



Planning & Transportation Commission Action Agenda: April 14, 2021

Virtual Meeting
6:00 PM

Call to Order / Roll Call

Approximately 6:02 pm

Chair Hechtman: Evening members of the public, Staff and Members of the Planning and Transportation Commission and welcome to our regular meeting of April 14th, 2021. Ms. Klicheva, will you roll the video?

Ms. Madina Klicheva, Administrative Assistant: Yes.

[An automated voice recording begins to play disclosing Zoom procedures.]

Chair Hechtman: I call this meeting of the Planning and Transportation Commission to order and Ms. Klicheva, will you please conduct the roll call?

Ms. Klicheva: I'll begin the roll call. Chair Hechtman?

Chair Hechtman: Present.

Ms. Klicheva: Vice-Chair Roohparvar?

Vice-Chair Roohparvar: Present.

Ms. Klicheva: Commissioner Alcheck?

Commissioner Alcheck: Here.

Ms. Klicheva: Commissioner Chang?

Commissioner Chang: Present.

Ms. Klicheva: Commissioner Lauing?

Commissioner Lauing: Present.

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1 Ms. Klicheva: Commissioner Summa?

2

3 Commissioner Summa: Present.

4

5 Ms. Klicheva: Commissioner Templeton?

6

7 Commissioner Templeton: Present.

8

9 Ms. Klicheva: We have a quorum. Thank you.

10

11 Chair Hechtman: Thank you.

12 **Oral Communications**

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

14 Chair Hechtman: We will now move onto oral communications. This section is for the public to
15 speak on items not on tonight's agenda. Please raise your hand if you wish to speak. In the
16 Zoom app, there is a raise hand button on the bottom of your screen. If you are dialing in from
17 a phone, please press *9. Ms. Klicheva, are there any public speakers for oral communication?

18

19 Ms. Medina Klicheva, Administrative Assistant: I don't see any... oh, I see that Rebecca
20 Eisenberg raised her hand and I will start a timer now. Just a second.

21

22 Chair Hechtman: 3-minutes.

23

24 Ms. Klicheva: And Rebecca, you can speak now.

25

26 Ms. Rebecca Eisenberg: Thank you so much. This seems to be a wonky connection but I don't
27 think I'll take the whole 3-minutes. I guess I was hoping maybe for you all to check in at some
28 point. It's not on the agenda but maybe you could do it just personally and consider how much
29 you've met your goals so far with the Planning Commission. As you know, we have some pretty
30 serious problems here in our City. We have the highest ratio between jobs and homes.
31 Especially, when it comes to the lowest income worker category. In that category, we're still in
32 approximately, we've made 5 percent of our RHNA goal which ends next year. So, we're
33 definitely not going to make that goal and it seems it's highly unlikely that we're not going to
34 make the goal for the next most urgent category which is low-income. You've been doing ok
35 really with the moderate-income and as moderate-income is the one kind of category that you
36 all require as part of the BMR program, 20 percent program. Which unfortunately doesn't
37 require low-income or very low-income. So, there's a handful of moderate-income homes that
38 will eventually be coming if those come to pass and I heard that some of those developers
39 pulled those programs. There's the same very low-income program that was... we've been
40 working on, you all have been working on for quite a while. But for the people who are entering

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1 homelessness, there's been no difference and no improvement and even worse, Palo Alto is the
2 only City with such a homelessness problem combined with such wealth that doesn't have a
3 single, not one, shelter bed for our growing homelessness population.

4
5 So, I guess I would say I hope you all can consider what you can do to improve these situations
6 when you've given... here's my ask to you. When things come before you that want to give
7 advantages, make special benefits to commercial developers, billionaire real estate investors
8 like Ellis who owns Town and Country and private schools that don't open their doors at all to
9 the community like Castilleja. Maybe instead of giving them benefits, you could work harder
10 and instead, moving money over and Planning Commission and City Council money over in time
11 to working on urgent problems. I really, really hope you will on behalf of everyone who's ever
12 been homeless or almost homeless or faced the fear that comes with that. It's a lot. Thank you
13 for considering. That's all.

14
15 Chair Hechtman: Thank you. Are there additional public speakers for oral communications?
16

17 Ms. Klicheva: No, we don't have any raised hands. That concludes oral communications.
18

19 **Agenda Changes, Additions and Deletions**
20 The Chair or Commission majority may modify the agenda order to improve meeting management.
21 Chair Hechtman: We'll move now to agenda changes, additions and deletions. Commission
22 Members, do any of you have any suggestions to modify the agenda? I see no hands so we will
23 move to City official reports.

24 **City Official Reports**

25 1. Directors Report, Meeting Schedule and Assignments

26 Chair Hechtman: Ms. Tanner?
27

28 Ms. Rachael Tanner, Assistant Director: Thank you, Chair Hechtman. Commissioners, it's good
29 to be with you this evening. Just a few updates for you. One, just the upcoming City Council
30 meeting is on next Monday, May 19th [note – April]. We do have one item that the PTC did
31 consider which is the 640 Fairmede Map with Exceptions. That was discussed and
32 recommended for approval by the PTC to Council. And so, Commissioner Lauing, you are on for
33 this month and if you're not available, hopefully, Vice-Chair Roohparvar can step in for you.
34 That will be the first action item on the Council meeting next week. That is the last Council
35 meeting for the month of April so Council will I think be meeting on, I think it's the 20... gosh,
36 20th or something but... not [unintelligible], the 28th. I'm getting my days mixed up. They're
37 meeting one more time in April but it's all about labor negotiations. So, there will be no action
38 items from other topics or from the PTC on that meeting.
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1 Also, on the 19th, the Council will be considering the Up Lift Local Streets Program which has
2 closed portions of California Avenue, University Avenue and also a small portion of Ramona. So,
3 the City Council will be considering whether or not to have that program sunset on May 31st or
4 to extend it to a future date. And then also considering the temporarily Parklet Program,
5 whether that program will extend beyond September 7th, and if there's any interest in having
6 Staff to propose a permanent Parklet Program. There is a City survey that is available online on
7 Survey Monkey for folks to take if you have opinions about the Up Lift Local Streets Program or
8 the Parklet Program. We'd love to hear from members of the public regarding their preferences
9 for the street closures and also for parklets and we'll be presenting that information to City
10 Council on next Monday. And that program is a partnership really between planning and Public
11 Works. The Encroachment Permits and the street closures, Public Works really does the heavy
12 lifting of reviewing the permits, of issuing the permits, actually the work of closing the street
13 and making sure that the streets are blocked off with help from planning. Really other
14 departments as well as we really work together to respond to the Coronavirus Pandemic.

