



Planning & Transportation Commission

Action Agenda: July 25, 2018

Council Chambers
250 Hamilton Avenue
6:00 PM

Call to Order / Roll Call

6:05pm

Commissioner's Gardias and Riggs absent

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

Oral Communications

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

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

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

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

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1 the agenda items. Yeah, I'm just making sure that I've got... that they are all oral
2 communications here correctly in no particular order. Mr. Bill Ross are you on... for oral
3 communications? Ok.

4

5 Mr. Bill Ross: Thank you.

6

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

8

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

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

3

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

5

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

9

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

13

14 I'm very glad the City has responded to the developer with a request for further review of the
15 sale and conversion of the building. However, the developer is going to keep trying to find
16 loopholes. They are already no longer accepting applications for any tenants in the building and
17 existing tenants have been asked to move out by mid-November. So, it effectively it leaves 75
18 units of housing already off the market.

19

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1 There are a number of regulations that raise questions about the conversion of this building
2 from residential to commercial property. I am not nearly qualified to discuss any of them in
3 detail but there are certainly very little housing downtown that's anything like the President
4 Apartments.

5
6 I hope that further review can be conducted into the conversion of the building of certainly for
7 my own sakes as well as for the community that occupies the building right now. Shutting down
8 the President is an example of moving away from dense, walkable, transit [unintelligible]
9 communities that I personally moved here to be a part of. And it's moving us away in the
10 direction of greater car reliance, great congestion, more traffic, more need for parking, and
11 that's really not why I moved to Palo Alto to... like that's not why I moved to Palo Alto for. For
12 many of us at the President, the elimination of the building as housing will mean not just
13 moving away from Palo Alto or from the area but also looking for different jobs else ware
14 because this community is just not quite what we came here for. Thank you for your time.

15
16 Chair Lauing: Thank you very much. I'm going to get this one wrong probably, Katja Priess. Next
17 up is Ruth Chippendale.

18
19 Ms. Katja Priess: Good evening. My name is Katja Priess and I also live in the President
20 Apartment building. I've lived there for 20-years, I'm a single mom and I've raised my daughter

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1 in that building and in that neighborhood. I own a language school called Language Arts that
2 I've been running out of Palo Alto for the last 20-years and had to move the school as well due
3 to increasing rent and difficulty to find affordable office space to keep the school running
4 downtown. I was able to start teaching from the President Apartments and it has afforded me
5 to continue being part of the community.

6
7 I... we really appreciate that the City did step up last week I believe it was. We're kind of losing
8 track of what's happening when because so many events have happened in the last couple of
9 days but we did appreciate that the City did put a hold on converting the building immediately
10 into a hotel. And we hope that we will continue to have the support from the City to keep this
11 building potentially as a place where we as the residents can remain in an environment that's
12 workforce housing, allows us to be part of the community, and also not need to commute from
13 an area back into this area to run our businesses.

14
15 So, we'd really appreciate if you would support us to continue being part of the community
16 within the President Apartment. Thank you for your time.

17
18 Chair Lauing: Thanks very much.

19

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

3

4 [note - multiple audience members started speaking at once]

5

6 Chair Lauing: The speaker?

7

8 [Note - multiple people started speaking from the audience]

9

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

11

12 Ms. Ruth Chippendale: [unintelligent]

13

14 Chair Lauing: Ms. Chippendale.

15

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

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1 The Casa Olga residents all had to leave. Now we are considering selling the President and
2 forcing those residents to leave. At the President, these people are able to rent small units on
3 moderate incomes. If sold the President would go back to being a hotel. Don't we have enough
4 hotels around here? The Weston, the Sheraton, the Four Seasons, the Epiphany, I think so. Do
5 we have enough housing for folks making a moderate income? I think not. I will approve any
6 action the Planning Commission can make to keep the President open for the people who live
7 there now and for future folks on moderate incomes. Thank you for listening.

8

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

10

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

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1 75-unit neighborhood alive. However, it will take continued participation from the City in order
2 to save our community and take an overall stand for workforce housing in Palo Alto.

3
4 The issue is larger than those of us at the President and in many ways, we are representative of
5 the 44 percent of Palo Alto who rents. Not everyone who lives in this town owns property but
6 that does not mean that we don't contribute. For example, my students come to the President
7 for lessons but while their families are in town they shop at local stores, eat at restaurants near
8 the President, and get their hair cut at the President barbershop. It is important that the City
9 protect families, teachers, seniors, and other working professionals who are part of the fabric of
10 this town. The City says that it would like to encourage mixed-use housing in walkable
11 neighborhoods. The President has organically evolved into that kind of community.

12
13 I would like to request that you enforce the grandfathering ordinance and make every effort to
14 protect us from a massive monolith that can dispense with us in its wake. I would also like to
15 urge the Commission to allow time so that an amendment can be approved or proposed at the
16 very least to assure new development in downtown does not eliminate residential units. Thank
17 you for listening.

18
19 Chair Lauing: Thanks very much. Mr. Berckmann.

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

12
13 This community is scheduled to be liquidated in November in favor of a hotel by the new
14 owners. We should respect the business interest of the new owners. Certainly, the City should
15 welcome prosperous businesses which are good community citizens. And in defense of this
16 community, I would like to appeal to the Planning and Transportation Commission to delay
17 those interests until the current residents have been met and until the Comprehensive Plan has
18 been assured. You are calling for the development of small housing and this is exactly the type
19 of housing that is being eliminated by this move. Thank you very much.

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1 Vice-Chair Monk: Thank you very much. Next speaker is Rita Vrhel, followed by Michelle Kraus.
2 Thank you.

3

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

15

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

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1 keep destroying the housing that we already have? What happens to these people? And this
2 probably does relate to the President Hotel but I know we're not supposed to talk about that
3 until the topic is brought up.

4
5 Please hear our plea and discussion a moratorium. I own my own house, this doesn't involve
6 me, I got in early, I'm fine but every day other people are being evicted and have to leave our
7 town. Thank you very much.

8
9 Chair Lauing: Thanks very much. Michelle Kraus followed by Art Keller.

10
11 Ms. Michelle Kraus: Hi, I am Michelle Kraus, and I'm a tech exec and I do a great deal of work in
12 transportation on the future of transportation. I live in the President Hotel Apartments. I work
13 there, I thrive there. We're going to urge you to continue your leadership. Jonathan Lait, thank
14 you. Thank you. You've upheld the ordinances, you've spoken up, you've risen up. This really is
15 a fight for the soul of Palo Alto and for Silicon Valley. You have ordinances on the books, you're
16 going to be discussing caps tonight, we urge you to go forward, to continue, and we applaud
17 you for what you've done so please join us. We have formed a tenants' group and Diane believe
18 it or not it is over 44 percent. It's close to 50 percent. There are people in this town don't own,
19 that didn't have the luxury of building 30-years ago, being the wife of, the divorcee of or
20 cashing out. So where do they go? Where does... where do people live? In our building, we have

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1 nurses, doctors, lawyers, entrepreneur, and this is not low-end housing. This is not indigent in
2 anyway shape or form. AJ Capital talks about concurring space and taking white space and
3 making it meaningful. We have a great deal of meaning, we are the sole of Palo Alto and thank
4 you for what you've done. Just keep running and we'll join you.

5

6 Chair Lauing: Thanks very much. Arthur Keller.

7

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

17

18 Also, we need to think about existing... as was mentioned by another speaker early. We need to
19 protect the existing housing units. There's a lot of housing units that are less expensive but...
20 and then... it's not that they're affordable because they're subsidized. They're affordable

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1 because they're... by design they're small and I think that... and they're also old. When you
2 create new housing, even if it's small, it's going to be more expensive. And the idea that the
3 VTA lot for example housing which is smaller that will have no parking and using President
4 Hotel Apartments which has no parking. That's not an apt comparison because most of the
5 people living in President Hotel Apartments, in fact, do have cars and they get RPP Permits to
6 park those cars. So, you know... and they can park them at night anywhere so that's an issue.

7

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

17

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

19

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1 Ms. Roberta Ahlquist: My name is Roberta Ahlquist, I have lived in Palo Alto since I received a
2 scholarship as an undergrad and grad student to go to Stanford in the 60's. At that time, I was a
3 tenant in the downtown area and was one of the founders... and I'm sure many people aren't
4 aware of this because this is history back a bit but I was one of the co-founders of the Palo Alto
5 Tenant Union. We actually had a tenant union because this City allowed Wells Fargo on the
6 block of Hamilton and Cowper and Webster to tear down I think it was 14-units of low income,
7 low moderate-income housing. We stood up in front of bulldozers to try and keep that housing
8 for our neighbors. We lost that battle but we also had a battle on Channing and Webster and
9 Middlefield and Lincoln. We won that battle, we got Webster Woods. That was low-income
10 housing and it continues to be today. We need to save the existing low moderate-income
11 housing. There's very little low-income housing in the City today and if you survey anyone
12 around you... I've surveyed informally many of the people who work for the City including
13 police people, fire people. They can't afford to live here, let alone people at Trader Joe's who I...
14 I went and talked to ten of them today over here in the Town and Country Shopping Center.
15 None of them but one who works part-time there who's living with his mother can afford Palo
16 Alto. We need a moratorium while this existing housing continues to serve the community until
17 there's replacement housing for these people.

18

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

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1 We were successful with Bona Vista, we can do it again with the President and on Hamilton,
2 there's another big project going up at 430 Forest. AAA was replaced by housing. Do you know
3 how much a 2-bedroom unfurnished apartment costs at 430 Hamilton... Forest? How much?

4

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

6

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

8

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

10 **Agenda Changes, Additions, and Deletions**

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

12

13

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

16

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

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1 Chair Lauing: Ok thank you.

2 **City Official Reports**

3 1. Assistant Directors Report, Meeting Schedule and Assignments

4

5 Chair Lauing: So, we're going to go to the Assistant Director's report and Mr. Lait is on vacation

6 so Amy why don't you introduce yourself and take it away for a Staff presentation.

7

8 Ms. Amy French, Chief Planning Official: Sure, I'm Amy French, I'm Chief Planning Official, and

9 I'm standing in for Jon Lait who is on vacation. So, let's see, we would be looking at future

10 meeting dates? Does anyone have any questions about that? Upcoming meetings? We have a

11 canceled meeting on August 8th and back again on August 29th.

12

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

14

15 Ms. French: Well those are the most pending meetings coming up. There's a Council meeting

16 coming up on Monday.

17

18 Chair Lauing: Ok.

19

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

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1 Ms. French: Is canceled.

2

3 Vice-Chair Monk: Thank you.

4

5 Ms. French: So, the next meeting after tonight's meeting of the Planning and Transportation

6 Commission is on August 29th. And there's several items noted therein on Packet Page 6.

7

8 Chair Lauing: Ok that's (interrupted)

9

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

11

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

14

15 Ms. French: That concludes (interrupted)

16

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

18 **Study Session**

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

20

21 There are no study session items.

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Action Items

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

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

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

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

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

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

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1

2 So PAMC 18.18.40 provides the following should certain thresholds be met. First of all, this
3 code chapter involves all non-residential floor area. That would be office, retail-like, not just
4 office and R&D. So, at 350,000-square feet of non-residential development and as of now we
5 have about 25,000-square feet left. Chapter 18. 18 would be repealed and a 1-year moratorium
6 accepting and processing applications in the CD District and the City would study new CD
7 District regulations.

8

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

12

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

14

15 Ms. Lee: Sure, sorry about that.

16

17 Chair Lauing: Thanks.

18

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

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1 office and R&D uses only. It would apply City-wide rather than the 9 monitor subareas and it
2 would also require annual monitoring to assess the effectiveness of the development
3 requirements and to determine whether the cap and development requirement should be
4 adjusted. In addition, the Council also directed Staff to make permanent an Annual Office Limit
5 Ordinance of up to 50,000-square feet per year for office and R&D uses only separate from the
6 Comp. Plan update in the downtown, Cal. Ave, and El Camino Real area. Thirdly the Council
7 directed Staff to eliminate the Downtown Cap found in existing Program L-8 and to focus it on
8 monitoring and development and parking demands.

9

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

20

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1 So after... through the Comp. Plan update consistent with the January 30th direction the City
2 adopted... City Council adopted new Policy L1.10 which states... said that we should have a City-
3 wide cap of 1.7 million-square-feet. That would be the remaining from the 3.2 million that was
4 identified earlier and that would be for office and R&D development only. Exempting medical
5 uses such as SUMC and then that we would use a January 1st, 2015 as a baseline. In addition,
6 we would monitor development towards a cap on an annual basis and require the monitoring
7 to determine the effectiveness as well as looking at specific measurements to make sure that
8 we are complying with the policies. And note again that this cap applies only to office R&D so
9 the cap would apply for example if someone converted an office use or sorry, convert a retail
10 use into an office use. Previously under the old Comp. Plan as well as 18.18... Chapter 18
11 currently, if somebody converted retail to office space that wouldn't count against the cap. So
12 that is a difference between the two so that would definitely capture any potential retail uses
13 that would want to convert to office space. So, the associated Program L10.1 stated that we
14 should reevaluate the cumulative cap when the amount of a new development reaches 67
15 percent or 1.139 [note- 1,139,000 slide]. And then concurrently we would consider removing or
16 other potential changes to the cap.

17

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

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1 regular evaluation of the cap and a program for the coordinated area plan for downtown. Other
2 policies and programs were also adopted with the Comp. Plan that provides the City with great
3 tools to address development. Including new TDM requirements with required reductions in
4 ranging from 45 percent reduction downtown as well as up to 20 percent else ware in addition
5 to the update to the Transportation Impact Fee.

6
7 So, in summary, Staff recommends a repeal of Chapter 18.18.40 because its consistent with the
8 Comp. Plan update as well as the January 30th motion from City Council. So, the PTC may
9 recommend for or against this ordinance or may continue the hearing to a date certain or
10 uncertain. If the PTC recommends Council adoption or recommends against or against the
11 ordinance, Staff will forward a draft ordinance to the City Council for their review and action.
12 However, if the PT [note-PTC] continues... chooses to continue this item to a date certain or
13 uncertain we would return with this item later that... at that time. This concludes Staff's report.

14

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

16

17 Ms. French: Not at this time.

18

19 Chair Lauing: Ok.

20

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1 Ms. French: I'm here for questions.

2

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

6

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

13

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

17

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

20

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

3
4 Commissioner Summa: Oh, sorry I wasn't clear. I mean square feet that exists in a given
5 building but don't count against the FAR and I'm wondering if there was any idea how much of
6 that there might be that maybe should be included in the number? I have a couple questions
7 about the count.

8
9 Ms. French: I don't really have an answer for that. I'm not prepared for that question.

10

11 Commissioner Summa: Ok.

12

13 Ms. Lee: So actually, if I may? So, I think there are multiple items that we are evaluating for that
14 we monitor on an early basis. So, for... so I think the... for Program L-8 there was a specific way
15 we count versus for example the Annual Office Limit. So, in this case, we are compliant with the
16 limitation within Program L-8 and we are counting all the square footage that would be
17 applicable for this particular but we can certainly come back with more detail if you need it.

18

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1 Commissioner Summa: Ok I was just curious and then do you know where we are now because
2 I'm sure there's been some commercial development downtown since January of 2017 and we
3 didn't have that number in our report?

4

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

6

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

13

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

18

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

20

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1 Chair Lauing: Commissioner [note- Vice-Chair] Monk.

2

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

7

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

10

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

13

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

19

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1 Vice-Chair Monk: Ok and then on that same hypothetical, if we were to remove the cap then
2 we're looking at the City-wide cap and the 50,000-square foot cap. Where would that building
3 fit? Would it still be precluded from a conversion based on the square footage or is it...
4 wouldn't it exceed the 50,000-square foot limitation that we currently have in any event?

5
6 Ms. French: Yeah that's a... the 50,000 Annual Cap is related to office, not all commercial. The
7 Downtown Cap that is in this code that we're talking about tonight is related to call commercial,
8 not just office and R&D. Whereas the 50,000 Annual Cap Citywide or in those areas is related to
9 office R&D.

10
11 Ms. Lee: And also, the 1.7 million that is in the new Comp. Plan would also be office and R&D.
12 So, if the hotel was converted to an office R&D use that would be counted towards the annual
13 limit. Of course, if the previous Comp. Plan was still adopted... is still... was still effective then a
14 conversion from if say for example the hotel existed and it was already hotel. It could convert to
15 any non-residential use and it would not count against any cap.

16
17 Vice-Chair Monk: I'm sorry could you just repeat that?

18
19 Ms. Lee: So basically, under the old Comp. Plan the cap was for all non-residential uses. So, you
20 could go from commercial... you could go from retail to office and there's no cap. And there's

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1 no problem with a cap versus the new policy which states that there's a cap on office R&D uses
2 only. So, if you have an existing retail use and you converted it to office then the Office Cap
3 would apply.

4

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

7

8 Ms. French: I believe it was.

9

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

14

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

17

18 Ms. French: The Hotel President is related to the existing code, not this code per say. The
19 Grandfathered Facilities Code that says if there's a grandfather's facility that is non-complying
20 in the downtown CD then that it can continue with its existing conforming use. Which it is a

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1 conforming use, mixed-use, you know housing and retail but yeah so that's what that code is
2 about. That's the code that the City has alerted the new owners that this is in effect and
3 applicable to that property.

4
5 Vice-Chair Monk: So, you're referring to the code I think it's 18.18.120 which handles the
6 grandfathers which is not before us tonight.

7
8 Ms. French: Correct.

9
10 Vice-Chair Monk: And what is before us tonight whether we vote yes or no or modify it in any
11 way will have absolutely no barring or impact on existing residential use in the downtown?

12
13 Ms. French: It has an impact on if their conversion where allowable to one of the commercial
14 uses and we were going past 25,000 which is what's left then it would have an impact. There
15 may be other properties that are interested in adding square footage beyond 25,000 and so this
16 code section doesn't allow those projects to go beyond 25,000. You know office, retail, any
17 commercial.

18
19 Vice-Chair Monk: So, the new owner technically if this date on the books could bifurcate and
20 convert up to 25,000 K or whatever we have left on under this cap?

-
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Ms. French: If somebody wanted to come forward and it wasn't a grandfather's facility and they wanted to convert then yes, they would be subject to a cap.

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

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

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

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

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

-
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Chair Lauing: Do you... yeah, I want to get some comments from the public. I've got quite a few cards. I'm sorry, Commissioner Alcheck.

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

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

[note- several audience members started talking at once]

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

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1 got litigated, would rely on the more recent code language and the even more recent Council
2 direction to eliminate the conflict. So, I'm asking if for example we recommended not changing
3 this code section or deleting it and Council agreed with that decision would this not be
4 indefensible? Wouldn't you be stuck because we've just essentially created an annual limit of
5 50,000 that contemplates double what a much older 30-year old law allows? I see a problem
6 here and I need to understand how you think it at least from a legal perspective.

