So, let me think how to address it then. I wanted to, of course, put it in the
13 context but not it's relevant since we this motion. So, the only thing that I could say here is
14 pretty much I don't like the beauty context that is the Paragraph 18.85.250. And this was the
15 only item that I was thinking about proposing to you too for modification because those criteria
16 and the ranking that would be proposed and run by Council were of course just mental and
17 would be taking... Yes?

-
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1 Mr. Lait: Commissioner, I'm sorry to interrupt but we are not proposing that process anymore.
2 This would be a first come, first serve process so the Interim Ordinance does have that review
3 process where you would look at those criteria that you were just commenting on. The new
4 ordinance that's before you would take applications on a first come, first serve basis. If there
5 was enough area to approve the development, we would approve it without evaluation by that
6 criterion that exists today.

7 Commissioner Gardias: And if you have two applications at the same time?

8 Mr. Lait: So, if we have two applications at the same time, the one that gets approved is ready
9 for... That we sign off on the entitlement or if they are going through a Use and Occupancy
10 Permit or Tenant Permit. Whenever it's ready to be issued, that's the date that we will look at
11 our list to see if we've exceeded, does the proposed project exceed that limit, if not then we
12 would sign off on it.

13 Commissioner Gardias: Yes, but I'm just speaking to this time when you have... When you are
14 on the brink or when we're on the brink of exceeding the ceiling and then you receive two
15 applications. What would you do then?

16 Mr. Lait: Right, if we're at the brink... I mean as you know it takes some time to go through an
17 entitlement process so it is conceivable that in the course of a year we may be at that... Close to
18 that 50,000-square foot limit. But we would process those applications in accordance with the
19 rules that we have in the Municipal Code and when we are ready to issue that permit if it's... If

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1 there's enough capacity, we'll issue it and if not, it would have to wait until the next period
2 which would begin on July 1st.

3 Commissioner Gardias: So, how will you be deciding then between which application is... Which
4 applications to move forward?

5 Mr. Lait: We're moving on all fronts. I mean we're moving all applications at the same time.
6 We're not holding one back or moving one forward. We have planners assigned to it, we move
7 the work forward, sometimes it has to through a Commission or the Architectural Review Board
8 [and] it just goes through that process. The code sets forth a timeline by which we have to
9 approve certain applications so we'd be working within that timeframe.

10 Commissioner Gardias: Right, I understand but then you still... Let's say that you're in May,
11 you're close to having 50,000-square foot limit and then you have two equal applications. And
12 each one of those would take us over that ceiling, what do you do then? It's still the beauty
13 context is still applicable in this case.

14 Mr. Lait: It is not.

15 Commissioner Gardias: So, how do you decide then which of these applications because it
16 wasn't... Sorry, it wasn't clear to me how you describe the process on which one would be
17 selected?

18 Mr. Lait: The one that is (interrupted)

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1 Commissioner Gardias: Yeah because one would have to be... You would hold up one of those
2 for the next year.

3 Mr. Lait: When a... I'm sorry, let me take another stab at this. At the tie that we issue the
4 approval, that's... We're ready to issue it, we're checking it to the balance that we have left on
5 the 50,000. If there's room available, we sign off on it. If there are two, a very unlikely situation
6 that there are on the same day... Being approved on the same day and one of them is going
7 to.... And both would trigger, we would look to which application came in first, the file date and
8 that's set forth in the ordinance. I don't think that would happen but if it ever did, we would
9 take the one that was filed first.

10 Commissioner Gardias: So, let's say that filing because there was a difference of 24-hours
11 between two applications.

12 Mr. Lait: Yes, the one [unintelligible] (interrupted)

13 Commissioner Gardias: And then pretty much you would just take the first one that came...
14 First, come and first out.

15 Mr. Lait: That's right.

16 Commissioner Gardias: So, the reason I was just getting into this conversation... sorry for taking
17 much time.... Because I was thinking about proposing an economic benefit if two applications
18 come in at the same time as the criteria for selecting which one of those would be selected for

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1 further... for approve within this fiscal year. That was the only change that I was proposing in
2 this ordinance but since we have a process and if the Assistant Director is fine with this if it's
3 going to work, I just... I will not propose any changes. Thank you.

4 Chair Lauing: Commissioner Alcheck.

5 Commissioner Alcheck: Thank you. I think the more important question is, Assistant Director,
6 do you think that it's possible that the Council could consider amending the language of the
7 ordinance when it comes before them to include an alternative system?

8 Mr. Lait: I think they could consider that.

9 Commissioner Alcheck: Right and so I think I'm going to reiterate Commissioner Gardias's point,
10 also in light of the fact that both Commissioner Waldfogel and Commissioner Summa
11 mentioned it too, that they have a preference for...Because we don't have a better term... the
12 beauty pageant process. I'm going to iterate that I to very much dislike the beauty pageant
13 process and I think it's worth mentioning tonight in case there is some confusion about where
14 we lie on that recommendation when it goes before them and they are reviewing it.

15 I'm actually really... I'm happy to see that nearly every change that I suggest...That we
16 suggested last time... That I think the majority of us suggested last time was adopted. And I
17 would just reiterate I think that restricting... I would reiterate that I would encourage the
18 Council to pass the ordinance and restrict its application anywhere outside where this

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1 ordinance is currently being proposed; that's specifically outside of the Stanford Research Park.
2 I think that their discussion suggesting that they didn't want to do that is the right logic.
3 I'm glad to see that they adopted the recommendation we made about rolling over some of the
4 square footage. Particularly because it might create a more sort of market sensitive scenario.
5 We have seen a drop-in development recently and that's sort of how it works; it's boom and
6 bust. So, if we want an average of 50,000 a year, then the notion that we would have a rollover
7 process that would accommodate larger numbers in years that buildings occur... A building
8 development occurs, then lower numbers otherwise suggest that we could achieve that
9 average. I thought that was a good direction too.

10 And finally, the review process, I'll just make the comment that I made before in case Council
11 considers change the direction that the Staff has brought. Which is that the beauty pageant
12 process is problematic because it injects a lot of uncertainty into the "Palo Alto Process". So, in
13 addition to spending the capital on creating and designing a project, once you get into the
14 queue, regardless of whether you are the first or the last, you have to wait a certain amount of
15 time and you aren't particularly clear or sure how your project would get evaluated; which is
16 the sort of uncertainty that essentially scares people away from trying things. And so, I'm very
17 happy to see that they moved towards a first come, first serve process and I think that will
18 achieve their goal and so I will be supporting the motion with those comments.

19 Chair Lauing: Commissioner [Note – Vice Chair] Monk.

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1 Vice Chair Monk: I agree with Commissioner Waldfogel that this is an issue that's been
2 discussed and I was happy to have him bring the motion early on. Although I think the
3 discussion needs to continue a little bit more before moving to a vote.

4 I'm happy to see the ordinance did account for all of the suggestions that were made by PTC
5 and Council and those that were again focused on a little bit more today that we just heard
6 from. The ordinance as Interim Ordinance has certainly achieved its objective and kind of was a
7 pilot in that it effectively halted development.

8 There was a letter that was included in our packet, it's on Packet Page 58, that really resonated
9 with me. And I think that when we're enacting legislation, we need to look at what is the goal
10 and the purpose of it? This Interim Ordinance has achieved the stated goal so to make it
11 permanent to me isn't fulfilling any ongoing or present need. I'm leaning towards making the
12 recommendation for Council to consider extending it in the format that it is or if we want to
13 make some additional modifications to it, for another year passed the June expiration date. And
14 then reevaluating if we want to make it permanent at that time. I just don't see the need to
15 make it permanent right now and the comments that I was referring too, that are Page 56, is
16 that there really hasn't been any building boom that's justifying an annual permanent cap and
17 that there isn't any reason to extend it City-wide. And also, it's the wrong tool to solve our
18 traffic and parking problems because I think at the end of the day, this was enacted more as a
19 response to preventing the impact of traffic and parking versus actual housing of businesses in
20 the office space.

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1 So, that would be my position, I don't know if Commission Waldfogel would be amenable to
2 advising that we extend it as Interim Ordinance for another year past versus making it
3 permanent at this point.

4 Commissioner Waldfogel: No.

5 Vice Chair Monk: Then I'd like to move to (interrupted)

6 Commissioner Alcheck: Commissioner [Note-Vice Chair] Monk, may I suggest alternative
7 language to the interim?

8 Vice Chair Monk: Sure.

9 Commissioner Alcheck: Yeah, I would just suggest that instead of using the term interim, maybe
10 you could insert sort of a sunset because I think there's a legal significant to interim. And as the
11 result, the interim will sunset and there has to be a non-interim ordinance. So, maybe we could
12 just include language that the ordinance sunsets after a given period of time and if not
13 reviewed.

14 Vice Chair Monk: That the permanent ordinance would sunset after a period of time?

15 Commissioner Alcheck: Yeah, I don't know... I think there's (interrupted)

16 Vice Chair Monk: I would support this motion of it... Yeah, if this (interrupted)

17 Commissioner Alcheck: I think there's a legal thing about (interrupted)

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1 Vice Chair Monk: If there's a way for this ordinance to be permanent for two years or what...
2 some defined period. I just don't know what the impact is of having it become permanent and
3 what (interrupted)

4 Chair Lauing: Council (interrupted)

5 Vice Chair Monk: The process would be to undo it.

6 Chair Lauing: Council should come [unintelligible] this.

7 Mr. Albert Yang, Senior Deputy Attorney: Sure, so City Council ordinance is... Kind has sunset
8 dates. The... I think what Commissioner Alcheck is referring to is a limitation that's placed on
9 urgency ordinances. Those are ordinances that are passed without the same level of process.
10 There's a limit of two years length for an urgency ordinance. We adopted an urgency ordinance
11 I believe on a separate topic around the same time as we adopted this Interim Office Ordinance
12 but the office limit was not an urgency ordinance. It could be extended for a year or it could
13 also a new ordinance that has a sunset date and both of those options are available.

14 Vice Chair Monk: Commissioner Alcheck, is there an alternate motion that you'd like to advance
15 or is there's a way that (interrupted)

16 Chair Lauing: Well, hang on, you're making a motion and then we need a seconder. Are you
17 seconding it?

-
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1 Commissioner Alcheck: I would second your motion if.... Presumably, if it was this draft
2 ordinance but with a sunset, I would second it.

3 Vice Chair Monk: Well, given what we just heard from counsel Commissioner Waldfogel, is
4 there any modification to your motion you'd accept?

5 Commissioner Waldfogel: I don't think any modification is necessary. We have a political
6 process to revise this if a future Council wants to change it so I don't think we need to stipulate
7 any kind of sunseting process.

8 Vice Chair Monk: I would move to make the permanent ordinance (interrupted)

9 Mr. Lait: So, I... So, we have a motion on the table already (interrupted)

10 Vice Chair Monk: Right so I (interrupted)

11 Mr. Lait: So, chair we would either be (interrupted)

12 Chair Lauing: Amendment.

13 Mr. Lait: Doing a substitute (interrupted)

14 Vice Chair Monk: This would be a substitute motion then.

15 Mr. Lait: Motion or alternatively, you can make the... Request amendment to the motion that's
16 on the table. I think that (interrupted)

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1 Vice Chair Monk: I've attempted to make some amendments to the motion that Commissioner
2 Waldfoegel is not amendable too so this has to now be a substitute motion.

3 Mr. Lait: It actually doesn't.

4 Chair Lauing: No.

5 Mr. Lait: You've attempted to get a friendly amendment or what we casually call a friendly
6 amendment where the maker and the seconder agree to the amendment. In instances where
7 they don't agree to the amendment, you can still propose an amendment and then that would
8 be voted on by the Commission. So, it sounds like you're interested in approving the ordinance
9 (interrupted)

10 Vice Chair Monk: Oh, so you're advising that I propose an amendment that gets voted on versus
11 it getting accepted by the maker of the motion.

12 Mr. Lait: Yes.

13 Vice Chair Monk: Then depending on that outcome, we would determine if I would want to
14 make a substitute motion. (crosstalk)

15 Mr. Lait: I think if they vote down the amendment, that questions been asked and answered.
16 They're substantively the same thing so if... It sounds like based on the comments that we've

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1 heard a moment ago, that there's interest in having some kind of a sunset clause after a period
2 of time. So, you would stipulate that period of time that you would like to see a sunset clause.

3 Vice Chair Monk: Yeah, I'd like to make a record of that and if it gets defeated (interrupted)

4 Mr. Lait: Great.

5 Vice Chair Monk: We can go back to the original motion and [unintelligible](crosstalk)

6 Chair Lauing: So, that's your amendment and then that's been seconded and how long do you
7 want the sunset to be?

8 Vice Chair Monk: For twelve months after. It expires June 30th of this year correct?

9 Mr. Lait: Well, let's just say 12-months because when this one gets adopted, it's not precisely
10 going to line up to that date. We have an interim one that's going to expire, this one is going to
11 replace that interim one at some point.

12

13 UNFRIENDLY AMENDMENT #1

14

15 Vice Chair Monk: Ok, if it's... Well, I don't know if it's cleaner to say let's accept this and have it
16 sunset in a year from when it gets adopted.

-
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1 Mr. Lait: Ok.

2 Vice Chair Monk: If that's cleaner, we will go with that.

3 Mr. Lait: Let's go with that.

4 Commissioner Riggs: I might suggest (crosstalk)

5 Vice Chair Monk: Do we have support for that?

6 Chair Lauing: So... Yeah because you need to sign off on the language or no.

7 Commissioner Alcheck: Yeah, was the original Interim Ordinance twenty-four months?

8 Mr. Yang: I believe the Interim Ordinance was originally twenty-four months and then it was
9 extended another six months or so.

10 Commissioner Alcheck: So, respectfully I would just suggest we just treat twenty-four months
11 as a time period if that's ok with you as opposed to twelve months?

12 Vice Chair Monk: Sure.

13

14 SECOND

15

-
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1 Commissioner Alcheck: Ok, yeah, I'll second the amendment or the substitute motion, however
2 you want to treat it.

3 Chair Lauing: So, the amendment is now twenty-four-month sunset. I'm paraphrasing here.

4 Commissioner Alcheck: The idea being we could just review this to see the impacts whether
5 they've achieved the goal or not.

6 Chair Lauing: Ok, are there other comments on this amendment now before I (interrupted)

7 Commissioner Riggs: I have a general comment that's been on for a long time.

8 Chair Lauing: Yeah, ok, go ahead Commissioner Riggs.

9 Commissioner Riggs: I'll wait till the vote, we have to vote on this.

10 Chair Lauing: That's what I was going to do but I thought it was more urgent. Alright so is there
11 anybody who wants to speak to this motion [note-amendment] that's on the table because the
12 lights are a little confused now? No other comments on that motion [note-amendment]?
13 Commissioner Alcheck.

14 Commissioner Alcheck: I'll just be abundantly clear, I actually support the motion on the table. I
15 am suggesting that we re-review is a healthy practice with respect to moratoriums and caps in
16 general. Because they have... They are the strongest tools we have in our land use policy and

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1 it's... When using tools like that, it's good to engage in reoccurring review I think. Rather than
2 waiting till it comes to a head and then dealing with it then.

3

4 VOTE

5

6 Chair Lauing: If there are no further comments on that, we're going to vote on the amendment
7 which is to do a two-year sunset clause. All in favor of that amendment raise your hand, please.

8 One, two, three and opposed? One, two, three, four.

9

10 UNFRIENDLY AMENDMENT FAILS WITH A VOTE OF 3-4

11

12 Chair Lauing: Ok so we're back on the discussion of the motion and Commissioner Riggs is up.

13 Commissioner Riggs: Oh, well I just... I actually have to just put on the record that I haven't been
14 on the Commission for this process but had I been on the Commission, I would have strongly
15 advised against renewing the office cap. And I would have suggested that we not peruse this
16 and I'll say there are three reasons why I won't support this recommended, be respective of the
17 timeline. And first, General Plan as an office cap, a cap is a cap, we undermined the General

-
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1 Plan by this type of moratorium, that's my belief. Second, City's do a terrible job of predicting
2 the market. We'd like to think that they... the market does a nice little rolling average, we do a
3 terrible job of predicting that and I do not believe that this is the best way to legislate the
4 market economy. And then third, I... What I do think this... I agree with Commissioner [Note –
5 Vice Chair] Monk that this was primarily not... Primarily directed at kind of the housing and
6 transportation impacts of office. So, I think this, as a policy, undermines what our policy focus
7 should be which is actually [unintelligible] a little bit of the responsibility of basically developing
8 these hyper-aggressive housing and transportation policy and investment. So, I do not support
9 this cap and generally, I think they're a bad idea.

10 Chair Lauing: Commissioner Gardias.

11 Commissioner Gardias: Thank you. So, yeah, interesting comments so I totally agree with the
12 fellow Commissioner that it skews the market but this ordinance was put in place pretty much
13 to reduce office development. And from just what we heard, had a positive impact on the
14 housing development because, after the first year of it's existence, we noticed that office
15 development went down significantly. We were under the limit of 50,000 a lot and from this,
16 we heard instead... I'm sorry?

17 Commissioner Riggs: I appreciate it but I don't know the history of it if you're talking to me. I
18 appreciate you trying to do that but I know the history of this.

19 Commissioner Gardias: Ok.

-
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1 Commissioner Riggs: Thank you.

2 Commissioner Gardias: I was just pretty much making the point that with this I support with
3 understanding the history behind this ordinance, I support its existence. And I think we have
4 exchanged lots of arguments so I will be voting for this. I have only one ask to the Staff if I can
5 say this because there may be an impact on the developers that would be submitting at the
6 same time applications. They pretty much need to be clearly communicated that one of their
7 applications may be rejected because on the first in, first out rule. Thank you.

8

9 VOTE

10

11 Chair Lauing: Alright, if there are no further comments, we'd like to vote on the motion as
12 stated in the packet. Are there any questions on what the motion is? All in favor of supporting
13 that raise your hand. One, two, three, four and opposed? Three. Ok, thank you.

14

15 MOTION PASSED WITH A VOTE OF 4-3(Alcheck, Monk, Riggs)

16

17 Commissioner Alcheck: Do you mind I few speak to the dissent?

-
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1 Chair Lauing: Sure.

2 Commissioner Alcheck: I'll just reiterate, I support this idea with limits and hope Council
3 considers that.

4 Chair Lauing: Any other dissenters want to add to that or no? Ok. Oh, Commissioner [Note-Vice
5 Chair] Monk.

6 Vice Chair Monk: I'll just make one comment that I didn't ask the question earlier about what
7 effect this would have down the road. It's effectively halted office development which it's fine. I
8 think it's what we needed to do certainly for the time being for the next couple years but again,
9 we don't know what the future holds. And if we do want to have less impact in our
10 neighborhoods with people coming in and out, it would seem to me that office development in
11 our core areas that are near mass transit is where we would want to concentrate. And if this
12 50,000-square foot limit is preventing that, that seems to go counter to what we'd like to
13 accomplish in terms of minimizing traffic and impact to our neighborhoods. Thank you.