15
16 We also have coming up with Council on May 10th. We talked about the joint meeting between
17 City Council and the PTC as we're kicking off our Housing Element. So, we're very excited that
18 we have the Housing Element Working Group members have been selected by Council and
19 seated. We'll be meeting with them on May 6th and then meeting together on May 10th as the
20 PTC and City Council together to really do it, even more, broader kick off both informing the
21 PTC and Council about the challenge and opportunity ahead of us, but also hoping to engage
22 more members of the public.

23
24 And then just two other items, you may have noticed the City launched its new website. About
25 a month or a month and a half ago we had the beta version of the website launched and open
26 for testing and we've launched it. We are aware there are some hiccups, talking about technical
27 difficulties, so if you experience a link that is broken. You are not alone. It is not your browser.
28 There are some connections that need to get fixed and the vendor who we are working with is
29 working on that. We hope that within the next 48-hours that it will be humming smoothly. So,
30 please let us know if there's something you're looking for that you can't find. Staff may be able
31 to locate that for you or you may check back in the next coming few days.

32
33 And then lastly with your Development Center, we are launching on next Tuesday, April 20th, an
34 appointment base system and so we've been working with our customers remotely throughout
35 the entire pandemic. Phone calls, emails, virtual meetings, but we're kind of launching a virtual
36 front door if you will. You know folks use to be able to come into the Development Center and
37 say hey, I need help with something. I want to do something whether it's applying for a permit,
38 whether it's questions about a permit and so we're trying to replicate that opportunity for folks
39 to say hey, I need to meet with somebody. I don't actually know who I need to meet with. I
40 want to talk about my project. I want to submit it. I need help with the online system or I have a

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1 question. And so, we are hoping that this will improve our customer service while maintaining
2 safety for our customers. So, we're able to replicate a little bit of the virtual... the in-person
3 experience, not completely, but we also hope it will have some efficiencies; like being able to
4 call multiple departments into the virtual meeting and have them all look at the plans at the
5 same time. Where as in the Development Center, you know you can only have so many people
6 looking over a paper plan set before you start to feel a little crowded and so we're hoping that
7 we'll have some efficiencies with this system. So, any members of the public that are listening
8 or as you Commissioners are working with your friends and colleagues in the City. We are
9 launching this new system as a new amenity for our customers.

10
11 So, with that, I do want to hand it over to Nathan Baird from the Office of Transportation to
12 offer some updates from that department.

13
14 Ms. Nate Baird, Transportation Manager: I just want to give a brief update on parking and
15 remind folks about in May 3rd, on-street enforcement is coming back so folks will need to visit
16 the website. We're working through some of our own updates with the website so if you have
17 any trouble finding the specific information that you need or if you know of folks who are
18 having trouble finding the specific information they need about their permits. They can contact
19 transportation@cityofpaloalto.org and we'll make sure that they get the information they
20 need. It's important for folks though to understand we don't have a monolithic parking
21 program. We have six different RPPs and then we have the commercial districts and each one
22 has a slightly different setup and rules. So, it is important for folks to get the information
23 correct before they panic regarding the enforcement that's coming up so.

24
25 We also are continuing our Palo Alto Action Plan work. We'll have some more meetings and a
26 survey that will be released soon. All of that will be available on the website. We have a Palo
27 Alto Action Plan subpage that we would love to have you guys look at regularly and review. But
28 the big survey will be a lot about people's experiences with parking, so we'd love any of you to
29 take that survey. It's got some smart logic in it so it takes you through whether your experience
30 has been more as a resident or if you have resident and visitor and business or
31 employee/employer type of experiences. All of that is available for feedback but it will help... it
32 will skip over the parts that aren't applicable to your experience. So, we look forward to getting
33 that out there.

34
35 I'll see about... if it possible to send Vinh some links later this week when those are released?
36 Have those forwarded to you all? So, we'll do that.

37
38 Ms. Tanner: We can certainly do that.
39

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1 Ms. Baird: But that's it for now, so thank you and I look forward to trying to be regularly here
2 more and more often to help keep you guys a breast of what's going on with parking. Thank
3 you.

4
5 Ms. Tanner: Great, thank you and the last thing I will share is about the 101 Bike Bridge that's
6 being slowly erected/installed. So, I learned today that it's four pieces. There's many other
7 pieces, little pieces but there's four big main pieces that are from our bridge fabricator. One-
8 piece was installed. You may have been present when that was happening and installed over
9 the freeway. The other pieces are still outstanding but the foundation and some of the other
10 items have been installed. So, we are waiting the delivery of some of those really pretty big
11 pieces. So, hopefully, that will happen very soon and that's the report. I'm open and available
12 for questions and comments.

13
14 Chair Hechtman: I'm looking forward to crossing that bridge and I want to know if any of my
15 fellow Commissioners have questions of Staff? I don't see any hands so thank you, Ms. Tanner,
16 Mr. Baird. We will move now to our action items, agendas Two and Three.

17 **Action Items**

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

20

21 2. Renter Protection Policy Recommendation

22 Chair Hechtman: Agenda Two is our renter protection policy recommendations. Staff report,
23 please?

24

25 Ms. Rachael Tanner, Assistant Director: Great, thank you, Chair Hechtman. We have Lauren
26 Bigelow who is our Challenge Grant Fellow. You may remember she was here, I guess was it last
27 fall I think it was? She also was recently at the Human Relations Commission. She is a fellow
28 that we have both the joy and privilege of working with for 2-years. She started just a little over
29 a year ago on the day that the Shelter In Place was issued but even in that time, she's made
30 great strides. And so before, we were with you sharing a bit of the profile of our renter
31 community. We'll refresh some of that, but then really dive into what are some of the policies
32 we've researched that can help renters in Palo Alto. And we're looking for PTC to make
33 recommendations to Council on whether or not we should continue to pursue development of
34 these policy proposals so I'll hand it over to Lauren.

35

36 Ms. Lauren Bigelow, Partnership for the Bay's Future fellow: Thank you so much. Give me one
37 second to share my screen here.