7

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

11

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

19

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1 Ms. Yang: Again, I think that's something that we would look at if and when it came up. I would
2 note that the 50,000-square foot cap that you mention does apply not only to the downtown
3 but also to a few other areas in the City. So, in that sense, there is not a head-on conflict
4 (interrupted)

5

6 Commissioner Alcheck: Right.

7

8 Mr. Yang: Between the two policies.

9

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

11

12 Chair Lauing: Commissioner Summa

13

14 Commissioner Summa: Thank you. Just one more and I thought maybe what Commissioner
15 [note-Vice-Chair] Monk was trying to get at and forgive me if this wasn't what you were trying
16 to get at. Are there other residential buildings existing in the CD district that if we eliminate the
17 cap will be vulnerable to be converting to commercial uses? I'm not... I can think of one maybe
18 but do we have any idea of how many of those there are?

19

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1 Ms. French: I mean there's a number of mixed-use buildings, larger buildings downtown that
2 contains residential that are in the CD Zone. So, I mean I can't think of any that use to be a hotel
3 I mean if that's what you're (interrupted)

4
5 Commissioner Summa: No, I'm not... that's not relevant to my question actually. It's just do we
6 have an idea... if we eliminate... take the... recommend eliminating the Downtown Cap L-8, I
7 mean not... 18.18.0... whatever it is but if we do that are there... do we have any idea how many
8 other residential units or residential buildings there are in the CD Zone that could be converted
9 to a more lucrative purpose which is office commercial?

10
11 Ms. French: I mean for one thing the existing Zoning Code for CD has a limitation on the square
12 footage so for instance if you had a mixed-use building that had 1 to 1 FAR for... Floor Area
13 Ratio for commercial and somehow 2 to 1 for... existing for residential. Could they convert and
14 have it all be 3 to 1-floor area for office? I mean I don't... that would be a tough one too
15 because that would be kind of non-conforming. A non-complying facility that you're changing
16 the use in so we might be in that same similar situation about conversion of use inside a
17 grandfathered building. I'm just trying to kind of throw out a hypothetical. This (interrupted)

18
19 Commissioner Summa: Ok so it sounds like... I mean that's not exactly what I was asking. I was
20 really trying to get some idea of potentially how much... I mean I think we'll all agree that office

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1 is more lucrative for property owners than rental even though rental prices are getting so
2 expensive. So, I was just wondering if we had any idea of how many units we have downtown
3 that could potentially convert to office but if we don't have that number... ok, thank you.

4
5 Chair Lauing: Ok let's move to public comment. We have quite a lot of speakers, welcome you
6 all for participating in the process and I'd like to do 3-minutes per speaker given the size of the
7 group. So, the first one up and this is speaking to the hearing on adoption of the ordinance
8 omitting Chapter 18.18 is Joe Hirsch and next is Suzanne I believe it's Kek.

9
10 Mr. Joe Hirsch: Thank you. I am Joseph Hirsch, a member of the Palo Altans for Sensible Zoning
11 Steering Committee which has authorized me to make the following statement on its behalf.
12 Now withstanding Council's prior actions, it may be the time given what is known now to give
13 Council a different recommendation on this item than what they might expect. City Staff and
14 some of you, maybe all of you, have spoken out about encouraging below moderate rate
15 housing throughout the City, particularly in the downtown area. It is our suggestion that
16 whatever action you take tonight you should be extremely clear about the effect your
17 recommendation will have on Hotel President Apartments and other similar properties in the
18 downtown area. You should be very clear if the action you recommend tonight will make it
19 easier to convert current rental apartments to either hotel rooms or luxury apartments. If you

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1 do that the Palo Alto community will be fully advised as to what is happening. They deserve
2 that and you do deserve to be fully clear with the people you serve.

3

4 From our perspective, we urge you not to be apart of a process that will, in essence, evict the
5 tenants of the Hotel President Apartments. Some of whom have been living in downtown Palo
6 Alto for long periods of time. Accordingly, we suggest that you recommend retaining Section
7 18.18.040 and its non-residential development cap which is different than an office R&D cap.
8 Given the adverse consequences, we now know will result if the non-residential development is
9 unfortunately repealed. That is if repealed one barrier to the tenant's eviction will have been
10 removed. Is that what you want to recommend? We urge you to take a stand that will help
11 preserve below moderate rate housing in the downtown area by recommending retaining the
12 non-residential development cap. We need your leadership in view of changed circumstances.
13 Thank you for considering this request which as I noted before is being made on behalf of Palo
14 Altans for Sensible Zoning. Thank you.

15

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

18

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

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1 thrilled that we have a group like that and that we can continue the ordinance as it is and
2 support this kind of diversity with such vulnerable people that we need in our community. So, I
3 hope that you will keep the ordinance as is and protect vibrant communities as is. Especially
4 since we seem in Palo Alto think we need to build more below market rate housing and as
5 somebody who else spoke said, this is... if you build new it's nowhere going to be so much more
6 expensive than keeping something old that is working. Thank you.

7

8 Chair Lauing: Ok thank you. Robert Moss.

9

10 Mr. Robert Moss: Thank you, Commissioners. I agree with Joe Hirsch and I think it's essential
11 that we retain Section 18.18.040. As you know we have a jobs/housing imbalance in Palo Alto.
12 We should be doing everything that we can to preserve housing, especially lower-income
13 housing, and everything we can to prevent housing or housing type uses from being converted
14 to offices. We should [unintelligible] a proposal for downtown right now would do. Now I have
15 happen to be very familiar with the President Hotel. When I first started working in Palo Alto in
16 1971 we couldn't sell our house in Rancho Costa Verde so for 2-years I lived at the President
17 Hotel during the week and on Friday I'd fly home to LA and on Monday I'm back up to San
18 Francisco. Fortunately, we've been able to live in Palo Alto since 1973. Only 45-years, I'm a
19 newbie here so I think if you retain 18.18.040 you are saying that you are retaining the kind of
20 low capacity development that we need downtown. We're supposed to be encouraging

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1 downtown residential and discouraging increasing office use. If we allow the existing
2 elimination of 18.18.040 all that goes away. So, I think it's important for a number of that we
3 preserve that and we do everything we can to preserve housing. Especially small lower cost
4 housing downtown so I would urge you to act effectively tonight and don't allow the conversion
5 and don't allow removal of 18.18.040.

6

7 Chair Lauing: Thank you. Arthur Keller.

8

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

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1 ordinance from the actual motion that was made by Council. And in fact, the motion talked
2 about monitoring development and parking demand. Where are we... wherein the Staff report
3 does it talk about monitoring development? Where in the Staff [note-report] does it talk about
4 parking demand? Nowhere and there for doing this instead of... it does not make sense when
5 we're not doing the things that even the motion talked about doing in concert. In addition, we
6 should be talking about traffic because we increasing are seeing going through downtown,
7 going on University Avenue, going on Willow Road, going on Middlefield Carmageddon. So, we
8 need to think about traffic impacts. People talk about traffic being bad. We should... I don't
9 recall the CAC specifically making this an option for the Council to consider. I think it was on the
10 Council's own motion.

11

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

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Chair Lauing: Thank you. Next up is Elaine Meyer.

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

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

Just a reminder on another subject, you probably know that the 2017 Citizen Survey reported the percentages voting good or excellent on many issues. In fact, only 40 percent of the population approved of the City's "Land Use Planning and Zoning". Only 51 percent believe Palo Alto is generally acting in the best interest of the community and only 45 percent approved the overall direction that Palo Alto is taking. I have a suggestion for the Planning Staff. The code is

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1 barely readable. It needs to be clarified, simplified, removing redundancy, and made readable
2 by intelligent people. I think that is where the Staff's energy should go because who benefits
3 from the confusion? Maybe the developers of the President Hotel. Thank you.

4

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

6

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

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1 work here. Those who travel the farthest who have kids who they have to put in some kind of
2 daycare in order to get to work. Those are the people who have the least amount of money for
3 the gas or the other kinds of transportation costs. So, find a way to not remove the caps on
4 office development but to provide low-income housing for our workers which makes the
5 community more or a community.

6

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

10

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

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1 Chair Lauing: Thank you. Rita... is it Vrhel?

2

3 Ms. Rita Vrhel: Vrhel

4

5 Chair Lauing: Ok thanks.

6

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

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1 was a disaster with our then-Mayor Greg Scharff making motions and hogging the floor and
2 saying I won't accept that. So, when you talk about a 5-4 majority and directing you to do
3 something you really need to look at that majority and the way that majority came to the City
4 Council. And honestly, there are a lot of things that are not in the Comp Plan which remain in
5 the Municipal Code. I would urge you not to get involved in the tardy display of politics that the
6 City Council has shown us lately. People are fed up. I would table this and say go it on your own
7 and let the voters decide. Thank you.

8

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

10

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

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1 motion to continue. Which must be disposed of before there's an opportunity to discuss the
2 substance.

3
4 An Environmental Impact Report is a consistent set of policies... internally consistent set of
5 policies and programs and in this case is EIR for a Comprehensive Plan that replaces another
6 Comprehensive Plan of internally consistent policies and programs. Within a specific
7 Comprehensive Plan, you can replace programs and policies but individual programs and
8 policies from one EIR one Comp Plan did not replace those as another as stated in the Staff
9 report.

10
11 The existing cap that's being discussed before you is consistent with the cap that was adopted
12 Citywide; they both occur. There's nothing in the Comprehensive Plan that has a policy or
13 program to eliminate this downtown cap. Accordingly, since the EIR did not... does not contain
14 sufficient information to assess this proposal and all the effects of the specific action Staff is
15 required to do the Environmental Review conveyed in an initial study leading to a Negative
16 Declaration... a Mitigating Negative Declaration or another EIR. I'm surprised that this is coming
17 before you now because unlike a number of speakers who are speculating what development
18 will occur. I see nothing in the next 6-months that's going to be impacted by this and certainly,
19 that wouldn't impact the continuation until January. Thank you.

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1 Chair Lauing: Thank you. Becky Sanders followed by Tucker Berckmann.

2

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

14

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

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1 she moves between three places. And then there's this family that lives in a car that I see on a
2 regular basis and they're doing a great job; of a father, a daughter and a mother living in the
3 sedan. I'm not quite sure what this has to do with this ordinance but somehow the drive for
4 money over people is turning our City into a very ugly place. And so, I want to encourage you all
5 from a moral standpoint and you have a legal standing to do so because it's not like we're
6 asking you to do anything illegal. Just go ahead and uphold this ordinance a little bit longer so
7 that we can continue toward to address this crisis in humanity in our City. Thank you.

8

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

10

11 Mr. Tucker Berckmann: I wanted to respond briefly to the question from the Commission to the
12 Staff of whether this would actually affect the President Hotel and I believe the response from
13 Staff was no because this is a non-conforming building. What if in the meantime the building
14 classification changes and then it would be protected by the cap? That was not clear from the
15 earlier comments tonight and I think clarity should be gained on this point before we dismantle
16 18.18.040. And I think we need to find the exact count of the building, I think we need to find
17 out who the suitors are for the remaining space and also if there is pressure to remove this cap
18 it should be clearly stated what that reason is and who it is that needs a space. Otherwise,
19 there is no immediate need for removing the cap. Can't we live with 25,000-square feet for
20 another 6-months? Does this item need to be retained, perhaps changed, or merged into

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1 something else? If... even... if so then there should be a period of consistency where the cap
2 remains in place until those changes are made. Thank you.

3

4 Ms. Annette Ross: (off mic) I'd like to give my time to Taylor [note -spelling] Brady. Is that ok?

5

6 Chair Lauing: Sure. It's just one of you.

7

8 Mr. Taylor [note -spelling] Brady: Good evening everyone. My name is Taylor [note -spelling]

9 Brady and I am a resident of College Terrace as I have been since 2014. And I would like to
10 speak in favor of maintaining the 18.18.040. One thing I'd like to point out as I begin is this
11 particularly rich but a double speaks in the Planning and Transportation Commission's
12 summary. The proposed repeal of... in Palo Alto Municipal Code Section 18.18.040 would bring
13 the Municipal Code into conformance with the recently adopted Comprehensive Plan and then,
14 this is the important bit, reflecting the policy change to focus on limiting office/R&D growth
15 Citywide. Of course, limiting office and R&D growth Citywide also involves focusing on critical
16 areas which it seems like the City is blindly assuming is not an important thing. The downtown
17 area where we're talking about development caps is one through which three major transit and
18 thoroughfares run. We're talking about University Avenue, we're talking about in an ancillary
19 capacity the Embarcadero and we're also talking about El Camino. So, we're talking about
20 major routes through which people come into the City which exacerbated the traffic problems

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1 in the morning that exist because of the massive imbalance between office workers and people
2 who can afford to live here. And we're talking about removing those caps in order to allow the
3 development of more space that not only specifically evicts low income or low or moderate-
4 income residents who have a low impact lifestyle but also provides the precedent for allowing
5 future developments, non-residential developments, to go bananas all over the City. The
6 50,000-square foot Annual Cap is a somewhat annual cap on office space in the three targeted
7 zones is somewhat misleading because it also goes along with the 1.7 million additional square
8 feet that are being allowed to go on in the rest of the City. I'd also like to focus on a couple of
9 key elisions by the members of the Staff representatives French and Lee enlightening the type of
10 square footage that has not been counted in the cap for 18.18.040. Talking about common
11 areas and parking and other such parts of all of these commercial developments that are of
12 course key to their operation as commercial or non-residential developments but are not being
13 included. Thus, giving us this magical 25,000-square foot that are still left. What we need in this
14 City are beds, not desks as Annette encouraged me to say and I say that from a very personal
15 standpoint as a young person who's having a hell of a hard time staying here.

16

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

18

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

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1 I'd like to support Arthur Keller's statement and others who have suggested you tabling this for
2 a future date. Perhaps give the opportunity for City Council to take the lead and provide unique
3 protections for the existing residential rental units at the President. Since all new developments
4 of larger sizes of residential or housing developments are practically modeled after the
5 President Hotel Apartments being dense, being small sizes, being hardly any parking, being in
6 the CD Zone and close to mass transit. It is time to consider that building a treasure for Palo
7 Alto. I understand you may not be able to make that type of statement for it to apply to an
8 existing structure but what a statement it would be. It may provide some teeth to City Council
9 to take the lead and create that possibility. Thank you very much.

10

11 Chair Lauing: Thank you. Margaret Heath.

12

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

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1 advocating for this. I think many people have and I don't see any reason to remove it from our
2 rental units... our residential rental units and most especially because of its location. And
3 indeed, there may be other housing unit's downtown that would also be eliminated if the cap is
4 reduced. Thank you.

5

6 Chair Lauing: Thank you. Mr. Jeff Levinsky.

7

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

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1 non-residential square footage, the City hasn't. According to its own records, it has not counted
2 common areas, parking, storage spaces converted to offices and more. You don't have to look
3 far to find an example. For most of the 20th century, there was a 1-story, 5,000-square foot
4 building right across the street from us at 240 Hamilton. Radio Shack was there. A few years
5 ago, it was replaced by a new 4-story building. You would think the new non-residential space
6 at that site would all count towards the 350,000-square foot cap but the plans for that building
7 show it actually added 50 percent more new commercial space than the City shows on the
8 records for the cap. That's just one small building. Once you start correcting for others it
9 appears that we're already over the 350,000-square foot cap. That means there should be a 1-
10 year moratorium, that moratorium will apply to buildings like the Hotel President and others
11 and prevent them from converting to hotel or offices. And let me say that the grandfathering
12 law, I am familiar with it is not enough because our City loses cases. They lost the case on
13 Edgewood Plaza. We hoped that they went back on appeal but we need all the protections that
14 we have in the law. We cannot give any up and keeping the cap also provides a unique
15 opportunity for you as Commissioners, the Council, and most importantly the public to
16 reimagine downtown so it can best serve its residents and our entire community. We can fix
17 Palo Alto. Please help by voting tonight to keep the cap in place and to protect our City. Thank
18 you.

19

20 Chair Lauing: Thank you. Ms. Karen Porter, I think.

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1

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

12

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

14

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

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1 going on. From 101 to Middlefield Road heading east it was bumper to bumper the entire way.
2 It didn't stop. I heard horns for the first time in Palo Alto. Is the new ruling going to be what is a
3 second in New York for time for the car in front of you to honk the horn for the car behind to
4 hear it? It just didn't make sense and tonight I noticed coming down here, I come down on
5 Hamilton to come downtown. When I got past Greer there was hardly a parking spot. Maybe
6 somebody was having a big party, I don't know but I've never seen that many cars on Hamilton
7 to get all the way downtown. Thank you and I hope you think about the real-life experiences as
8 you make your decisions.

9

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

11

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

19

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1 On a personal level, I am particularly concerned about the President Hotel residences. This is a
2 warm, vibrant community as we've seen not only tonight but before the Council before it took
3 its break. I've had friends and still do in the President Apartments. One of whom is a teacher in
4 our local school district. These are people assisting our community.

5
6 Just to walk down memory lane, I remember Cosa Olga and the single room occupancy hotel
7 that use to be next to it on Hamilton and Emerson Streets. These two facilities had over 100
8 residents; low income, seniors and the disabled. Where is the replacement? There is none. And
9 as to more commercial growth you've heard from all the speakers tonight. We don't need that
10 at this time. We need to rectify the job/housing imbalance. Arthur Keller well illustrated this
11 year the number of major issues this community has to grapple with. This should not be one
12 we're considering at this time. Thank you.

13 ,

14 Chair Lauing: Thank you very much and Katja Priess.

15
16 Ms. Katja Priess: Yeah, my name is Katja Priess and I spoke earlier so I lived in the Hotel
17 President again 20-years. And I didn't really prepare much to say at this point but I wanted to
18 thank really everybody who spoke right now in favor of keeping the cap. A lot of our community
19 right now said that there is hope and what really touched my heart is that I don't know a lot of
20 the people who spoke tonight but this is the reason why we would like to stay in Palo Alto.

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1 Because there is still this spirit of community that people do speak up for each other and
2 support each other. If we cannot stay in the President, we have to get out of Palo Alto. We
3 would lose this spirit of community and it would break the heart of a lot of us who live in the
4 President. That's all I wanted to say, thank you.