14 Chair Lauing: With that, we close that item and move onto agenda item number four.

15

16 3. PUBLIC HEARING: Recommendation to the City Council Regarding the Adoption of an
17 Ordinance Amending Palo Alto Municipal Code (PAMC) Title 18 (Zoning) to Add a
18 New Chapter 18.30(K) (Affordable Housing Combining District) to Promote the
19 Development of 100% Affordable Housing Projects Located Within One-Half Mile of
20 a Major Transit Stop or High-Quality Transit Corridor, by Providing Flexible
21 Development Standards and Modifying the Uses Allowed in the Commercial Districts

-
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1 and Subdistricts. CEQA: This Ordinance is Within the Scope of the Comprehensive
2 Plan Environmental Impact Report (EIR) Certified and Adopted on November 13,
3 2017 by Council Resolution Nos. 9720 and 9721. For More Information Contact
4 Graham Owen at Graham.Owen@cityofpaloalto.org.

5
6 **Commission Action:** Motion made by Vice Chair Monk to end the meeting at 9:30 and start the
7 March 14th meet at 5:30pm to allow for four hours of discussion and have any study sessions
8 after any actionable items. Motion seconded by Commissioner Alcheck, motion passed 5-1-
9 1(Commissioner Gardias Opposed, Commissioner Riggs abstained)

10
11
12 Graham Owen, Planner: Alright, good evening members of the Planning and Transportation
13 Commission (PTC), my name is Graham Owen, I'm the planner that's working on this ordinance
14 that's before you today. This is an ordinance to create a new combining district that we're
15 calling the Affordable Housing (AH) Combining District. The intent of this ordinance is to
16 provide relaxed development standards for 100 percent affordable projects that are located
17 within transit served areas.

18
19 Just for a little bit of background the AH ordinance is a component of the recently approved
20 Housing Work Plan that the Council looked at, thank you, on Monday and that you have before
21 you as well. It also implements many of the near term as we're calling them policies and
22 programs of the Comprehensive Plan and in particular the Housing Element of the
23 Comprehensive Plan which I have listed here. Among those in the Land Use Element we have a

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1 program of exploring mechanisms for increasing multi-family housing near dense... increasing
2 multi-family housing density near multi-modal transit centers, create opportunities for new
3 mixed-use development consisting of housing and retail, and in the Housing Element to allow
4 for higher density residential development considering, excuse me, consider amending the
5 zoning code to permit high density residential and mixed-use or single use projects in
6 commercial areas within one half a mile of fixed rail stations and to allow limited exceptions to
7 the 50 foot height limit for Housing Element sites within one quarter mile of fixed rail stations.
8 And lastly a housing program considered density bonuses and/or concessions including allowing
9 greater concessions for 100 percent affordable housing developments. Just also as a little bit of
10 background we did the Council reviewed a prescreening application in August of 2017 that Palo
11 Alto Housing which is a nonprofit housing developer in this area came forward with a proposal
12 on El Camino Real and Wilton Avenue and so the Council in their consideration of that
13 prescreening application several members of the Council indicated their general support for
14 this sort of an ordinance as well.

15

16 So the ordinance that you have before you today the draft ordinance would create the district
17 and create the new section in the zoning code. It wouldn't automatically apply it to any specific
18 site though. That would take place once the ordinance is approved with a separate legislative
19 action zone change to allow for a site to be combined. Additionally in terms of review once a
20 site is zoned for AH combining districts any building that's proposed as a component of that

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1 project would need to be reviewed by the Architectural Review Board (ARB) through a quasi-
2 judicial action.

3

4 So the AH combining district functions as other cities call it as an overlay zone. So it's overlaid
5 on top of a base zone. In this case we've decided that the commercial zones at least staff has
6 decided that the zones that would be appropriate for such an overlay are the commercial zones
7 so the CN which is neighborhood commercial, CS service commercial, CC and CC-2 which are
8 community commercial, and CD which is Downtown. Any eligible site within those zones would
9 also need to be located within one half mile of a major transit station or a high quality transit
10 corridor. That's kind of a wonky term, but it comes out of state code. Essentially it refers to
11 fixed bus routes where you have 15 minute service intervals. So that would include the 22
12 route on El Camino Real as well as the Marguerite Shuttle.

13

14 So incentives, the AH combining district recognizing that there are constraints in the zoning
15 code that prevent higher density development and in particular higher density affordable
16 housing development does propose to relax certain development standards and retain others.
17 Among those that would be retained are kind of the basic site planning parameters of setbacks,
18 built to lines when applicable, and daylight plane requirements. The ordinance would also relax
19 certain development standards for lot coverage and site coverage, usable open space, a density
20 which is dropped entirely, and height. And then in terms of the kind of the biggest change

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1 density would be reduced entirely, there would be no density requirement. Instead you'd have
2 an increase in the Floor Area Ratio (FAR) which would be 2:1 for residential, the residential
3 component of a project.

4
5 Additionally we're looking at providing an incentive in terms of parking. The AH ordinance as
6 written includes a parking requirement of 0.5 per unit as well as a the requirement for a
7 Transportation Demand Management (TDM) plan that would be required and would be
8 required to have provisions that would allow for anywhere from a 45 percent reduction to a 20
9 percent, excuse me, a 30 percent reduction for vehicle miles, excuse me, Single Occupant
10 Vehicle (SOV) peak hour trips. Whenever you have a project of that sort you would need to
11 achieve a certain target reduction which is based on metrics in the Comp Plan. This is a change
12 certainly in comparison to standard multi-family parking requirements; however, when you
13 look at it relative to the existing density bonus requirements that we have in the code those
14 density bonus requirements do vary. In some instances for projects that are located near
15 transit you do have a 0.5 per unit in some cases you have a 0.5 per bedroom. It really depends
16 on the targeted population for that density bonus unit.

17
18 In terms of retail preservation the project does do two things. It's important to note that the
19 ordinance as written can apply to both mixed-use projects which include ground floor retail as
20 well as residential above as well as residential only projects. In terms of retail preservation the

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1 ordinance does two particular things. When you have a site that also has other combining
2 districts on that site so such as the GF which is the ground floor combining district which is
3 mostly Downtown as well as the R combining district which is mostly on Cal Ave. those other
4 combining district provisions do not trump the provisions of this ordinance. So they work in
5 tandem with them. It's a long way of saying that if you have retail that's required to be located
6 in those other combining district sites those the provisions of those other ordinances would
7 apply. For citywide retail preservation however we are including a way that the Council if they
8 declare that a resale preservation reduction or waiver is in the public interest [on the that] a
9 project could move forward based on that understanding.

10

11 Just to kind of give an example or two of how this ordinance would play out in real life in terms
12 of the development standards and the parameters and how it relates to density bonuses which
13 are similar in some ways, but quite different in terms of what they're actually trying to achieve I
14 have two examples. Both half acre sites mixed-use projects, but two different zones. So this is
15 an example of what the development standards would be for a half acre site proposing a
16 mixed-use project in the Downtown in the CDC. So base zoning would allow for 40 dwelling
17 units to the acre, so 20 units on a half-acre site and then you if you were going to go with the
18 highest density bonus which is a 35 percent increase in your density that would yield 27 units.
19 In the AH combining district if it were combined with the CDC you would have no density
20 requirement. In terms of your FAR it wouldn't trigger an increase in FAR and the height would

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1 not be affected mostly because the 50 foot high limit is what we have in the Downtown
2 already. Site coverage there is no site coverage requirement in the Downtown and the CDC so
3 there's no change there. In terms of parking there is the change going from standard base
4 zoning which requires 1.25 per studio units and 1.5 for a one bedroom unit down to 0.5 per
5 unit.

6
7 In the CS zone, this is another example similar sized project of a half-acre site mixed-use
8 project, but in a different zone, CS zone. You have a lower density allowance in your base
9 zoning, 30 dwelling units to the acre or 15 acres yield. With the density bonus provisions you'd
10 be in entitled to 40.5 dwelling units to the acre or 20 units. Again, if a site were in the CS but
11 also combined with AH there would be no density requirement. Your FAR would increase from
12 1:1 for a project to 2:1 for the residential component and then 0.4 for the nonresidential
13 component. So a total combined FAR of 2.4. Site coverage would for a base zoning 50 percent
14 site coverage is required; the density bonus concession allows for 75 percent [less] or a 25
15 percent increase or excuse me, a 50 percent increase. And then the AH combining district does
16 not have a site coverage requirement and parking is the same as the example before.

17
18 So with that we had two kind of jumping off discussion items that I wanted to highlight. One is
19 as written the ordinance applies or would apply only to the commercial zones. There has been
20 some discussions although it was not in the ordnance here of also including other zones such as

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1 the RP and the GM zone. I will say that the RP zone does allow for multi-family housing with a
2 Conditional Use Permit (CUP), but the GM zone currently does not allow for residential
3 development. Also the Comp Plan does have a policy of indicating support for specific
4 exemptions, the 50 foot citywide height limit for Housing Element sites that are close to transit
5 so it's just another thing to consider. And with that I have a couple of backup slides if... that
6 might be relevant, but I'll stop there and give it back to the Commission.

7

8 Chair Lauing: I think that slide that you called backup which we have in front of us could be
9 good to just point out so that we know the targeted...

10

11 Mr. Owen: Yeah, so this table shows the [unknown] (HCD) income limits. Basically for
12 affordable units you have certain criteria so the City defines affordable units as units that are
13 for households that have moderate, low or very low income. That's based on Area Median
14 Income (AMI) for the county and the folks that or the household that meet those thresholds
15 make this combined income for their households. So there's a number of considerations which
16 is that certain households have different sizes obviously and would be best suited for certain
17 bedroom configurations, but it is all based on the AMI and adjustments to that.

18

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1 Chair Lauing: Ok. That's all the staff report. We have a we have some public comment that I'd
2 like to move to now. The first speaker is Danny Ross and the second one is Herb Borock. We'll
3 do three minutes.

4

5 Danny Ross, Palo Alto Housing: Good evening, my name is Danny Ross and I'm a Senior
6 Development Manager at Palo Alto Housing. We are a local nonprofit housing developer
7 providing affordable housing in Palo Alto since 1970. I would like to start off by commending
8 staff and their hard work on the AH combining district and a thank you to the City for moving
9 quickly on bringing this before the PTC tonight. I'm here tonight to offer my support for this
10 planning tool and hope to see its implementation a smashing success. Do I think this combining
11 district is perfect? No, I do not. There are some things that I would change, but I want to be
12 clear if you recommend the current draft for approval without any modifications then I would
13 be among the first to congratulate and celebrate this victory with all of you. You would be
14 making a serious effort to advance an important planning tool quickly in the face of our grave
15 housing crisis.

16

17 The longer this drags out the longer it will take to utilize this mechanism to provide the high
18 quality affordable housing this community not only needs desperately, but also deserves.
19 Everyone deserves dignity. We've heard too many stories of two plus hour long commutes or
20 people living in substandard housing conditions that often end in tragedy. We know these

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1 stories because these are real people in our community. We can do better; housing affects all
2 of us.

3

4 Building housing in California is challenging enough, building affordable housing in Palo Alto is
5 becoming nearly impossible. Our project at Wilton and El Camino faces a minimum of five
6 public hearings to make it a possibility. Recommending this overlay for approval tonight isn't
7 going to have developers lined up to buy land and start building all over town. We still have a
8 long way to go. Frankly if our property at Wilton wasn't under our control I don't believe we'd
9 buy the land today. The retail preservation ordinance is problematic for affordable housing
10 development. The entitlement process is both difficult and risky. Funding sources are an
11 ongoing and increasingly complex challenge today. There are lost opportunity costs as an
12 organization and there's fierce opposition. I understand that our opposition only wants the
13 best for our community. This is our common ground even though we may stand divided on
14 many issues. What may seemingly make sense today may not support a successful Palo Alto of
15 tomorrow. I urge this Commission to look at expanding flexibility within code and
16 recommending that Council take a hard look at the retail preservation ordinance when
17 affordable housing is proposed beyond the ongoing discretionary waiver from Council. It is my
18 hope that people look back on the decisions we make here with great pride and promise for a
19 better future. Thank you very much.

20

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1 Chair Lauing: Thank you. Mr. Borock and next up Steve Levy.

2

3 Herb Borock: Chair Lauing and Commissioners, good evening. I submitted a letter this
4 afternoon that you have at your places. This ordinance proposal comes to you following a
5 prescreening application last year from the from Palo Alto Housing in which this type of
6 ordinance was one of three options that staff presented in their staff report at that time. The
7 ordinance although it's being presented as something that should be done because this is
8 something that Palo Alto Housing wants provides more than they've asked for. Palo Alto
9 Housing after meeting with the neighbors came in with a project proposal that would be FAR of
10 2.0 including the retail. They told the Council that if they had to make do the 100 percent retail
11 that the project wouldn't work because they can't get funding such as limited equity tax credits
12 for that. However now we're coming in a proposal which would be in the zoning code that they
13 could do 2.5 and they wouldn't have to agree to do what they agreed to do with the neighbors
14 because it would be a project that they'd be entitled to solely subject to design review by the
15 ARB subject to appeal. It's also been suggested that it apply everywhere. So what we're
16 essentially doing is taking in this proposal an ordinance that has been allegedly crafted because
17 it would implement a particular project and saying that it should be available for everybody.

18

19 I don't believe it should be applied to either the RP or GM zones for the reasons stated in my
20 letter and there is code language I believe which more explicitly references that last slide in the

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1 presentation on income it limits and family size rather than the cryptic reference that you have
2 now to a single sentence relating to the specific words affordable housing essentially and I
3 believe that exists elsewhere in the code and should also be apply for in this case. You also
4 have before you letters from people in the neighborhood are requesting more time and I
5 believe just on the issues that I've raised that that's not something you can do on the fly, but
6 you need to take the time to deliberate. That being said as I said in the first sentence I support
7 a zoning district or combining district for 100 percent affordable housing. Thank you.

8

9 Chair Lauing: Thank you. Just for the public record we have no proposal in front of us or no
10 insight into what that proposal is, so just to be on the record. Mr. Levy and then Mr. [Levinsky].

11

12 Steve Levy: Hi, this is a little hard for me, but I'm going to read a letter signed by Bonnie Packer
13 the President of the League of Women Voters. I am the Chair of their Housing and
14 Transportation Committee. This letter was approved by our committee and by the board on
15 which I serve.

16

17 Chair Lauing: And we received it, just to confirm.

18

19 Mr. Levy: Good. The League of Women Voters supports efforts by the City to increase the
20 supply of housing for all particularly for households with lower income. The AH combining

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1 district draft ordinance will go a long way to increase the supply of affordable housing in Palo
2 Alto and the League urges you to recommend its adoption to the City Council. However, in the
3 interest of ensuring more affordable housing opportunities and units we also urge you to
4 consider the following changes to the draft ordinance.

5

6 One, expand the scope of the combining district to include the research park and general
7 manufacturing districts. Two, include language that allows some flexibility regarding the half
8 mile distance from the transit corridor. The language major transit stop or high quality transit
9 corridor is too limiting and should be broader in scope. Three, allow the Planning Director to
10 approve increases in the FAR and height where appropriate particularly in the areas around
11 University and California Avenue. Four, allow the Planning Director to waive the retail
12 requirement in all districts. Retail usually requires more parking which is expensive to provide;
13 moreover, the presence of retail in the affordable housing project severely complicates the
14 funding opportunities thus the retail requirement may make an affordable housing project
15 infeasible even with the benefits of the combining district. For the last two bullets the League
16 believes that it's important to streamline the entitlement process. To do so the Planning
17 Director not the City Council should have the authority to approve increases to FAR and height
18 and to waive retail requirements.

19

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1 For the last 30 seconds and I'll speak as an individual and former member of the Citizens
2 Advisory Committee (CAC). Flexibility for 100 percent BMR projects was the most unanimous
3 housing policy that we adopted. This ordinance precludes no rights, all the sites and the
4 decisions go to Council so it's an enabling not a prescriptive ordinance and I support what
5 Danny Ross says when I do my work I go to the experts on what's the feasibility of low income
6 projects. Thank you.

7

8 Chair Lauing: Thank you. Mr. [Levinsky] is up.

9

10 [No first name given. Levinsky]: Good evening, Commissioners and staff. I'm glad the chart's up
11 there because one of the points I'd like to make about is who is this project? Who is this zoning
12 for? And you've heard people describe it as BMR, but if you look up there you'll see that these
13 projects would apply to people like for a one person in a household someone who makes in the
14 \$90,000 a year range. I think what people are wanting is something for people who make a lot
15 less money than that so that they have good affordable housing options. And my worry is that
16 what you're going to be doing here is enabling developers to go out and buy land not nonprofits
17 trying to help people with very low income. You're going to be enabling developers to go out
18 and buy properties and bid up the prices of those properties in order to build more expensive
19 housing that meets these moderate income levels which are substantial. And so that will
20 actually take away what we are trying to achieve from with this proposal.

-
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1

2 I'm also concerned about the parking. There's been no rational basis presented for the drastic
3 lack of parking and I'd like to point out that the City parking rules at the by for the 0.5 per
4 household or 0.5 per bedroom those are based on low income, they're not based on this
5 moderate income level at all. I did some research and I found other cities have looked at this
6 and they find that people in these upper income with higher income have cars and they're not
7 going to be able to handle a half parking space per unit which is what is being proposed here.

8

9 I have concerns about the height rules. As I understand it if you live in a one story home you
10 could find next door to you a 50 foot building and the only protection would be daylighting
11 which means that the 50 foot part would be several dozen feet away from the property line.
12 There's I think that needs a lot of discussion as to whether that amount of intrusion on other
13 residences is appropriate. And one thing you could simply do is say let's keep the current rules
14 for how heights work between different zones in place.

15

16 And finally I think there's a big need to rebuild credibility in this community over projects like
17 the Palo Alto Housing Corporation has brought before. You probably all know what happened
18 to their previous proposal. And much of that stemmed around the issue of had they really
19 looked at the traffic issues and dealt with that, in this case we're talking about parking issues,
20 we're talking about height issues and I hope that you will give that full discussion and not

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1 rubber stamp this, but rather really try to craft something that will gain large support. Thank
2 you.

3
4 Chair Lauing: Ok, thank you. That concludes the public comment. So we want to go to the
5 Commission now unless there's anything that you folks need to add from staff, no? Excuse me.
6 I think it would be really good with something that's this complex for us all to go through with
7 any comments that we want to make before we move to a Motion. So I'd like to do that by just
8 asking somebody if they'd like to start it off and we'll use the light system and I'd like to suggest
9 both questions as well as comments and hopefully we can get through this in one round, but
10 we'll see when that's left over. Ok? Alright. So first up is Commissioner Alcheck.

11
12 Commissioner Alcheck: Yeah if you don't mind before I comment do you mind if I ask a question
13 of the?

14
15 Chair Lauing: Yeah, that's fine. We just don't want to get into a dialogue, but certainly.

16
17 Commissioner Alcheck: Yeah, that's fine. Would you mind actually coming forward, I have a
18 question for you. I was hoping that you could spend a minute or two sharing with us sort of the
19 change that may or may not have taken place in the last couple months as a result of the tax bill
20 or whatnot. How it may have affected or in general any of the changes that happened in the

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1 last few months that may have affected sort of how you guys come up with your money. I'm
2 trying to better understand what it means to develop 100 percent affordable project and who
3 would do that. I was hoping you could touch on that.