38

39 Ms. Tanner: Lauren, you may want to speak up a little bit louder. It's very quiet on my end at
40 least.

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Ms. Bigelow: That’s delightful. Today is just full of technical difficulties. Is this better?

Ms. Tanner: Yes, it’s a bit better, yeah.

Ms. Bigelow: Wonderful.

Ms. Tanner: We’ll let you know if we can’t... that’s much better. Great.

Ms. Bigelow: Ok. Great, so let me just share my screen here and away we go, I hope. There we are. Alright, so evening and thank you for the opportunity to revisit our discussion about renters in Palo Alto. It’s lovely to see you all again all be it over the inter webs. If you recall, my name is Lauren Bigelow and I am the Partnership for the Bay’s Future fellow placed with the City of Palo Alto to work on renter protections.

We’re here tonight to give a... to go over nine policies we analyzed and get your recommendation on how each policy should be pursued if at all, to center the conversation on the folks most directly impacted. I’ll talk briefly about some of the demographic data regarding our renters that we spoke about in September and our housing stock; as well as touch on current laws that apply to our renters.

So, for the past 3 ½-years, renter protections have been a Council identified a concern with Council directing Staff to pay particular attention to relocation assistance, evictions without a just cause and large rent increases while balancing those protections with protecting the rights of property owners.

The police development process began in March 2020, when I started, and we’re hoping to bring your recommendation to City Council in late summer 2021 and revisit both you and Council hopefully with a proposed ordinance in winter 2022.

But you can’t talk about renter protection policy without talking about renters, so here’s some quick data points for you. Alright, what’s important about our renters is that 45 percent of the occupied housing units in Palo Alto or about 11,764-units are renter-occupied. Now, 27 percent of those households are renting single-family homes and 35 percent of those households are at small or medium-size properties between 5- and 49-units. 22 percent of those households are at large apartment complexes with 50 or more units on site. And if you reference the Staff report, you’ll see that 39 percent of renter households are making more than \$150,000 a year, while 27 percent are making less than \$50,000 as a household per year. Here we can see the breakdown with a little bit more detail. Of note is the percentage of the renter household in each income tier that are cost-burdened or rather they’re spending more than 30 percent of

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1 their income on housing costs. You'll notice that starting at \$75,000 or less, 70 percent or more
2 of those households are experiencing cost burdens to live here, so those are our renters.

3
4 As I mentioned last time Palo Alto does have some existing local protections like a mandatory
5 mediation program and a 1-year lease. Tenant relocation assistance also applies to 22 percent
6 of the rental housing stock or properties with 50 or more units. The existing renter protections
7 that deal with COVID-19 response are a myriad of overlaying policies from local to national that
8 are frequently influx. So, I'm not going to focus on those. The one renter protection bill from
9 the state I will briefly touch on is AB 1482. So, AB 1482 is important because it has a built-in 5
10 percent rent cap plus the consumer price index rate of inflation locally and a just cause
11 framework which outlines what some fair reason are for a person to be evicted from their
12 home. A couple things to note here are that one, this law doesn't cover all of our renters, and
13 two, that while this law does apply across the state. It doesn't give funds or a framework for
14 implementation. So, I'll talk a little bit more about that when we get into the proposed
15 protections. So, those are our renters and what protections apply to them.

16
17 This brings us to the ever-so-exciting potential renter protection policies. So, we analyzed nine
18 policies, seven of which we think the City should pursue. We've ranked them here in order of
19 feasibility. Meaning, how difficult and/or costly it would be to implement and who it would
20 impact. They are as follow; number one, a Rental Survey Program; two, expanding Tenant
21 Relocations Assistance; three, a Fair Eviction Framework; four, Rent Stabilization; five, Security
22 Deposit Limits; six, a Fair Chance Ordinance; seven, a Right to Counsel and then policies eight
23 and nine, which we analyzed and reviewed, we don't recommend. They are the Tenant
24 Opportunity to Purchase Act and a Proactive Code Enforcement Program.

25
26 So, we are seeking PTC's recommendation tonight so that we can move towards Council
27 direction. The idea here is that we'll be working on the policies, not at the same time because
28 they're in various stages of development. So, one of the things that we have to choose is and
29 not necessarily tonight but we would love your feedback on it. Is there a variety of different
30 strategies regarding enforcement? When we saw the 2018 memo... Colleague's Memo on
31 renter protections, they did say that they wanted to focus more on enforcement. But there,
32 we're in a different world now and so our three kind of break out of strategies are active
33 implementation and enforcement, active education of tenants and landlords, and private
34 enforcement; or to build resources to support active implementation and enforcement.

35
36 Alright and we wanted to make sure that we were fair and balanced when looking at all of
37 these policies. So, we've presented them in the same format. Each of the policies analyzed will
38 have a description of the policy and whether there are ties to any current laws. We'll go over
39 who the policy impacts and preliminary reflection of cost. Though at this point, those are very,
40 very early estimates. Really, truly, it will require some more research to figure out exactly what

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1 each of these programs and policies would cost to implement. And that would be further
2 subject to change based on the style of implementation for each of the policies. Then we talk
3 about how feasible it would be and what the Staff recommendation is.

4
5 So, let's start with the Rental Survey Program. A Rental Survey Program is, as it says, a method
6 of collecting data and observing trends regarding rental units in Palo Alto. So, this program has
7 been outlined in the Municipal Code since 2002, but we aren't really actively enforcing it.
8 Having this program in place would allow for better enforcement of AB 1482 and that rent cap.
9 As we could see whether rent increases were within that 5 percent plus CPI that we talked
10 about as well as being able to collect various other pieces of data that would help inform the
11 development of other renter protections like when eviction notices are served and what occurs
12 after that point or how long units are vacant, things like that. So, this program would, we think,
13 impact all of Palo Alto renters and its cost could potentially be covered by a small per-unit fee.
14 For your reference, Mountain View program started charging about \$115 a year per unit to
15 fund a Staff of four running their program but that encompassed other rent stabilization efforts
16 as the program and fee are already within the code and it's supported by renters. Our team
17 believes that the feasibility is high. Our recommendation would be to fully implement the
18 Municipal Code which would require research into a more fully flushed out fee and
19 programmatic structure.