5

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

7

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

9

10 Chair Lauing: Right, we only got one card.

11

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

13

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

16

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

18

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

20

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Mr. Ross: [unintelligible – spoke from the audience off mic] Commission, Chair, Commissioners respectfully, I have comments in two areas barring on this agenda item. One is General Plan consistency and the other is CEQA compliance. Pages 3 to 4... first of all what's before you is a change to the Zoning Ordinance. It's not just a code change. This is clearly a project under CEQA. It's also subject to General Plan consistency analysis. The analysis that you have before you is on Pages 3 to 4 and focuses principally and exclusively on the Land Use Element. That's not the standard. The standard is that articulated in the 2003 and 2016 General Plan guidelines that confirmed judiciously. What is that? That you look at the action and you say does the action further without hindering all elements of a General Plan? That analysis isn't here. Respectfully if you look at the Housing Element of the new Comp Plan there are several policies that bare on the preservation of existing housing. Among others, there's an inventory of sites that should be in that analyzed in such an analysis that would bear on the CD district. That's absent. On the CEQA issue, I would incorporate the testimony of all the tenants that were present here tonight. Why does that bare on not just relying on the Comprehensive Plan/General Plan? Much like Herb Borock, I would say there's a need for another assessment, an initial study. Why? There are changed circumstances under CEQA guideline Section 15.626 if I remember correctly, under which this project would be carried out. What is it? Among other things, tenants are going to be displaced. There's an economic impact. The normal rule under CEQA is that economic impacts are not assessed but that's qualified if there's going to be an

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1 effect on the environment. We know there are going to be displaced. There's already an
2 agreement for relocation assistance by AJ Capital. Let's look at AJ Capital and on this, I have
3 personal knowledge. What are they doing? They have 11 existing facilities in university towns, 9
4 planned, all of them convert to exclusive Airbnbs. Is that what we want? We want to have that
5 displacing of diverse housing opportunities that exist right now contrary to the new General
6 Plan policies? I would respectfully suggest and this would be the part that's based on personal
7 knowledge, let's go look at another one of those existing facilities. One exists in Iowa City, Iowa.
8 It's 9-stories, it's 237 units, the prices... and the cost of living in Iowa City is about 1/3rd of what
9 it is here, is for units for \$160 to \$360 a night. It's for people like Gene Wilder. Allow me to
10 finish if you will please? My point is that's what we're putting in in the President Hotel and
11 we're displacing tenants? Much like Mr. Borock, I think there's an incomplete CEQA analysis
12 and incomplete General Plan analysis. On those bases alone, you should differ until you get that
13 type of analysis supported by substantial evidence before you. Thank you.

14

15 Chair Lauing: Thank you. Alex Smaliy.

16

17 Ms. Alex Smaliy: [unintelligible -off mic]

18

19 Chair Lauing: Ok.

20

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1 Mr. Smaliy: Hi, I spoke early and I wanted to follow on from what the previous speaker said. I
2 just wanted to speak plainly about what is actually happening at the President right now. Which
3 is that yes, there was a comment earlier that AJ Capital have not applied to change the use of
4 the building. But we have to look at what they are which is they're a hotel developer. They
5 develop hotels. They are not... it is difficult to imagine a scenario in which they maintain the use
6 of the building as residential. They will apply for an exemption. They may have to struggle with
7 the City to get it but if we limit the protections on the building to just it's grandfather statues it
8 again may not be enough. Because they will try to get like...this is what they bought the building
9 for, they paid untold millions of dollars to convert the building to a hotel, they're even quite
10 clear about the recent New York Times article with a wonderful title of the Education of a
11 Brotelia [note – couldn't find the spelling]. So, its... just because they haven't applied to change
12 the buildings use far and away doesn't imply that they will... that they will not do it. They're
13 already... they're forcing the tenants to empty the building so the [unintelligible] is already
14 being destroyed. And as a landlord, they are within their own rights to do that. We are tenants,
15 we are not owners. Sure, we may be gone but maybe the building will remain and others will
16 have the opportunity to live downtown in this walkable, transit-accessible, dense, wonderful
17 downtown community. Great but it is extremely dubious that this is what they are planning to
18 do.

19

20 Chair Lauing: Ok the last speaker and we're going to close comments here is Michelle Kraus.

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

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

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

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

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

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1 adopted in the Comprehensive Plan is not impacted by this adjustment? What I'm trying to say
2 is there's been a suggestion that this would somehow preempt the citizens ability to speak but
3 it's my understanding that the ballot measure isn't amending the Comp Plans 1.7 million City-
4 wide cap, not another or I should say the more current 1.7 million cap not this sort of pre-
5 existing cap. Is that accurate?

6
7 Mr. Yang: I think what you're asking is, is there a relationship between this cap and the ballot
8 measure or the City-wide cap of 1.7 or half of that amount whatever it may be. And from our
9 perspective no, there's... those are unrelated caps.

10
11 Commissioner Alcheck: Ok that's sort of what I understood the ballot measure to say. Ok, so
12 I'm going to... are you setting time limits or are we... ok, so I'm going to... I'm just going to
13 address one thing about process real quick. I'm glad Elaine Miller that you joined us tonight. I
14 was hoping I'd have an opportunity to meet you. I want you to know that when I saw your
15 Next-Door post on Monday at 4 because I get the roundup, I was a little disappointed. Because
16 you wrote and I'll quote it because I think it's worth... that we all work setting the tone here,
17 which is you said that the development cabal on the PTC is concerned about the Citizens
18 Initiative to restrain office growth will pass. And so, the Planning Commission has scheduled a
19 discussion to raise the Downtown Cap to preempt the election and the expression of the
20 citizen's voice. I think it's safe to assume that when you say development cabal you are

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1 referring to some nefarious group of which you believe I am a member. And if that's the case I
2 just... I want you to know that none of the Commissioners before, all of which are volunteers,
3 have any oversight or influence on agendaing an item like the one before you... before us
4 tonight. In fact, I had only begun and had not yet finished reviewing this item when I saw your
5 post and so I just hope that everybody knows that there's no effort... the cabal members are...
6 did not ask Staff to bring this forward. And you know you may not realize it but on our
7 Commission's website my contact information is provided and I really wish you'd called me
8 before suggesting that somehow there was nefarious intent.

9

10 [note -female:] [unintelligible -speaking from the audience] a conversation [unintelligible].

11

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

13

14 [note-female:] [unintelligible – speaking from the audience]

15

16 Commissioner Alcheck: Excuse me.

17

18 Chair Lauing: Right.

19

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

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

Chair Lauing: Let's just make it brief Mike [note-Commissioner Alcheck].

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

[note -female:] [unintelligible – speaking from the audience off mic]

Chair Lauing: Ok so (interrupted)

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

[note-female:] [off mic] Just don't point out one person.

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

Chair Lauing: Ok Michael [note-Commissioner Alcheck], Commissioner (interrupted)

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

Chair Lauing: Commissioner (interrupted)

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

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

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

Chair Lauing: Ok, ladies and gentlemen (interrupted)

Commissioner Alcheck: Please let me finish.

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

Commissioner Alcheck: Let me... if I sound like I took it personally, I'm not. It's just that I'm... we... I'm here to engage with you and I make my self-available. I think we all do and what we

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1 saw in the last 48-hours is a tremendous sense of distrust in us. The suggestion that we have
2 somehow attempted to further the President Hotel's process.

3

4 [note-unknown speaker:] (off mic) Yeah but this is not (interrupted)

5

6 Chair Lauing: Please.

7

8 [note-unknown speaker:] (off mic) relating to the issue [unintelligible].

9

10 Chair Lauing: Yeah, could (interrupted)

11

12 Commissioner Alcheck: We have (interrupted)

13

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

15

16 Chair Lauing: Mike, I think you've made that point and I don't really want to carry on with it too

17 much longer. Did you have any other comments on the merits here?

18

19 Commissioner Alcheck: Yeah, I'll (interrupted)

20

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

2

3 Commissioner Alcheck: Ok.

4

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

6

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

8

9 Chair Lauing: Are we going to (interrupted)

10

11 Commissioner Alcheck: I will continue with my comments.

12

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

14

15 Commissioner Alcheck: I'll say... I'll try to conclude with this. The... this issue has been litigated

16 sort of at nauseum this specific issue in our community. I did not agree with everything that

17 came to pass with the adoption of our Comprehensive Plan but I did and I continue to respect

18 the process by which it came about. This... tonight this concept it is a policy discussion and

19 we've already participated in it and Council acted upon it. And with that said though, there

20 remains a legal ambiguity here. I attempted to also understand how this came to us and it

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1 seems to me that there's an effort maybe during the summer when our Legal Department or
2 our Planning Department tries to understand what potential issues may come that they are
3 trying to address that issue which is, I think, admirable. That said there's remains a legal
4 ambiguity and we need political clarity. Clarity that really only our Council can provide which is
5 why I would suggest that tonight we come together. We show the community that we're
6 equally unsure of what the Council's direction was and support a motion that recommends that
7 the City Council make the determination on this code section without direction from the
8 Commission. We've reviewed the growth strategies, in summary, we've reviewed the growth
9 strategies and opined on them. And there's a conflict in our code between this section and the
10 Comp Plan's newer City-wide cap and whatever compromise our Council came to, to enact that
11 cap along with the 50,000-annual limit. And the City Council could immediately resolve this
12 confusion and add clarity and help us understand exactly what was the strategy that they had
13 intended. So again, I want to reiterate that I'm here, I'm available and I would support that we
14 come together as a group to demonstrate that we want to resist sort of the pollicization of this
15 Commission and allow our Council to just provide the clarity that they may be unfortunately
16 didn't provide.

17

18 Chair Lauing: Ok. Other speakers? Commissioner Waldfogel.

19

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1 Commissioner Waldfogel: Right. I want to thank all the public speakers for coming out tonight. I

2 know that it's not... can you hear me?

3

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

5

6 [note-male:] Get close.

7

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1 Commissioner Waldfogel: Let me see if I can pull this microphone a little bit closer. Sorry about
2 that, can you hear me now? Ok great. Yeah so, I want to thank you all for coming out tonight.
3 I'm sure it's not exactly what you wanted to be doing on whatever tonight is, July 29th [note-
4 July 25th].

5

6 MOTION #1

7

8 I'm... in the interest of moving this forward I'd actually like to propose a motion and if I get a
9 second on the motion then I would like to speak to the motion. So, the motion that I want to
10 propose is to move the Staff recommendation.

11

12 Chair Lauing: Move the Staff recommendation as published in the Staff report basically. Is there
13 a second to that? No second.

14

15 Commissioner Alcheck: Can I ask a question real quick before it (interrupted)

16

17 Chair Lauing: Well we really need a second before we can discuss it.

18

19 SECOND

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1 Commissioner Alcheck: If I need to... I'll second it just to simply ask him a question.

2

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

5

6 Commissioner Alcheck: I would like to understand the rationale.

7

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

9

10 Commissioner Alcheck: That would be great.

11

12 Chair Lauing: Commissioner?

13

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

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1 stated priority. So, we're solving a non-problem today and it's something that's just wildly
2 contradicted in the Comp Plan.

3

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

20

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1 I also have a question for our esteemed counsel which is this... and if this is off topic just stop
2 me but just what tools do we have from PTC to make a quick recommendation to Council on
3 renter protection? I mean are there... is there anything we can do around renter protection,
4 evictions, rent increases? I mean we've heard loud and clear that these are issues and just what
5 can we do? I mean do we set up an Ad Hoc? Do we... what's our process?

6

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

9

10 Commissioner Waldfoegel: But as a body how do we communicate an intent if we had an
11 intent?

12

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

14

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

17

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

19

20 Chair Lauing: Right.

-
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SECOND WITHDRAWN FROM THE MOTION #1

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

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

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

Chair Lauing: Is that an option?

Mr. Yang: Yes, of course.

SECOND

Chair Lauing: Ok. I'm happy to second it to continue the discussion if we want because there's a motion on the table, right?

-
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1 Mr. Yang: Only if it's seconded.

2

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

4

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

7

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

9

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

12

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

14

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

17

18 [note-female:] (off mic) We can't hear you.

19

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

6
7 Vice-Chair Monk: Yeah, I do have a few comments. First, I'd like to acknowledge some of the
8 members of Council that are here tonight. Our Vice-Mayor is here, Council Wolbach is here if
9 there are others I'm missing thank you for coming tonight, and showing your interest. And also
10 thank you to everyone who sent in letters and everyone who's come tonight. We definitely
11 appreciate all of the input.

12
13 There was an overwhelming support to address the housing crisis and push to preserve housing
14 at all income levels and I heard that unanimously stated by everyone present tonight. When we
15 return on August 29th we will be discussing a framework for Housing Ordinance specific to the
16 downtown area. And I'd like to extend an invitation to everyone here and everyone listening at
17 home to please come, please speak, send letters, walk the walk. We definitely want to hear
18 from you on that issue.

19

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1 As far as the timing of this particular ordinance I find it unusual in that Staff typically goes over
2 agendize items with the Commission. And also, with... specifically with the Chair and myself and
3 this was on that had not been previously brought up to our attention. So, if there was some
4 reason that this came forward other than the code cleanup, which is what we're telling... being
5 told is the reason, I would like to know it. And until then in the absence of that my
6 understanding of our objective tonight is to look at the Staff report because Staff has identified
7 a need to update the code so that it complies with the new adopted Comp Plan and Council
8 direction from January 30th, 2017. So, in that regard, it's quite clear to me what our objective is
9 tonight and why this is being brought to us. And if there is any further confusion on what it is
10 that is before the PTC I would refer to Packet Page 12 which is the actual ordinance and gives
11 background on the prior Comp Plan where the Downtown Cap was put in place. It also
12 explained what was to happen when we got used... got close to approaching the maximum
13 under that and about 4-years ago we were getting close and would have triggered the
14 moratorium. And so that's why it went back to Council and the Phase One of the Downtown
15 Cap Study was put in motion. And based on the findings of that study based on the new Comp
16 Plan Council made the recommendation that we go with a City-wide cap which incorporated
17 the Downtown Cap. And they also enacted the 50,00-square foot cap so we have two other
18 caps that were to replace and update the direction that we needed to go in.

19

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1 We've heard from residents that retaining this cap will somehow have a bearing on preserving
2 residential buildings in the downtown area. However, when we asked Staff about that and look
3 at the code there was anything that I'm seeing that supports that. So, I don't know if there's
4 something indeed that I'm missing but my understanding is that whether or not we take a yes
5 decision on the Staff proposal or we take a no-decision. Either outcome from my understanding
6 has no barring on any residential buildings or conversions in the downtown area. And if I'm
7 mistaken in that conclusion I would like any of my colleagues to correct me or anyone in the
8 audience I invite you to correct me. I did reach out to certain members of the community
9 because there were posts online and on social platforms that gave rise to my questioning as to
10 what was before us tonight. And when I attempted my follow-up I did not get any additional
11 clarification from anyone actually linking what was before us tonight with any potential action
12 that can or cannot occur in regards to the residential units in downtown. That this is an
13 ordinance that relates to the commercial development and it has no barring on residential.

14

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

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

3

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

5

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

11

12 Chair Lauing: Counsel?

13

14 Mr. Yang: It's in the Chair's discretion.

15

16 Chair Lauing: Commission, allow the speaker?

17

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

19

20 Chair Lauing: Just say yes or no. We're just taking a Commission vote. One, two, three.

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Commissioner Alcheck: [unintelligible – off mic]

Chair Lauing: Yeah, I mean we can't do this to 25 speakers so if this is specifically answering one of your questions then we'll allow it but it has to be constrained. Go ahead, Mr. Keller.

Mr. Keller: My understanding is that Commissioners can ask specific members of... questions of members of the public and I'm offering an answer to her question.

Chair Lauing: Right so go ahead.

Mr. Keller: So, it's my understanding that multiple ordinances may apply to [unintelligible] situations. So, with respect to the President Hotel Apartments, in the situation that there... the square footage of that would be converted from residential to a non-residential use, mainly hotel exceeds 25,000 or that incorporated with other developments. Such as the one on Cowper and University where to that cap then this conversion could not happen as an additional reason. Now it does turn out that the City Manager before the sale went through did say that he thought it could happen by right but it's not clear exactly at this public... it's probably going to be litigation that happens. And if there's litigation on this particular sale

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1 because of representations made by the City Manager then having additional ordinances that
2 apply will [unintelligible] the City's case.

3

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

5

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

8

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

10

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

12

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

15

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

18

19 Chair Lauing: Ok.

20

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1 Ms. Vrhel: I think what I heard today was that the two City Staff representatives from the
2 Building Department really didn't have a clear answer as to many of your Commissioner
3 questions. And I think you have an attorney here and I think actually what would be very good
4 would be for Ms. Monk's questions to be given over to the legal counsel... the City's legal
5 counsel and for them to provide you a rock solid, honest question or answer to her questions. I
6 think the rest are conjecture. And having worked with the City Staff before on planning and
7 particularly Ms. French, I have personal experience that all... that leading information out of an
8 answer creates confusion. Thank you.

9

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

12

13 Vice-Chair Monk: Thank you for the input. What I do believe is that additional changes to the
14 code would need to take effect in order for there to be any sort of action on that particular... on
15 the President Hotel. So, this singular action I don't think would have any barring at all and that
16 in order for something to happen additional changes would need to occur. There would need to
17 be another change in the code or zoning or something in order for there to be something to
18 change... to really impact that unit.

19

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

10

11 Chair Lauing: Ok, Commissioner Summa.

12

13 Commissioner Summa: Well, thank you, everyone, for your patience this evening. So, I would
14 like to start out by saying that one of the things that has been emphasized the Council vote on
15 this about 18-months ago. In the last year, the Mayor and the Council have been unanimous in
16 one thing and that is that we need more housing and we need housing downtown. Removing
17 the commercial cap from the downtown will disincentive housing and will create more offices
18 that will contribute to the existing problems that the... our former Council Member's in 1986
19 were smart enough to see so that's the first thing.

20

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1 I think the Council would like to have us give them the recommendation to reconsider this
2 because I don't think since in the last year that is what they have expressed. And I think they
3 rely on us to give them good information. Furthermore, we have had a superabundance of
4 concern from every point of view; the moral; the legal; the sensible. We know we have an
5 existing problem with traffic and parking downtown. We have made a commitment to the
6 residents of Downtown North and South to annually reduce the number of commuter parkers
7 in their streets every year and we cannot do that if we continue to add office. We can add office
8 in other parts of downtown where... and other parts of the City but downtown is full up. I think
9 we should assume given the difficulties that we seem to encounter counting the square footage
10 I think we should assume we've hit the cap. I didn't hear a direct answer but Staff referred to
11 25K left. That... you know... so let's assume we've hit the cap. This cap is not a hard cap, it is a
12 cap that says huh, we're here. This is where we thought the trouble would really start to get
13 really bad so we want to take a year off, we'll take a moratorium and I think that is a really good
14 thing for us to discuss how this affects the other housing issues that are coming before us. I
15 think we should approach this from a holistic policy issue. That is how we will wind up with a
16 solution and a conclusion that serves all the residents in this City as best it can and no longer
17 continues to burdened the downtown with too much office space that it cannot support. So, I
18 would... if I thought there was support from my colleagues I would make a motion that we
19 recommend that we believe we have reached the cap and the moratorium should immediately
20 be put into place. In the absence of that kind of support from my colleagues, I would simply like

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1 to make the recommendation that we do not recommend at this time that the Council abandon
2 18.18.040. Do I have a second?