4

5 Mr. Ross: Sure.

6

7 Chair Lauing: Are you talking about the law?

8

9 Commissioner Alcheck: I'm trying to understand just from his perspective, I guess his
10 employer's perspective what's in... how they finance their development.

11

12 Chair Lauing: Ok, ok so this is not about a project. Ok.

13

14 Commissioner Alcheck: No, no. No, not at all. Just generally I'm curious if you wouldn't mind
15 sharing some insight there.

16

17 Mr. Ross: I'd be happy to. So the vast majority of our funding for these projects are tax credits
18 and it's actually 60 percent of the AMI is what is needed for tax credits. Anything above that
19 does not qualify. So that makes up the bulk of our funding for a project and essentially the way
20 that works is huge banks have a big tax liability and that's offset through something that's

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1 allowed in the code, tax code by virtue of buying these tax credits. So they infuse our project
2 with a lot of capital. It doesn't cover the full cost of the project so there's still a remaining gap
3 and that's where we usually go to the cities, counties, and so forth to fill that remaining gap. So
4 that's kind of in a nutshell if that helps.

5

6 Commissioner Alcheck: Is your... I mean do... does your... do you guys share information on sort
7 of your abilities to provide housing? I mean is there... is it... do you share with the public in
8 essence whether you can build 100 units a year or like what? It doesn't seem like there's a lot
9 of competition so I'm just curious to know if there is.

10

11 Mr. Ross: So I think locally there isn't as much competition because of the Palo Alto Process
12 being as difficult as it is, but there is certainly a lot of Bay Area nonprofit developers. There's
13 BRIDGE Housing, there's Eden, there's MidPen and they're pretty competitive. They haven't
14 been super active here. I think it was Eden Housing built the last one?

15

16 Commissioner Alcheck: Yeah.

17

18 Mr. Ross: That was a while back.

19

20 Commissioner Alcheck: Ok, thank you.

-
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Mr. Ross: Sure.

Commissioner Alcheck: I mean if anybody else has questions for him I'd be happy to do my comments after that.

Chair Lauing: Ok, there's one other question from Commissioner **Note-Vice-Chair** Monk, but again we don't want to get into a big dialogue here so go ahead.

Vice-Chair Monk: Can you let us know what the outcome would be in terms of if this if we don't pass this ordinance tonight what impact will that be to this project and other projects going forward? What are your alternatives?

Chair Lauing: There is no project.

Vice-Chair Monk: Or well, fine. To developing a hundred percent affordable in Palo Alto if this doesn't go forward? Is there a chance? What's the percent, what's the likelihood of us being able to develop affordable housing if this doesn't go forward?

Mr. Ross: So for this site there would be none.

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Vice-Chair Monk: So in general?

Chair Lauing: There is no site.

Vice-Chair Monk: In general.

Mr. Ross: There isn't a site. We haven't identified a site in the City limits in a long time. We've had brokers approach us with other sites that we would feel are viable, but they have existing retail and because of that we are not willing to explore that further.

Vice-Chair Monk: Thank you.

Chair Lauing: Ok. Ok, go ahead.

Commissioner Summa: Just curious what range of low income in terms of percentage of AMI do your housing sites in Palo Alto serve?

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1 Mr. Ross: It really varies, but by and large it's 30 to 60 percent so that we are able to get tax
2 credits. We also administer the BMR program which hits some of those higher ranges. So we
3 pretty much cover the full spectrum inside of what's considered affordable.

4

5 Commissioner Summa: Ok, thank you.

6

7 Chair Lauing: Thank you. Oh, I'm sorry. I'm sorry there's one more from Commissioner Gardias.

8

9 Commissioner Gardias: Thank you. I had my light on so.

10

11 Chair Lauing: Yeah, thanks for the assist Commissioner Waldfogel. Ok.

12

13 Commissioner Gardias: So just going back to the question that Commissioner Alcheck asked,
14 right? Because there was an article in New York Times which I shared a link to with the
15 Commission a couple of weeks ago about propensity to develop affordable housing by
16 corporations like yourself, nonprofit corporations. So the argument was that because of the
17 lower tax rates now it will be pretty much impossible to build BMR because there would be no
18 incentive for the developers. Could you just walk us through it? What is truly **the rationale**
19 **after the Tax reform?**

20

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1 Mr. Ross: Sure, so the feedback that we've been getting prior to this recent tax code change is
2 that we were getting a dollar per tax credit so that ends up being more money. Right now
3 we're pricing it at about ninety five cents. The big banks have a community requirement that
4 they engage in this sort of tax credit program essentially. So there's still a big demand because
5 there are these big banks that are big players in the Bay Area so they're still interested. They're
6 still investors in the tax credit program. So it hasn't died, it hasn't... it's diminished slightly.

7

8 Commissioner Gardias: So just taking your comments at face value pretty much the profit or the
9 attractiveness to the banks is lowered by 5 percent, 5 percentage points. Is this right?

10

11 Mr. Ross: Roughly I guess, yeah. It's not like that direct. It's a little bit more complicated.

12

13 Commissioner Gardias: Ok and I think that attractiveness of the BMR units for the banks was
14 talking about 20 around 20 percent of the return on the dollar. Is this correct?

15

16 Chair Lauing: Good.

17

18 Mr. Ross: Sorry, I don't know.

19

20 [Unintelligible-Crosstalk]

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Chair Lauing: Ok, Commissioner Riggs.

[City Attorney?]: Mr. Chair, I feel a little uncomfortable with the direction of this discussion so I am going to suggest we move on.

Chair Lauing: Understood.

[City Attorney]: Thanks.

Chair Lauing: Yep. So this is not intended to be a dialogue so. Is your light on still? I'm sorry, go ahead. Sure. Go ahead.

Commissioner Alcheck: Ok, first I want to thank Mr. Levy for joining us tonight and sharing the League of Palo Alto Woman's Voters. I want to talk sort of broadly about the what's before us and then get a little bit specific.

In the letter that Mr. Levy sent us he put it eloquently when he said that all the projects that become feasible under this ordinance still need to apply for a specific site and go through the PTC and Council approval process for the opportunity of being reviewed. And I am supportive

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1 of this ordinance, but I also want to just highlight that this is a great idea, but its execution it
2 could be considered problematic because it just creates a little bit more process. So instead of
3 simply designing a project under the zoning that is applicable a perspective developer would
4 have to first ascertain whether or not they that site would be approved by the sort of
5 Commission and Council and numerous and reviews. And so what that does is it kind of
6 bifurcates this process. You actually have to apply I guess... would be appropriate to say would
7 be like a zoning map change? Yeah, so you have to go through a zoning map change, right?
8 And if the site wasn't owned by a non for profit developer then they would have to in theory tie
9 up the site, pursue as zoning map amendment, theoretically now be eligible for these new
10 criteria then presumably design a project maybe, they had a concept then they spend the and
11 then go through the process to make sure that the ARB, the PTC, and the Council is willing to
12 accept what new exceptions to the rules they've just designed.

13
14 I don't know if you guys watched the meeting on Monday night? I did. The elephant in the
15 room is this concept of Not In My Back Yard (NIMBY)-ism that's a problem that every
16 community in the Bay Area is dealing with. I characterize it as local resistance to housing
17 development and I just want to say this is a politically rational problem, right? It's not
18 irrational. The opponents of house building of housing development building are far more
19 politically active, infinitely better organized than those who stand to gain from this new
20 affordable housing. In theory the planning process should mediate between these divergent

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1 interests, but in reality participation in the process is extremely asymmetrical. The typical
2 participant in a planning process is a well to do homeowner strongly averse to changes in their
3 surroundings, time rich, opinionated, and articulate. You won't hear voices tonight
4 unfortunately from low income renters, low income home desiring owners, nor will you hear
5 tonight from young adults who can't afford to move out of their parents' home let alone people
6 lingering on a social housing waiting list. This is a tug of war of sorts, but one in which one team
7 is not even grabbing their end of the rope.

8
9 And I say this because I will support this combining district, but I want us to be aware that it's a
10 well-intentioned idea that creates another process that I don't know will succeed at achieving
11 the goal. I hope it does. I think at this point the members of our community who are
12 interested in this will take whatever they can get and I'm happy to be a part of getting that for
13 them because I think it's good planning.

14
15 To get into specifics I absolutely agree that we should expand the scope of the district to
16 include the research park and general manufacturing districts. I can't see why we wouldn't
17 especially considering that each site would still need to be reviewed by the PTC and the City
18 Council. So what risk could there possibly be in allowing more sites to be eligible for more
19 review? That would be my first point.

20

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1 I think we should include language that allows flexibility regarding the one half mile distance
2 from transit. I think to be specific I think there is a paragraph in the staff report regarding sort
3 of an alternative I didn't quite understand it, page Packet Page 155. The standards that are
4 relaxed relative to the base commercial zoning standards this is the top of the page, last
5 sentence of the first paragraph: include lot coverage, usable open space, required parking at
6 maximum residential density the last of which would be eliminated in favor of a 50 foot height
7 limit and maximum residential FAR. I don't, I tried to read that like four times. I don't
8 understand what that sentence says. Before you clarify and I'm happy to have you clarify it, I
9 guess my and you can clarify it in response to this statement, my preference would be that we
10 do give our department greater flexibility to allow certain exceptions. On Monday night our
11 Council spoke in a round table that some could suggest was tense and there was this
12 acknowledgment of maybe we should increase the... there was this odd discussion about
13 increasing the ratio of affordable housing units in projects. And that discussion raised on the
14 minds of other Council Members the notion well would you... I mean if you're going to increase
15 that component of this would you consider flexibility with respect to height, density, and
16 parking because all of these elements are related. The costs that companies like Palo Alto
17 Housing Corps face are complex and every restriction, every restrict, every added requirement
18 requires an equal or greater amount of flexibility on a second component to make the project
19 again feasible. I'm scared that we are doing a lot of talking about this and not a lot of helping.
20 So I would encourage that that change be made as well.

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Finally, I couldn't agree more I think that the notion that these projects be able to waive some of the I believe retail requirements the I guess would be first floor retail requirements. When we first reviewed the retail, what's it called the Retail Preservation Ordinance one of our biggest questions was if you've got a retailer on the first floor and a housing developer comes in and wants to develop a mixed-use building above it and they start to utilize some of that first floor for access to the housing whether it's an elevator, a bike garage, a locker or a mailbox area does that cause a problem with the retail preservation ordinance because certain square feet of retail have now been lost and does it make the project infeasible. So I think a lot of flexibility should be provided and I'm not suggesting a lot of flexibility for market rate housing, we're talking about the like golden calf of BMR housing, 100 percent affordable project. This is not a for profit developer. This is a not for profit developer. So again, I don't think that these suggestions are extreme as they relate to this particular concept.

So anyways I'd like to applaud this effort on the part of staff. I think there are areas and you've suggested them, you even sort of invited us to discuss them and I think that the League of Women Voters did a good job of encouraging us to think about those things and I hope they do the same when it goes before Council. I think that it would be very prudent for us to move this item at the conclusion of tonight's discussion and I think this sort of flexibility may be the kind

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1 of the beginning of our experimentation with new options on how to encourage this sort of
2 housing.

3

4 Chair Lauing: Commissioner Waldfogel.

5

6 Commissioner Waldfogel: Thanks. First of all thanks, Graham for the presentation and the
7 work. It's always a pleasure to see that.

8

9 So have to I agree with several of the comments that my colleague Commissioner Alcheck just
10 made, but I may put a little different spin on a couple of them. I mean I think that creating a
11 framework for developing low income housing is an urgent priority and it's clearly not easy to
12 deliver low income and affordable housing in an area where land prices are as expensive as
13 they are here. I think they may be among the highest in the country. I will step back for one
14 second though and I'll say that when Commissioner Rosenblum, when former Commissioner
15 Rosenblum and I spent a few months on an ad hoc working on impact fees what we heard from
16 market rate developers over and over was that development standards weren't really their
17 issue. Their issue was Palo Alto process and I think we heard a few comments about that
18 tonight as well. That seems like something we should take head on, but I think it's off topic for
19 tonight. So I'll just put that out there.

20

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1 I do think we need to study this a little deeper. I think we've heard a bunch of different
2 numbers tonight. From Mr. Ross I think we heard targeting 30 to 60 percent of AMI for his
3 clients or for his, Palo Alto Housing's clients. I think that the ordinance in front of us goes up
4 120 percent of AMI. So there's a bit of a gap between those two groups. And what that leads
5 me to I'm just going to give you a list of things that I think we should study in more detail if we
6 really want this to work because the last thing I want to do is to proceed with something that
7 doesn't accomplish the goals.

8

9 So I think we it's a longish list. We need to study which household income groups that we are
10 prioritizing. I mean it could be 120, it could be I mean your chart does 75/50, it could be 30 to
11 60, but we just need some prioritization on what we're who we're going after. We also need
12 some ethnographic targets. Are we going after singles? Are we going after... are we try to
13 serve singles, families, working couples, seniors? I mean who are we really trying to help
14 because the unit mix and the amenities mix will be different for different target ethnographics.
15 So we again we need to understand that so that we're getting that right. I think some of that
16 will be up to the developers, but we have to create the right frameworks that the right things
17 can happen.

18

19 I think that several people have alluded to the question of economic models and I think we
20 need to study, I think we need a study session on affordability. I mean at the end of the day we

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1 have to find a way to deliver units in the \$250,000 to \$500,000 per unit unit cost to achieve the
2 affordability targets. And I think we need to know how do the knobs work? Is it the land cost,
3 is it zoning, is it interest rates, is it tax credits or tax codes? Is it parking, is it retail? Does an
4 overlay work if it's competing with a market rate base zoning? I mean we just we really need to
5 understand these things. See how the knobs work and really we have to do that in the light of
6 day in a public session.

7

8 On the design side I think we need a community discussion. I mean is a zero set back 50 foot
9 height the right answer? Does that address... the is that needed for the goals that we're setting
10 out? I think that we need to run some kind of sure [unintelligible] with massing studies and
11 look at context in the different districts. I mean it could be that 50 foot to lot line is the right
12 answer from a massing standpoint; could be in some districts that lower front or rear heights
13 and some stepped heights are the right answer. I'm not going to speculate about what the
14 right answer is, but I think we need to we'd need to look at this and look at this in some visual
15 way.

16

17 On the retail component again I think this is district specific. There's context in different
18 districts. If this happens in the Cal Ave. district where there's a retail pattern that would be a
19 different context then if it's happening on El Camino where there may be a less predominant
20 retail pattern. So I think we'd just have to look at this district by district rather than saying hey

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1 this is purely discretionary and we have to understand the impact of retail on the economic
2 models. You know RP and GM zone again we should just look at district applicability. I think
3 those are all good ideas, but we need to look at the maps and look at how this happens.

4

5 Finally, this is question of pilots. I mean it sounds like this the impetus for this is enabling one
6 project that we can't speak of because we don't actually know anything about... at least those
7 of us here on the dais don't know anything about the specific project. We've heard some
8 speculative comments from Mr. Ross that this probably wouldn't enable other projects for Palo
9 Alto Housing because they wouldn't go because even with this they wouldn't go after new
10 parcels or they wouldn't even repeat the acquisition of a parcel they own. So if that's true we
11 really have to understand what kind of pilot are we running? I mean is this a real pilot and if it's
12 a pilot how do we collect the data? I mean is a citywide ordinance the best way to run a pilot?
13 We had this debate at our last meeting I don't think we should reiterate it.

14
15 So those are my comments. I have a I'll have a more concrete proposal to make on what we
16 should do about those things after other people have a chance to speak.

17
18 Chair Lauing: Commissioner Summa.

19

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1 Commissioner Summa: Thank you and thank you for coming tonight members of the public and
2 for all the letters we got and for staff report. And it's really great to see is making some
3 progress on affordable housing. It was a very big in this Comp Plan process it was a big priority
4 and it's a priority for the Council.

5

6 So I agree with some of my colleagues' comments. I agree that one of the groups we haven't
7 heard from are the people that live in affordable housing in Palo Alto and that want to live in
8 affordable housing and that's really missing for me. I agree with Commissioner Waldfoegel's
9 comments because this staff report to me was vague and didn't have enough data to really
10 understand what we're doing and I have some of the concerns about impacts of that. And I
11 would think we would want to actually encourage the very low end not housing above the area
12 median because I think with the housing prices as they, with the rental prices as they are that
13 once you get up to a certain level it's going to be basically like at 120 AMI it's going to be
14 basically market rate. So and I think we also need very clearly to identify the size. The number
15 of bedrooms is not clearly indicated, are we talking studios and one bedrooms only? Are we
16 talking about family housing? Those things all make a difference.

17
18 And I have we have a lot of letters from people that are gravely concerned about impacts of
19 and I think one of the problems that we face I think is that if we make this the imp... the
20 negative impacts and I think those would largely be development standards most particularly

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1 height and parking space numbers. I worry that we're going to make these proposals
2 unpopular in the community and that there'll be a lot of resistance to them. So I think we have
3 to find a formula that really encourages these developments to become part of the community
4 they're in and that doesn't, won't so it won't create a sense of opposition and once a building is
5 in that creates a lot of negative impacts. Are these people going to feel free to be welcoming to
6 their neighbors? And that's a big thing for me, community is a big thing.

7

8 So I have a lot of more specific ideas, but I think that we need to be very sensitive with retail
9 retention because there are places where it will be retained the most is Downtown and Cal Ave.
10 and those are the places that need it the least in some sense. It's stretches of El Camino where
11 there's very long distance for people to pop out and get a quart of milk. So I think we need to
12 be careful not to exacerbate that. I'm very sensitive the fact that Baron Park and Ventura
13 residents their downtown is El Camino along their neighborhood zone. So those are some of
14 my initial concerns and I'll stop there for now.

15

16 Chair Lauing: Commissioner Riggs.

17

18 Commissioner Riggs: Thanks. It's Graham, right? Yeah, you did a really nice job and so thanks
19 for your great presentation. I think generally I'll just I want to keep my I mean I... I think this is
20 generally I think [applaud] City staff in terms of trying to hit income levels of all across the

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1 spectrum. I think that's important. I think it's consistent with the general plan and this is a
2 pretty standard tool and the literature would say this is a pretty standard tool that works. This
3 is not, this actually can promote affordable housing and has actually been done other places,
4 but I so just to the two discussion items that I think were on your final your penultimate slide
5 the one I think that expanding the research park and general manufacturing as a tool, an arrow
6 in the quiver given that this is an overlay I don't see any issues with that. So I would support
7 that your recommendation staff.

8
9 I actually have two questions now. Your second discussion point I didn't actually understand
10 the point so if there is something that we need to discuss maybe if you can just make that more
11 clear. You can that's let's deal with that second though. But you're one thing that is not
12 mentioned there I think that Mr. Levy alluded to was the transit distance flexibility. And one
13 concern I have about the staff report and one concern I have about this ordinance in particular
14 is the reliance on the state [H] high capacity transit corridor definition which I believe firmly is
15 evolving and changing and the state policy is not keeping up with what exactly is a high capacity
16 transit corridor.