20
21 Second in our lineup is another policy that's part of the Municipal Code already, Tenant
22 Relocation Assistance, which I mentioned before. Tenant Relocation Assistance is a flat fee
23 taken on by a landlord to assist a tenant who is being displaced. As I mentioned before, this
24 currently only applies to 22 percent of the rental units in Palo Alto and it's been part of the
25 Municipal Code since 2018 which was a time when our community was really interested in anti-
26 displacement work. So, the tenant relocation has the potential... what was that? Never mind,
27 sorry, I thought I heard somebody interrupt. So, tenant relocation has the potential for highly
28 impacting renters at risk of displacement. Particularly, those who are at small to medium size
29 properties which some of these amendments that we're talking about. Bring the unit threshold
30 down to two-plus, three-plus, five-plus, 10-plus, would simply be an amendment to the current
31 code and as we understand it, no maintenance would be required. So, we think it would be a
32 fairly low-resourced effort. The feasibility of the policy hinges on the fact that while this is
33 energetically not a huge lift for Staff. It is an additional ask on developers and that is something
34 to be aware of as we attempt to meet our Regional Housing Needs Assessment numbers. Our
35 recommendation is to amend the Municipal Code but we'd like your thoughts on which
36 threshold seems like the best fit for our community. At three-plus units we'd see alignment
37 with In-Lieu Fees, five-plus is where commercial mortgages start and 10-plus units you're
38 protecting renters at medium and large size properties. Effectively doubling the number of
39 units that are protected right now. So, there are real benefits to each threshold. It just depends
40 on what the City's priority is.

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1
2 So, our third recommendation is a Fair Eviction Framework because eviction is one of the
3 greatest causes of homelessness. It makes sense for us to try and stem that tide. One of the
4 ways in which people do that is through creating a framework for what constitutes fair eviction
5 or a just cause. Just cause eviction protections are written into AB 1482 but, as we mentioned
6 before, AB 1482 doesn't cover everyone and it's not permanent. Granted, having these
7 protections for some people for 10-years is a great start but we can probably do better. So, a
8 Fair Eviction Framework would impact all Palo Alto tenants, but the specific fix would provide
9 coverage for those who aren't covered by AB 1482. Giving them the same rights as tenants
10 covered. Costs associated would, as we mentioned before, require further research and its
11 feasibility seems high due to what seems like a choice for a legislative patch requiring no
12 maintenance or enforcement on the City's part. Again, all of these are preliminary thoughts. So,
13 our recommendation would be to make sure that everyone is covered by 1482 now and see if
14 there's an opportunity to revisit this framework more permanently closer to when the
15 legislation sunsets in 2030.

16
17 Our fourth policy is Rent Stabilization and to make sure that everyone has equal coverage for
18 that 5 percent plus CPI rent cap. 1482's rent cap protects tenants from massive rent increases
19 which can force a family out of their home. Again, providing this legislative patch is about
20 making sure everyone is covered by 1482 in the same way, but this rent cap has the highest
21 impact on our low-income households and/or cost-burdened renters. We've already talked
22 about what the costs and feasibility would be like with our last policy. So, again, our
23 recommendation that applies to both to a Fair Eviction Framework and our rent cap is to close
24 the loop on 1482.

25
26 Fifth is our Security Deposit Limits, so the California Civil Code currently states that a landlord is
27 allowed to charge two times the rent for an unfurnished unit, or three times the rent for a
28 furnished unit, and in Palo Alto, the average rent across all unit sizes is \$2,940 a month. So, that
29 means on average, people are paying \$8,820 for that rent plus security deposit in an
30 unfurnished apartment or there's the potential there for that. And we believe that this will
31 really lower a barrier to access for lower-income households and those that are cost-burdened.
32 Though it will impact all renters. It seems like another high-impact, potentially low-cost effort
33 so we recommend adopting an ordinance limiting the cost of security deposits to 1 ½ times the
34 rent.

35
36 Fair Chance Ordinance is, as it says, basically an anti-discrimination policy that's directed at
37 helping those who have been released from incarceration, helps them find stable homes and it
38 really restricts landlords from discussing criminal background in the marketing application,
39 leasing, or vacating of their property. And the opportunity here to seize discrimination is huge
40 for that population and like I said, the impact is high. Particularly, for black and Latinx

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1 individuals who are disproportionately impacted by incarceration. We do think that this could
2 be a very impactful policy with a limited cost due to the fact that this is about criminal
3 background and property owner's rights. We think that this might be a slightly more difficult
4 lift, though it has been passed in several jurisdictions around the Bay Area. We recommend that
5 Palo Alto pass an ordinance similar to Berkeley's which is one of the policies spelled out in
6 Attachment B of the Staff report.

7
8 Right to Counsel is about providing legal assistance to renters as they go to court for housing-
9 related issues. In a 2015 study, they found that 98 percent of renters don't have legal
10 representation and we think that this could build nicely off of Palo Alto's existing mediation
11 program. And is particularly important because the associated costs of eviction, meaning all of
12 the services that that household then needs, can be extremely costly to a community which is
13 particularly important now when we're kind of in austerity measures. So, the Right to Counsel
14 has a high impact on those at risk of displacement, but it is tricky because the impact is so high
15 but the cost is too. So, while we think the program is a great idea, it seems really cost-
16 prohibitive at the moment. However, there are a couple things we can do. Currently, a spot bill
17 called AB 1487 is being heard and it's supposed to help establish funds for the right for... right
18 to counsel efforts. Also, Santa Clara County is pursuing creation of a housing court where they
19 pair tenants with an advocate to help with their case and so we recommend endorsing the
20 housing court initiative at the county level and directing our state lobbyist to endorse AB 1487.

21
22 The Tenant Opportunity to Purchase Act or Community Opportunity to Purchase Act is not one
23 that we would recommend at this point. It does provide renters with advance notice of when
24 your landlord is going to be selling the property and the impact is on any renters at risk of
25 displacement due to sold units. But the cost is very high so we think the feasibility is very low at
26 this point and so we think we shouldn't pursue it at this time.

27
28 The Proactive Rental Inspection is about keeping our housing stock safe and up to code by
29 having code inspectors routinely inspect all of the rental units in Palo Alto. Again, that is about
30 protecting any renter in substandard housing. But the cost would be very, very high and so
31 again, we think that the feasibility would be low at this time and recommend not pursuing it.