3

4 Vice-Chair Monk: I'll second it.

5

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

8

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

10

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

12

13 Chair Lauing: That's what I wanted to clarify.

14

15 Vice-Chair Monk: And I would second that.

16

17 Chair Lauing: So please restate the substitute motion.

18

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

20

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1 Chair Lauing: She's seconding Commissioner Summa's.

2

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

4

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

6

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

8

9 SUBSTITUTE MOTION

10

11 Commissioner Summa: I don't... if I have support for enacting the law that exists right now on
12 the books of the City that would result in a very sensible 1-year moratorium on office space. So,
13 we can all take a step back and look how we can achieve the goals we want together. I would
14 make that motion.

15

16 Chair Lauing: Then you need to make it as opposed to ask the question but if you'd like to
17 (interrupted)

18

19 Commissioner Summa: Ok I'll make that motion.

20

-
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1 Chair Lauing: do that one, that's ok otherwise we'll go to the second.

2

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

4 it.

5

6 Chair Lauing: Ok so now (interrupted)

7

8 Commissioner Summa: Do I have a second?

9

10 Chair Lauing: Is there a second to that?

11

12 Commissioner Waldfogel: [unintelligible – off mic]

13

14 Chair Lauing: Well first let's see if there's a second. It doesn't sound like there's a second so that

15 motion is not going to forward.

16

17 SUBSTITUTE MOTION DIES DUE TO THE LACK OF A SECOND

18

19 FRIENDLY AMENDMENT

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

5

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

8

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

11

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

16

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

20

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1 Commissioner Waldfogel: [unintelligible – off mic]

2

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

8

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

12

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

18

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

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

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

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

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

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

Chair Lauing: Ok so we need a second for that which again to my mind sort of going the same place which the same kind of motion.

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

3

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

5

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

9

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

13

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

16

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

19

20 Mr. Yang: Ok so the motion as amended (interrupted)

-
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1 Chair Lauing: And my second still stands.

2

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

5

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

7

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

12

13 Chair Lauing: Right so that's in place now.

14

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

17

18 Chair Lauing: Ok so we got that.

19

20 Commissioner Alcheck: Ok I just wanted clarity there. Ok now (interrupted)

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Chair Lauing: So, let (interrupted)

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

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

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

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

3

4 Commissioner Alcheck: Some of that is inclusive but most of it. So, I mention that only because
5 if for example, we had considered a moratorium on any of those uses then we would also be
6 considered as our law is currently written a moratorium on residential because our residential
7 is handicapped by this requirement. I am satisfied if this Commission decides to further the
8 recommendation that's currently on the dais simply because again, I think this is a decision... a
9 discussion that we've had and we've expressed points of view on it. We really need the Council
10 to tell us what is it exactly you intended or what is it that you now intend? I think regardless of
11 what the Council decides on this when the citizens vote in November if the citizens of this great
12 community decide to half the City-wide cap then that is the purgative of our citizenry. And that
13 effort shouldn't be preempted. I don't think telling us providing clarity here would do that but I
14 will say this if the... and I'll just... I'll direct these comments to Council. If you elect not to make
15 the change and retain the cap we really need Staff to address the issue of the requirement that
16 our residential include a component of commercial because without addressing that we are
17 allowing the code to essentially restrict residential development. And that is a huge concern of
18 mine.

19

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1 I want to just say one additional thing. I don't feel that we have really enough information to
2 address the impact of this element on the President Hotel situation. We haven't been informed
3 about it and it's not... it's... I know probably far less about it than most of you who are living
4 there.

5

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

7

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

14

15 Chair Lauing: Ok.

16

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

19

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1 Chair Lauing: So, I'd like to speak to the motion and actually my own second. First of all, as been
2 stated by a couple of my colleagues we just got this agenda item without any prior discussion
3 ever. Either up here or independently so we're reacting from the time that we got our Packets
4 delivered on Friday night to try to prep for this. Highly respect and appreciate all the input from
5 the public.

6
7 The whole point to me as I began studying this issue from the get go up to this second is timing
8 of any sort of discussion or action on the accruing cap one way or the other. A number of
9 speakers have asked what... why now? What's the rush? There isn't any. We have a common
10 pre-meeting with Assistant Director Lait and the Commissioner [note- Chair?] and Vice-
11 Commissioner [Note-Vice-Chair] and others we discussed it at length yesterday. And my
12 questions were around why are we discussing this now? Why is it even in front of us? Why
13 don't we continue this until there are some other things that are more important that we've
14 studied and taken action on called the Housing Work Plan? Which is substantial stuff that is
15 likely going to result in the need for code changes to give incentives to development of housing
16 and relaxation of standards which I think there is close to universal support on this dais for.

17
18 So, we talked about continuances and how urgent was it and unfortunately the Assistant
19 Director isn't here but I mean we agree that a continuance would be acceptable. And also, that
20 it is not particularly time-sensitive relative to existing projects or frankly anything else. So, one

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1 way or the other I come in tonight saying that I think we do not want to take official action on
2 the exact ordinance language that was put in front of us. A lot has changed in 18-months since
3 January 30th, 2017 when Council had these discussions. Not the least of which is again the acute
4 situation around housing and the commitment of Council to more housing of all types and
5 particularly the commitment of Council and the community to BRM and affordable housing. We
6 have got to take action on that, that takes the highest priority, that's what we need to work on
7 the rest of the year, [and] that needs to be done before we look at this thing in front of us
8 tonight in a vacuum because we don't know what the impacts are. And we don't even have
9 things in the Staff report on transportation impacts, TDMs, etc. etc. etc. There's just nothing
10 there to look at so for those two reasons the whole issue here is the sequence on addressing
11 this as is, is just wrong. We have to calculate the impacts and we have to sort out what we
12 really want to do to change the housing build rate in the City and all areas. So that has to be
13 done first and therefore this thing should not be approved, particularly since there's no time
14 sensitivity.

15

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

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1 housing and Council ought to take a second look at that in the context of what we get done
2 through the end of this year before taking a look at that cap issue in a vacuum. So, I'd be happy
3 to support the motion as it is. Other comments on that? Commissioner Summa.

4
5 Commissioner Summa: Just a specific comment but I... Staff can maybe verify that this is true. I
6 believe by using TDRs... we can use TDRs for residential so you could get buildings that have
7 quite a bit residential. Is that accurate? I think it's in the code.

8
9 Ms. French: We can get back to you further on that but we don't think there's a prohibition in
10 the code to use TDRs for residential but it just hasn't been done. It's always been (interrupted)

11
12 Commissioner Summa: Because off... yeah because most property owners are going to go for
13 commercial space but we can.

14
15 Ms. French: As too Commissioner Alcheck's point, you wouldn't be able to use it and create a
16 holey residential project in the CD Zone downtown.

17
18 Commissioner Summa: No but you have to put... in lots of CD you have to have ground floor
19 retail anyway which is protected Citywide. So, I think there's more potential than maybe my
20 colleague was thinking about at the moment.

-
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Chair Lauing: Ok if there are no other comments let's take a vote on the motion and to restate it.

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

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

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

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

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

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

Commissioner Summa: Thank you.

-
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1 VOTE

2

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

5

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

7

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

13

14 Chair Lauing: Ok, thank you. That concludes Item Number 2 and I'd like to call a recess here at
15 8:35 for about 10-minutes.

16

17 [The Commission took a short break]

18

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

21

22

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1 **Commission Action:**

- 2 • Waldfogel motion to add language to Bylaws to consult chair in setting agendas; Lauing second;
3 friendly amendment by Monk accepted by maker and seconder. Motion failed 2-2-1 (Monk and
4 Alcheck opposed; Summa abstain).
5 • Monk motion to add footnote on quasi-judicial hearings in PTC Procedures; Alcheck second.
6 Motion passed 5-0 (Gardias, Riggs absent).
7 • Alcheck motion to clarify consent calendar procedure in PTC Procedures; Monk second. Motion
8 passed 3-2 (Waldfogel and Summa opposed, Gardias, Riggs absent).
9 • Alcheck motion to continue remaining discussion on PTC Procedures; Summa second. Motion
10 passed 3-2 (Monk and Waldfogel opposed, Gardias, Riggs absent).
11

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

19
20
21 Commissioner Alcheck: Can I ask a favor?
22

23 Chair Lauing: Go ahead.
24

25 Commissioner Alcheck: Would... after you call out the new Packet Pages will you call out the old
26 ones because I brought my old Packet too with the redline and it helps if you do both?
27

-
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1 Chair Lauing: Yeah, ok. Alright, so 22 and 3 [note-Pages 22 and 23] are the old Packet 47 and 48.

2 There's no changes there. Are you with us Commissioner Summa? Got it? Ok, great so

3 (interrupted)

4

5 Commissioner Summa: 22 and 23 is the new Packet.

6

7 Chair Lauing: Right and new Packet 24 also has no changes suggested so if there aren't any we'll

8 move to Packet (interrupted)

9

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

11

12 Chair Lauing: That's on Pages 20 (interrupted)

13

14 Commissioner Summa: 5.

15

16 Chair Lauing: 5 which we're just going to and/or Page 50 in the old Packet which is redlined.

17 Yeah, go ahead with that Commissioner Summa.

18

19 Commissioner Summa: Oh, I was just wondering what the thinking of why let appellants and

20 applicant teams speak during public comment also?

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

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

Chair Lauing: And the line that says surrebuttal?

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

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

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

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

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

Chair Lauing: That probably makes more sense to me. Is that ok with everybody?

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

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

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

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

Vice-Chair Monk: This issue came actually before us not too long ago where we had an applicant and then we had a member of the public and so it... it didn't... neither party quite fit within this existing definition. So, I just wanted to propose maybe adding hearing requestors or something of that nature because it's not always an applicant or an appellant. It's a hearing requestor unless I'm incorrect.

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1 Mr. Yang: So, for... that term hearing requestor comes up around CPs because it's the term
2 that's used in the Municipal Code but their effective appellants and we treat them like their
3 appellants.

4

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

6

7 Mr. Yang: Sure.

8

9 Vice-Chair Monk: Is it not relevant?

10

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

14

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

17

18 Mr. Yang: No, they're functionally the same.

19

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1 Vice-Chair Monk: So, the appellant, their opening will proceed the applicant if they're
2 (interrupted)

3

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

6

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

9

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

15

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

20

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1 Chair Lauing: Was that it on that point, Commissioner [note-Vice-Chair] Monk?

2

3 Vice-Chair Monk: Yeah.

4

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

7

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

10

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

12

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

15

16 Chair Lauing: Section 6, agendas?

17

18 Commissioner Waldfogel: Yes.

19

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

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Commissioner Waldfogel: I mean tonight's first agenda...tonight's agenda item was a great example where consultation with the Chair would have been valuable.

Chair Lauing: He's on new Packet 19.

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

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

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

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

Commissioner Summa: [unintelligible] being stupid. Just... well, this is sort of for Staff also but I think that last minute change created a lot of mistrust in the public. So, I think it's... when it's something that has to be removed because Staff isn't ready, I think that's fine but adding something so substantive at the last minute. And to be honest I found out because I read about it in the newspaper and I don't think that's really the way we want to do things. So, I think changes should be discussed with the Chair and especially in the middle of summer when somebody may have planned to travel. Because frankly, what was on our agenda were two map acts and our bylaws. Things pretty lightweight were as this turned out to be as Asher [note- Commissioner Waldfoegel] said a huge thing with residents. So, I think it would be better to check with Chair before substantive changes like that and also that the Chair should let everybody know as soon as possible. You know because even the way I manage my time I would have had... I had to... and because of the Staff report didn't have links in it I had to look up all the links myself for like the 2014 report and I had... and I read the transcripts. This was a lot more preparation than our former one so what... you know and we got it a little late so what if I had two parties this weekend? I wouldn't have had much... or something... I'm just saying it's better if we all know sooner because I think we can have more time to prepare.

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

3

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

6

7 Chair Lauing: Commissioner [note- Vice-Chair] Monk did you have your light on for this item?
8 No, ok. Commissioner Alcheck did you?

9

10 Commissioner Alcheck: Yes, so let me say two things. I think for the very reason... ok, I think
11 Staff makes us aware of City work as soon as possible. As soon as they are able to present
12 information that could be shared with the community they make it available to us. I think we
13 are among the first to be informed. I think that if the change you are requesting is one about
14 timing that's one thing. I think that any changes that would imply oversight over the setting of
15 agenda would be inappropriate. I don't think that the preceding officer should have oversight
16 over agenda-setting simply because number one, that's not a role... we aren't here serving at
17 the desire of the preceding officer. The preceding officer is empowered to help the meeting
18 process as opposed to result. That's number one. Number two, some of the very suggestions
19 that have made me very uncomfortable coming into this meeting were that somehow, we as
20 volunteers had somehow participated in the setting of this specific agenda for this specific

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1 evening. There was some... so to be involved in advance of the entire public's opportunity to be
2 aware of something would only further sort of this suggestion that somehow, we decide and
3 (interrupted)

4

5 Chair Lauing: Well can I just add to your point?

6

7 Commissioner Alcheck: If you just let me finish then you can go on.

8

9 Chair Lauing: Sure.

10

11 Commissioner Alcheck: And so, I really want to resist that implication even if you are just being
12 made aware. If you didn't give a heads up to the community that you find an affinity to that
13 could be perceived as political and I think it's really important that the agenda becomes
14 available to all parties in the process at the exact same time. I imagine that there are probably
15 some legal issues involved in that. That's number one.

16

17 The other thing I want to make a point about is... and I think I made this point before. The
18 quorum requirement is the minimum number of people we need to have to do business. I
19 watched our meeting... you're last meeting because I was interested to know how you would
20 end up on the bylaws discussion. I was, unfortunately, was abroad during that meeting and in

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1 that meeting I... it was nice to hear Commissioner Riggs suggest that hey, I know Mike Alcheck
2 would be interested in this discussion so maybe we should postpone. I just want you to know
3 that I feel pretty strongly that if someone is not present, that's not a reason to not conduct
4 business. I think the business of the City deserves review and if the requisite number of
5 members of a Commission are present, which is four, we should proceed.

6

7 Chair Lauing: But we're not speaking to quorums right now so.

8

9 Commissioner Alcheck: No but the suggestion that if you are aware... that one of the assertions
10 that Commissioner Waldfogel made tonight was that if we were aware of things we could
11 coordinate them with our schedules. I don't think that that... I don't know to think that we
12 should be overly concerned about the scheduling of Commissioner presence except to the
13 effect that there's a quorum. And the only justification to postpone an item would be failure of
14 a quorum, not failure of a specific Commissioner to be present for that meeting.

15

16 Chair Lauing: Ok.

17

18 Commissioner Alcheck: And so just because I missing I think my preference would still have
19 been that you guys concluded this item at the last meeting because it's business. And if you had

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1 concluded it maybe it would have allowed Staff to prepare something else that needs to
2 happen for this meeting.

3

4 Chair Lauing: We were too tired anyway.

5

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

7

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

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1 Chair and said what do you think about this? Because at the end of the day he even said that it
2 wasn't really that time sensitive and so I think having that kind of safety valve on quick adds
3 does make some sense to be in here. And I think the other issue with respect to having the
4 things on the agenda is a little bit different than what you were saying. Is that if somebody
5 really wants to get there for a certain agenda item and it's there, that's great, but if it's added
6 at the last minute like it was tonight Commissioner Waldfoegel at the last minute had to disrupt
7 everything to get here. So, I think that's what... those are my thoughts. Any others?

8
9 Mr. Yang: So, I guess I think I'll be the first to acknowledge that the earlier agenda item tonight
10 was a mistake on our part and I think we didn't anticipate that it would be that it would have
11 the impact that it did. We thought it would be a 30-minute item that we thought there was
12 space in the agenda so let's add it in. And obviously that was a mistake but I think we've all
13 learned quite a lot from that.

14
15 As to the current proposal, I guess I would suggest somewhat more immediate language that to
16 the extent feasible the timing and order of agenda items would be established in consultation
17 with the Chair. Because I think that gets to the concern that I've heard expressed but it doesn't
18 give the impression that the Chair has a substantive role in determining what comes to the
19 Commission. Which I think is largely driven by these applications that we get in the door and
20 the direction we get from Council.

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2 Chair Lauing: Well it also goes the other direction as was brought up tonight which was
3 technically off agenda and we correctly said we should address that. But when there are things
4 like looking at... I don't know the correct word... not rent control but rent whatever it's called.
5 Reduction, thing like that, if something like that comes up from the Commission and we want to
6 agendize it we also don't want that vetoed.

7

8 Mr. Yang: Right.

9

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

12

13 Commissioner Waldfogel: (off mic) Excuse me?

14

15 Chair Lauing: Yeah go ahead.

16

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

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1 You know flow in from all kinds of places. I've seen stuff added last minute when I think that I
2 don't have to worry about traveling. So, it's... my perception is that there are places where
3 there is where time is of the essence but often even applications. We were told there would be
4 two zoning maps on the agenda tonight, they've moved, apparently, time was not of the
5 essence in getting those prosecuted tonight so I think that you're perhaps exaggerating how
6 much work we do that actually needs to be done on a specific day on a date certain. And I think
7 that managing our calendars so that we can fully participate is an essential part of having a
8 functioning Planning Commission.

9

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

12

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

15

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

17

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

20

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1 Chair Lauing: What's that Commissioner [note-Vice-Chair] Monk? Sorry, Commissioner [note-
2 Vice-Chair] Monk, I didn't see that.

3

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

17

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

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1 would be saying really? Can't we just kind of move that to the next item... I'm sorry to the next
2 meeting?

3

4 Vice-Chair Monk: I think it's more to give a courtesy to folks if there's a change so that in the
5 event they made travel or they need to make a change because maybe I just booked a flight like
6 the day before the change was made. And if you just had given me that one days' notice that
7 could have saved me a lot of money or whatever it could have been so that's all I'm saying.

8 Chair Lauing: Yeah Commissioner Summa.

9

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

15

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

20

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1 Commissioner Summa: Halloween?

2

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

4

5 Vice-Chair Monk: Well we voted on it.

6

7 Commissioner Waldfogel: But (interrupted)

8

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

10

11 Commissioner Waldfogel: I know but Staff has the discretion to un-cancel that meeting. I mean

12 I've had agenda items come up where something was agendize for a meeting. And then for

13 whatever reason, it was moved to a subsequent meeting when I have a 2-year old commitment

14 that I couldn't make it to that subsequent meeting and that stuff is just wrong. That stuff is just

15 wrong because (interrupted)

16

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

18

19 Commissioner Alcheck: (off mic) Actually if you've not done, go ahead, let him [unintelligible].

20

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1 Commissioner Summa: No that's ok. So maybe... I think Staff can maybe hear our concerns and
2 come back with us with a way to solve this that doesn't constrain them and also doesn't give,
3 no offense to you personally but doesn't give the Chair (interrupted)

4

5 Chair Lauing: I agree.

6

7 Commissioner Summa: A superabundance of power on the Commission.

8

9 Chair Lauing: Totally.

10

11 Commissioner Summa: So that's all.

12

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

17

18 Chair Lauing: One did.

19

20 Commissioner Alcheck: But we had four that didn't.

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

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

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1 as long as we can get four I think my biggest concern with what you said a minute ago was that
2 you could check with someone's schedule and see if they were available. The question is would
3 you (interrupted)

4
5 Chair Lauing: No, no, I was saying we should... if we could we would talk about it together to
6 see if we wanted to address that meeting agenda.