17
18 So I guess the key [unintelligible] question there so this is I guess first question we can maybe
19 clarify what you need from us on your other bullet there. I think there's sites that may be
20 eligible based on different types of access and particularly if we talk about bikes and new forms

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1 and shared mobility and micro transit particularly going forward so A) has/have you thought
2 about ways that we might reframe the state definition? And if not, if that's too difficult, is
3 there a way that we could put it an evaluation trigger like that just says like in five years we will
4 evaluate the efficacy of these high capacity corridors? Because I candidly given the state of our
5 transit systems I think in three to five years we're going to see a very different transit pattern
6 and so I think that we might want to if we're kind of thinking future forward here we might
7 want to really consider some maybe some a long term way of thinking about transit differently.
8 So I guess it have you thought about that and if not is there would you suggest something along
9 those lines?

10

11 Mr. Owen: Sure, I'll get to your first point about height first and then I'll go to the second about
12 transit. Regarding the 50 foot limit so we do have sites throughout the City and across a
13 number of different zones where we have housing inventory sites. So these are sites that were
14 identified during the Housing Element update I think back in 2013 or 20014. They're identified
15 as areas that were primed for redevelopment and would we would want to see housing that
16 would help us reach our fair share allocation.

17

18 Commissioner Riggs: So this was just a consistency point then is that correct?

19

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1 Mr. Owen: So this is a Comprehensive Plan policy that encourages essentially even more
2 flexibility than what we're proposing by allowing a limited instance of exceptions for height.
3 And right now the policy only indicates I think it says a quarter mile from fixed rail stations. So
4 that policy is a little bit more specific than what we're proposing with our ordinance. To your
5 second question about transit kind of transit proximity (interrupted)

6
7 Commissioner Riggs: Before we go there can I just ask a question back to you though? But the
8 they're not incompatible, they're just layered, right?

9
10 Mr. Owen: Not at all, yeah.

11
12 Commissioner Riggs: Yeah. Ok.

13
14 Commissioner Riggs: I think that they would be consistent with one with the other. In terms of
15 transit proximity we in kind of constructing the ordinance we referred back to the state code
16 because we actually do that already in the residential density bonus section of our code which
17 is 1815 and this also gets back to parking where you have the residential density bonus allows
18 for exceptions and flexibility or not flexibility, relaxed standards for parking when you're in
19 transit oriented projects and it talks in a couple of different ways about being next to fixed rail
20 and then in some cases next to fixed bus service. And I think it says eight times a day it needs

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1 to have a service interval of eight times a day. So getting to your point which is that the state
2 may change their definition they very well may be and if the if the Planning Commission wanted
3 to suggest a different way of going about defining both the area that we're looking at and then
4 also how we construct it I think that's certainly within your purview.

5

6 Chair Lauing: Are there no... oh, Commissioner Gardias.

7

8 Commissioner Gardias: Thank you. So I think that the last thing that I would like to see is an
9 ordinance that would bring no real affordable development. We probably would get lots of
10 applause from the community, but if nothing is developed why really do this, right? So what I'd
11 like to propose and I heard the same concerns from my fellow Commissioners. If we have to do
12 it let's just do something that it's going to really work. And it's a good start. I believe that we
13 need to start looking at some and at the context of other changes that Council is proposing and
14 one of the bullet points on your presentation was this is one this is part of the package that's
15 coming up to us. But I would like to see put this in the broader context because there is a push
16 on the housing and I'd like to pretty much see how this is going to relate to some other changes
17 within different zones that were included in the colleagues, Council colleagues memo because
18 this would allow us to understand what's really if there is going to be a relaxation of the of
19 some limits within the zones which are identical zones that are part of this overlay would
20 affordable housing be still competing with the for profit, right? Because we're going to change

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1 both at the same time and then there will be relaxation of other zone limits then pretty much if
2 we're going to relax limits here for affordable housing the result on the affordable on additional
3 affordable housing would be zero. So that's my point. We, I'd like to understand this within the
4 context.

5

6 Also there is couple of other items that I would like to make a comment on. So there is a
7 proposal here to have a half a car per unit. I was advocating for allowing and I hope that we
8 can get this experiment in Palo Alto. I was advocating for allowing developers to build separate
9 parking structures underneath the housing and if I don't know if this ordinance could be a good
10 possibility, but I would propose to allow for profit parking being developed underneath of the
11 nonprofit housing. The reason is like this that I believe that there is still demand for the cars.
12 There was another article recently in New York Times it was about Southern California. I don't
13 know how it is in Northern California, but apparently the demand doesn't go down it's still
14 pretty much at this with the same rate how it was for many years. So if this is truly a trend
15 there needs to be of course place to store those cars. Would they be riding or not that's a
16 different story. So if there is an interest in the commercial development to truly build garages
17 and then either sell those spaces or rent those spaces then I would propose that we would
18 allow for a combination of for profit garages underneath of nonprofits housing development.

19

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1 Also there is another item that I'd like to see some sensitivity analysis because we are
2 proposing 50 feet height limit for all this for this overlay which I think it coincides with the
3 colleagues memo on the housing side I believe doesn't it? But I... you don't have to give me
4 answer, right? But if it does not I would like to understand I would like to see some sensitivity
5 analysis to see if we can retain the height which could be intrusive in some areas in proximity of
6 other zones that have 35 feet height or lower or different height and then but allow for the
7 denser development. So let's say allow for two and a half FAR within let's say 40 feet height.
8 I'd like to see how this would play. With this we would achieve the same number of units, but
9 then we would make a gesture to the adjacent zoning that has similar height.

10

11 Also I'm not feeling comfortable with the retail and Graham you responded within during your
12 presentation that that retail will be preserved in some key areas like California. So that make,
13 that made me feel more comfortable; however, I would like to understand more about this. I
14 don't believe that there should be I would like to understand where would those areas be
15 where this overlay would get the benefit of not building retail because we fought a battle for
16 preserving the retail. So now giving it up I really don't feel well that this would be the right
17 direction. So I would like to understand how many of the sites would be just if we can get some
18 sample and understanding what we would be giving away. Maybe there is not much of it. So
19 that's my question.

20

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1 Also in terms of the process I think that just in terms of just putting what we would need to do
2 we would need to just put it at par with the commercial development and or for profit
3 development and then pretty much allow for those to compete on as many [unintelligible]
4 equal basis as they can compete against each other and then pretty much I think that this
5 ordinance should just say that if there is a nonprofit housing there would be no consideration of
6 zone change, right? Pretty much if they are if they can buy the land for the development and
7 then would buy the land when competing with the commercial development or for profit
8 development then pretty much if it's within the certain zones it would be automatically
9 becoming this overly. I don't really think that there needs to be a process. If we just dictate the
10 criteria if they meet the criteria they should just buy the land just save time to Council, us, and
11 everybody else and then just proceed with the development. Thank you.

12

13 Chair Lauing: Ok, I'll jump in next. And I think we concluded I think it was Commissioner
14 Summa commented that when we did a brief review of the Comprehensive Plan process this
15 Commission was unanimously supportive of affordable housing. And as a segment of the most
16 important priority in this town affordable housing is it. So I don't think there's any question
17 about that. The question is how do we get there. So I in general I believe that issues like this
18 should come first to PTC as a study session so we ask questions like this then we can go back
19 and get more information, maybe get some residents and developers needs sorted out and it's
20 just really hard to do that in one night.

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2 So here's some gaps that I see that I think that need to be plugged and there's and some of it is
3 data oriented, but three of them what I've just sort of categorized as I thought through this for
4 the last week are sort of big cart before the horse issues. One of those is definitely public input
5 and debate. I'm quite impressed with the articulate letters that came from the Ventura district.
6 Basically they said in one letter what's the hurry? 50 foot buildings are going to be up there for
7 decades so why are we rushing through this in one night? One gentleman said that he'd only
8 heard about this he was chair of the commission the community there and I can't remember his
9 title. But he only heard about it like three days ago so they've had no time to react. Another
10 one said how's the 22 bus defined as a high quality transit corridor? Maybe those are going to
11 improve over time as other things do so... And another one said the North Ventura Area Plan is
12 basically getting under way just now which is the strategic plan for the area, but before that can
13 even start you're going to put this major zoning in here and what it seems like out of phase.
14 And so I'm sympathetic to those and I don't know why we wouldn't want to have more
15 substantive input from that community or any other one, but since this sort of stealth project
16 impacts that community naturally they're more concerned about that.

17

18 I've been concerned since the get go that the proposed ordinance right now doesn't have
19 developer metrics. We want these developments to go in. We want people to come here and
20 build this affordable housing, but I'd like to hear what's the range from two or three developers

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1 that make sense for you, what pencils out and what doesn't so that we can help them do that
2 building. There was another letter that came in that showed a proposal from a very
3 experienced developer of these projects that happened to be in front of the Belmont City
4 Council with a great PowerPoint. Just an example of a developer that we could go talk with, sit
5 down with, and just say what's it take because we want to help there. And some of them are
6 going to be at 50 percent AMI and some are going to be at 120 percent and that's a huge
7 difference in terms of the impact that some of the other colleagues have commented on in
8 terms of the segments.

9

10 And the third one that I think is sort of a cart before the horse I think it was Commissioner
11 Gardias just touched on that so I'll be brief, but is parking. So staff proposes in the work plan in
12 1.11 "completion of data regarding parking demand for different housing types and locations in
13 Palo Alto" which is admirable, absolutely needs to be done, but it's not. So we don't have that
14 data relative to Palo Alto. The in the absence of that data I think it is incumbent upon us to be
15 conservative, to not take massive risks because of the studies that show that people aren't
16 getting out of their cars. At Council Monday night one Council Member quoted a new study in
17 Silicon Valley. I can't remember who did it, but the people are just not getting out of their cars
18 yet and we can't predict when they will. So we just have to do parking that makes sense now.
19 Certainly some of those people are going to be taking transit to work absolutely, but regardless
20 of the number of people that do it if it's 50 percent that doesn't mean that 80 percent of them

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1 still want a car when they're not commuting so they can go see mom in a different town or take
2 a trip somewhere else they particularly three, four people in a family are going to have a car.
3 So I think that the 0.5 is I think that for where we are right now and what we know that's a
4 nonstarter.

5

6 A couple more minor questions beyond those three major ones. I think that flexibility in
7 general on all this is very good, we have to be. That includes retail. I think it makes some sense
8 if retail becomes a go/no go variable in building a project that ought to take a close look
9 because if we're for example, I'll make an easy case here. If we're shutting down a big project
10 because we only have room for 5,000, 2,000 square feet of retail instead of 5,000 that should
11 definitely go to City Council and they should make a choice on that. We don't want to make it
12 simplistic so that anybody can just change at any time so one tactic could be that we could
13 require a two-thirds vote of Council to make a shift in that just so that it's not precipitous.

14

15 Stanford Research Park (SRP) I think should definitely be included. Stanford I think needs to
16 step up as they grow their workforce and do some self-service of their housing needs for these
17 kinds of segments. And I think a lot of the workers that are employed now and increasingly are
18 pouring in on 280 and Page Mill Road and they should be encouraged to put up these kinds of
19 things. I have a bit of a different question about the GM district because I'm not sure that

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1 there's enough high quality transportation there and I'm not sure that basic resident services
2 are going to be attracted to build there. It's kind of an out, out of the way area.

3
4 So again I think this is a top priority. I think this ordinance it could be substantially good. I just
5 feel uncomfortable that we don't... we're not making an informed enough decision if we're
6 going to vote on this tonight and we're not informing the public in the areas that are being
7 impacted on it. So that's my concern at this point. **Vice-Chair** Monk.

8
9 Vice-Chair Monk: There wasn't a discussion of the Regional Housing Needs Allocation (RHNA)
10 requirements in here. Is there a reason for that or is that not applicable? Can you speak to
11 that? The RHNA requirements? And the reason why I'm asking is because we are fairly behind
12 on our housing obligation in general and so this would also go to that, wouldn't it?

13
14 Jonathan Lait, Assistant Director: Well the entitlement of units certainly would go towards
15 supporting our RHNA obligation. Yeah, I mean I'm not quite sure how to respond to it. I mean I
16 think what we're trying to accomplish here (interrupted)

17
18 Vice-Chair Monk: I just want to basically confirm that we're behind on our RHNA obligation if
19 you can just remind us because it wasn't included in here what that obligation is and how we're
20 behind on it.

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1

2 Mr. Lait: Yeah, I don't have the I mean I can pull it up, but I don't have the numbers off the top
3 of my head. But in some areas we are... we have a set target. We're moving toward it. For you
4 know... HCD has recently evaluated all cities and counties in the State of California Under SB 35
5 to find out areas of deficiency and establish streamlining requirements. For Palo Alto we have
6 only one income category where streamlining projects will apply and that's where for or 50
7 percent of the projects are for affordable housing, but not for the lower income units. So we
8 can pull those numbers, but yeah I mean everything that we're talking about here is trying to
9 advance the interests of providing more affordable housing not just to meet RHNA, but also the
10 understood need in the deficient the deficiencies that we have in the community. I'm there's a
11 lot that's been communicated and we need to probably re-strategize how we approach this,
12 but I'm also wondering if there's not a... we've heard a lot of similar themes and I'm just trying
13 to think here if there is not a more narrow ordinance that we are able to carve out at some
14 point and then have this more extended conversation and I'm not looking for an answer on that
15 now I'm just trying to understand how we move forward on this because some of the requested
16 analysis is going to take funding and getting data from... So.

17

18 Vice-Chair Monk: Yeah so I think that what this is doing is opening up that opportunity to bring
19 this to Council and Council can provide input on what the ordinance should look like based on
20 all the feedback that we've provided here tonight. I think there's enough information that

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1 we've given Council to look at what is before them and take what we've said to craft it in a way
2 that's going to be meaningful there will be an opportunity for a public debate, a public hearing.
3 By us not passing it today we'll just delay what is so important to our community and will stunt
4 our own goals that we've set forth. So I just have a few more things to say on that.

5
6 I'm actually disappointed at the sentiments that I'm hearing on this Commission because this
7 summer we talked about our Comp Plan and this Commission every single one of us here that
8 was on the Commission talked about affordable housing and making a priority. And here we
9 have a chance to do that and it doesn't sound like it's going to happen tonight. Maybe I'm
10 reading it wrong, but that's how I'm hearing it and I'm extremely disappointed to have that as a
11 possible reality.

12
13 What I'd like to say is that I am recalling that not only this Council, but our prior Council, our
14 Comp Plan, this Commission, our community all supports affordable housing. Any housing that
15 you put in this community is going to have an impact to the neighborhood. It's adding people,
16 it's adding a structure. That's what it's doing. That's the whole point of it. There are people
17 that need housing and that's what this ordinance is attempting to address. Is it perfect? No,
18 but it can get worked out. I'm embarrassed at how far behind we are on our housing
19 obligation. I'd be embarrassed if this Commission doesn't move forward on this proposal
20 tonight and our Council does. We would not be consistent with our community; we will not be

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1 consistent with prior Council, current Council, and our own Comp Plan discussion if we don't
2 move forward with this ordinance tonight.

3
4 Just last week on the news I saw I think it was in Alameda 100 percent affordable project going
5 up. All over the area that we live in affordable housing projects are going up. We heard tonight
6 and I got confirmation from Danny when I asked about the impact if this doesn't move forward
7 to our affordable housing stock and he said there will be no development if this doesn't move
8 forward. So something has to move forward tonight and get advanced to Council in order for
9 affordable housing to become a reality.

10
11 I think that everything could be studied further, but I don't think that that's something that
12 should delay this going to Council in any capacity. And with all due respect to the Chair this is
13 the answer to the question on how to get there. This is a start. I don't think that's an issue.
14 Staff came to us with this proposal because staff believes this is the best solution to get
15 affordable housing moving forward and I commend the report and the presentation tonight
16 and I think that it's something that needs to move forward. Along those lines I would say that I
17 would support fellow Commissioners in expanding the zoning to the research park and the
18 general manufacturing. I would also encourage Council to consider increasing FAR in the
19 Downtown and Cal Ave. areas. We have a Hotel President which is Downtown it's I think a 75
20 feet tall, the FAR is 6.0. When was that built 100 years ago? I don't know. So we have some

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1 firm policies that are in place that are inconsistent with what's been done in the past in this
2 community and we need to look at other existing structures.

3
4 And I think we should push through the height limit in order to effectuate affordable housing
5 especially if there's a retail requirement. And on that note I would say I don't support the retail
6 requirement if it will be an impediment to affordable housing being developed. I'm wondering
7 if Council could consider sites like Anthropologie or North Face to see if housing could be added
8 above. I don't know how this would relay into that. And I also think Council should look at
9 reduced parking requirements when they're looking at these projects.

10
11 This proposal that staff is suggesting us to us to advance is advancing City priorities and
12 Commissioner Waldfoegel did put it very succinctly in stating that we do need to create a
13 framework for delivering low income housing as a priority. And while I agree that there are
14 many unknowns and that additional study would be wonderful I don't know that it's necessary
15 for us to move forward tonight on something going forward to Council. The message has been
16 sent, it's been very clear to us that this is a huge priority for our City and for Council and I would
17 really encourage this Commission to consider advancing this forward. Thank you.

18
19 Chair Lauing: Commissioner Riggs.

20

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1 Commissioner Riggs: Thank you, Chair. I just wanted to respond to a couple things that were
2 said. There the this overlay zone is I it feels like it's being characterized as something that is
3 quite unusual or novel and it's I would characterize it in the words bread and butter. It's pretty
4 simple and I'm... Mr. Chair I really I respect the concerns you listed down, but some of the
5 reasons why you actually have some of the aggressive targets listed in the ordinance are you're
6 setting up performance standards for the type of development you expect. We can't dictate
7 the market. I mean and I firmly believe like yes we can set things up from an overlay
8 standpoint, but we can't actually force our development colleagues to actually to get there.
9 That's actually not the role of market rate housing. Now if we're talking a 100 percent
10 affordable that the City's a sponsor of that's a different scenario.

11

12 But one of the things that I think is really important that we understand about a really the
13 simple overlay is that some of the aggressive targets that are in there are to set a standard for
14 what type of development we will accept and what type of behavior will be induced based on
15 those. And I'm not familiar with some of what was what report was cited at the Commission or
16 the Council yesterday, but I don't know that that's the case for these type of projects where
17 there are delineated performance standards. So I it sounds to me like there's some other
18 statements that are floating around that may be being used to cast this really simple additional
19 tool the developers and affordable housing advocates can use to do their projects in a poor
20 light and I think that's why I again I think this is a pretty standard tool in the City planning tool

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1 box. It's just that and so I wouldn't and I don't think it's unfortunately use the word stealth and
2 I don't think this is sneaky in anyway. It's pretty standard.