32
33 So, those are the policies. At this point, our plan is to work with our community partners to
34 solicit renter feedback on those policies and strengthen our relationships with the renter
35 community as they are the most directly impacted by these issues. So, we want to hear public
36 comment at PTC meetings, we want to hear from the Human Relations Commission and have
37 already established a great relationship there. Also, we liaise with Palo Alto Renter's Association
38 and Project Sentinel and LifeMoves as well as Silicon Valley At Home. But even more important
39 at this point and while it's important to my program that we center the voices of those in the
40 greatest needs. We also really want to make sure we take the time to hear the concerns of

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1 landlords and property owners as well because a balanced policy doesn't come about without
2 listening to both sides of the store and so that's definitely the plan.

3
4 This brings us to our summary of the policies as is outlined in the chart in the Staff report and
5 these are our policies four through seven. And again, TOPA and COPA and Proactive Code
6 Enforcement are not recommended at this time and that's my contact information. So, I hope
7 people will follow up with me regarding these policies because I am definitely open to hearing
8 any and all feedback. Thank you so much.

9
10 Chair Hechtman: Thank you, Ms. Bigelow. While normally I would ask Commissioners if they
11 have questions of Staff at this point, tonight, because of the way we're going to need to move
12 through this item in nine discreet segments, I'm going to ask Commissioners to defer their
13 questions until we get to those discreet segments... questions regarding those segments and so
14 I'd like to now move us to public comment. I do see Commissioner Templeton's hand up.
15 Commissioner Templeton.

16
17 Commissioner Templeton: Thank you so much Chair. I was just wondering if we'll have an
18 opportunity to ask questions that aren't part of each of those nine but to the process overall?

19
20 Chair Hechtman: Yes, my intention was to start the Commission deliberation with a more
21 generalized discussion which would account for that and then the more specific questions we'll
22 hold for the individual items.

23
24 Commissioner Templeton: Thank you.

25
26 Chair Hechtman: Alright, then I would like us to move now to open the floor for public
27 comments. Please raise your hand if you wish to speak. On the Zoom app, there is a raise hand
28 button on the bottom of your screen. If you are dialing in from a phone, press *9. Ms. Klicheva,
29 do we have public speakers for this item?

30
31 Ms. Madina Klicheva, Administrative Assistant: Yes, we do and our first speaker is Angie. Let
32 me... and Angie, you can unmute and you have 3-minutes to talk.

33
34 Ms. Angie: Thank you very much. So, I am calling in as a renter in Palo Alto. I want to first, sorry,
35 I'm walking away from my dog who's barking very loud. I want to first thank Lauren, City Staff
36 and the Planning Commission for taking up this important issue. While it sometimes feels like
37 renter's rights are less important in an exclusive City like Palo Alto. I want to remind us all that
38 more expensive, segregated Cities like Palo Alto require tenant protections too.

39

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1 In places like this, low-income and people of color experience harassment and unfair rent
2 increases on a regular basis. While it may go unreported, as you all know economic evictions
3 like large rent increases, are not filed. We just lose those residents and we don't know why.
4 However, we can change that and by implementing a rent registry which is already on our
5 books, Palo Alto can build a full picture of who is here, who's missing and when and why people
6 leave. Without that data, it's really impossible for us to understand what renters and landlords
7 need.

8
9 That's not all I'm asking for though. When I analyze renter protections, I look at two main
10 things. Is this displacement prevention or is this displacement mitigation? We need policies that
11 do both. A Tenant Relocations Assistance that actually covers the housing types that existing in
12 Palo Alto. I'm yes, talking about single-family homes, would be a great step towards
13 displacement mitigation. I prefer Tenant Relocation Assistances that's triggered by a rent cap.

14
15 Lastly, we need Rent Stabilization. Mountain View is our most rationally and economically
16 diverse neighboring City. That's not an accident. Rent Stabilization prevented thousands of
17 renters from being displaced and is an important displacement prevention tool in every City.
18 Really the State of California and that is it. Thank you very much.

19
20 Ms. Klicheva: Great, thank you, Angie. Our next speaker is Mark. Mark, you can share your
21 comments now.

22
23 Mr. Mark Mollineaux: Ok, hopefully, you can hear me now?

24
25 Ms. Klicheva: Yeah, we can.

26
27 Mr. Mollineaux: Hi there, I'm Mark Mollineaux renter. I'd just like to say I enjoyed the
28 breakdown and the presentation. I definitely agree with your assessment that 1482 at the state
29 level did a lot of good, but could do more to cover more people as well as do more to actually
30 be enforceable. Also, even after this past, I've had a lot of experiences, my friends have had a
31 lot of experiences, where their landlords who really... let's face it, mom and pop landlords don't
32 really know the rules a lot of the time and don't really follow the rules all the time. They didn't
33 know that they were breaking these rules and when they were asked, they dragged their feet
34 and it became basically are you going to take me to court? There should be a much easier path
35 so that... I think you talk about education. I think I wouldn't put too much weight in it. I think a
36 very modest amount of education. Just what renters know what they can do but I think the
37 enforcement is so much more important of if the landlord breaking the rules, you take it down
38 to the proper channel, it's dealt with. I think there's a clear way we need to get there. Right
39 now, we're in a weird no-mans-land where the rules are there. No one is enforcing it so I look
40 forward to seeing how this enforcement could take place.

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1
2 Rental Registry, fantastic, we need it. I hope... I hear that the estimate of \$115 per unit per year.
3 I think... I don't want to see this fall upon renters. I think this... I can come easily... you can
4 charge a lot less coming out of the General Fund or something but in general, it's fantastic to
5 get this data in the end and actually do what the code already says we should be doing.

6
7 As far as relocation, I think it's worth mentioning like what is the point of Tenant Relocation
8 Assistance? Is it saying after evictions, this is going to help people get back on their feet? I think
9 just looking at the direness of the housing crisis, it's simply not true. It's like buying a bus ticket
10 out of town. I think... some people say is relocation assistance really a landlord penalty? I think
11 it is and I think it's good. I think we should frame it as that. It's saying don't evict people, here's
12 the penalty because we don't want displacement. Displacement is bad and that's the goal to
13 avoid it. So, it's really a way of deterring evictions.

14
15 And finally, I would say that even though this was not on the table, it is worth mentioning that
16 the best thing for tenants is low prices. Land use is the way we get the lower prices and I realize
17 it's a bit out of scope, but I think it is worth saying. We need to push back to deliver more
18 housing here and in neighboring communities to drive rental prices far, far, far lower and that's
19 going to help everybody. But I'm very encouraged by all these steps and I look forward to
20 seeing how this goes.