7
8 Commissioner Alcheck: Then the public... I think your... I think we're failing to appreciate the
9 extreme fluidity of City business and there's very little predictability.

10
11 Chair Lauing: Right but what I'm saying to you in Exhibit A is that no, 72-hours is not enough to
12 add an agenda item like tonight because it was a mistake.

13
14 Commissioner Alcheck: That I think Staff appreciates.

15
16 Chair Lauing: Right.

17
18 Commissioner Alcheck: I don't think though that... I think they got that, I think we know that
19 but it... I'm... I think I share Commissioner Summa's concern here that putting the Chair in a

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

3

4 Chair Lauing: You got direction. Yeah sure Commissioner [note-Vice-Chair] Monk.

5

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

13

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

18

19 Mr. Yang: So, I guess would this capture it to say that Staff will endeavor to alert the
20 Commissioners to any changes in the schedule at the earliest possible time?

-
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Commissioner Waldfogel: I think that's too weak.

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

Commissioner Waldfogel: Yeah, I mean [unintelligible – crosstalk]

Mr. Yang: Well I mean no, I think as you suggested there was a time when someone started working on a Staff report which was more than 3-days ago. I think it's (interrupted)

Chair Lauing: I guess (interrupted)

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

Chair Lauing: I guess my concern here is you used the word notification. That's not what I'm trying to get too. I'm trying to get to collegial discussion.

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1 Commissioner Waldfogel: The other thing that would help is if we had... let's say we had a
2 cadence that said that we take policy issues in the first meeting of the month and we take up
3 quasi-judicial matters on the second meeting of the month or something like that. Then at least
4 we would know where the policy issues are coming into play but as it is now they just come in
5 and out of focus in what seems like very arbitrary ways. I mean there was no timeliness around
6 what happened tonight. Could have happened next meeting, it could have happened 6-months
7 from now and so just a notification isn't enough.

8
9 Vice-Chair Monk: I have a point of order. Do we already... What we're talking about right now
10 is in the bylaws. Didn't we already move this item?

11
12 Chair Lauing: Yeah, we discussed it but I'm not sure we actually approved it because did we
13 hold the approval until this meeting?

14
15 Mr. Yang: Yes, and if there were additional changes that are being made tonight then it would
16 have to be approved at the next meeting.

17
18 Chair Lauing: Right so I think to move this one along I'd be ok with you trying some language
19 for next meeting to bring back to us on this. Is everybody ok with that?

20

-
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1 Commissioner Alcheck: Would you be comfortable with just seeing... I feel like I'm a little
2 uncomfortable with the oversight component that I think you, Commissioner Waldfogel and
3 you are interested in. I got the sense that Commissioner Summa felt that way, I don't know
4 where Commissioner... I guess my point is if there isn't a majority here, it feels that way, then
5 maybe he doesn't have to spend any time. I mean let me put that differently, maybe the... I'm
6 not uncomfortable with the language he suggested now two times. The first one providing as
7 soon as possible providing as much... you gave us two examples. The first one is a little different
8 than the second one. Both of those I was comfortable [note-uncomfortable] with and maybe
9 we don't need to wait... I (interrupted)

10

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

12

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

14

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

18

19 MOTION #1

20

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1 Commissioner Waldfogel: Well let me try for the one that I want first and let's see if we get
2 support for it. And then we'll try... if not then we'll try something weaker which is I... it doesn't
3 bother... I mean we do give the Chair some extra powers. You know that's sort of the definition
4 of the Chair so I'm comfortable with the Chair being a consenting party to agenda
5 development. So, I'd like to see language that requires Chair consent for an agenda. That would
6 be my preference.

7

8 Chair Lauing: An agenda changes or an agenda?

9

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

12

13 Commissioner Alcheck: Should we vote?

14

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

20

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1 Chair Lauing: If you're asking me it would be helpful but we're still back into the notification
2 range. The only thing (interrupted)

3

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

7

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

10

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

12

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

14

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

16 Ok, any other motions?

17

18 MOTION DIES DUE TO THE LACK OF A SECOND

19

20 MOTION #2

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Commissioner Waldfogel: Ok so what about with Chair consultation?

SECOND

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

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

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

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

-
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2 Chair Lauing: You specifically mean community, not commission?

3

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

11

12 Chair Lauing: Ok so I'll answer your question. From what I understand the request from
13 Commissioner Waldfogel is it's not that different than going over this stuff as we do at this
14 Commission meeting. But this happens all the time and as it changes you know that could be
15 discussed in a phone call between the Chair or a designate and the Director saying you know
16 we're moving these things around, check. That's it or well then are we going to get to this
17 thing? Oh yeah, I guess I forgot that. Maybe we should put that one in there. Ok, that's fine and
18 then we're done. That's all it is, it's a conversation. I don't care, it's a conversation and I don't
19 think it's going to happen very often that there's going to be any changes or disagreements.

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1 Who was first? Was your light on Commissioner Summa? If it wasn't we'll go to Ms. Monk
2 [note-Vice-Chair Monk].

3

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

5

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

18

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

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1 giving us notice. So, to me, I don't know what that does for us and I think that's completely
2 separate issues.

3

4 Chair Lauing: Just for process that's what we're trying to do, is we're trying to see if we want to
5 make any Chair... any changes to this language at all or to give direction to Staff to make some
6 adjustments there. So, what's on the table right now is the change that Commissioner
7 Waldfogel proposed and I seconded it for discussion purposes.

8

9 Vice-Chair Monk: I thought it was not... I thought did not receive a second.

10

11 Chair Lauing: I seconded it.

12

13 Mr. Yang: Can I just (interrupted)

14

15 Chair Lauing: The first... not his first motion. That did not get a second.

16

17 Commissioner Waldfogel: [unintelligible – off mic] not get a second [unintelligible].

18

19 Vice-Chair Monk: So, there's a motion on the table?

20

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1 Chair Lauing: Yeah.

2

3 Commissioner Waldfogel: [unintelligible – off mic]

4

5 Vice-Chair Monk: Sorry, what's... ok can you please (interrupted)

6

7 Chair Lauing: Consultation is the word (interrupted)

8

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

10

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

13

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

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1 probably let's move it our three meetings and we would been... we would have saved a gazillion
2 hours.

3

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

7

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

9

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

20

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1 Chair Lauing: Well we can just vote. Let's see, did you have another Commissioner Alcheck?

2

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

8

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

10

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

16

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

18

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

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1 the community's concerns and you made a clear, distinct decision as a Commission. I think
2 that's... I just (interrupted)

3

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

6

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

12

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

17

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

20

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1 Chair Lauing: That's what we're trying to get to Commissioner [note-Vice-Chair] Monk. So
2 (interrupted)

3

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

5

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

8

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

13

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

16

17 Vice-Chair Monk: Who's a lawyer here?

18

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

20

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1 Commissioner Alcheck: Look I'm ready to vote. I don't support the motion.

2

3 Chair Lauing: Let's just vote on this thing and I just want to confirm that the spirit of this is that

4 Albert can try some different language then. Ok so in favor of that... of the motion (interrupted)

5

6 FRIENDLY AMENDMENT

7

8 Vice-Chair Monk: Can I propose a friendly amendment then? That the expectation would be

9 that as soon as any member is notified of any potential change that they ensure that Staff or

10 someone notifies the other members. Because to me, it's also about making sure that

11 everyone's aware of the change and not just giving this power solely to the Chair.

12

13 Chair Lauing: Sure, but that would always be Staff that does the notification because the Chair

14 or anybody else wouldn't send out direct notice.

15

16 Vice-Chair Monk: Is that an amendment I could somehow (interrupted)

17

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

19

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

3

4 Mr. Yang: So, I guess as Commissioner [note-Vice-Chair] Monk you made the point that there
5 are two separate issues here and so it sounds to me like you're asking to include the second
6 issue... the other issue as well.

7

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

11

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

13

14 Commissioner Waldfogel: [unintelligible – off mic]

15

16 Mr. Yang: Yeah, I think we understand.

17

18 Commissioner Waldfogel: (off mic) Ok then yeah [unintelligible].

19

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1 Chair Lauing: And so, would I as the seconder so let's go to a motion [note -vote] on that. All in
2 favor of the motion and seconded and amended and seconded. Wait, do I have to do the
3 amendment first?

4

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

6

7 VOTE

8

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

11

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

13

14 MOTION FAILED 2(Waldfogel, Lauing)-2 (Alcheck, Monk)-1 (Summa)- 2(Riggs and Gardias
15 absent)

16

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

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Mr. Yang: I'm sorry Chair, just because Commissioner [note-Vice-Chair] Monk had suggested a couple changes which Staff is amendable too to get clear direction from the Commission can we just have a quick vote on whether the rest of the Commission (interrupted)

Chair Lauing: On what?

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

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

Chair Lauing: Your changes.

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

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

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

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

MOTION #3

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

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

Chair Lauing: Ok, no objections, good.

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

SECOND

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

VOTE

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

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

Mr. Yang: Thank you.

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

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

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

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

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

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Mr. Yang: Yeah on that page there's the addition of the consent calendar which is explained later which was one of the suggestions that a Commission made earlier in the year.

Chair Lauing: Right and ten future agenda planning is what we're doing anyway so we're just itemizing it there. So, Commissioner Alcheck?

Commissioner Alcheck: Ok I have a couple question about the Consent Calendar. I think it would... just for the sake of me understanding it tonight, can you give me an example of something that you think would end up on the Consent Calendar? That's question one. Question two, if for example two individuals were removed it from the Consent Calendar are... is it that you... is it your understanding that item would get heard that evening. That the Chair would consult with the secretary as to when to schedule... to determine when the item would be heard that evening? If so I think that we should add the language will be heard that evening because if someone wants to participate, we want to indicate that... first of all anybody... it says any member of the public wishing to speak to an item on the Consent Calendar shall be afforded the opportunity. So, I guess I have two questions, three questions. Number one is what's an example, number two is it that evening that it would be scheduled and then the third question would be do members of the public get to speak to items on the Consent Calendar in

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1 the City Council meetings? And if so how does that... how do they reference the item? Is it... are
2 they numbered? Those are my three questions.

3
4 Mr. Yang: Sure, so an example would be that... the bylaws, for example, need to be presented
5 again after they've been presented in the first reading and so if the Commission had accepted
6 the bylaws the first time. The second time around it might be an appropriate time for them to
7 come on consent. There may be in the future other items where the Commission has had its
8 discussion but would like to see something come back without scheduling it for a full... as a full
9 item with on the action calendar.

10
11 Commissioner Alcheck: So, would it come back in the Staff report but Staff wouldn't speak to it?

12
13 Mr. Yang: That's correct.

14
15 Commissioner Alcheck: Ok so I just really... I always understood that Consent Calendar on the
16 City Council level as a legal requisite. Some things needed two evenings and so the City Council
17 could conclude their discussion, make their motion, however they couldn't finalize that decision
18 without a second evening. In our case, for example, we were dealing with an item what would
19 be the reason why we wouldn't finalize it on that evening and push it to a second meeting only
20 to not be really considered?

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1

2 Mr. Yang: So perhaps the proposal earlier tonight (interrupted)

3

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

8

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

16

17 Commissioner Alcheck: So, would there be a process by which we would vote at the conclusion
18 of a meeting to have something placed on the Consent Calendar? So, we would make a motion
19 that the item that Staff the following changes and present us with those edits and be placed on
20 the Consent Calendar? Is that (interrupted)

-
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Mr. Yang: Sure, that is a motion that the Commission could make. Staff could decide to put something on the Consent Calendar when it's returning, even if it wasn't specified if there wasn't much discussion left or if there wasn't any discussion left to be had.

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

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

Commissioner Alcheck: Not yet.

Chair Lauing: No, no, I said maybe.

Commissioner Alcheck: We don't have a Consent Calendar.

Chair Lauing: Maybe.

Mr. Yang: So, you had other questions (interrupted)

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

7

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

14

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

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1 would be a month or 6-weeks later that... it just takes the... I'm just saying maybe we want to
2 create some incentive to have it come sooner than later.

3

4 Mr. Yang: How about we'll determine whether the item can be heard on the same evening so
5 then there's (interrupted)

6

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

13

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

15

16 MOTION

17

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

-
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1 with the secretary will determine when the item will be heard at the earliest possible
2 opportunity.

3

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

6

7 Commissioner Alcheck: I know but (interrupted)

8

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

10

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

13

14 FRIENDLY AMENDMENT

15

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

20

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1 Commissioner Alcheck: I would support it, it's just I'm just trying (interrupted)

2

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

6

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

9

10 Chair Lauing: Yeah, we're going to do that.

11

12 Mr. Yang: Add further clarity.

13

14 SECOND

15

16 Chair Lauing: I would second that if you want to accept her amended language, that's fine.

17

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

19

-
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1 Chair Lauing: Ok other discussion. Commissioner [note-Vice-Chair] Monk you had your light on,
2 on this item.

3
4 Vice-Chair Monk: Yeah, I just want to confirm. So, it says the Consent Calendar shall be voted
5 upon as one item. Is that pretty standard that you don't just go down each item if there's more
6 than one?

7
8 Mr. Yang: Yes. So (interrupted)

9
10 Vice-Chair Monk: You either approve the Consent Calendar or you don't?

11
12 Mr. Yang: Well Commissioners would have an opportunity if there were multiple items on the
13 Consent Calendar to say prior to the vote that I'm voting for these items only or I'm voting for
14 all the items except for this one. But if there is no preamble stated then the assumption is that
15 the vote is for the entire Consent Calendar.

16
17 Vice-Chair Monk: And then on the last sentence where it says any member of the public
18 wishing to speak shall be afforded the opportunity to speak prior to the Commission taking
19 action. Is that referring to that day because if something gets pulled (interrupted)

20

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1 Mr. Yang: Correct.

2

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

4

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

10

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

13

14 Chair Lauing: Ok.

15

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

17

18 Chair Lauing: Commissioner Waldfogel.

19

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

5
6 Chair Lauing: But you favor it being in here?

7
8 Commissioner Waldfogel: I think that the Consent... I like Consent Calendar. I think the Consent
9 Calendar language as proposed in our Packet is fine. I don't understand the quasi-judicial
10 sentence in there but I'm sure you have a reason for that and I just don't think that we need to
11 be more restrictive.

12
13 Chair Lauing: Commissioner Summa.

14
15 Commissioner Summa: I agree and I don't think we'll use this very much because it's used in a
16 very different way on the City Council. And often there it's the public that comes and says hey,
17 we want this to be heard and they're not prepared to do it on that night. So, I don't want to be
18 prescriptive about doing it on that night so I'm fine with the language the way it is. I don't want
19 to be prescriptive but I don't think we'll end up using it very much.

20

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

2

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

4

5 Chair Lauing: Right.

6

7 Commissioner Summa: And stuff to get on there and then if... appeals often have to be taken

8 off Consent at the Council level so that's a pretty big deal for somebody to be heard. That won't

9 happen with us, right?

10

11 Commissioner Waldfogel: [unintelligible -off mic]

12

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

14

15 Mr. Yang: I'd have to look at exactly what the requirement in the Municipal Code is but

16 potentially, yes.

17

18 Chair Lauing: So procedurally... oh sorry.

19

20 Vice-Chair Monk: But now that (interrupted)

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Chair Lauing: Commissioner Alcheck.

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

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

Chair Lauing: After.

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

Chair Lauing: Before.

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

4
5 Commissioner Alcheck: And then if the item gets pulled presumably the people who spoke get
6 another opportunity to speak at the whatever hearing [unintelligible].

7
8 Mr. Yang: Correct.

9
10 Chair Lauing: Did you have a comment Commissioner [note-Vice-Chair], Monk?

11
12 Vice-Chair Monk: First question, can the approval of the procedural rules that we're discussing
13 tonight come back to us on Consent?

14
15 [note-many Commissioners started speaking at once off mic]

16
17 Vice-Chair Monk: If we pass it can it come back to us on Consent?

18
19 [note- many Commissioners started speaking at once off mic]

20

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

3

4 Vice-Chair Monk: What do you mean?

5

6 Commissioner Summa: We don't have any Consent Calendar.

7

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

9

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

12

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

14

15 Chair Lauing: Ok what's your second question?

16

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

20

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1 Mr. Yang: That's possible. You know we're not sure exactly how it's going to work out yet.

2

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

7

8 Commissioner Alcheck: Amended and seconded.

9

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

15

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

17

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

-
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1 and I got a second. I accepted that amended in an effort to just get Commissioner Lauing...
2 Chair Lauing's support too. That's the purpose of [unintelligible].

3

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

6

7 Commissioner Alcheck: No, no, no.

8

9 Chair Lauing: Don't change it now.

10

11 Vice-Chair Monk: Including that evening (interrupted)

12

13 Chair Lauing: No more wordsmithing.

14

15 Vice-Chair Monk: Just to make it shorter.

16

17 VOTE

18

19 Chair Lauing: No wordsmithing. Ok, so we're going to vote. All in favor of the motion say aye
20 and against? Two.

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

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

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

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

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

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

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1 Vice-Chair Monk: Thank you.

2

3 Chair Lauing: Other questions? Are we ready to vote on that one?

4

5 Commissioner Waldfogel: (off mic) This is all of Section Three? [unintelligible]

6

7 Vice-Chair Monk: [unintelligible] vote on all Section Three at one time?

8

9 Chair Lauing: Well we haven't talked about the rest of 3. I was just going to vote on Page 29 on
10 Commissioner conduct. No one had any questions so I presume that's ok? So, we're all in favor
11 of that? 5-0. Ok, so we're on Page 55 or 30. Just there's a typo on that one-page residing
12 officers is what it should say in your redline. The red line under second required. He said
13 presiding officers as if there needs to be two or more.

14

15 Mr. Yang: Got it.

16

17 Chair Lauing: Commission Alcheck.

18

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1 Commissioner Alcheck: Yeah, I was happy to see this language when I saw it in the Packet from
2 a month ago. I think that... I just wanted to say out loud that I really like the idea of speeding up
3 the seconding process. I think we let it linger a little bit and I'm excited to see that language.

4
5 Chair Lauing: Any other comments on that? And I think at the bottom your redlines are
6 clarifications, they are not even changes are they really?

7
8 Mr. Yang: No, they're just trying to use slightly more common language.

9
10 Chair Lauing: Ok so are we all ok with Page... current Page 30? Everybody ok? Alright 31 or 56,
11 at the top I think is again just different words to clarify what's being said there. Same thing with
12 table so the only sentence that's added is recessed. Any questions on that? If not, we can shoot
13 forward here to Page 57 or 32.