3

4 Chair Lauing: Let's see it was Commissioner Waldfogel.

5

6 MOTION #1

7

8 Commissioner Waldfogel: Ok, a couple comments. I'm actually ready to make a Motion too,
9 but I want to make some comments. I think we heard from Mr. Ross that even with this
10 ordinance that there are not a lot of other affordable projects in the wings, that there are just
11 other impediments. So I think that the comments that this is necessary are possibly premature.
12 So here's what I'd say, I want to get to an ordinance that will work, that will actually produce
13 units as quickly as possible. Former Mayor Scharff said on Monday night and I'm probably
14 misquoting him that we shouldn't zone based on wishful thinking and I have some fears that
15 there's a little bit of that going on tonight with this discussion. So I believe what we need is an
16 ad hoc committee, possibly joint with the ARB to [unintelligible] to with a couple of goals, a
17 principle one to determine the real obstacles to affordable development. I mean are the
18 impediments around development standards or are the impediments around process? I mean
19 where the real obstacles? Let's figure this out. Let's get public input from affordable housing
20 developers, architects, planners, engineers, builders. I mean this may be known to people who

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1 live in the planning community. It's not known to the people to those of us on the dais tonight
2 because it's not in the staff report. We don't have any access to those financial models or to
3 those real impediments.

4
5 So what I would recommend doing I would my Motion is to continue this item to the May 30,
6 2018, meeting and establish an ad hoc committee to study what will actually work, what will
7 actually produce units, and to make a recommendation back to us. And if this happens to be
8 what will work then fine, but that's that premise has not been established through the staff
9 report or through anything else that we've heard tonight.

10

11 SECOND

12

13 Chair Lauing: Ok that's a Motion then. Is there a second for that? Commissioner Summa
14 seconds. Did you want to speak any further Commissioner Waldfogel first?

15

16 Commissioner Waldfogel: Sure.

17

18 Chair Lauing: Did you want to keep speaking further?

19

20 Commissioner Waldfogel: No, I spoke to it.

-
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Chair Lauing: You're... ok, yeah. Commissioner Summa.

Commissioner Summa: Yes, I seconded that because I mean I haven't even gotten into many of my very specific concerns, but I think the development standards here weren't thought out well enough with regards to the negative impacts for adjacent low residents, low density residential zones. And for me the sort of transitional height limitations that we have baked into the code right now that say when you're near a low residential density zone you have to for a certain distance you have to be down at 35 feet of residential zone. I think that the parking requirements seem 0.5 just I understand that some state density projects can be that low, but in our January 31st packet we had real data on 801 Alma and what their usage rates were and adjacent cities that were much higher than that. And it is my observation that we want to create full communities not islands of people who have fewer amenities and less flexibility in their lives because of the kind of housing they're forced to take. I so I don't understand where that 0.5 number is really relevant based on the information we had in our last packet. I would like I just don't think we can go forward successfully with a overlay zone which of course overlay zones are common or combining districts that's not a problem, but one that puts such a negative impact burden on its neighbors.

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1 I also worry about as I've said this many times before; I think we talk about Caltrain like it has
2 endless capacity. It's at capacity now at commute hours and electrification is only projected to
3 increase capacity by one train each direction every hour which is not sufficient for all the
4 growth that we're contemplating especially Stanford growth and is inconsistent with a regional
5 plan for the Caltrain that would forecast the growth the capacity all up and down the corridor.
6 Staff mentioned Marguerite, Marguerite is a wonderful system. Stanford does it right. I wish
7 they would expand it to serve the whole City all the time, but it's very limited. For instance, the
8 one that goes from the Downtown Caltrain station to the research park only goes one direction
9 in the morning and one direction in the afternoon to get commuters to the research park. So
10 that's just an example, it just doesn't serve the whole City. We just lost the possibility of having
11 Bus Rapid Transit (BRT) because that was killed.

12
13 So I think if these developments standards were tightened so that this would be well received
14 by communities and it's mostly that height, the parking, and the transitional height that we
15 have in the code now within four... and there are sites that would be that that wouldn't apply to
16 because there are already next door to a Planned Community (PC) or a 50 foot existing building.
17 I would I think it should we should really know who we want to live in here and what they feel
18 about it. So I [know] I don't think it's ready yet either. I think we need more information. I'd
19 like to explore more kinds of housing options, affordable housing options that are being
20 pursued around the region. I just read about two very small housing projects, 100 percent

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1 affordable in Belmont, that are being proposed by a Southern California company called Link I
2 think housing. So those are some of my reservations about jumping ahead with this and in
3 general I always I don't think it's a very good idea to produce a citywide to the extent that this is
4 citywide which it is for C zones an overlay that we don't expect to produce much in the way of
5 other housing as the gentleman from the Housing Corporation said that just enables one
6 project. There should be a better way to enable one project.

7

8 I was hoping the result of a CAC of the new Come plan might be that we would do two things:
9 consider a very flexible housing affordable housing zone designation where each one was
10 looked at individually, each zoning sort of like PC, but I don't want to say that because
11 everybody PC has been unpopular in Palo Alto, but that's what we might need for that kind of
12 to really fit each proposal into its specific location. And I also think we need a discussion about
13 expanding our RM-40. I'm not sure if it's RM-60, RM-80, RM-100, but we haven't had that
14 conversation. Those are the two kinds of zoning changes I was hoping would come out to
15 encourage affordable housing and also smaller units. So that's why I seconded Commissioner
16 Waldfoegel's Motion because I think gives us time, a little more time to do all of those things.

17

18 Chair Lauing: Are you completed? Ok, Commissioner Alcheck.

19

20 **SUBSTITUTE MOTION #1**

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1

2 Commissioner Alcheck: Thank you, Chair Lauing. At this time I'm going to make a Substitute
3 Motion after which if I get a second I'd like to speak to that Motion. The Substitute Motion is to
4 move that we find the proposed draft ordinance, excuse me, that we would recommend that
5 City Council approve the proposal that's before us with the following changes: that the scope
6 that they consider, I should say this: that they would Adopt the draft ordinance proposal before
7 us and consider expanding the scope to include the research park and the GM districts. Include
8 language that might add some flexibility regarding the proximity to the transit, the high quality
9 transit corridor. And allow some flexibility for the Planning Director to work with applicants
10 with respect to some of the restrictions related to retail and possibly height. That's the Motion
11 and if I get a second I'll speak to it.

12

13 SECOND

14

15 Commissioner Riggs: I'll second.

16

17 Chair Lauing: Second from Commissioner Riggs. It was a long Motion so let me just try to read
18 it just for clarity. Substitute Motion is that to move the staff recommendation and to have
19 staff, I'm sorry, have Council consider extending the scope to RM and GM district. I had to

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1 write fast here and allow flexibility by the Planning Director on issues such as retail and height
2 limitations.

3

4 Commissioner Alcheck: And include some language allowing and consider including some
5 language allowing flexibility regarding the distance from the transit corridors.

6

7 Chair Lauing: Ok, so add to that and distance from travel and distance from transit corridors.

8

9 Commissioner Alcheck: Ok, I'll speak to this Motion and I'm going to direct my comments really
10 directly to you Chair Lauing because I think you're the fourth vote that we need to move this
11 item forward. I'm going to try to answer some of the questions that I think you raised. I'm
12 going to try to talk about some facts, right? Here some facts. We heard from Palo Alto Housing
13 Corp and I'm sure the answer would be the same from Eden that to do a project 100 percent
14 affordable like this one they'd be targeting 30 to 60 percent AMI otherwise they wouldn't get
15 the tax credits. You asked a little bit about penciling out which is a term people use a lot when
16 they talk about for profit developers and I think in that meaning, under that sort of meaning
17 these projects don't "pencil out." There is no upside to this development. This is the sort of
18 thing that they're lucky if they can put it together and it's a Herculean effort to both qualify for
19 the 30 to 60 AMI credits and come up with the gap of funding required to develop to the
20 standards that we require in Palo Alto. The facts are that very few corporations have been able

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1 to do it. I shouldn't say corporations. I should say non for profit developers. Those are the
2 facts.

3

4 Another fact is that a little less than 6,500 residents out of the 60,000 plus rejected the last big
5 effort, Maybell housing, 60 something units in Barron Park. One of the comments was the
6 would be an island away from services. I don't feel like an island where I live for away from any
7 services. I don't think there's a corner, a dot, a square foot in the entire City that could be
8 described as too far away from the kinds of amenities that I live away from. I think what and I
9 don't know I highly doubt it's your intent, but I believe that the discomfort here is a discomfort
10 with something new as opposed to something problematic. And the delay tactic which I think
11 we're seeing in play here is exactly why the State of California is considering taking this sort of
12 control away from us. They don't trust our municipalities to make these decisions anymore and
13 they've tried already to take control way from us and they kind of succeeded and they're going
14 to come back. And they're going to do that because the voice demanding that we make room
15 for affordable housing residents is getting stronger. Not in this room because of the reasons I
16 mentioned to you earlier and the voices against it are quite strong. It only took 67, 6,400
17 hundred people out of 11,400 maybe that voted in 2013 it was I don't know if that's even 20
18 percent or 25 percent of our total Palo Alto population to tank Maybell.

19

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1 I want to say one more thing; the notion that this be expanded to the research park does not
2 necessarily mean that Stanford would be responsible or even involved in any kind of affordable
3 housing development. This idea just suggests that sites in question there could be available to
4 developers like the Palo Alto Housing Corp to propose developments. And then the last thing I
5 want to iterate here is that what we are actually pushing forward here is in is a combining
6 district that would still need to go through the Planning Commission and the City Council
7 processes for review to get a zoning map change before any project could be eligible for those
8 for these exceptions. So in addition so any potential reservations you might have about how
9 this would work I think should be alleviated by the fact that there is a two-step process here.
10 It's like two-step verification. It's probably that frustrating actually, it's like two step Apple
11 verifications. It's the worst thing ever, but it's there for our protection. So it's this is there for
12 your protection.

13

14 And lastly I would say that if anything even if this is half-baked which I would argue that that
15 assertion is wrong. I think that the Planning Department did not bring toward to this discussion
16 a half-baked proposal, but even if that was true moving this forward is symbolic and suggests
17 that we are ready to be experimental and flexible in pursuit of 100 percent affordable housing.
18 I don't think anybody would say that about 25 percent affordable housing unfortunately, but
19 it's impossible for me to believe that when this gets to City Council they will somehow reject it.
20 And if this Substitute Motion doesn't pass I will speak to a dissent that suggests that Council

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1 reject the Motion that we pass because they this is we need to send this message. So I hope
2 I've been persuasive. If my seconder wants to speak to the Motion I'd be happy to turn it over
3 to him.

4

5 Commissioner Riggs: I do. I mean I didn't second for the same dramatic reasons because I don't
6 find this so dramatic. I think this is very pragmatic policy. It may not solve all of the issues in
7 our community, but it's not just one lever that's going to solve housing in our community it's
8 multiple levels, levers working in concert. It's actually going to be a number of policies not just
9 one policy and that's why I think this is a standard practice that's been successful in concert
10 with many other things and I think it's just another tool that we can give to our development
11 community. And I'll there is the other thing I want to say is I'm really sensitive to the issues that
12 were I think that were expressed by a couple people on the dais about adjacent properties and
13 yet I want to underscore something that Commissioner Alcheck mentioned and that I think is
14 really important for us to keep in mind is that this these don't somehow become over the
15 counter projects just because there's an overlay zone. And I think it's important to keep that in
16 mind that it's somehow we don't lose the police power of what the City does and I think that's
17 why I think this is just the a standard and pragmatic thing to do. And that's why I seconded this.
18

19 Chair Lauing: I think Commissioner Gardias had his light on. Is that right or no? I might have
20 just not turned it off. I'm sorry.

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Commissioner Gardias: That's from the past.

Chair Lauing: Ok, I'll shut it off then.

Commissioner Gardias: Thank you.

Commissioner Riggs: Are we required to vote on this now? On the Substitute Motion and then we'll see if it carries?

Chair Lauing: I'm just... Yeah, well we're still... Yeah, that's exactly right. So the discussion is now on the Substitute Motion beyond the maker and the seconder so I'm going to shut off these lights right down in case anybody wants to speak to the Substitute. Commissioner Waldfogel.

Commissioner Waldfogel: Ok, the reason I don't [unintelligible] off. The reason I don't support the Substitute Motion is that we've had a history of trying things that don't work. I think you can point to our Accessory Dwelling Unit (ADU) ordinance as an example where it's produced what six of them over the last year? You know, a couple in the pipeline. I don't want to continue down the track of things that don't work. I want to get to things that work. If there

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1 are multiple levers let's understand that, let's figure that out, but let's not do something that
2 doesn't work. And I think 90 days is a reasonable amount of time to put together a study group
3 to figure out what actually works. I mean we heard when as I said before when working with
4 Commissioner Rosenblum on impact fees we heard over and over from developers that it was
5 process more than standards that were the impediment. I don't know if that's true for
6 affordable housing or if it's other factors, but doing something that may create one project is
7 not that exciting. Spending a couple months to do something that can create multiple projects
8 that's exciting.

9

10 Chair Lauing: Commissioner Summa is your light on? Go ahead.

11

12 Commissioner Summa: Yeah, I would agree with Commissioner Waldfogel and I just wanted to
13 mention a of couple things. You're asking people who may be people at a very low income level
14 who may have complicated lives with jobs all over the place that they have to drive to to not
15 have a car. And I I'm sure I don't I'm sure there's no one on the dais up here that doesn't have a
16 car. I mean probably most of us are in multiple car households. That doesn't mean we have to
17 use them every day and if you can commute another way it's fantastic and it's great. And this
18 isn't just creating one project it's creating an overlay for a potentially no projects or any or
19 there could be just projects that result at 120 percent of AMI. I don't think we're giving up our
20 police power as a City, but the maximum is too much here for some locations. The maximum

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1 height, the maximum reduction of parking places, I don't think that... I think we're asking a lot
2 of Ventura which hasn't even we haven't even contemplated the area plan.

3

4 I do not think fear is a motivation for most people in not wanting... I don't think people are
5 afraid of having neighbors in subsidized housing. I think they're simply afraid if it's going to have
6 a negative impact. And I don't know how it's fair not to contemplate the concerns of many
7 people who wrote us letters about this. So I could be very happy actually looking at a proposal
8 if we ever get to for a specific project for the site that the Palo Alto Housing Corporation has
9 and I would love that it would be 30 to 60 percent of AMI. I think that's the right thing to do,
10 but that's not what we're looking at tonight so I cannot support the Substitute Motion.

11

12 Chair Lauing: Ok, I'll comment on it. I appreciate the input from my colleagues on all sides. I
13 just want to clarify a couple points. My reference to the originally to the stealth project was
14 not that the ordinance was at all secret or the underlying, I'm just saying that we don't have a
15 project. But it's being talked about so that raises concerns in that Ventura district that frankly
16 for them would be easier if there was a project because there be something specific to look at.

17

18 So and in general I don't have any problem with the overlay or the ordinance in terms of the
19 structure of it. I really want to emphasize in contrast to, in turning to my Vice-Chair here that
20 affordable housing as I said at the beginning is the most important thing. And if this is not

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1 voted on tonight that doesn't mean that it's not the most important thing. So my concern has
2 just been to... and [unintelligible] and I like everybody else here wants it soon, but if soon is
3 now or we make a decision in even 60 days instead of 90 days that's not going to change the
4 world for this ordinance or for what needs to get done and it would be infused by more
5 information on what kind of business models could work from a variety of nonprofit
6 developers.

7

8 I could see at the end of that time frame... I'm not set on 90, I didn't make the Motion, but I
9 could see approving this whole thing as it is in my judgment with the exception of parking
10 which given our current situation and lack of data is a nonstarter. So I'm not in generally
11 opposed to any of this and I don't think that no decision tonight means that we're not in favor
12 of it completely in contrast to that. And this is not some sort of as I think Commissioner
13 Alcheck said delay tactics. It's not delay tactics for the sake of delay tactics. We're just trying to
14 get to a better decision that would have a bigger impact on the community and I'm I guess I'm
15 not convinced that 60-90 days from now that there's damage being done in that amount of
16 extra time of all of us dealing in and going forward. So that's my view. We're still talking about
17 the Substitute Motion and Commissioner Riggs.

18

19 Commissioner Riggs: Well, I just am would there be an option where we recommended to
20 Council that they consider... if parking is really your big concern would be an option where we

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1 recommend that the Council discuss and staff present different options for the parking along
2 for different parking scenarios alongside this ordinance with that particular issue. I mean I
3 really if that's the linchpin issue I to me it shouldn't override the broader picture of the
4 ordinance.

5

6 Chair Lauing: I think the question I don't want to get into [unintelligible], but the question I'm
7 putting on the table I guess is what's the harm in looking at this for 60 days to get more
8 information to make better decisions because even the segmentation analysis on cars isn't
9 there so that staff couldn't come up with that with it anyway. So I think the Commissioner
10 [Note-Vice-Chair] Monk was next.

11

12 Vice-Chair Monk: I actually have an opposing viewpoint as in what is the benefit. So I'd like to
13 throw this back to staff and ask you what's the likelihood and possible outcomes/alternatives
14 that we'll see if we do put together a citizen group. Is that even something that you anticipate
15 would happen? Because when we had our pre-meeting yesterday and I said what happens if
16 this doesn't go forward, what happens to the Wilton Court project that would house 61 new
17 neighbors at least because that's the number of units. So if you can address that I think that
18 would be illuminating for us.

19

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1 Mr. Lait: And your question is specifically how would we about the citizen group that we would
2 form (interrupted)

3
4 Vice-Chair Monk: What's the likelihood of that happening, what likely learnings are we going to
5 take away from it, are we going to come back to where we are tonight anyway, but just with
6 the delayed ordinance? Because in my viewpoint this is just an enabling ordinance to get things
7 moving forward especially with this one project and...

8
9 Mr. Lait: Yeah, I don't (interrupted)

10
11 Chair Lauing: Excuse me, just for clarification what's the citizen group? I didn't hear in the
12 Motion it was a citizen's group. I heard it was (interrupted)

13
14 Vice-Chair Monk: I thought Commissioner Waldfogel proposed an ad hoc.

15
16 Chair Lauing: I thought it was Commissioners talking to developers and staff and things like
17 that. Was that correct?

18
19 Vice-Chair Monk: Right and also is there any harm in advancing our Motion tonight and
20 concurrently studying other alternatives and the other levers?

-
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Mr. Lait: Well, I mean I think that's I have a perspective on that and after this Substitute Motion is made I'd like to have an opportunity to just offer some comments, but I think that's sort of the dialogue that the Commission is having relative to the ordinance. I think there's many paths forward.

Vice-Chair Monk: Like what?

Mr. Lait: Well.

Vice-Chair Monk: I asked Commissioner, I asked Director Gitelman yesterday and she had no response. So I don't this is a I don't know where we would go from here to be honest with you and no one's advancing any other ideas. It's all theoretical so (interrupted)

Mr. Lait: So I (interrupted)

Vice-Chair Monk: I'm under the impression if it doesn't move forward then we're at a real impasse into developing affordable housing. Am I mistaken in that belief?

Mr. Lait: Well...

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Vice-Chair Monk: I would suspect that staff did as much due diligence as it could in bringing this forward and addressing this this issue.