21
22 Ms. Klicheva: Thank you for your comments and our next speaker is Rebecca. Rebecca, we
23 should be able to hear you now. To hear you now, sorry.

24
25 Ms. Rebecca Eisenberg: Thank you. First of all, I think that the community should be able to
26 speak to each item but overall, I guess I want to start with saying every single... I urge you to
27 accept every single item without exception. Those are all the baseline bare minimum and not
28 nearly actually good enough.

29
30 I want to address a couple things that for some reason were called expensive. First TOPA/COPA,
31 there's no cost to that. It's free to offer a ROFR, Right of First Refusal, to the... to tenants.
32 There's... I have no idea why you would say there's a cost to that. There's just simply not and I
33 urge you to check your information.

34
35 Secondly, code enforcement, not only... and I know there will be other people speaking to this
36 hopefully. Code enforcement, not only is code enforcement not so expensive, that actually its
37 revenue-generating because code enforcement actually involves assessing penalties and fines.
38 And when penalties and fines are set, they are paid and that is... you know every City that has a
39 strong code enforcement division makes money from code enforcement. Without code
40 enforcement, nothing you do tonight has anyway, what so ever, maybe that's the point but I

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1 sure hope not, and what that turns our City into which is the way it's going is allowing landlords
2 to break the law without consequence. That turns our City into a world of mansions for the
3 leisure class, mostly white, and tenements run by slum lords for everyone else.

4
5 I am a renter. I'm part of that more than 25 percent, approximately 30 percent, of renters here
6 who rent single-family homes and I'd urge Lauren to check with the school district but
7 apparently, she didn't because those numbers haven't been updated, unfortunately. When you
8 talk about the public-school population, a huge majority of public-school students are renters
9 and if these kids aren't worth protection. Who else is? Why should public school students face
10 having to change schools and lose all their friends just because their parents are normal and
11 can't afford \$4 million for a home? That includes the vast majority of middle class and upper-
12 middle-class in this country and obviously in this world.

13
14 Finally, I really want to address the fact that I urge you not to have so much sympathy for
15 landlords. As I said, I'm a landlord. Landlords already have been, especially small ones, already
16 have received... we're... money, reimbursement through the CARES Act that landlords should
17 have suffered no harm right now due to COVID. I know that because I'm a landlord and I
18 received money. So, right now we need to focus on tenants. Obviously, we need Rent
19 Stabilization, obviously, we need a registry and for the love of God, please have enforcement.
20 Otherwise tenants... nothing you pass will matter. Thank you so much.

21
22 Ms. Klicheva: Thank you, Rebecca and our next speaker is user with email address. Please
23 forgive me if I pronounce incorrectly. The email address is Wintergary@earthlink.net and you
24 can unmute yourself and share your comments.

25
26 Ms. Winter Dellenbach: Yes, you... that's fine with my name. Winter Dellenbach. Left off the list
27 of current renter protections in Palo Alto is renter protection that I helped enact as a very small
28 group working with [unintelligible], Project Sentinel, I was from Mid-Peninsula Citizens for Fair
29 Housing and a couple other people more than 20-years ago and it's in the Municipal Code
30 under discrimination against families with minor-aged children. And it is Municipal Code Section
31 9.74.0308(a)7 and what it is, is it's a requirement that a rental... that somebody with rental
32 housing is not allowed to turn away... to require that any less than two people per bedroom as
33 a minimum, not a maximum. Meaning that two people are allowed in a 1-bedroom, four people
34 in a 2-bedroom, six people in a 3-bedroom at least. You can allow more but you cannot require
35 less in Palo Alto. This is... has been the law in Palo Alto for more than 20-years and it was
36 written as a renter protection and I don't... and it's not on your list. And furthermore, if you
37 rent a place and then you have a baby. That's not a reason... you cannot then be evicted and
38 your rent can't be raised for the term of your lease. Furthermore, this protection has to either
39 be conspicuously posted on the premises of the rental property or it has to be contained
40 written into your rental agreement into the policies. And I don't know that... it seems like it's

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1 not... this isn't even known about. So, what this does is it is meant to help families who are
2 often discriminated against, more easily find housing.

3
4 And one other thing is if you want to really do something significant, thousands of rental units
5 allow what's known as two plus one which is three people in a 1-bedroom, five people in 2-
6 bedroom, seven people in a 3-bedroom. All over Palo Alto, that's a minimum. That policy, that
7 is the Rental Owners Policy. It's known as Two Plus One so three people in a 1-bedroom, five in
8 a two, and seven in a three and but Palo Alto's policy does not apply to studios. You can hold it
9 to one person to a studio. You can have two people in a studio. One last thing, if you have two
10 people in a studio, you cannot restrict it to adults. It can be an adult and a child. If you try to
11 restrict it to adults, you're violating the Fair Housing Laws. Thank you.

12
13 Ms. Klicheva: Thank you and our next speaker is Kevin.

14
15 Mr. Kevin Ma: Evening Planning Commissioners. My name is Kevin Ma, I'm a renter in the
16 Ventura Neighborhood and I know in the City we talk a lot about local control but for generates
17 this City has really fallen behind under this umbrella. The state's gone much more further than
18 that in the mean times since the Colleague's Memo in 2017 and I do wish the City tries to catch
19 up or tries to improve the situation. Because as we know in our neighboring City of Mountain
20 View, the year before they had a ballot measure to get their City rent control. That was done at
21 a much... well, [unintelligible] difference between. The inflation rates versus 5 percent plus
22 inflation which that 5 percent does really makes a difference. Especially given how hot the
23 housing market is for this area.

24
25 We also talk a lot about enforcing the law. Well, we have this law that says we should have a
26 rent survey which means we should probably do it because fundamentally, we can't be just
27 depending on a bunch of random websites on the internet to say what the average rent price is
28 for Palo Alto; or we can't be depending on the ACS for a corporation that might be a bit out of
29 date due to how it's sampling. As such we should invest in a rent survey program but hopefully
30 in a way that does not necessarily affect renters if that causes an upshot in rent because the
31 landlord will pass down the rent as much as he can.