14
15 Vice-Chair Monk: You're lit up.

16
17 Chair Lauing: Sorry. Yeah, I'm doing a lot of reading so please, do a verbal notification. Thanks.
18 Commissioner [note-Vice-Chair] Monk.

19

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

5

6 Mr. Yang: Right so (interrupted)

7

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

9

10 Mr. Yang: Right.

11

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

14

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

19

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

3

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

7

8 Vice-Chair Monk: Ok thank you.

9

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

12

13 Commissioner Alcheck: [unintelligible – off mic]

14

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

16

17 Commissioner Alcheck: (off mic) That's not the requirement. It has to be more than 3/5

18 [unintelligible]

19

-
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1 Chair Lauing: So, the question is, is that a good thing? I don't know. It's just... so Michael [note-
2 Commissioner Alcheck] says it's a good thing.

3

4 Commissioner Alcheck: The... one of the concerns I think that's embedded in this principle is
5 that small numbers of Commissioners can overrun Commission business.

6

7 Chair Lauing: That's right.

8

9 Commissioner Alcheck: The goal is, is that we don't want... three is not the number. Three can
10 never been the number. If there's... I think there's debate coming up here about whether we
11 change the process for abstentions but I think this implies that a group of three Commissioners
12 can't essentially take control of the action of the Commission. This will come up again later
13 when we talk about whether you could have a quorum of four and have three yes votes and
14 one abstention or even three yes votes and one no. I think some Planning Commissions require
15 that when the minimum quorum is there that a majority of that quorum vote. One of the things
16 we deal with tonight is whether abstentions can be treated as yeses in which case two out of
17 four could be a yes. And we'll get there but my point is I think the idea here is that four is the
18 minimum number and three isn't.

19

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1 Chair Lauing: Right I just wanted to raise it intellectually speaking because it means for example
2 that those who were in attendance are penalized on the issue... this issue by those who didn't
3 come.

4
5 Commissioner Alcheck: No, no because if you only had a quorum of four then three would
6 represent 75 percent but if you had a quorum of five then the two is significant enough number
7 as to not be overrun. And so, the percentage isn't so much (interrupted)

8
9 Chair Lauing: On five you're talking about 60 percent instead of 67 so you're pretty close.

10
11 Commissioner Alcheck: Yeah no I think 2/3 is sort of a significant number in American process
12 in general. We require 2/3... we require special (interrupted)

13
14 Chair Lauing: I don't want to beat it up, I just wanted to raise it, and see if anybody had any
15 questions on it.

16
17 Commissioner Alcheck: I don't think it's ever been a problem (interrupted)

18
19 Chair Lauing: Ok.

20

-
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1 Commissioner Alcheck: Significant enough to consider changing.

2

3 Chair Lauing: Alright in J, amend or substitute... oh sorry.

4

5 Commissioner Waldfogel: Yeah just if... so if you actually run the numbers a 2/3 standard with
6 seven you need five, with six you need four, with five you need four and with four you need
7 three. If you go to a 60 percent standard with seven you need five, with six you need four, with
8 five you need three, with four you need three. So really this is a discussion the difference
9 between 60 percent and 2/3 is really a discussion about what does it take to Call the Question
10 when five are present; whether it takes four or three to Call the Question. So that's really what
11 all this hinges on so if we have a strong feeling about that and if we think that this somehow is
12 connected with the quorum and majority question we can link it.

13

14 Commissioner Alcheck: I think there's an interesting point which is in every case as it's currently
15 written there's a difference of two. So, if it's four people present it takes two more
16 Commissioners than the one. Three to one that's a difference of two. In a case of five
17 Commissioners, it takes four to one which is a difference of more than two. In the case of six, it
18 would be four to two which is again a difference of more than two.

19

20 Chair Lauing: It's a supermajority for sure.

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Commissioner Alcheck: It's a supermajority.

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

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

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

Mr. Yang: Yes.

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

Commissioner Alcheck: Yeah.

Commissioner Summa: I can't understand [unintelligible] but I think it's me.

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

8
9 Commissioner Summa: It's this sentence, a motion to amend an amendment is in order one to
10 amend an amendment to an amendment is not which really (interrupted)

11
12 Commissioner Alcheck: A motion to amend an amendment is in order (interrupted)

13
14 Commissioner Summa: That's probably me.

15
16 Mr. Yang: So, it... that just means how many layers of (interrupted)

17
18 Commissioner Summa: (off mic) Of amendments [unintelligible] (interrupted)

19
20 Mr. Yang: Amendments can you get too. Yeah and it's saying (interrupted)

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

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

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

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

Commissioner Alcheck: Substitute.

Mr. Yang: Substitute motion and then that could also get voted on but you couldn't have someone make a motion to amend the amendment to the substitute motion.

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1 Commissioner Alcheck: Let me ask a quick question. Are you suggesting that... ok, one way I
2 read this is if an individual makes a motion, I offer an amendment and he accepts it? An
3 amendment to the now amended motion can be heard. There would be no issue with that.
4 Another individual could then offer another amendment. Multiple people can try to amend a
5 motion as long as the maker continues to accept those amendments.

6

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

9

10 Commissioner Alcheck: Right my question is if a... if one of those amendments is not accepted
11 then the maker of that unaccepted amendment becomes the maker of a substitute motion.
12 And if that motion seconded and someone attempts to amend that now substitute motion if
13 the maker of the substitute motion doesn't accept the amendment it's tabled. Because if you
14 allow the person who is trying to amend the substitute motion to take the floor then that's fine
15 but you've essentially negated... if I make a motion and Commission Summa makes a substitute
16 motion and I get to amend her substitute motion and if she declines that amendment. I get the
17 floor back with my original motion because I'm amending her motion to be my original motion
18 you've negated her ability to have a substitute. I don't think that amendments to substitute
19 motion if not accepted can be entertained.

20

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1 Mr. Yang: Well (interrupted)

2

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

5

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

10

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

12

13 Mr. Yang: Right.

14

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

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1 on my original motion. If that's possible under this language that's acceptable to me, I just think
2 we all need to know that.

3

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

5

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

8

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

10

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

14

15 Mr. Yang: I mean it's (interrupted)

16

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

19

20 Commissioner Summa: Is that what this is saying?

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

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

Mr. Yang: Yes, but it doesn't need to be a complete reversal of direction. It could be... the original motion could be to have a 60 percent vote requirement and this substitute could be to have it be 55 percent instead.

Commissioner Alcheck: True. That hasn't been our practice.

Mr. Yang: Right.

Chair Lauing: That's what I was going to say.

Mr. Yang: Yeah.

Commissioner Alcheck: Our practice has been opposite.

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Mr. Yang: Right and... but that's... a substitute motion then and unfriendly amendment are... you've had a lot of unfriendly amendments that haven't been total reversals. They've just been slight changes and tweaks.

Chair Lauing: That's right.

Mr. Yang: And I think it's... the intent of this is to also allow an additional tweak to that tweak. Not to have this kind of back and forth.

Commissioner Alcheck: That's fine with me.

Commissioner Summa: (off mic) But the substitute... If there's... so there's a motion, there's a substitute motion, the substitute motion regardless of whether it gets an amendment that's accepted or not has to be clear the floor if we go back and either fail or win before you go back to the main motion. That stays the same?

Mr. Yang: Yeah, I think what Commissioner Alcheck is hypothesizing is that the maker of the original motion could as a substitute propose the original motion language. I don't think that... I mean that's something I just never thought of before and I guess (interrupted)

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1

2 Commissioner Alcheck: I can think of many cases where the original maker of the motion easily
3 would have liked to get... to hear their vote. And if we all understand this correctly I imagine
4 that the next time we come to this process if the original maker of the motion which... basically
5 what we're saying is you can substitute twice. That's what this is (interrupted)

6

7 Mr. Yang: I guess what I'm suggesting is I don't know... I can't answer right now and I will need
8 to do a little bit more research into parliamentary procedure whether a substitute motion to a
9 substitute motion that it has the exact same language as the original motion is in order.

10

11 Commissioner Summa: That makes no sense.

12

13 Commissioner Alcheck: I would argue that the use of the amendment is problematic because
14 we don't refer to amendments as substitute motions. And so, when you say a motion to amend
15 an amendment is in order, I understand that as amendments can only effect... can only be
16 friendly. And we've sort of decided that unfriendly amendments... what we colloquially refer to
17 as unfriendly amendments those are now substitute motions. And so, the... I think to preserve
18 the way that we've been doing it and the way maybe Commissioner Summa would prefer you
19 wouldn't use the word amendment. You would say or I guess if the intent is a motion to amend
20 a substitute motion is in order but one to amend an amendment to a substitute motion is not.

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1 Actually, it becomes problematic because there's two levels of substitute motions. I think the
2 language is confusing. I don't know that it says what... I understand... I think I understand what
3 you think it says but I'm a little confused.

4

5 Mr. Yang: Ok.

6

7 Chair Lauing: Sounds like maybe you better bring back new language.

8

9 Commissioner Alcheck: Or just clarify that there can't be a second substitute motion. I mean
10 unless you're intending (interrupted)

11

12 Mr. Yang: I think the purpose is to allow a second unfriendly amendment.

13

14 Commissioner Alcheck: Ok, I think the record that we've had in the past has been that if a
15 maker makes a substitute motion and they decline and amendment we haven't allowed that
16 attempt to change the substitute motion to get a second. We've just said we have to vote on
17 the substitutes. So, we have not practiced a process by which somebody can change a
18 substitute motion. We have said she didn't accept... he didn't accept... he or she didn't accept
19 the change to the substitute motion and it's on the floor and it gets this vote.

20

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1 Commissioner Summa: (off mic) You know I actually don't think what you're suggesting would
2 expedite our meetings or get us to a vote quicker. I think it would make it longer.

3

4 Commissioner Alcheck: I'm actually not suggesting a change. I'm just saying that in practice we
5 have not done what counsel is suggesting is what this says.

6

7 Chair Lauing: With unfriendly amendments, I think that's correct.

8

9 Commissioner Alcheck: Yeah, we haven't been active this way.

10

11 Chair Lauing: The friendly ones we have.

12

13 Vice-Chair Monk: Commissioner Summa can you put your light on?

14

15 Commissioner Summa: Sorry, it's a little bit late. I think the... I don't think you should allow... I
16 don't think there's any sense in allowing an endless process where somebody makes a motion,
17 someone makes a substitute motion that's substantially different and then the original motion
18 is considered an amendment. That will not expedite anything.

19

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1 Mr. Yang: So, I guess what I would suggest and I think maybe the simplest way to resolve this is
2 to add a sentence explaining that an amendment to an amendment, that returns to the original
3 motion is not in order.

4

5 Vice-Chair Monk: I've had my light on and I haven't weighed in on it. May I do so Chair?

6

7 Chair Lauing: Yeah, he just floated some new language though so I'd hate to interrupt the flow
8 of that.

9

10 Vice-Chair Monk: Well I think he'd probably rather flow language after he's heard from
11 everyone on the Commission.

12

13 Chair Lauing: Ok, go, with your light.

14

15 Vice-Chair Monk: Yes.

16

17 Chair Lauing: No, no, I'm sorry, your mic. Oh, I'm sorry.

18

19 Vice-Chair Monk: Thanks. Ok so, first of all, why is it amend or substitute? Does it have to state
20 that and the reason why I ask is because I don't know why we have those as one section? When

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1 I first read this my feedback and tell me if this makes sense was to take out the word amend
2 and if you need to have a section on amend let's do it.

3
4 Also, when you go into your definition you say this is colloquially referred to as an unfriendly
5 amendment and then you go on and talk about it. And an unfriendly amendment I don't think it
6 actually changes, I think it replaces the main motion. I think it would be clearer to just say this
7 motion replaces the main motion and take out the word changes or reverses because I think
8 just replaces is a lot clearer and it's more accurate.

9
10 And then at the bottom, you're putting in a note the so-called friendly amendment and I... that
11 sort of contradicts what we're talking about in the first place. So, I... it looks like there's a
12 contradiction within the paragraph the way it's written and going onto that sentence itself, just
13 to read it, a so-called friendly amendment which asks the maker and the seconder of the main
14 motion to change the motion is not a secondary motion. What do you mean by secondary
15 motion? Do you mean substitute motion? What does that mean? What is... because that's the
16 first time I'm seeing the words secondary and it hasn't been defined.

17
18 Mr. Yang: Ok basically a friendly amendment is not a motion. Motions are seconded and voted
19 upon.

20

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1 Vice-Chair Monk: So secondary means it's not a motion that has been seconded, is that what
2 that means?

3

4 Mr. Yang: No secondary means a motion that gets made after the main motion. So, all of these
5 motions are meant to... are (interrupted)

6

7 Vice-Chair Monk: Is not (interrupted)

8

9 Commissioner Summa: (off mic) I think we should just have him rewrite this.

10

11 Vice-Chair Monk: Does that make... oh so if you are going to consider rewriting it if it's possible
12 instead of seeing is not a secondary motion maybe make that a positive.

13

14 Mr. Yang: It's not a motion.

15

16 Vice-Chair Monk: Either make it a positive or change it or is not a motion or whatever it is.
17 Might not be necessary but if it was to stay the same I don't know if it's redundant or not but I
18 was thinking I don't know if you need to add additional language that it... at the very end; but
19 must be accepted by both the maker and the seconder. I don't know if that's already implied in
20 the sentence. If not, you can consider adding (interrupted)

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Mr. Yang: Ok.

Chair Lauing: Ok.

Vice-Chair Monk: That language.

Chair Lauing: Commission Waldfogel.

Commissioner Waldfogel: Yeah, it's getting late and I can't tell whether we're trying to innovate right now on procedures. So, is there just a reference document somewhere that we can go to, to just adopt some procedures? I mean I'm just... I'm uncomfortable with this negotiating over language about things like this in real time.

Mr. Yang: Yeah so there's... I think the intent is just to have clear language about the rules and not to actually change them in this section. And I understand the confusion among the Commissioners about the difference between an amendment and a substitute and I understand that... I think the common understanding among Commissioners about amendment is that an amendment is a friendly amendment. So, I will work with that too (interrupted)

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1 Commissioner Waldfogel: And I just wonder whether there are existing... aw, turn this on. Are
2 there existing rules of order that we should just be adopting by reference rather than trying to
3 create our own language around this?

4
5 Mr. Yang: There are rules of order. There's Rosenberg's rules which Commissioner [note- Vice-
6 Chair] Monk has brought up. I think all rules of order typically run into the same issues. There
7 are... I mean Rosenberg's rules I believe speak to amendments as unfriendly amendments and
8 uses language in a similar way that is perhaps not the way some of the Commissioners
9 understand what an amendment is.

10
11 Chair Lauing: Ok well let's just rework that language because it's getting to be bedtime here.
12 And I think that's all on that page, right?

13
14 Commissioner Summa: Yep.

15
16 Chair Lauing: Was there... wait, there's one more light. Commissioner Alcheck you had your
17 light on for this page? No, ok. Alright so we're on Page 59 of the old Packet which is just a chart
18 and I don't think there's really changes there. It's just entries in the chart, is that correct Albert?

19
20 Mr. Yang: That's correct.

-
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Chair Lauing: So, any question on that, Table 3B? Then we're on debate and voting, new Packet 35.

Vice-Chair Monk: On that chart just making sure that whatever language if he does change anything to that amend or substitute that it's matched in this description.

Chair Lauing: Yeah. You got that right Albert?

Mr. Yang: Yep.

Chair Lauing: Ok.

Vice-Chair Monk: Because in some cases you need a second and some you don't, right? I don't know.

Commissioner Waldfogel: Can we just be clear on whether seconds are revocable because this talks about withdrawal of motion and is not I think clear on whether seconds are revocable?

Chair Lauing: You can take back your second. That was a question on Item 4?

-
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Commissioner Waldfogel: Yeah.

Mr. Yang: Is that a clarification that the (interrupted)

Chair Lauing: Yeah let's get a clarification of that added. Ok, anything else on Page 35?

Commissioner Waldfogel: Well and let's just capture intent. Is there intent that a second can be withdrawn or is there a second that... is our intent that a second... I mean what is our intent here?

Mr. Yang: A second can be withdrawn just as the maker of a motion can be withdraw the motion.

Commissioner Waldfogel: But the maker can only withdraw it with the consent of the seconder under these rules.

Mr. Yang: No, without consent of the seconder.

-
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1 Commissioner Waldfogel: A motion may not be withdrawn by the maker without the consent
2 of the seconder.

3

4 Mr. Yang: Oh.

5

6 Commissioner Waldfogel: Oh, indeed.

7

8 Mr. Yang: Ok. I guess that would not be (interrupted)

9

10 Commissioner Waldfogel: So, let's just capture our intent. I don't know what we want it to be
11 but let's capture it.

12

13 Mr. Yang: So, I guess I need some direction on what you want it to be.

14

15 Chair Lauing: Well the two options are if somebody makes a second can they withdraw it and
16 under what condition?

17

18 Commissioner Summa: I say yes.

19

20 Chair Lauing: Yeah why not?

-
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Mr. Yang: Yeah, in addition, can the maker withdraw the motion without the consent of the seconder?

Commissioner Alcheck: (off mic) Then the maker show gets to withdraw.

Chair Lauing: Yeah, right.

Mr. Yang: And in addition, can the maker withdraw the motion without the consent of the seconder?

Chair Lauing: Yeah, exactly.

Commissioner Alcheck: [unintelligible – off mic]

Vice-Chair Monk: So, we want to remove this (interrupted)

Commissioner Alcheck: It should say a motion made be withdrawn... it should say a motion may be withdrawn by either the maker or the seconder without consent of the other. And if somebody withdraws I would think... I would assume that if a seconder withdrew or the maker

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1 withdrew then the protocol would be that the Chair would say is there someone else who will
2 second this motion and if not, it fails.

3

4 Chair Lauing: That's what we did tonight (interrupted)

5

6 Commissioner Summa: Yeah.

7

8 Commissioner Alcheck: Yeah.

9

10 Chair Lauing: In one case that's what we did tonight.

11

12 Commissioner Alcheck: In either case. I think if the seconder... I think if the maker withdraws
13 the Chair should turn to the seconder and say are you going... will you take this motion as a
14 maker (interrupted)

15

16 Chair Lauing: Right, exactly.

17

18 Commissioner Alcheck: And then if there's no... you know.

19

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1 Vice-Chair Monk: So, it should read a motion may be withdrawn by the maker without the
2 consent (interrupted)

3

4 Commissioner Alcheck: By the maker or the seconder without the consent of the other.

5

6 Vice-Chair Monk: I wouldn't... why do you need both?

7

8 Commissioner Alcheck: Because a seconder can also withdraw his second.

9

10 Vice-Chair Monk: Can withdraw his second but not the motion so you just need to be clear on
11 the language.

12

13 Commissioner Alcheck: Well if a motion doesn't have a second its withdrawn.

14

15 Vice-Chair Monk: There just withdrawing their second but then there's... is that then creating
16 an opportunity (interrupted)

17

18 Commissioner Alcheck: You could add a second.

19

20 Vice-Chair Monk: Someone else can then second.

-
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Commissioner Alcheck: If you don't add another second the motion is gone.