Mr. Lait: Yeah, you just you're kind of forcing me to make my comments before I wanted to make them is all. But I can launch into them if you (interrupted)

Chair Lauing: Well, I guess I don't understand that question and why it's being put to staff. I mean there are all kinds of options as he said and we can look at them. I mean I don't know that the question is if we don't do anything as is tonight on this ordinance that we're not going to get affordable housing. I guess I just don't is that the intent of the question?

Vice-Chair Monk: That is part of it, yeah.

Chair Lauing: I don't see that as the outcome. So let's just [speak] others comments on the Substitute Motion. Yeah, whoops, sorry. Commissioner Alcheck.

Commissioner Alcheck: Yeah, so I have two they're not significant questions, but I have two of them. I think that because again I think we are essentially vying for your vote here. I think the question is, is and it needs to be answered I think for you how reasonable is it that staff would

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1 bring this item back in 90 days after I guess coordinating some sort of a community outreach
2 with Commissioners involvement or are they most likely to take our rejection to City Council
3 and suggest that please review this ordinance and know that your Commission on a potentially
4 4-3 vote couldn't support it. So if that is their tactic I think you should know that because it
5 might influence your vote.

6

7 The second thing I'd like to better understand is Commissioner Summa's comment about the
8 negative impacts of low income residents. You said something about how you're all for
9 community, but you think we need to understand the negative impacts of these sorts of
10 developments and I'm a little curious to know what that meant. So I'd sort of like to get my
11 first answer first and then I just want clarity on your comment as well. Jonathan, I mean
12 Director Lait, Assistant Director Lait would you mind?

13

14 Mr. Lait: To the first question?

15

16 Commissioner Alcheck: Yeah the first question.

17

18 Mr. Lait: Yeah, no. The we would look for a... that is would not be our intent to if the
19 Commission continues this we would not go to Council with that. We would like to get a
20 recommendation from the Commission.

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Commissioner Alcheck: So let me ask you this question, if at the conclusion of 90 days this Commission's majority isn't satisfied with your analysis which I think it would help to know if you feel like there's a lot more you can do here. Because if you said wow, there's a lot more we can provide you than maybe the Commissioners on this Commission who feel that way are right. But if your response is you know we really worked hard on this and I don't know that we would be able to provide you with a lot more information then I suspect that the recommendation they'll give you 90 days is a rejection of this ordinance which feels like a delay tactic. So again I'm just curious to know from your perspective Assistant Director Lait do you feel like there's a lot more information you can provide here? Do you think the answers he's look, the Commissioners are looking for will be answered in 90 days through this process they're suggesting?

Chair Lauing: Speculation.

Mr. Lait: Well.

Commissioner Alcheck: We're free to speculate. That's entirely what's happening here. There is speculation happening in here all the time.

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1 Mr. Lait: So let me just offer my comments then. I was going to wait until after the Motion, but
2 I'll offer them now in an effort to sort of just help the dialogue along. And I will say this on the
3 Substitute Motion I think there's probably elements on there that are more aggressive than
4 even what staff was looking for on the Substitute Motion. And so I as I'm sort of looking at the
5 dialogue and you've seen how that goes out and I'm... maybe it goes forward maybe it doesn't,
6 but I think there's a couple things here. This is the first time that I'm aware of the City
7 embarking on a housing work program. I mean so we're at this point where the Council has just
8 on Monday endorsed this document with a number of a few edits to embark on this effort. And
9 the Planning Commission has a very big role in this process. And so when I think about this and
10 we have a one year calendar to get a lot of these things done and I think about the debate that
11 we're having today on this ordinance which is in part an enabling ordinance for somebody to
12 ask the question can we please apply this to our property I'm concerned that we're not going to
13 get anywhere near, make anywhere near the progress we need to make on this document. If
14 this is the kind of debate that we're having on an ordinance that doesn't that is still creates a
15 legislative process for somebody to ask the question can we apply this to our property. This is...
16 so I have some concerns about that.

17

18 And with respect to some of the comments that we heard I there are things that we can tweak
19 about the ordinance. Yes, we did spend a lot of time on this ordinance. We've the reason we
20 can explain why we came up with the different rules that we or the regulations that we came

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1 up with. We're hearing tonight concerns about proximity to single family homes or low density
2 homes. If that is a concern that we don't want to have a 50 foot tall building adjacent to an R-1
3 zone let's say you can't do this adjacent to an R-1 district in instances where that abuts El
4 Camino. If we're concerned about parking we've talked about we have some examples where
5 parking could be a different threshold, 0.5 per bedroom would be something that is we have
6 information in our code that would allow for that as well. So if we want to talk about adjusting
7 parking we can look at adjusting parking. We heard about moderate housing, the 120 percent
8 AMI is not the target that we're necessarily looking for and if that's the case then maybe on this
9 pass maybe we need to look at a lower threshold that may be not moderate, but let's look at
10 the next tier down and see if we can target that population with this ordinance. The comment
11 about ethnographics or the what we're trying to define I think for this housing group we're
12 looking to across all... we're looking for family housing, we're looking for multiple many
13 bedrooms, studios, one bedrooms, I mean there's such a dearth of it available any of it's going
14 to be helpful and there are a waiting list for five bedroom places. So we can call out we can
15 exclude 120 from our ordinance if we want. Where there is development adjacent to higher
16 density zones like RM-15 we have the daylight plane requirement. And that helps provide a
17 development standard to protect those adjacent uses.

18

19 We've talked about Wilton Court. I mean I don't think we have to have a shadowy conversation
20 about this. This was a prescreening application that was submitted to the City Council. It was

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1 an eight member Council. We presented three options on how to proceed: the PC ordinance,
2 some other ordinance process, and the one that's been presented before you this evening. And
3 there was four members of that Council at the time who supported that, this ordinance, the
4 concept of this ordinance. I won't say this ordinance because they didn't see the exact
5 language of it, but the concept of the ordinance. And so when I think about when I hear the
6 comments about well we do have a project we are aware of a project not filed, but Palo Alto
7 Housing does have ownership of this site at Wilton Court. They've presented concept plans,
8 massing plans to the Council. They are not filing this application because there is too much I
9 think risk for them to go through this process. So we have filed, we've initiated... we've taken
10 this application and we're filing it and processing it in part because of to encourage Palo Alto
11 Housing to come forward with an application to provide housing at this location. It's also
12 consistent with a number of Comp Plan goals and Housing Element goals. So and even if this
13 does go forward and get approved they still have to come and ask, right? I mean you've heard
14 it many times before, they still have to come back and ask that this legislative piece be applied
15 to their property and the public will have a chance to speak to that project and speak to the
16 height and speak to the ARB findings and all the stuff that we need to consider.

17

18 The continuation to May 30th is effectively moves this conversation to August for Council if the
19 Commission's even able to come to a conclusion on May 30th because the Council takes a
20 break and they're gone from half of June to through July and half of August. So the soonest

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1 we'd be able to come back and have a conversation with the Council would be August 20th if
2 we continue this to May 30th. And if you're not convinced to move forward in some capacity
3 this evening with a recommendation to support the ordinance because of the things that have
4 been requested of staff and the timing involved I would hope that at a minimum you would
5 send forward a recommendation to the Council saying hey, we're not ready for this and these
6 are the things that we want to see studied and give them the chance to say this is sufficient for
7 us or Planning Commission's right, we need to study a lot more of this and send it back to the
8 Commission for more review and deliberation. I'm I am concerned that this extends the time
9 line for doing a very simple in concept overlay for affordable housing. So I think (interrupted)

10

11 Commissioner Alcheck: I just want to say thank you. I want to say thank you very sincerely.
12 This is easily the most significant contribution you made to this discussion this our discussions
13 here and we don't get enough of this insight from staff. I say that with all due respect, but
14 there is a misconception here. We don't appreciate really all the nuance that your department
15 deals with and the notion that you wouldn't would have waited to share those... I hope you feel
16 free to share comments like that that are incredibly insightful with us any time before and after
17 any moment that you feel that it's relevant. I really, really appreciate it.

18

19 Chair Lauing: Ok, just one quick follow up on that. Is the how would you feel just about a
20 shorter time frame? I mean what if we said 45 days to look into some of these variables as

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1 opposed to 90 because then it solves the... a bunch of things I think probably. Part of that
2 question is to make sure we can get something done in 45 days with a active ad hoc.

3

4 Mr. Lait: I don't know and this speaks to a question that was asked earlier about whether we
5 can do all the things that are being asked for. I'm looking at the list of things that were
6 identified and it was prefaced by there's more. I don't know that 45 days gets us where we
7 need to go. I also don't know that it guarantees us a place on the planning on the City Council's
8 agenda before they take a break in June, June 20th I think is their last day or something like
9 that, 25. So I don't know that we can wait 45 days and still not have this thing go to Council
10 until after summer, but I you know...

11

12 Chair Lauing: Ok. I'm sorry, I've been listening to people and I've lost track of the light. So I
13 don't know who is up first. Oh, sorry, Commissioner Summa.

14

15 Commissioner Summa: So thank you. Commissioner Alcheck just told me that he thought I said
16 something I didn't mean which and was awkward and I want to clarify that. And I want to
17 clarify something for staff. With a very few tweaks to basically the development standards and
18 maybe the borders for this I could be happy. I just think I would rather the development
19 standards were consistent with some of the [18 1818 1816060 and 1818060] which have this
20 transitional height which doesn't even affect the whole property. We it was imposed at Mike's

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1 Bikes and I think we could move forward if we took care of that part, the parking part. I had a
2 question about the open space at 20 percent. I think we could move forward.

3
4 Do I think this is great legislation? No because I think it's spot zoning hiding in something else
5 and I'm worried that it's either will that it won't really end up creating much affordable housing.
6 I never meant to say that people were afraid of or of the impacts of the people living in these
7 projects. I live across the street from some of the most affordable little apartments in Palo
8 Alto. I cherish all my neighbors regardless of their income level. It never even occurs to me to
9 think about it and I would really like to have this go through with tweaks because I mean, but
10 you... But I worry that it's going to be unsuccessful project to project if you do not retain some
11 of those basic livability standards for the people living in the projects and for the people living
12 next to them. That is the whole intention of what I'm trying to say tonight. I hope that helps.

13
14 Mr. Lait: Yeah and Chair if I may just to respond to that?

15
16 Chair Lauing: Sure.

17
18 Mr. Lait: I mean I think if there are some discrete areas of the ordinance that you as a
19 Commissioner would recommend be adjusted that that's extraordinarily helpful to moving it
20 forward and I think that would be encouraged or supported by the staff.

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Chair Lauing: Commissioner Gardias, is your light on?

Mr. Lait: So just procedurally, I'm sorry Chair. Just because I want to make sure we're not getting mixed up procedurally. So we do have the Substitute Motion on the table so we can't have another Motion until that one's acted upon.

Chair Lauing: Right.

Mr. Lait: Ok.

Chair Lauing: We're still on the discussion of Substitute Motion, but you made some comments so I think Commissioners might want to comment back and I... do Commissioner Gardias, did you have your light on?

Commissioner Gardias: Yes, thank you. You know for all these years this was this has been our natural process. We were meeting we were looking into a piece of ordinance which was providing much more substance than this one with the whole respect. Those are eight or ten pages. There is not much of the argument for it and that it raises questions from our side. Staff has staff provided more substance and more research with this we probably could have done it

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1 tonight. So I just want to make it clear because from my perspective it just looks like pretty
2 much there is an effort to make us approve it without producing convincing argument and I'm
3 disappointed with it. Sorry for this.

4
5 So for all these years there has been a process. We were looking at piece of ordinance, we're
6 asking questions we were getting a follow up documents, there was nothing wrong with it. So
7 one thing that I want to say I really don't want to hear again some insinuations that are coming
8 from my colleague that there is some delay tactics or any other tactics. I think this is really
9 inappropriate. Thank you.

10

11 Chair Lauing: Commissioner Waldfogel.

12

13 MOTION TO CALL THE QUESTION

14

15 Commissioner Waldfogel: Yeah quickly just to respond to what's your title again? Assistant
16 Director Lait, thank you. Memory is going badly. I'll good to know.

17

18 I think with all due respect the stress that I feel about this is there are bunch of knobs here we
19 could turn. I mean we could turn the knob on parking, we could turn the knob on height, we
20 could turn the knob on you know, blah, blah, blah. There's a bunch of knobs we could turn and

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1 I'm afraid that if we turn the knobs we'll turn if we that there are combinations of the knobs
2 that just don't work. You know that just won't produce the desired result and so I'm not willing
3 to turn the knobs here. What I'm trying to do is to get us to a process where we can turn the
4 knobs in a way that works. And I think it really is within our purview as a Planning Commission
5 to forward a recommendation to the Council that we believe works. I don't think it's our job to
6 say well hey we looked at something, we think that we think it might be consistent with
7 broader policy, but the exact words on the page are not the thing that we believe then.

8
9 And the calendar is the calendar. It takes time to do things. I think it takes 90 days to do a any
10 kind of reasonable job. I mean I'll ask you how long have you spent on just developing this
11 ordinance? Is a more than 30 days? Yeah so I mean it takes some time to actually look at these
12 options and that's just the nature of the beast. And I think what this discussion tonight is
13 pointing to is that for this housing work that's ahead of us we really need to think about
14 process. We need to think about what the right working groups are to get through this
15 expeditiously because I agree with you that what's going on tonight is probably not the right
16 answer. But to that point I would just I'd like to call the question on this Substitute Motion.

17
18 Commissioner Riggs: I appreciate that, but I still would like to weigh in a little more if you don't
19 mind, Chair? I've had my light on for about 15 minutes.

20

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1 Mr. Lait: Right. So just procedurally (interrupted)

2

3 Chair Lauing: That part's true, but unless he withdraws it (interrupted)

4

5 Mr. Lait: Well, no. You need a second on the Motion.

6

7 Chair Lauing: Ok, ok, ok, sorry.

8

9 Mr. Lait: And then you need majority, super majority.

10

11 MOTION TO CALL THE QUESTION FAILED

12

13 Chair Lauing: That's right. That's right. So there's no second. If there's no second then I could
14 take one more speaker. Ok, Commissioner Riggs.

15

16 Commissioner Riggs: Well first off I... thanks for that. Commissioner Waldfogel I just want to I
17 feel like there's I think there's bigger opportunity to compromise here just to move a dialogue
18 forward and so I just I believe that our that some of the opinions that there is a need for more
19 study will be amply reflected in the minutes and Council can make the decision for more study,
20 but I personally think we should make a recommendation and make that recommendation

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1 separate from the things that we think still need dialogue. And we should direct sorry, direct is
2 the wrong word, but staff I'm assuming you will highlight the litany of things that we've listed,
3 but we should actually just go down the list and list of the things... It sounds like there's general
4 support for the idea of the ordinance, but there we do have there as a Commission there are
5 some concerns. So I would be open to us tweaking the Motion on the floor to address some of
6 the things that have been brought up. So that's the transitional height limit, parking ratio, and I
7 would actually think that language on that should be that we recommend Council you know
8 staff highlight this for Council and that Council address this in their dialogue. And we list the
9 things that we are talking about and we make that a part of the recommended Motion.

10

11 So what I'm suggesting is just decoupling the idea of the Motion or the idea of the ordinance
12 with the items that we think that would need to be highlighted in Council's dialogue and they
13 can choose to bring it, to kick it back to us to form an ad hoc group maybe. Maybe it needs to
14 be a joint ad hoc group, I don't know and I but I feel like it's the onus is on us at this point to
15 (interrupted)

16

17 Chair Lauing: So process wise what I think you're suggesting is to amend the Substitute Motion?

18

19 Commissioner Riggs: Well I'm suggesting (interrupted)

20

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1 Chair Lauing: The Substitute Motion which is the point that we're discussing, but what I'm
2 hearing you... hang on, I'm just getting a clarification from this Commissioner. Is what you're
3 suggesting is that we now at nine o'clock take up a number of amendments (interrupted)

4
5 Commissioner Riggs: No.

6
7 Chair Lauing: On the Substitute Motion in areas like parking [da da da da da da]

8
9 Commissioner Riggs: No, I am suggesting a simple language change that actually recommends
10 the Council approve the ordinance, but that a dialogue the four or five I think there are four or
11 five critical things that have been discussed across the dais that need more assessment and
12 dialogue and if they choose to move forward if they can reach consensus on those items then
13 they can make that decision, but or they can choose to form a an ad hoc group and study it
14 more.

15
16 Chair Lauing: So I'm still on structure. So what you're saying is that we would sort of obviate
17 the responsibility for making a recommendation on those items.

18
19 Commissioner Riggs: I don't think we have to make a recommendation on every item here. Our
20 recommendation can simply be that these items, these four-five items need more dialogue.

-
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1 That we had ample debate, the debate will be reflected in the minutes, but that we make a
2 point to highlight the items where there is there are pinch points. There are is a lack of
3 resolution. So again, I think there's adjacency issues, there's potential parking issues, I think
4 there's I think the Commissioner Alcheck's statement of whether or not to consider the
5 research park and general manufacturing was already soft so I don't know that that needs to be
6 changed in the original Motion. It was a consider I believe if that was the word you used, but I
7 think that general tone is just being can we add in some of these other things as being
8 questions that need dialogue and get to a Motion that we can move forward and get to
9 (interrupted)

10

11 Commissioner Alcheck: May I make a suggestion?

12

13 Chair Lauing: is Commissioner Summa is your light on? I'm sorry. No? Ok, ok great. Yeah
14 sorry, Commissioner Alcheck.

15

16 Commissioner Alcheck: Yeah. Ok, so I just I want to make sure two things. Number one that
17 we're clear on the Motion because I actually attempted to make a very palatable Motion and
18 when you spoke earlier Assistant Director Lait you made it sound like I was I'd done more than
19 staff expected. So I'm going to reiterate, my Motion is to move forward the proposal in the
20 staff report as written and to very softly in an effort to win Chair Lauing's vote here encourage

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1 the Council to consider the four bullet points that are in the League of Women Voters' letter.
2 And when I say consider I do not mean that the recommendation requires that it be included, it
3 is to demonstrate to them that I believe there is some consensus that some of these bullet
4 points are valuable. I would be happy to include some other items if you'd like to add them
5 now and before you do I just want to say one more thing.

6

7 There is a flaw in the idea that we would agree on these items in three months. We might feel
8 very differently about parking in three months' time and so I think would it be probably most
9 appropriate to just encourage Council to review them and on the basis that some of us feel
10 strongly about them and some of us don't. And I think that's what we should move forward
11 and I think that's what we would be moving forward in the Motion I've proposed. So I'm going
12 to say it again, I'm moving the staff report's proposed recommendation and asking the Council
13 to consider extending the scope to the RP and general manufacturing districts and to consider
14 language some flexible language regarding the distance from transit corridors and to consider
15 possibly creating flexibility for the Planning Director with respect to some of the exceptions and
16 finally some flexibility for the Planning Director with respect to retail and I'm turning it over to
17 Commissioner Riggs to add any other items that he thinks could well articulate other points.

18

19 Commissioner Riggs: So now we get into I'm amending my second.

20

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1 Chair Lauing: You're amending the Motion, the Substitute Motion.