32
33 But above all, we should make sure that any of the protections we're creating can be enforced
34 because enforcement is the main biggest deterrent in anything. Is that he will be held
35 accountable. The whole point in putting a 5 percent rent restriction if no one actually knows
36 what the original rent was and the only people who can enforce it for the majority of tenants
37 who don't have lawyers is dealing with legal aide that's normally already underwater anyway.
38 Laclespa [note – possibly LAFLA] and Law Foundation are overwhelmed by the amount of cases.
39 Especially current cases from the pandemic, so whatever we can do to assist them. Shifting in
40 money, actually putting in effort to the housing collaborative court would be helpful.

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For the Tenant Relocation Assistance, the 50-units is a bit odd if it only covers a fifth of the tenants in the City. It really should affect 100 percent because we talk a lot about neighborhood character and it doesn't really help if we kick people out from this area because maybe your landlord wants to renovate the house to be a bigger house or it gets torn down to become a town homes.

So yeah and also things like Fair Chance Ordinance is a good thing. We want to make sure that the City does make ourselves welcoming and effective for all members of society. And it's unfortunate that the Right to Counsel is consider to be costly though I do hope that maybe Joint Powers Agreement for cost-sharing could be done. And TOPA/COPA, I mean it's a nice thing to have on the books, ok? Thank you.

Ms. Klicheva: Thank you and our next speaker is Edie. Edie, you can unmute yourself and share your comments.

Ms. Edie Keating: Thank you.

Ms. Klicheva: We can hear you.

Ms. Keating: So, I am glad you are looking at these potential protections for renters because for the whole City, not only for owners but for renters, housing security is a good thing. And housing security does need to be related to being able to afford housing and if you are currently affording your housing. Can you afford it again next year? And if you think about AB 1482, with CIP plus 5 percent, so we're looking at around 8 percent increases in rents potentially and I don't know many people who get 8 percent increases in their income year after year. In my experience that's been somewhat rare. So, having an allowed rate of increase built into potential rent stabilization that's CPI is much better as Mountain View did. But even in Mountain View, seniors look at their social security increases and say that's not keeping up with the CPI. That's below the CPI.

So, it's sad that for many renters they year after year become gradually poorer and poorer and while they set down roots just like any resident of a community. They do not have secure housing because their housing costs are either suddenly or gradually increasing. So, please consider much lower thresholds for what rent increases could be.

I hope that you also think carefully about the Costa-Hawkins law, state law, because that will be there after 1482 expires unless it's overturned or changed. So, it will be... it's important to make sure that what you are considering complies with Costa-Hawkins.

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1 Another with relocation benefits is that they can be a deterrent to high rent increases and this
2 would apply to single-family homes. Even if Costa-Hawkins is preventing single-family homes
3 from being covered. If there was a deterrent on raising rent over 5 percent say, and if someone
4 had to move out and asserted to that after a 5 percent rent increase. Their landlord... and then
5 receive relocation benefits. Their landlord might be inspired to only raise rents by 4.9 percent.
6 Giving much more housing security without even having Rent Stabilization. Although I think the
7 combo of Rent Stabilization and Just Case for Eviction is ideal. Thank you.

8
9 Ms. Klicheva: Thank you and our next speaker is Mitch.

10
11 Mr. Mitch Mankin: Hi, can you hear me?

12
13 Ms. Klicheva: Yes, thank you.

14
15 Mr. Mankin: Great. My name is Mitch Mankin. I'm speaking for Silicon Valley At Home, the
16 voice of affordable housing in Silicon Valley. I wanted to thank the Commissioners for taking the
17 time to hear this tonight. Thank the Staff for their thorough work on the report and thank all
18 the commenters who have shown up in large numbers tonight who have... to speak to this.

19
20 These numbers in the Staff presentation show that despite the stereotype, Palo Alto does have
21 a significant number of renters. That includes a significant number of rents making less than
22 \$20,000. Here in the Bay Area we care a lot about diversity and keeping our community whole,
23 protecting our people and these protections are one important piece of this.

24
25 It's clear looking at the Staff report and the presentation that they've taken a significant
26 amount of work to produced solutions tailored to Palo Alto specifically. The approaches here
27 allow Palo Alto to help assistance while also being relatively light on administrative effort and
28 complexity for the City to go about. Things like extending the Tenant Relocation Assistance to
29 the remaining 80 percent of units that aren't currently covered just makes lots of sense and
30 build on the existing policies.

31
32 Speaking building on the existing policies, it was great this effort turned up that there's actually
33 a rental survey that's been on the books for a long time but is the law but isn't being enforced.
34 So, we support all nine of these recommendations.

35
36 I do see the point of some commenters tonight that there could be this legal framework set up
37 for a Tenant Opportunity to Purchase Program but often those programs require... to be really
38 successful require some funding. So, I see also the... I agree also with the prioritization of
39 prioritizing these other aspects first.

40

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1 So, in summary, we strongly support the Staff recommendation and are looking forward to the
2 discussion. Appreciate it, thanks.

3

4 Ms. Klicheva: Thank you and our next speaker is Curtis.

5

6 Mr. Curtis Smolar: Thank (audio cut out)

7

8 Ms. Klicheva: Curtis, we can (interrupted)

9

10 Mr. Smolar: Am I unmuted now or no?

11

12 Ms. Klicheva: Yes, yes, we can hear you now. Thank you.

13

14 Mr. Smolar: Ok, I apologize. So, thank you so much for having... letting me speak. So, I'm not a
15 math person but I did some research and I found that San Francisco raised about \$100 million in
16 code enforcement last year. You know as far as someone doing code enforcement in Palo Alto,
17 as long as the amount is not over \$100 million, I think that would make sense for them... for you
18 to actually have it. In fact, I would volunteer myself for that job if you would pay me the
19 amount that I would bring. In fact, the bottom line is that code enforcement is... it pays for
20 itself. It's like collecting money, that's all it is. You're collecting money from people who owe
21 you money. It's like any business. That's how you stay in business is getting paid and for some
22 reason the idea that someone getting paid a small amount while bringing in millions and
23 millions of dollars is somehow disproportionate for the City. In other words, the City is not
24 making enough makes not sense. So that's the first point which is that... ok, the first point is
25 that you don't like money. I get that.

26

27 Second point is, in terms of COPA and the other things they're talking about. Why is the City
28 getting involved with private contracts regarding ROFRS? If you have Right of First Refusal with
29 an individual contractors, why is the City getting involved? Even from a libertarian point of
30 view, you have no interest in getting involved in contracts.