Chair Lauing: Right.

Vice-Chair Monk: So, the (interrupted)

Commissioner Summa: (off mic) At which point Chair should ask if [unintelligible] second.

Vice-Chair Monk: So, the Chair would then... ok. So, if the seconder withdraws then the Chair would ask for another second.

Chair Lauing: That's what we did tonight.

Vice-Chair Monk: Yeah, ok.

Chair Lauing: Ok so Page (interrupted)

Commissioner Alcheck: Do you want me to say that again?

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1 Chair Lauing: 36.

2

3 Mr. Yang: I've got it.

4

5 Commissioner Alcheck: You got it, ok.

6

7 Vice-Chair Monk: We don't need to vote on it.

8

9 Chair Lauing: 36 or 61, abstention from vote, why don't you explain that one out loud because
10 there's been a lot of questions about that?

11

12 Mr. Yang: Ok so I think I'd like to just point out on the previous page there is a section on voting
13 which originally or currently says on the passage of every motion the vote shall be taken by
14 voice and entered in full upon record. I added in language that sets a default which is that the
15 way you count a majority is a majority of Commissioners who are here and voting. That wasn't
16 clearly stated but it's the commonly accepted default unless a rule is stated.

17

18 Chair Lauing: Yeah.

19

20 Mr. Yang: So that just (interrupted)

-
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Chair Lauing: Good improvement.

Mr. Yang: Right, this just makes that explicative. On the next page abstaining from a vote I've updated it to make it consistent with that understanding but I've had discussions with several Commissioners individually [and] as long as this rule is clear it can operate differently. So, the way it's currently written I've expressed the opinion that it's not very clear what is meant... what's intended but the best reading is probably under the current rule that you have to have a majority of the Commissioners present. Which means if you're abstaining, the effect of your abstention is a no vote. That... you're... the only thing that you count is of the yeses, is there a majority of everyone here and the abstention because it's not a yes. It has the effect of a no. That's led to some confusion in the past. I think if that's... if you want to keep that rule I would just add a sentence here explain the effect of an abstention is a no.

Commissioner Waldfogel: Let's do a specific example so we understand... let's just do some cases.

Mr. Yang: So, tonight there are five Commissioners if two Commissioners abstained, two Commissioners voted yes and one Commissioner voted no, a motion would not carry because (interrupted)

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Commissioner Alcheck: I'm sorry, hold on.

Vice-Chair Monk: Two yeses, two no, one abstention.

Commissioner Alcheck: (off mic) If you treat an abstention as a... are you... I just need a second.
Are you suggesting language treat... my understanding was that your new language treats an
abstention as a yes.

Mr. Yang: The new language does not treat an abstention as a yes. It simply treats an
abstention as not being counted in the tally. So (interrupted)

Vice-Chair Monk: Majority prevails.

Mr. Yang: Right, you only count the votes that are cast yes or a no.

Chair Lauing: So, you... stay with your example then 2-2-1 is the example that you put out there
because I didn't quite hear.

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1 Mr. Yang: Sorry, no, the example I was giving under the current language which is best read
2 probably as a majority of the Commissioners present so a majority of five is what's needed
3 whenever... when you're counting an abstention.

4

5 Commissioner Waldfogel: (off mic) So you need three yeses (interrupted)

6

7 Mr. Yang: So, you need three yeses no matter the number of no's when you're dealing with
8 abstentions and I think that creates confusion often and... but that is one way to have the rule.
9 The rule I've proposed is that when you abstain you don't have an effect on the vote one way
10 or another. You only count the Commissioners who are voting.

11

12 Chair Lauing: So, the same thing would (interrupted)

13

14 Commissioner Alcheck: [unintelligible -off mic]

15

16 Chair Lauing: Yeah.

17

18 Mr. Yang: So, two yeses, one no, two abstentions; the current rule that doesn't pass [note-but]
19 the proposed rule it would pass.

20

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1 Chair Lauing: Two to one.

2

3 Mr. Yang: Two to one.

4

5 Commissioner Alcheck: So (interrupted)

6

7 Chair Lauing: Yeah so ahead Commissioner Alcheck.

8

9 Commissioner Alcheck: So, I... there aren't that many examples of abstentions. Some of the
10 best examples are when somebody is not present for a meeting and then you're taking a vote
11 on minutes and they weren't present and they didn't watch. How could they possibly vote yes
12 or no whether the minutes are accurate? They are literally not in a position. That seems like an
13 appropriate time to abstain from a vote. Another example would be if they neither support or
14 don't support the item; like tonight I didn't support or not support the item. I had sort of a
15 different concern and I abstained but to me, if the Commission during debate can't convince a
16 majority of those present then an action should be taken. Then the... I'll give you a perfect
17 example, in your proposal if there was a quorum of four and one voted yes and three abstained
18 then the action would carry which seems... it doesn't really make sense. And I think if you can't
19 succeed at convincing... like if somebody makes a motion and we're all like you know I can't
20 really support that motion and it's not that I'm against it. I would... I think we need more time

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1 or I'm not prepared. To me, it seems like... it seems to me like you want a majority of those
2 presents to be convinced that the action we are taking is appropriate and if you can't get that I
3 don't see how five are present and two abstain two can carry the action. We don't normally
4 confer with each other and I suspect that someone who would prefer not to make a decision
5 will be forced into a no because it changes... to me, I think a majority of present people still
6 have to say yes.

7

8 Chair Lauing: So, but the alternative... just to ask you about that the alternative is that not
9 taking a stand means you vote against it so knowing that why wouldn't you just automatically
10 vote against it?

11

12 Commissioner Alcheck: I'll give you the example I think there's a... there's some sort of... there's
13 a process about affirming the minutes and if let's say we were five Commissioners here tonight
14 and at the next meeting or excuse me. We're four Commissioners here tonight and at the next
15 meeting only one of the present Commissioners comes and the other three that weren't there
16 come.

17

18 Chair Lauing: We can't approve the minutes.

19

20 Commissioner Alcheck: Does it make sense (interrupted)

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Chair Lauing: No.

Commissioner Alcheck: That one person is going to attest to the minutes or should we really have a majority of... you know what I mean? So, to me that (interrupted)

Chair Lauing: I do think that if you're not there you can't approve something that was prior done.

Commissioner Alcheck: I think we've had confusions about abstentions. I think the better protocol would be like ok look, we've had some confusion about abstentions. They... when you abstain you are saying whatever the decision a majority of Commissioners come to present... come... concludes...I am essentially accepting which is a vote that suggests that if a majority of the present carry it carries. I think if we clarify that tonight and we walk away understanding what an abstention is that's good. I don't think changing that understanding and suggesting that somehow minorities of present can carry action makes sense. I would prefer that we don't create a... I would prefer that we have our rules state very clearly that a majority of those present whether they vote yes, no, or abstain, you still need three... you still need a majority of present and voting members to act. Whether that's three of five, three of four, four of six or four of seven.

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Chair Lauing: So just an example and then I'm going to call on a different Commissioner. So tonight, if we had a vote on something that was 2-1-2 then we're saying that would not carry.

Commissioner Alcheck: (off mic) Under the proposed language that would carry.

Chair Lauing: Yeah.

Commissioner Alcheck: (off mic) And under our current language and understanding it wouldn't. To me, it seems kind of crazy that 2-1-2 repents.

Chair Lauing: True but the other side of it and I'm just saying this for debate purposes not taking... the other side is that two folks can't make up their mind out of five. There's something problematic anyway because we're supposed to be doing our homework and coming up and making a decision.

Commissioner Alcheck: (off mic) I think abstentions are... should theoretically be very rare.

Chair Lauing: Should be yeah. Ok Commissioner (interrupted)

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1 Commissioner Alcheck: (off mic) [unintelligible] should change the concept of majority rules.

2

3 Chair Lauing: Commissioner [note-Vice-Chair] Monk.

4

5 Vice-Chair Monk: I think it's interesting that we do have a copy of the Rosenberg's that were
6 disrupted to us at the last meeting. Thank you Chair Lauing for bringing your copy. What's
7 interesting about it is that the issue of abstentions is the most heavily discussed and analyzed
8 deepest dive section in this relatively short rule of order. And I think what they're saying and
9 these are what we're designed for Commission such as ours by the Legal of California Cities is
10 that when our rules are silent on it that you count all votes that are present and voting. That's
11 the rule of thumb so that would go to what the amended... the proposed amendment would be
12 more in conformity with the Rosenberg's rules. If we don't as a Commission want to go that
13 route then that's something that we all need to decide. What Commissioner Alcheck I think is
14 saying is if we go with the newly proposed language one person can vote affirmatively,
15 everyone else can either abstain or vote no and it will pass.

16

17 Commissioner Alcheck: (off mic) No, no, no.

18

19 Vice-Chair Monk: Because (interrupted)

20

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1 Commissioner Alcheck: (off mic) If we had more no's than yeses (interrupted)

2

3 Vice-Chair Monk: Well ok if you have one yes and everyone else abstains regardless of the
4 number, as long as there's a quorum it would pass. And do we want to have that outcome?

5

6 Commissioner Waldfogel: Is that what the Rosenberg's rule (interrupted)

7

8 Vice-Chair Monk: That's what it would allow for so that's something that we might want to
9 (interrupted)

10

11 Commissioner Alcheck: Can you pass those down, please?

12

13 Vice-Chair Monk: That's what it looks like to me.

14

15 Mr. Yang: So, one thing that I would point out (interrupted)

16

17 Vice-Chair Monk: That's not something that we would want to endorse, correct?

18

19 Commissioner Waldfogel: Well the thing is we do have other parliamentary tools. I mean if
20 there's a majority of the present who think that will happen there's also the option to... there's

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1 the option to... what is the right term? To table the discussion or to continue to a time in the
2 future and that's a simple majority. So, I think that we do have tools to manage that situation
3 but I think it's... there is some value in being to get to a resolution with anyone who's willing to
4 go on the record on any given night.

5

6 Chair Lauing: Yeah and we could also for example accept... we could take the new amendment
7 except in the case when there's only one person supporting it. I mean we could set that as one
8 of our rules so we didn't get it passed by one but given that I actually agree with Commissioner
9 Alcheck that this should be pretty rare. And if we were at a Commission meeting and it was two
10 yeses and five abstentions I would not have much patience with those five people who couldn't
11 come to a no-decision or a yes decision. So, if two people worked it out and said yep I'm going
12 to vote for it and the other people bailed and not use those parliamentary procedures that
13 Commissioner Waldfogel (interrupted)

14

15 Commissioner Waldfogel: (off mic) Can we entertain those parliamentary procedures the point
16 of the vote or is it too late to lay something on the table at the time of we've Call the Question?

17

18 Chair Lauing: At the time that you Call the Question I think is too late but you could say if
19 people are saying hey, I'm going to abstain. The problem is knowing that five people are going
20 to abstain but I guess what I'm saying in different language is that if we had it that two people

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1 out of seven could pass something and that's our rules. Then those five that are going to
2 abstain can make a decision if they're going to abstain or vote against it because it can pass
3 with two and five abstentions. Did you have something to say, Albert?

4
5 Mr. Yang: Yeah, I guess I would just point out on the bottom of the previous page there's a note
6 that it's the responsibility of every Commissioner to vote unless they are disqualified or I thought
7 there was some language that... or they were unable... not present or something like that. What
8 I think the general principle is that even if you are feeling conflicted you are encouraged to
9 reach a position.

10
11 Chair Lauing: Yeah. So maybe we're going to have to take another crack at this because it's
12 heading towards 11 but I'm thinking is that we might be able to work out some compromise
13 between Rosenbloom's [note-Rosenburg's] and what we have here.

14
15 Commissioner Alcheck: (Off mic) I don't think Rosenberg's rules say that it's [unintelligible].
16 What Rosenberg's rules say is that (interrupted)

17
18 Vice-Chair Monk: Light.

19

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1 Commissioner Alcheck: The... what the Rosenberg's rules say is the way you determine if a vote
2 pass is you... for example for a supermajority is you count the nose and you double it to get... to
3 understand how many yeses. So, if there's two no's and you need four yeses for supermajority
4 vote. It then goes on to say that if you get 3-2 and clarifies and then it specifically says when it
5 discusses abstentions when there's a tie it suggests that you have to go to local statutes. And it
6 says that if local statutes treat abstentions as affirmative votes then an abstention would allow
7 for a minority of yeses to carry in a tie. So is basically suggests that if it's 2-2-1 if the local
8 statute counts an abstention as a yes then that would be... that would pass. If the local statute
9 doesn't count an abstention as a yes then it wouldn't. And so that doesn't say... that doesn't
10 endorse one or the other, it does provide community (interrupted)

11

12 Chair Lauing: Guidance.

13

14 Commissioner Alcheck: It suggests the distinguishing factor is whether you count the abstention
15 as a part of the quorum; as a member present. And I would suggest to you that we should
16 count abstention... abstainers as present because they are not recused. They simply can't make
17 their decision yet and if the... if it would have passed anyway because of it's 3-2 then the
18 abstention... if it was 3-2-1 ok? The motion doesn't carry the majority of present, it's three of
19 six. That's 50 percent, not a majority and so I think if we're going to say that an abstainer is a

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1 part of the quorum which I think we have to because if someone were to abstain and there
2 were only four members present. Then if you don't count that as a voting (interrupted)

3

4 Commissioner Summa: You don't have a quorum.

5

6 Commissioner Alcheck: You don't have a quorum.

7

8 Chair Lauing: Right.

9

10 Commissioner Alcheck: So, I think should... I think we understand this better than we use too
11 and I would... my recommendation would be that we do not change this language or the
12 understanding of this language. And table it until maybe we have a situation that comes up and
13 we're uncomfortable with the result. Because (interrupted)

14

15 Chair Lauing: Ok so I want to just call on Commissioner Summa but I think we need to wrap this
16 up. Even if there's somethings that are left out because we still have a couple more things to do
17 and we're at 11. So, Commissioner Summa?

18

19 MOTION #4

20

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1 Commissioner Summa: Yeah, I was just going to see if I could make a motion that we have
2 Albert come back with language about... I think there's just two things. The 2D which is Consent
3 Calendar and then 7... what is it? C7 which is the abstentions and I would say that we should
4 just probably follow what the Council does. And to me if a person... if one of us left the room
5 and we were in the bathroom during the vote, we wouldn't be part of the quorum because
6 that... we wouldn't be there. So, it doesn't make sense but if... unless anyone else has anything
7 else to say I think those were the only two items, right?

8

9 SECOND

10

11 Chair Lauing: I would second that.

12

13 Commissioner Summa: Ok.

14

15 Commissioner Alcheck: (off mic) Abstentions are nos.

16

17 Commissioner Summa: No, that Albert is going to come back with abstentions and we should
18 consider what the Council does.

19

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1 Vice-Chair Monk: I think there are a few other things that he was going to come back with so I'd
2 rather not confuse (interrupted)

3

4 Mr. Yang: So, I already have the motions from the Commission on each piece that you've asked
5 me to come back with.

6

7 Vice-Chair Monk: I don't think you need to rehash them to us.

8

9 Commissioner Alcheck: (off mic) Can we just give him a little direction on (interrupted)

10

11 Commissioner Summa: But these he needs to come back with these two.

12

13 Chair Lauing: You want... you need direction on this bit specifically. Right, so there's a motion
14 and a second. If there's no other discussion let's (interrupted)

15

16 Vice-Chair Monk: So, what's the (interrupted)

17

18 Commissioner Alcheck: I made a motion before you motioned.

19

20 Commissioner Summa: I'm sorry.

-
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Commissioner Alcheck: It's ok. I made a motion that we don't change the language.

Chair Lauing: I'm sorry, I didn't hear that as a motion.

Vice-Chair Monk: If you can remember to put your mics on. I know it's late.

Commissioner Alcheck: Sorry, I had... just before Commissioner Summa I had suggested that I make a motion that we do not change the understanding that we have. That you still need a majority of those present and voting and that an abstention is considered a vote. And that unless... and that we table it until we have an incident that we feel like we did... that didn't work out. I think we should continue operating under the presumption that a 2-1-2 is a failure and a 1-1-2 is a failure.

Chair Lauing: I know but all I'm saying is I just didn't hear that was a motion. I thought that was just an idea and that's why then she came in with not objecting to your (interrupted)

Commissioner Alcheck: That's ok.

Chair Lauing: She wasn't objecting to yours, I think she was just saying can we get (interrupted)

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Commissioner Alcheck: I'm trying to give specific guidance on this item.

Chair Lauing: Yeah but what she was saying is she was wanting different language so if that's a contradiction then yeah, you're not in sync.

Vice-Chair Monk: (off mic) But a 2-1-4 passes.

Commissioner Alcheck: A 2-1-4 doesn't pass because a majority... you have to have a majority of yeses of those present and voting and the four that are abstaining are considered present.

Commissioner Waldfogel: I'd just like to point out that if we do this that we'll have to go back and touch a lot of language in this because the present voting definition is pretty pervasive in this new document. So, if we're going to make this change then I think we'll have to revisit a lot of language in this document.

MOTION #5

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1 Commissioner Alcheck: I'm suggesting that up until tonight we haven't acted as the proposed
2 language. So maybe... I guess my motion is that we do not adopt the proposed language and we
3 continue to operate under the premise (interrupted)

4

5 Commissioner Waldfogel: But then we'll have to touch a lot of (interrupted)

6

7 Commissioner Alcheck: A majority of Commissioners present have to support action.

8

9 Commissioner Waldfogel: But then we'll have to touch a lot of this document because this
10 language of present and voting is pervasive in the revisions to the document.

11

12 Commissioner Alcheck: I don't (interrupted)

13

14 Chair Lauing: Yeah, I don't think... I'm not in the mood to spend another hour on this let me put
15 it that way. So, I think whatever motion is on the table (interrupted)

16

17 SECOND

18

19 Vice-Chair Monk: I'd like to second Michael's [note-Commissioner Alcheck's] motion and put it
20 to a vote rather than continue a discussion on it.

-
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Chair Lauing: So, does that not include any new language? You're saying just stay with what there is?

Commissioner Alcheck: (off mic) I am suggesting that an abstention can't help a minority of members present approve action. That you still need a majority of... maybe you just need to add a sentence that clarifies for action to be (interrupted)

Chair Lauing: That's what you want.