2

3 FRIENDLY AMENDMENT #1 TO SUBSTITUTE MOTION #1

4

5 Commissioner Riggs: Yeah so there's a Substitute Motion and what I'm suggesting is
6 amendment and I'm going to proceed now with what I perceive as being a collaborative
7 amendment and I'm going to ask my I will ask my colleagues to chime in if there's other things,
8 but I'm just going to list the things that I heard general consensus on as needing additional
9 dialogue and analysis and that we're going to recommend staff recommend that Council
10 dialogue and analyze these critical issues that remain unresolved. And I'm just going to list
11 them down. I'm going to say inclusion of general manufacturing and I think there and I'll just
12 add research park there too because I think that I'm not confident that there was absolute
13 consensus across the board on that. The transitional height, am I getting that Doria? The
14 transitional land use issues? Well, I don't think we have to have the language exactly
15 [unintelligible] so let's just...

16

17 Commissioner Summa: I was going to give you the tables, [1816060 Table 4 unintelligible]

18

19 Commissioner Riggs: Table, Table 186.080 and Table 1818.060, but the general principle was is
20 dialoguing transitional land use issues.

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Commissioner Summa: [unintelligible]

Commissioner Riggs: Well, I I'm trying to... we want them to dialogue the topic so I and that's what I'm proposing. Address and dialoguing the parking ratios and did I miss anything that's a poison pill because those are the three or four critical things that I...

Commissioner Summa: Yeah.

Commissioner Alcheck: Staff do you think you could just give that back to us?

Mr. Lait: Well, yes. So what I have as the Motion is to move the staff report and to ask the City Council to well, and then to encourage the Council to consider expanding the provisions to the RP and to the GM zone. To add flexible to add language for the flexibility about the location to transit corridors, flexibility for the Planning Director with respect to some of the development standards and retail waivers. Those are again just considerations. And then we also heard that there be further dialogue and analysis of the following critical issues: again, the GM and RP that we talked about and consider the consider and analyze the retention of the transitional land use development standards that are set forth in the tables that were noted and the parking ratios that would apply to these types of projects.

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Commissioner Riggs: I think I need a second if that Amendment (interrupted)

FRIENDLY AMENDMENT #1 TO SUBSTITUTE MOTION #1 ACCEPTED

Commissioner Alcheck: No, no, no. I'm accepting the changes into my Substitute Motion.

Commissioner Riggs: Alright, thank you.

Commissioner Alcheck: And your second stands. Thank you for helping me draft that.

Chair Lauing: Ok, so that procedure is in order. There was a question about that. So what so I'm speaking to this that's on the table now just as a Commissioner. So that is actually quite confusing to me. What I think we just said is that we like the idea, but we're recommending that you look at these 12 areas and you give them consideration because we're done talking about them.

Commissioner Alcheck: I think what we're saying is that we won't get consensus here.

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1 Chair Lauing: Well, but just going to speak to that. We don't need consensus on the points like
2 we've done with any other thing that we've had six amendments and it gets voted up or voted
3 down and then on each of those six things the Council sees what the vote was. So I mean at the
4 very least if we were going to do something like that I would at least want to continue this to
5 next week and have that discussion on those points because we don't even have any dialogue
6 for example on parking why it's 0.5 or 1.0 or whatever. So I'm... So I don't see that Substitute
7 Motion as being I see it frankly as sort of absconding on our duties and putting it back on
8 Council and procedurally it's supposed to come from us first. And again I want to iterate
9 somewhat like Commissioner Summa just said, the underlying structure and so on is fine and in
10 30, 14, or 30 or 45 days we could do most of it. I just don't know why we would just walk away
11 from it right now and I don't think that 30 or 45 days is anywhere near a delaying tactic, it's
12 we're trying to get it better and do our job. Staff have a comment?

13

14 Mr. Lait: I just think you should vote on the Substitute Motion and then I think Commissioner
15 Summa if that fails, the Substitute Motion may have another Substitute Motion I mean just
16 based on what I've been hearing. So I think we just need to sort of move that along.

17

18 Chair Lauing: Yeah. Back a ways there was a call for the question which was taken off so you're
19 right we should get back to that.

20

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1 Vice-Chair Monk: I just had a clarifying question because Chair you're referring to this 30 or 45
2 day return, but I thought I heard Assistant Director Lait say that that's not likely to happen or
3 they wouldn't have much movement so it wouldn't make a difference. So I just want to be
4 clear on.

5

6 Chair Lauing: So the original Motion is still back at 90. I'm just saying that based on some of the
7 comments if we could come together more with a shorter timeframe and at the end of the
8 shorter timeframe make the recommendations as best as we can that's a compromise position.
9 That's what I'm saying because there is absolutely no intent to not get this done. So I think
10 we're at the point of the question. Oh, Commissioner Summa.

11

12 Commissioner Summa: In the interest of being cooperative with my colleagues and helping staff
13 out I would like to suggest that there are a couple other issues that Commissioner Riggs from
14 my list that he did not add as amendments, but that's ok because I write really messily. And I'm
15 not going to be able to accept just moving the recommendation as is without with these just as
16 these things are very important to me with these and I just as suggestions and I have a couple
17 more. And I feel like we could have had a easier outcome quicker outcome tonight if we had
18 had a little study session with staff and then staff came back because you would have known in
19 advance about some of our particular concerns. Could we just continue this to our next
20 meeting and staff can take away our concerns and then we can come vote on a sort of a cleaner

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1 recommendation? And I appreciate what Commissioner Waldfogel wants to do. I think we
2 should still keep doing what he wants to do, but I think we could come to a resolution as a
3 majority under that kind of structure.

4

5 Chair Lauing: Ok, that's the last comment on that and calling the question on the Substitute
6 Motion. Does anyone need to hear it again?

7

8 Commissioner Alcheck: Are you looking for a second on your calling the question?

9

10 Chair Lauing: Yeah, we do. Sorry. But there's no more I didn't see it lights or any discussion so
11 we're just going to go with the vote on a Substitute Motion.

12

13 Commissioner Alcheck: Yeah, I know. I'd like to speak.

14

15 Chair Lauing: On the Substitute Motion?

16

17 Commissioner Alcheck: Yeah, of course. I got another comment to make. I don't think you've
18 got I don't think we've got the votes to pass it, so I'd like to keep trying.

19

20 Chair Lauing: Ok.

-
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1

2 Commissioner Alcheck: We've been here together now in this current format for four or five
3 meetings. We have demonstrated that there is some sort of significant division here on how
4 we approach the flexibility with which we might encourage housing development with. I don't
5 think that City Council is oblivious to that. I don't think that if you were listening on Monday
6 night to the housing discussion you would have noticed a majority of Commissioners led by, a
7 majority of Council Members, and I think the more most sort of articulate was Council Member
8 Scharff who said we can't keep approving things that aren't parked well. I don't think this is
9 going to go up to their discussion and somehow get through without addressing that concern.

10

11 I also really don't think that this Commission of seven is going to somehow come to un... even I
12 think it's going to be split. And so the question is are you, do you think that we haven't done a
13 good job of expressing where we would like flexibility? And I'll tell you this I feel very
14 comfortable that if this Motion passed and I assume Commissioner Summa would probably
15 oppose it that in her, in speaking to her dissent she could articulate a number of reasons why a
16 number of things that she would prefer Council not move forward with, right? And they would
17 have a full picture because I know she's got the notes.

18

19 Alternatively if you make a Motion that delays this 20 days, 30 days, 60 days or 90 we will have
20 another discussion and I don't think we'll come to any different conclusion because I've never

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1 heard any staff member articulate as well as they have tonight why this these complex issues
2 should be given the daylight. I mean Assistant Director Lait made such a profound point when
3 he said this is just giving people the opportunity to ask if they can do something differently with
4 their property at which point every specific site could be evaluated in a way to deal with the
5 issues. So we get back a site that Commissioner Summa is speculating about and we look at it
6 and we go oh, that daylight plane, the height, that's not going to work for this City. And in that
7 moment we will be able to determine the sites eligibility. And if it's not eligible we'll set
8 conditions because when you make a zoning map amendment am I right, you can put
9 conditions on it? I mean it's not by right. They don't get every single thing on the list.

10

11 Mr. Lait: [Unintelligible] that question. So the likely there would be a discretionary entitlement
12 that would be associated with it by which you could put, impose conditions.

13

14 Commissioner Alcheck: Right, so I asked for that clarification just to... I'm doing my best here. I
15 came here tonight as I communicated to you in an effort to reboot the sort of professionalism
16 on this Commission. We have not succeeded at operating at a healthy pace so far and this is a
17 chance, at least the best chance I can possibly make to encourage us to move something
18 forward and if your concerns aren't alleviated by all these arguments then I think we're going to
19 be back in 30 days, 60 days or 90 days and I think everyone watching will say I understand your
20 concerns, please bring it to us. And when I say everybody I mean Council Members. I think

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1 they're going to say we got it, please bring it to our desk because we literally can't get these
2 housing issues fast enough. They're hungry for them.

3
4 And I'm sorry Commissioner Gardias that you feel that it's somehow offensive to you that I'm
5 calling it a delay tactic. And I'm not suggesting that you are intending to delay. I'm not, but I
6 am suggesting that this process is not historically new and if we don't change the way we've
7 been doing things we won't see results. So that's all I have to say and I do hope we have a vote
8 soon and...

9
10 Chair Lauing: Commissioner Gardias.

11
12 Commissioner Gardias: Thank you, since my name was mentioned I want to just address it. So I
13 never said... No, no, no. I'm just waiting for the conversations to subdue [subside]. Yeah. Ok.
14 So again, right? So thank you.

15
16 So I never said that I felt offended personally. I never felt that this that your comments were
17 directed personal to me. I haven't spoken for majority of this discussion because I noticed that
18 there is a division and I thought that this division was pretty much artificial. So again, I didn't
19 feel these comments were personal to me. I felt offended because I thought that those
20 comments were offended to others and I didn't feel that we should just be speaking personally

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1 and using comments like this, certain words, because they could be offensive and they pretty
2 much are destructive. As opposed to just going through this ordinance from top to bottom just
3 adding couple of the amendments that would make us to succeed with the vote we started the
4 discussion just pretty much of one side trying just to push it through and the other side
5 naturally became rigid because probably there was a feeling which I felt that there was no
6 consideration for any other comments whatsoever. That was that my feeling.

7

8 And I think that pretty much this was not the process that we had for the last few years. I was
9 here since 2014 and then we have always looked at all those items. We look at those one by
10 one. This was a natural process. If there was some thirst for additional information there was a
11 follow up and there was nothing wrong with it. So I propose just to let's move on, have a vote,
12 if there is a need for us to proceed shortly maybe we can just really just come back as
13 Commissioner Summa suggested at the next meeting we can just go through it. We pretty
14 much understand what are the proposed changes and we can just have it done at the next
15 meeting. Thank you.

16

17 Chair Lauing: Commissioner Waldfoegel.

18

19 MOTION TO CALL THE QUESTION

20

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1 Commissioner Waldfogel: I'm sorry. I want to say that I'm really saddened to hear
2 Commissioner Alcheck say that he's not persuadable by any of the discussions that we have at
3 the dais. I mean I would like to believe that I'm persuadable by reasonable arguments that staff
4 and my fellow Commissioners make. And so the idea that we can't get to consensus through
5 looking at common information is actually kind of offensive, but at that point I'd like to call the
6 question.

7

8 Commissioner Alcheck: I'm sorry, am I allowed? I think there's a, I think in our rules I'm allowed
9 to respond to that sort of statement.

10

11 Chair Lauing: I don't think so. I think if the question is called It just needs a second.

12

13 Commissioner Alcheck: Actually I'd like you to ask our attorney.

14

15 Chair Lauing: I am. I'm looking at him right now.

16

17 Albert Yang, Senior Deputy City Attorney: I believe Commissioner Alcheck if he feels he has
18 been if any Commissioner feels that they've been personally attacked they can raise the
19 question of personal privilege. I believe I'll have to confirm, but I think maybe the Chair rules
20 on that.

-
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Chair Lauing: Ok, is that how you feel? Go ahead.

Commissioner Alcheck: Yeah, I'd like to address the statement. Look, there is a campaign here. I feel there's a campaign here, began in our comment, our open our public comments to sort of characterize the things that happened up [unintelligible] particularly with me and I don't necessarily agree with them. I did not suggest that I couldn't be persuaded. And Commissioner Gardias I read the whole packet and I support like many of our residents I support the suggestions I made and I agree with you, you have remained largely quiet. And we could have and I didn't make a Motion I made a Substitute Motion after a Motion was made to put this off for 90 days. So with all, I really find the characterization that I made, that you're making that I'm somehow not unable to be persuaded as inaccurate. I think it's a part of a pattern I'm not happy to see tonight and the notion that I didn't think through these ideas and that I'm ramming them through is also uncomfortable to me and I am not quite sure what to make of the idea that you were offended not personally, but for others because I'm bending over backwards here to be as palatable as possible supporting not just the views that I have on this item after careful research, but some that are espoused by at least half of the people that spoke tonight.

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1 And so again you could have spent any time before the original Motion or the Substitute
2 Motion to talk about what changes you made. And so to suggest that somehow I'm hijacking
3 this conversation and ramming it through is I find problematic. And I hope you can appreciate
4 that because I waited till the very end of the discussion to hear every possible and I would have
5 included any suggested changes in my Substitute [Note-Motion] Amendment and I just want
6 you to know that. I feel very strongly that about it and I hope that you know that because I
7 would have easily included some of the suggestions if they had been specific, but that's not
8 where the... it's not that's not where the majority was going. So there is a Substitute Motion,
9 call your question.

10

11 Chair Lauing: Ok, the question was called is there a second for calling the question?

12

13 SECOND

14

15 Commissioner Riggs: Second.

16

17 Chair Lauing: Means it's time to just vote. Ok, so all in favor of the Substitute Motion do we
18 know do we need to have that read anymore?

19

-
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1 Mr. Lait: Is the debate, if the debate you don't have to do this extra voting if there is if you guys
2 are just done talking about it.

3

4 Chair Lauing: Yeah we are. So, but the question was voted anyway.

5

6 Mr. Lait: So just vote on the (interrupted)

7

8 Chair Lauing: Right, so we're voting on the Substitute Motion.

9

10 Mr. Lait: Yeah.

11

12 VOTE

13

14 Chair Lauing: And all those in favor of the Substitute Motion raise their hand. It is three. And
15 opposed is four. So now we're back to the original Motion which at the time was 90 days and if
16 there are other Substitute Motions or the maker wants to make any adjustments to that that,
17 that can be done.

18

19 SUBSTITUTE MOTION #1 FAILED (3-4, Commissioners Gardias, Waldfogel, Lauing, Summa
20 opposed)

-
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Commissioner Waldfogel: [Unintelligible] at least two meetings out.

Chair Lauing: So you would agree to thirty days in your Motion? I don't recall who seconded that. Was that Commissioner?

Commissioner Summa: You know I initially thought that was probably a very reasonable thing to second, but the more I've listened to all my colleagues and I think I'm a much better approach would be to continue studying this and to make adjustments to the ordinance based on all of our concerns. That the staff if they have time would bring back to us at our next meeting and I can enumerate those. Commissioner Riggs tried to include some of them for the Substitute Motion, but I can enumerate more of those if that's a workable thing and if staff thinks the ideas put forward um...

Chair Lauing: Just for clarity what you're saying two weeks instead of four weeks and what's the materiality there? I didn't even ask staff yet if they could do anything in that time frame (interrupted)

Commissioner Summa: That's what I was (interrupted)

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1 Chair Lauing: But I was just asking you what your intent was there. What's the difference
2 between two weeks and four weeks from your perspective? That's all.

3

4 Commissioner Alcheck: I'll second that Substitute Motion.

5

6 Commissioner Summa: Wait, it's not a Substitute Motion. I'm asking staff if they are amenable
7 if this is a workable way to go forward for them if you can make changes that would reflect
8 some of the concerns. Because if it doesn't work for you...

9

10 Mr. Lait: Yes, I think we'd like to hear what the list is and then we can give you a response to
11 that. So maybe we can start off by saying initiating a Substitute Motion with the things that you
12 would like to see accomplished.

13

14 Commissioner Summa: Ok.

15

16 Chair Lauing: Well, wait, wait. Just process wise instead of starting a Substitute Motion now
17 can't she just talk about what she thinks we would take up two or four weeks from now? Just
18 to clarify what that is?

19

-
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1 Commissioner Alcheck: I also think you have to find out if they're still in Motion if she
2 withdraws here second.

3

4 Chair Lauing: I know, but that's what we're trying to figure out. If she adds a bunch of stuff to it
5 is the maker still going to take (interrupted)

6

7 Mr. Lait: I think we just need to hear her and then I think we can be (interrupted)

8

9 Chair Lauing: I'm saying it doesn't have to be a Substitute Motion. She can just speak right now,
10 right?

11

12 FRIENDLY AMENDMENT #1 TO MOTION #1

13

14 Commissioner Summa: I'd like to try to ask the maker of the Motion if he's, if he would make
15 some of these changes to get this done more quickly and that we should still have we have a lot
16 of studying to do to get this right obviously. Ok, so I think the boundary is too broad. I don't
17 think that Marguerite should be involved as for the reasons I stated already and I just don't
18 think the 22 bus constitutes the [Program L2417 4.7] explore mechanisms for increasing multi-
19 family housing density near multi-modal transit centers. I don't think the bus pulls that. I think
20 we should have a and that's probably the one I think staff will be least interested in adjusting,

-
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1 but I feel rather strongly there should be an understood ratio of how much 30 to 60 of AMI we
2 want to achieve through this ordinance and how much basically above median income which is
3 we want. So I think there should be a ratio because I would not want if this in, if this ordinance
4 engenders a lot of affordable housing under this ordinance I think it's more valuable to the
5 community to have the lower 30 to 60.

6

7 Changes to Table 1 I would like to retain the height restrictions in all the C zones in as they
8 transition to low density residential which is R everything but RM-40 and that is in table in
9 Tables 4 and 3 respectively and [1816060 and 1818060] Downtown. I would like to explore the
10 diminishment of the landscape requirements which I thought maybe that was just a typo. I
11 haven't even had a chance to mention that yet. I would like to retain retail requirements in C
12 zones unless there is a natural street pattern existing that does not currently contain retail. I
13 would like to review and come up with a parking ratio that is more realistic and based on
14 factual analysis. And I think that the information we had that I referenced from our last staff
15 report has a much higher parking ratio. And I think and one of the reasons I don't I couldn't
16 support the Substitute Motion was because I don't believe it's appropriate to include the
17 League of Women Voters bullets.

18

19 Chair Lauing: It's over to Commissioner Waldfogel.

20

-
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1 Commissioner Waldfogel: So the question is to if at some point in time (interrupted)

2

3 Commissioner Summa: Have staff if it's workable for staff add those things to amend there as
4 quickly as possible and then work more in-depth on the issues that you raised.

5

6 Commissioner Waldfogel: Ok, I would agree continuing it, but to March 14th not to the next
7 meeting, so two meetings out.