Commissioner Alcheck: Sorry, sorry, I am suggesting that... this only happens in a tie. You can't possibly have a 1-2-2 and the motion carries. That simply can't be. You can't have one person vote yes, two people vote no and two people abstain and it carries. That doesn't even make any sense. So, I am suggesting that we continue that understanding which is that a majority of those sitting at this table, whatever the group number is, a majority of those present whether its three out of five, three out of four, four out of six, five out of seven, four out of seven. Any number of those there has to be at least a minimum of three when it's five, three when it's four, and four when it's six and seven for action to take place. You can't have (interrupted)

Chair Lauing: So, your motion is to stay with the current language.

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Commissioner Alcheck: Yeah, that's my motion.

Chair Lauing: That's alright. Ok and it's seconded and I'm going to go back to Commissioner Summa because I'm not sure that was what she wanted so (interrupted)

Commissioner Summa: Is that consistent with what Council does?

Mr. Yang: I... so the Council rules have very similar language but I don't think it's consistent with their practice.

Commissioner Summa: It's not consistent with their practice?

Mr. Yang: That's right. I think the problem that this is most likely to come up with, with this body, is when there's one Commissioner absent and so you have six. And in that case, this rule would require essentially a supermajority for anything to pass and a 3-1-2 vote would not pass or a 3-2-1 vote would not pass. And I think that is the most common problem that is going to come up.

Commissioner Waldfogel: (off mic) We've seen 3 [unintelligible].

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Chair Lauing: Yeah so, we can't get anything done because people are not making a decision.

Commissioner Waldfogel: (off mic) Yeah which is why this (interrupted)

Commissioner Summa: Which is why Summa gets a [unintelligible]. It is, right?

Commissioner Alcheck: (off mic) She's qualified?

Commissioner Summa: (off mic) No, I know [unintelligible].

Chair Lauing: Did you have another comment Commissioner Waldfogel? Your light was on that's why I was just (interrupted)

Commissioner Waldfogel: I guess I'm comfortable with the changes that we have in the document and I really don't want to go back and look at every single occurrence of the definition of present and voting. As I said earlier it'd be great if we could just adopt some rules from somewhere but here we are right now.

-
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1 Chair Lauing: Yeah ok so I will speak to the motion as well. I'd rather just have more time to
2 kind of consider this before some night at 11 o'clock because I'm wondering if we can improve
3 on the current situation without getting into ridiculous things. Because I am concerned about a
4 large group of abstentions just keeping work from getting done. So, I would actually rather just
5 you noodle it a bit and us noodle it a bit and come back on this issue at a subsequent meeting.

6

7 SECOND WITHDRAWN FROM MOTION #5

8

9 MOTION #5 DIES DUE TO THE LACK OF A SECOND

10

11 MOTION #6

12

13 Vice-Chair Monk: I would like to withdraw my second and I'd like to make a new motion that
14 we adopt the proposed language.

15

16 Commissioner Alcheck: (off mic) She doesn't need my consent. We can do that, go. I mean

17 (interrupted)

18

19 Vice-Chair Monk: So not he needs a second for his motion to (interrupted)

20

-
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1 Commissioner Alcheck: No, no.

2

3 Chair Lauing: No, you do.

4

5 Vice-Chair Monk: I need a second for my motion?

6

7 Chair Lauing: Yeah because you just withdrew your second before we voted.

8

9 Vice-Chair Monk: So, then I would need a second if (interrupted)

10

11 Commissioner Waldfogel: (off mic) You would need consent of the seconder to withdraw.

12

13 Commissioner Alcheck: (off mic) No, she doesn't. The maker currently needs (interrupted)

14

15 Vice-Chair Monk: Does anyone second the motion I just put forth which is to adopt the
16 language as written?

17

18 Commissioner Waldfogel: (off mic) As written in this document?

19

20 Vice-Chair Monk: Correct.

-
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SECOND

Commissioner Waldfogel: Second.

Chair Lauing: So, I'd just like to ask the maker and the seconder why that's an advantage as opposed to giving it further thought later beside just the fatigue factor?

Vice-Chair Monk: I've actually put a lot of thought into it and I didn't have as much of an issue with it as Commissioner Alcheck does so I'm ok with accepting the language that was proposed. Because the language currently written is problematic and it does need a change. I don't know if this is the best change but it's as good as we got and I'd rather advance it than not (interrupted)

Chair Lauing: Well I will say (interrupted)

Vice-Chair Monk: Because if we don't advance it it's too confusing otherwise.

-
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1 Chair Lauing: I will say that the bylaws or procedures can be amended at any time so it's not
2 like we're stuck on this for the next 5-years or anything. Any other comments on the motion?
3 Commissioner Alcheck.

4
5 Commissioner Alcheck: Yes, so look I think I can appreciate the 3-2-1 problem. We've had a
6 member missing and we've had Commissioner Gardias, for example, abstain somewhat
7 frequently and we have a 3-2-1 problem. I don't think that the solution to the 3-2-1 problem is
8 to now allow a 1-2-3 problem. So maybe what you need to do is focus on the 3-2-1 issue
9 because I don't like the idea that... it's probably not going to happen but the logical significant
10 of now suggesting that a minority of members present including... in theory there could be two
11 that vote for, three that vote against, and two that abstain and the motion carries.

12
13 Mr. Yang: That's not the (interrupted)

14
15 Chair Lauing: No, that's not right.

16
17 Mr. Yang: Proposal at all.

18
19 Commissioner Alcheck: If two votes for and three votes against and two abstain (interrupted)

20

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1 Mr. Yang: The motion does not carry because there's not a majority of people voting for it. Of
2 those who vote (interrupted)

3

4 Commissioner Alcheck: You had made a... you had suggested earlier that a 2-1-1 would pass
5 and I asked you if a 1-3 would pass.

6

7 Mr. Yang: 1-0-3.

8

9 Commissioner Alcheck: A 1-0-3 would pass.

10

11 Mr. Yang: Right.

12

13 Commissioner Alcheck: Which is to suggest that... are you suggesting that a majority
14 (interrupted)

15

16 Mr. Yang: As long as you have more yeses than no's it passes.

17

18 Vice-Chair Monk: So, if there's one... so let me ask Commissioner Alcheck if at least two people
19 say yes would you be satisfied? So, could we maybe perhaps adopt this language and say
20 except if it's only one yes (interrupted)

-
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Commissioner Alcheck: I don't love the 2-1-1. I don't love the 2-1-1.

Vice-Chair Monk: Ok if we said yes, we'll take this language except in instances (interrupted)

Commissioner Alcheck: Because it's a quorum. You don't even have the majority of the quorum.

Vice-Chair Monk: Except no motion can carry with only one affirmative vote. Would that satisfy your concern?

Commissioner Alcheck: Let me ask you one quick question. Are you comfortable with more than one person abstaining when we have a minimum of four? Can a 2-0-2 pass because I don't understand how we do business if we don't have a majority of the requisite quorum which is three out of four? I think the minimum has to be three. There has to be at least three yeses.

Vice-Chair Monk: No, a two... under that scenario, it doesn't pass because the zero... the abstention is just not counted. It isn't counted either way.

Commissioner Alcheck: 2-0-2 passes.

-
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1 Vice-Chair Monk: What's a 2-0-2, two abstentions and two (interrupted)

2

3 Commissioner Summa: (off mic) Two yes.

4

5 Commissioner Alcheck: That doesn't make any sense to me. That's less (interrupted)

6

7 Chair Lauing: Two yes, zero noes and two abstentions.

8

9 Vice-Chair Monk: Yes, those people are giving up their right so (interrupted)

10

11 Commissioner Summa: (off mic) Why would just two people not just vote no?

12

13 Vice-Chair Monk: Right and I'm fine with that.

14

15 Commissioner Alcheck: I agree but the (interrupted)

16

17 MOTION # 6 AMENDED

18

19 Vice-Chair Monk: I think as long as more than one person... to avoid this situation of one

20 person carrying I would just propose saying except in the instances of (interrupted)

-
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Chair Lauing: You made the motion so you can do that.

Vice-Chair Monk: One affirmative vote.

Chair Lauing: And Asher [Note- Commissioner Waldfogel] to you seconded it?

Vice-Chair Monk: If you think that's an issue.

Commissioner Waldfogel: (off mic) I'm sorry what is your modification is a minimum of two votes (interrupted)

Vice-Chair Monk: To accept this language and then maybe say except when there's only (interrupted)

Chair Lauing: Accept that two have to vote... minimum of two.

Commissioner Alcheck: But doesn't the three minimum solve your 3-2-1 problem? Why can't we (interrupted)

-
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1 Chair Lauing: No because what if there's four people and I don't know. I think except in the
2 instances where only one affirmative vote this doesn't apply or something like that.

3

4 Commissioner Waldfogel: [unintelligible – off mic]

5

6 Mr. Yang: I'm... I can't speak to that.

7

8 Vice-Chair Monk: So, I guess if there's only one affirmative vote then the motion fails. That's
9 what it would be.

10

11 Mr. Yang: I think that it's exceedingly unlikely to occur but that is a sensible stopgap to filter
12 that.

13

14 Commissioner Waldfogel: Yeah, I just don't want to innovate on the rules. I mean if nobody
15 else is worried about that corner case then I don't want to complicate our rules with it.

16

17 Chair Lauing: So that one has been adopted.

18

19 Mr. Yang: So, there's a motion on the table.

20

-
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1 Chair Lauing: That language is adopted here right? By the maker and the seconder, right?

2

3 Mr. Yang: The seconder does not seem to have accepted that.

4

5 Commissioner Waldfoegel: I would just like to know if there are other rules of order that
6 incorporate that... that worry about that corner case.

7

8 Chair Lauing: I guess I'm just suggesting that we make a decision tonight one way or the other
9 and decide we can come back to it or continue this whole thing to have another long discussion
10 about it because we don't seem to be getting anywhere at this point.

11

12 Commissioner Alcheck: (off mic) I don't like it.

13

14 Commissioner Summa: (off mic) Why don't we just do what Council does?

15

16 Vice-Chair Monk: But Council might (interrupted)

17

18 Chair Lauing: So, we don't have a second yet?

19

-
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1 Vice-Chair Monk: This issue is going to come up for Council because they are going down to
2 seven.

3

4 Mr. Yang: There is a motion.

5

6 Chair Lauing: There's a motion but there's second and if (interrupted)

7

8 SECOND TO AMENDED MOTION #6

9 Commissioner Waldfogel: I'll accept that language in the second.

10

11 Chair Lauing: Ok so that's the new motion. Voting in favor of that passes otherwise we're
12 starting over on the motion or on a continuance here. With the escape valve that we can make
13 a change of this.

14

15 Commissioner Alcheck: So, this is a substitute or no because we withdrew her second.

16

17 Chair Lauing: Right so it's her same motion with slightly different language that she proposed
18 herself.

19

20 Commissioner Alcheck: Ok I would like to make a substitute motion.

-
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Chair Lauing: I'm sorry to hear that.

SUBSTITUTE MOTION

Commissioner Alcheck: I would suggest that we continue it. We're five people, maybe... we have a regular abstainer, maybe he can provide some guidance in this.

SECOND

Commissioner Summa: I'll second continuing.

Commissioner Alcheck: I would continue it until we have the... maybe a bigger group.

Chair Lauing: Ok moved and seconded to continue to a date uncertain.

Commissioner Alcheck: Yeah can I just make a quick point though. Had we not accepted this continuance... well, that's fine. I think we can do that because we're coming back anyway. This particular item that we just decide this at the next meeting when we review the language since we're already coming back. I'm not intending to belabor the point.

-
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Chair Lauing: We understand the motion and I think you've already spoken to the second part.

Commissioner Summa: (off mic) Yeah, I don't want to speak to the motion.

Chair Lauing: Ok so we have a substitute motion so all in favor of the substitute motion signify by raising your hand.

Commissioner Waldfogel: (off mic) Just to be clear what is the substitute motion?

Chair Lauing: To continue this to a date uncertain.

Commissioner Alcheck: No, no, no. I assume that when they bring the other language (interrupted)

Chair Lauing: That's a date uncertain.

Commissioner Alcheck: Oh, it's not the next meeting?

Chair Lauing: Could be. Hopefully, it is but (interrupted)

-
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Vice-Chair Monk: No because we really have to through the Housing Ordinance.

Commissioner Alcheck: I don't think this is pressing.

Vice-Chair Monk: This isn't going to come back to us until we're done with the Housing Ordinance.

Chair Lauing: It's not pressing.

Commissioner Alcheck: I think we should just determine this with a full bill.

VOTE

Chair Lauing: Ok all in favor of the substitute motion raise your hand. Three to zero to continue.

Commissioner Summa: Just so people can go home.

Commissioner Alcheck: Opposed?

-
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Chair Lauing: Yeah, one opposed? Don't abstain. Don't abstain whatever you do.

Commissioner Waldfogel: [unintelligible – off mic]

Chair Lauing: Ok that's continued and I think the rest of this stuff is word changes but we can package that into the returning to a date uncertain.

SUBSTITUTE MOTION PASSED 3(Lauing, Summa, Alcheck)-1 (Monk) -1 (Waldfogel)-2 (Gardias and Riggs absent)

Chair Lauing: Then we have approval of minutes which there are three Packets and (interrupted)

Vice-Chair Monk: I wasn't clear on what our motion to rescind was.

Chair Lauing: We're going to pick up all those stuff on the next round.

Commission Action:

Approval of Minutes

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

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1 4. April 11, 2018 Draft Planning and Transportation Commission Meeting Minutes

2

3 Chair Lauing: So, we have three sets of minutes and obviously if you weren't here you can't
4 vote. You get to abstain. April 11, yeah go-ahead Commissioner Summa.

5

6 MOTION

7

8 Commissioner Summa: I'll move to approve the April 11th minutes.

9 Vice-Chair Monk: April 25th?

10

11 SECOND

12

13 Chair Lauing: April 11. Second.

14

15 Vice-Chair Monk: Sorry I've got April 25th minutes. Are we looking at Item 4?

16

17 Chair Lauing: Yeah April 11th is the (interrupted)

18

19 Commissioner Summa: All in favor?

-
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Vice-Chair Monk: What are you... Oh, I'm looking at [unintelligible].

Commissioner Alcheck: It's odd we don't have the minutes for April 11 [note-April 25th].

Vice-Chair Monk: I'm looking at my old agenda item.

Chair Lauing: What do you mean we don't have them?

Commissioner Alcheck: There was a meeting on April 11th or on April 25th.

Vice-Chair Monk: We approved those minutes at the last meeting.

Commissioner Alcheck: Oh, we did?

Vice-Chair Monk: Yes.

Commissioner Alcheck: Ok, sorry. So, April 11th I'm seconding the motion to approve.

VOTE

-
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Chair Lauing: All in favor? Ok.

MOTION PASSED 5(Lauing, Monk, Alcheck, Summa, Waldfogel)-0-2 (Riggs and Gardias absent)

5. May 30, 2018 Draft Planning and Transportation Commission Meeting Minutes

MOTION

Vice-Chair Monk: I'll move to approve the minutes on May 30th.

SECOND

Commissioner Summa: Second.

VOTE

Chair Lauing: All current Commissioners were present so all in favor? Next.

MOTION PASSED 5(Lauing, Monk, Alcheck, Summa, Waldfogel)-0-2 (Riggs and Gardias absent)

6. June 13, 2018 Draft Planning and Transportation Commission Meeting Minutes

-
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1 Chair Lauing: What's the third one?

2

3 MOTION

4

5 Vice-Chair Monk: Motion to approve minutes dated June 13th.

6

7 SECOND

8

9 Commissioner Summa: Second.

10

11 VOTE

12

13 Chair Lauing: June 13th Commissioner Alcheck was absent so can't vote. Others, all in favor?

14 Four an abstention from Commissioner Alcheck and that takes care of that item.

15

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

17

18 Vice-Chair Monk: And I did submit minor changes on all three of these to Yolanda so I'm

19 assuming those were incorporated. Just making a record of that.

20 **Commission Action:**

21 **Committee Items**

22

-
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1 None.

2 **Commissioner Questions, Comments or Announcements**

3

4 Chair Lauing: Ok I think future agenda items don't need to be discussed tonight because we've
5 discussed that (interrupted)

6

7 Commissioner Alcheck: I'm going to keep this.

8

9 Chair Lauing: What's that?

10

11 Commissioner Alcheck: I mean are we... should we keep this redline?

12

13 Chair Lauing: Yeah, yeah keep the redline for sure.

14

15 Commissioner Alcheck: Or we'll just get another?

16

17 Chair Lauing: I know there aren't any Committee items so our next meeting is on, as we said,
18 the 25th. July 20... sorry? Now I'm on the old Packet number, the redlines.

19

20 Mr. Albert Yang, Senior Deputy Attorney: August 29th is the next meeting.

-
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Chair Lauing: Correct.

Commissioner Alcheck: Wow, a whole month.

Vice-Chair Monk: What was the reason for the 8th being canceled?

Mr. Yang: It was I believe a suggestion by the Chair and that was carried by a majority of the Commission to have a break in the summer.

Vice-Chair Monk: Oh, I thought the break was for July.

Chair Lauing: Well there was one there and there was one in August. Council was out so ok so I think that's it and appreciate the Staff stamina as well as the Commissioner's stamina. I think it was actually quite productive.

Vice-Chair Monk: And I just want to clarify so if something comes up for Staff that meeting wouldn't all of a sudden get re-noticed correct or is there a potential or possibly?

Ms. Amy French, Chief Planning Official: August 8th is not.

-
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Vice-Chair Monk: Not going to happen.

Commissioner Alcheck: (off mic) Hopefully there won't be a special meeting going on the 14th or something because then [unintelligible].

Chair Lauing: Or 10th.

[note – crosstalk among the Commissioners off mic]

Commissioner Waldfogel: [unintelligible -off mic] by the proceeding officer. [unintelligible]

Vice-Chair Monk: Who's the proceeding officer?

Vice-Chair Monk: And I would just want to confirm that revisiting and continuing on this item isn't going to take precedence over the Housing Ordinance update.

Mr. Yang: We'll fit this in when we can.

Vice-Chair Monk: Pardon.

-
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1

2 Mr. Yang: We'll fit this in when we can. It's (interrupted)

3

4 Vice-Chair Monk: Thanks.

5

6 Commissioner Summa: There's not much left to look at.

7

8 Vice-Chair Monk: That's what I thought.

9 **Adjournment**

10 **10:00 pm**

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

Palo Alto Planning & Transportation Commission

Commissioner Biographies, Present and Archived Agendas, and Reports are available online: <http://www.cityofpaloalto.org/gov/boards/ptc/default.asp>. The PTC Commission members are:

Chair Michael Alcheck
Vice Chair Asher Waldfogel
Commissioner Przemek Gardias
Commissioner Ed Lauing
Commissioner Susan Monk
Commissioner Eric Rosenblum
Commissioner Doria Summa

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View online: <http://midpenmedia.org/category/government/city-of-palo-alto> or on Channel 26.

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

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

Material related to an item on this agenda submitted to the PTC after distribution of the agenda packet is available for public inspection at the address above.

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