8

9 Commissioner Summa: Ok.

10

11 Chair Lauing: And there is I think part of your Motion also was to have an ad hoc is what I
12 heard?

13

14 Commissioner Waldfogel: Yes, and I'd like to retain that ad hoc because I think we that ad hoc
15 may need to flow into this whole housing work item that is under discussion.

16

17 Chair Lauing: Yeah. Could we have attention down here please? So the ad hoc you're saying
18 would stay and that...

19

20 Commissioner Waldfogel: Right, it would (interrupted)

-
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Chair Lauing: Go ahead.

Commissioner Waldfogel: Right. That the ad hoc would stay and it would flow into this entire housing work item.

Chair Lauing: So the ad hoc again I'm just asking clarification. The ad hoc would take up some of these specifics that are being proposed. It would still have to be voted on, not tonight that would be come back as proposed items.

Commissioner Waldfogel: Yes.

Chair Lauing: And they would work on that ad hoc so they would (interrupted)

Commissioner Waldfogel: Yes.

Chair Lauing: So some an amount of people up to three would work on this ad hoc for 30 days and come back with (interrupted)

Commissioner Waldfogel: Right with (interrupted)

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Chair Lauing: They're revealing everything they've learned about this.

Commissioner Waldfogel: Exactly with the objective of some outreach that I describe, some outreach to affordable housing developers or other (interrupted)

Chair Lauing: And the public.

Commissioner Waldfogel: And the public.

Chair Lauing: And the intent then [because] I understanding what both of you are trying to say is that on that day 30 days from now we would go through this thing and decide with votes on maybe 10 points what goes into the thing for 4, 3, 7, 0 or whatever and that is what we would ultimately send over to Council. Is that the intent of your?

Commissioner Waldfogel: Yes it is.

FRIENDLY AMENDMENT #1 TO MOTION #1 ACCEPTED

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1 Chair Lauing: And that's your second? Ok. So we've got a revised original Motion now with a
2 seconder and we're going to open debate on that. Yeah, I think Mr. Gardias is up first.

3

4 Commissioner Gardias: Thank you. I have a quick question so we also provided some other
5 comments besides those that Commissioner Summa provided. Will staff be providing at least
6 some reference to those comments? I made some and I know that some others also made
7 some comments. Will we be getting some input from staff about those in 30 days?

8

9 Chair Lauing: You mean the ones that you've already asked?

10

11 Commissioner Gardias: Yes.

12

13 Commissioner Waldfogel: So the unbundled parking?

14

15 Commissioner Gardias: Well, yes. I mean did this was a proposal I understand that unbundled
16 parking may not get acceptance, but I will try. But I was concerned more about retail. I don't
17 know if this ordinance is based on the project that Palo Alto Housing has in mind is has
18 specifically some site with retail on it and that triggered this legislation. Is this correct?

19

-
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1 Mr. Lait: I mean and based on understanding that people who are in the business of providing
2 affordable housing aren't necessarily in the business of also being retail landlords either. I
3 mean they're just that's not their business. And so I and again the it's not a by right thing. The
4 Council in the way it's drafted would have to approve it presumably because the overriding
5 public benefit of having this affordable housing is more important than the retail in this
6 particular instance whenever it's considered.

7

8 Commissioner Gardias: So yes, but it's very useful. So I'd like to just at least see a link to the
9 project if we can just get some location of this otherwise because it (interrupted)

10

11 Mr. Lait: No, I'm sorry. There is no project on file. I mean all we have is a prescreening that was
12 submitted and so that's what's available. Whether Palo Alto Housing decides to go forward
13 with an application or not, we don't know.

14

15 Commissioner Gardias: Ok, so at least I would like to just see some comments or some material
16 about retail, how this would affect retail because it's a piece of legislation that we are or
17 ordinance that we would be debating based on a specific project that may never happen again.
18 And that's my that's pretty much why I requested those materials. Thank you.

19

20 Chair Lauing: Commissioner [Note Vice-Chair] Monk.

-
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Vice-Chair Monk: So my understanding is that we're trying to continue this discussion for 30 days from now and my comment to that is that I came here tonight prepared discuss it tonight. I did my outreach and for me to have to reengage and come back to this in 30 days to me is not fair on my personal time. Doing it within two weeks is a lot more reasonable and more fresh as opposed to switching gears so I'd advocate for that.

If we are going to move forward to the 30 days from now I just want to make a notation that it's already 9:40. These meetings are supposed to be evaluated at 9:00 pm and commence or finish at nine o'clock. So on that date, on March 14th I do have a hard stop at this time because I am going to be taking a red eye that evening. So I would like to request that I be able to vote telephonically or through a proxy that evening in the event that I have to leave before the discussion is over otherwise move it to the two weeks out because I'll be precluded from voting if we go past this hour on this issue. And also is there if they're talking about doing ad hocs within the next two weeks I will not be able to participate within the next two weeks on any ad hocs.

Chair Lauing: The Motion on the floor is a 30 day.

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1 Mr. Lait: But that's not... that's 30 days between I mean you're talking one month from now and
2 your packet is delivered a week before and we're writing staff reports before the packet goes
3 out. So I mean we're really talking about two weeks of lead time.

4

5 Chair Lauing: I'm sorry, what? Lead time?

6

7 Mr. Lait: Yeah on a to continue for 30 days and to do all the studies that we're being asked to
8 do in the ad hocs and all that stuff two weeks is tight.

9

10 Chair Lauing: Yeah.

11

12 Vice-Chair Monk: Are you suggesting that we should push it out?

13

14 Mr. Lait: No, I'm not suggesting you should push it out. I think a Motion should be made on the
15 ordinance and it should go to Council.

16

17 Vice-Chair Monk: Tonight?

18

19 Chair Lauing: Ok other comments on (interrupted)

20

-
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1 Vice-Chair Monk: Alright, well is there any (interrupted)

2

3 MOTION TO CALL THE QUESTION

4

5 Commissioner Riggs: I'd like to call the question. I really... we got to move on.

6

7 Chair Lauing: Ok, so (interrupted)

8

9 Mr. Lait: Well was it accepted?

10

11 [unintelligible – crosstalk]

12

13 Chair Lauing: Well, only two (interrupted)

14

15 SECOND

16

17 Commissioner Alcheck: I'll second the call the question.

18

19 VOTE

20

-
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1 Chair Lauing: Only two people have spoken, what's wrong with this mike here? Only two
2 people have spoken to Motion, but we have a call to the question. Alright so everybody
3 understands that call the question means that debate will stop since there's been a Motion and
4 a second if it's voted for debate will stop and we will go to a vote, ok? Alright, all in favor of
5 calling the question please say aye. One, two, three, four, five. Ok to two. Alright, the
6 question has been called.

7

8 MOTION TO CALL THE QUESTON PASSED (5-2, Chair Lauing and Commissioner Summa
9 opposed)

10

11 Chair Lauing: Ok, so let's vote on the Motion and let's make sure we understand it because it
12 has gone through a couple iterations. Would you like to state it staff?

13

14 Mr. Lait: Let me just find my notes here. So alright, so as I understand it we're continuing the
15 item to March 14th and that during that time an ad hoc will be formed of the Commission to
16 study a variety of issues in the ordinance 1) related to the boundary, 2) related to the transit
17 corridor definition, understanding the ratio of different income levels, changes to the
18 development standard as it relates to the height restrictions as they transition to low density
19 districts, the landscape requirements, reviewing the retail requirements, and the parking ratio
20 based on factual analysis.

-
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Chair Lauing: I think as well as Asher didn't you have something in there about outreach and...?

Commissioner Waldfogel: Well that will be what the ad hoc will do.

Chair Lauing: Yeah, but it doesn't you're not concerned it's not itemized there.

Commissioner Waldfogel: No. I mean that's the ad hoc has some discretion.

Chair Lauing: Ok.

Mr. Lait: Ok, so that's the Motion and a vote is (interrupted)

Chair Lauing: Ok so all in favor (interrupted)

Vice-Chair Monk: Before we take a vote I apologize, but I was in error in not making a proposed

amendment when I made my (interrupted)

Mr. Lait: I think the question's been called so now it's time to vote.

-
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1 Chair Lauing: Yeah.

2

3 Vice-Chair Monk: There I can't even ask to have the meeting held earlier just procedurally? So
4 it's not related to the essence of (interrupted)

5

6 Mr. Lait: After this vote you can make another Motion, but you need to vote on this Motion.

7 Yeah.

8

9 VOTE

10

11 Chair Lauing: Ok, so all in favor of the current Motion please signify by raising your hand. One,
12 two, three, Mr. Gardias is in? Ok, four. And opposed? One, two, three. Ok.

13

14 MOTION PASSED (4-3, Commissioners Monk, Alcheck and Riggs opposed)

15

16 Mr. Lait: Alright so that passes 4-3.

17

18 Chair Lauing: So associated with that it doesn't have to be done tonight, but those that might
19 want to work on that ad hoc (interrupted)

20

-
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1 Mr. Lait: No. Let's [unintelligible] let's do that tonight.

2

3 Chair Lauing: I was going to say the ad hoc I mean if we don't want to do it tonight that's fine,
4 but at least right let me know if you're interested and we can talk tomorrow and make it
5 happen.

6

7 Vice-Chair Monk: So I'd like to know if that meeting can have a hard stop or not because it will
8 influence whether I'm going to take a flight or change my flight. So can we have that discussion
9 or is there a reason (interrupted)

10

11 Commissioner Alcheck: Would you mind actually just making a Motion asking (interrupted)

12

13 MOTION #2

14

15 Vice-Chair Monk: I'd like to move that we end our meeting at 9:30 and start at 5:30 that
16 evening so we have four hours of discussion which should be plenty and also that is the first
17 item on the agenda. [Unintelligible] have any study sessions afterwards any actionable items
18 first, any study sessions later.

19

20 SECOND

-
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Commissioner Alcheck: I'll second that.

Chair Lauing: Any discussion on that Motion?

Commissioner Riggs: I will not I definitively cannot attend. I mean six o'clock is early for me so I have to come from the City, I can't accomplish that. I'm sorry. So I will not support apologies to you.

Commissioner Alcheck: We can (interrupted)

Commissioner Riggs: I just can't logistically make it work.

Commissioner Alcheck: We can start with (interrupted)

[unintelligible – crosstalk]

Commissioner Alcheck: We can start with a man down and you'll be there for the bulk of the discussion.

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1 Vice-Chair Monk: Is there an opportunity for me to Counselor?

2

3 Commissioner Alcheck: Commissioner **[Note Vice-Chair]** Monk we can start a man down. He'll
4 be here a half an hour later. It's not that problematic I think. We still have a quorum.

5

6 Vice-Chair Monk: I just want to confirm that if I have to leave, but if I'm still in the area I can't
7 call in to listen and vote if there's a vote to be taken?

8

9 Mr. Lait: No, no.

10

11 Mr. Yang: You have to be in a fixed place where that's been noticed in advance.

12

13 Commissioner Alcheck: Commissioner **[Note Vice-Chair]** Monk the notion that we would start at
14 5:30 and not finish this item before 9:00 is almost unfathomable. I would suggest it's not
15 outside the realm of possibility based on the last several weeks, but it seems unfathomable. I
16 think we can do it. I don't think you should be worried. Let's vote on this Motion, let's try to
17 accommodate you.

18

19 VOTE

20

-
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1 Chair Lauing: Any other question? I mean sorry, any other discussion? All in favor of that say
2 aye. Two, three, four, five. No? Wait, I counted you as a yes. So oh, it's a no? Ok.

3
4 MOTION #2 Motion made by Vice Chair Monk to end the meeting at 9:30 and start the March
5 14th meet at 5:30pm to allow for four hours of discussion and have any study sessions after any
6 actionable items. Seconded by Commissioner Alcheck,

7 Motion Passed: (5-1 Commissioner Gardias opposed, 1 Commissioner Riggs abstained)

8
9 Commissioner Riggs: No, no. I'll abstain.

10
11 Mr. Lait: [Unintelligible]

12
13 Commissioner Riggs: I know what an abstain means. Abstain goes with the majority.

14
15 Mr. Lait: [Unintelligible]

16
17 Commissioner Riggs: Well I can get the option to abstain. I abstain.

18
19 Chair Lauing: Ok, so back to the issue that I raised just a couple of minutes ago in terms of ad
20 hoc and if people would just say that they want to be on it or don't and if there's more than

-
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1 three then we'll have to sort it out. So people have hands up now that they want to be
2 involved? No ad hoc.

3

4 Vice-Chair Monk: I'm available at the beginning of March for the ad hoc.

5

6 Chair Lauing: Ok.

7

8 Mr. Lait: So that's we got to work from tomorrow till the beginning of March.

9

10 Chair Lauing: Right. So I see Gardias and Summa as being interested in moving on this. And if
11 there's any other if there's no objection to that then that can be our ad hoc. Ok, done. Summa
12 and Gardias. Yeah. Alright that's item, that item is concluded and see if we can move quickly
13 through the last items.

14

15

16 **Approval of Minutes**

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

18 5. January 10, 2018 Draft Planning & Transportation Commission Meeting Minutes

19

20 Chair Lauing: Item 5 is we have the approval of a draft minutes for January 10, 2018. If there's a
21 Motion to approve those?

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MOTION

Commissioner Riggs: Motion to approve.

SECOND

Commissioner Summa: Second.

VOTE

Chair Lauing: Second? We got a second. And all in favor? Aye. I think we've all, we're all here.

MOTION PASSED 7-0

Commission Action: Commissioner Riggs made a motion to approve the January 10, 2018 meeting minutes, seconded by Commissioner Summa. Motion passed 7-0.

Committee Items

Commissioner Questions, Comments, Announcements or Future Agenda Items

-
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1 Chair Lauing: Commissioner [Note-Vice-Chair].

2

3 Vice-Chair Monk: What's on the agenda for the 28th?

4

5 Chair Lauing: We're getting there. I wanted to ask first according this is if there's any
6 committee items or if not Commissioners questions, comments or announcements. And if not
7 then we're on to agenda items.

8

9 Commissioner Alcheck: I did have a quick question. Is anybody going to be coming to the
10 Housing the Bay Summit that have is anybody interested in going?

11

12 Chair Lauing: I am interested in going and I have not signed up yet, but I'd really like to go.

13

14 Commissioner Alcheck: Ok, ok just curious.

15

16 Chair Lauing: So Jonathan you want to address agenda items on Page 6?

17

18 Jonathan Lait, Assistant Director: Yes. So... yeah right now all we have is a... is that a? So we
19 have an item that is a report out on the City's compliance with the Housing Element, a report
20 going to [don't know] (HCD). There's a new state law that requires the Planning and

-
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1 Transportation Commission (PTC) review that. Ok. And can it, can be on consent?

2 [Unintelligible] Well, forget it. Anyway so that's the only item that we have right now. The we
3 have one item dealing with the report that we're preparing for to HCD reporting out of our
4 Housing Element on February 28th.

5

6 Chair Lauing: And we had (interrupted)

7

8 Commissioner Alcheck: I'm sorry, I'm sorry. Is that a study session or what is that?

9

10 Mr. Lait: Yes.

11

12 Commissioner Alcheck: I know it's really hard to do, but if you had to venture a guess to the
13 amount of time you would have recommended for that item what would it have been?

14

15 Mr. Lait: I think I mean we're just reporting out. I mean this is a we do this every year and this
16 year we have by state law have to present it to the Planning Commission.

17

18 Commissioner Alcheck: Is there any reason why that (interrupted)

19

20 Mr. Lait: It goes to the Council on consent I believe.

-
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Commissioner Alcheck: Is there any reason why that couldn't be pushed to the March date so that we could just...?

Mr. Lait: [Unintelligible] public hearing? Ok. Ok, the nuance. I'd have to take a look.

Chair Lauing: We had also been talking about I've been talking with the Assistant Director about bringing back the Roberts Rules Amended and procedures, but it doesn't have to be on that date.

Mr. Lait: Yeah and actually we do need to keep this date because we have a deadline of April 1st and we still go to Council so we do need to keep that on the 28th.

Vice-Chair Monk: On which item though?

Mr. Lait: This is the report that we're submitting to HCD.

Vice-Chair Monk: Oh so we need to approve a report?

Mr. Lait: You don't (interrupted)

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Commissioner Alcheck: Is there any way we could move the Accessory Dwelling Unit (ADU) up?

Is there any way we can move the ADU up?

Mr. Lait: So this...

Commissioner Alcheck: Just seems like two big items: an ad hoc committee, an ADU.

Vice-Chair Monk: I would if staff wanted to combine (Interrupted)

Mr. Lait: [Unintelligible] can I just run through the calendar because what you have in your book isn't what's happening anymore.

Chair Lauing: Right, exactly.

Mr. Lait: The reason why we didn't have this before is because it always it changes too often. So let me just run by what we have right now. So for February 28th we talked about the HCD report and so that's going to be presented to the Commission and we'd also talked about bringing in the rules of order discussion, the Commissions' bylaws and all that kind of stuff. That's the 28th. For the next meeting the 14th it's the item that we just continued and a study

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1 session discussion is tentatively scheduled for traffic safety and operations annual report. And
2 then the 28th of March there's a number of items a study, there's another study session that
3 our Transportation Program is bringing forward regarding street light data and trip visualization
4 tools. We have possibly a public hearing on the Conditional Use Permit (CUP) for the First
5 Baptist Church and a vesting tentative map for a commercial property. That's on March 28th.

6

7 Chair Lauing: So ADUs goes to April?

8

9 Mr. Lait: Oh, ADUs we're still trying to maybe get on March 14th. Actually I should say that
10 we're that's we're still trying to maybe get that on March 14th.

11

12 Chair Lauing: With this continued item?

13

14 Mr. Lait: Well, that was... yeah before we had the continued item, but we're trying to get that
15 ADU discussion item which would be second on the list.

16

17 Chair Lauing: Ok, any questions of Assistant Director Lait on upcoming agenda items? Ok. I
18 think (interrupted)

19

20 Commissioner Alcheck: Should we keep our packets or...?

-
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1

2 Chair Lauing: That concludes our agenda if we have to have a Motion for it, we don't have to,
3 but we have a Motion for adjournment? We just adjourned. Thanks very much for working this
4 hard up to ten o'clock on February 14th.

5

6 **Adjournment**

-
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Palo Alto Planning & Transportation Commission

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Chair Ed Lauing

Vice Chair Susan Monk

Commissioner Michael Alcheck

Commissioner Przemek Gardias

Commissioner William Riggs

Commissioner Doria Summa

Commissioner Asher Waldfogel

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Show up and speak. Public comment is encouraged. Please complete a speaker request card located on the table at the entrance to the Council Chambers and deliver it to the Commission Secretary prior to discussion of the item.

Write to us. Email the PTC at: Planning.Commission@CityofPaloAlto.org. Letters can be delivered to the Planning & Community Environment Department, 5th floor, City Hall, 250 Hamilton Avenue, Palo Alto, CA 94301. Comments received by 2:00 PM two Tuesdays preceding the meeting date will be included in the agenda packet. Comments received afterward through 2:00 PM the day of the meeting will be presented to the Commission at the dais.

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