31

32 There's a lot of landlords in violation regarding the code enforcement. I want to go back to that
33 and so what's really going on here is that you don't want to actually enforce against them. I get
34 it but the bottom line is that that's why you have no money. If you want money, enforce the
35 code and assess the fines. If you look at Castilleja by itself, you've been way above... when you
36 pay for one person or three people with that one fine. It's just ridiculous. I mean just say
37 whatever you want. If you just makeup whatever reason you want but anyway, the bottom line
38 is if you want money. You need to enforce the code. Thank you.

39

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1 Ms. Klicheva: Ok, thank you and we have two more speakers. Our next speaker is Kelsey and
2 then she will be followed by Julie. Kelsey, you can share your comments now.

3
4 Ms. Kelsey Banes: Hi there, my name is Kelsey Banes. I am a resident of Palo Alto and want to
5 support the Staff recommendation which I think is a very modest set of proposals to protect
6 renters. In 2019 my rent was increased 18 percent and I had to move. I'm privileged that I was
7 able to find somewhere to land and it wasn't a major incident or a disruptive event in my life.
8 But there are low-income renters in Palo Alto and displacement protections are really... they're
9 a tool for homeless prevention and can actually save the government money in the long term. I
10 have been the recipient of very panicked phone calls of people whose rent is going up
11 dramatically and they have nowhere to go. And especially now when we're struggling with
12 homelessness when more and more people are becoming homeless. We can do very simple
13 things just to keep people housed that serves the public health generally. So, I would support
14 the lower trough and also would encourage you all to look at Tenant Opportunity to Purchase,
15 Community Opportunity to Purchase.

16
17 Furthermore, I would like to see the Planning Department consider tenant protections as part
18 of development plans. Right now, every development plan says tree protection. It's part of the
19 plan but I think it's really interesting that we don't consider tenant protections as part of the
20 plan. And I can read a plan and have no idea whether there are existing tenants if they're low-
21 income tenants and I'm not sure how the Planning Department is handling that right now in
22 terms of complying with SB 330. Because if there are existing low-income tenants, those units
23 need to be replaced.

24
25 So, my final thought is just that it would be great for existing multi-family to have a minimum
26 density so that we're not replacing multi-family with lower density. I think most of you have
27 already heard this before but in 2018 the place that I rent which was a multi-family unit. A small
28 cottage with two apartments in the back was demolished to build a single-family home and as
29 far as I know, the City has taken no steps in the years now that I've been coming and speak to
30 the City to prevent that from happening. And I saw a cottage court up for sale in my
31 neighborhood and I'm wondering if that cottage court is going to be demolished to build large
32 single-family homes. I think we can make this a fix and I think we should prioritize development
33 without displacement. I want a lot more housing but we shouldn't do it at the cost of tenants
34 having stability. Thank you.

35
36 Ms. Klicheva: Thank you. Our next speaker is Julie.

37
38 Ms. Julie Beer: Hello, can you hear me?

39
40 Ms. Klicheva: Yes, we can. Thank you.

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1
2 Ms. Beer: Great. First of all, I want to thank you very much for allowing renters to talk about the
3 problems we have in Palo Alto. I've lived in a 6-unit building for many years; many, many years
4 and it always worries... rent stabilization is very important. I never know when the land lady is
5 going to raise rents and I think that she might be selling the unit. And I'm just kind of
6 wondering, right now I believe there's this... the CPI plus 5 percent protection per year. If she
7 gets a new... if she sells it, would the new landlord or landlady, would I qualify for that in this 6-
8 unit apartment building? Could they only raise our current rent? You know what is it, about 8
9 percent or something like that? Anyway, I don't have much more to say other than thank you
10 for listening to a renter. There are many, many of us and we're always worried about the rents
11 going up so thank you very much.

12
13 Ms. Klicheva: Thank you. I don't see any raised hands and I think that concludes our public
14 comment for this item.

15
16 Chair Hechtman: Alright, I want to thank our I think 10 members of the public who had
17 interesting and informative things to tell us about this agenda item. I'm... we have now
18 concluded the public comment and I will bring it to the Commission for deliberation. And so,
19 the way I'd like to handle this because of the nature of what's before us as I mentioned earlier. I
20 want to start with general... any general questions that Commissioners may have of Staff that
21 are not really addressed to any of the nine specific topics that we're going to discuss. After we
22 field those questions, then I'm going to ask the Commissioners... I'd like a round of general
23 overview comments limited to say 5-minutes. Then what we will do is we will move into the
24 nine individual items and go one by one and we'll start each item with Commissioner questions
25 of Staff specific to that item. And then we'll have Commission discussion and each of those nine
26 items is going to need to end in a vote to make some recommendation or other to the Council
27 on that particular item. So, that's the way I'd like to run this and so I want to start with
28 overview questions of Staff and I see Commissioner Templeton's hand up.

29
30 Commissioner Templeton: Thank you so much, Chair. Thank you, Ms. Bigelow, and to Staff for
31 this presentation and to all our public commenters. It was really great to hear your input
32 tonight.

33
34 I guess my first questions that's overall about this process is Ms. Bigelow, you mentioned that
35 we don't have a lot of input from the owner and landlord community. But you want us... it's
36 listed as an action item so we're supposed to take action tonight. What... can you help me
37 understand the timing of that and what your thought behind that was?

38
39 Ms. Bigelow: Sure, thank you for asking. That's a great question. Essentially, we wanted to
40 really make sure that we were working with the renter community, strengthening the

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1 relationship there and creating a safe space which takes time to establish. So, that people can
2 feel ok being vulnerable enough to talk about things like their suffering, their homes, the
3 amount of money it costs and things like that while we were going through this. And the idea
4 really was to center on those needs and that population because it has seemed as though it was
5 a surprise a lot of the time when we talked about the renter population being 46 percent of the
6 household units. Just from who turns up and speaks at these things. So, we wanted to make
7 sure that we created space for renters to be heard, but as I mentioned before, we really want
8 to make sure that while we make space for renters to be heard. We also make space for
9 landlords and property owners to be heard as well. So, that we can have a truly balanced policy.

10
11 Commissioner Templeton: Thank you. So, it seems a little be incongruous to ask us to then
12 make recommendations when we've only heard part of the story. So, I'm trying to piece that
13 together because you have done an excellent job of pulling together the renter's needs and
14 making that presentation. It's very compelling but what I find is missing is anything that might
15 differ from that. And I want to make sure that if we're going to vote as a Commission, that we
16 are as holistic as we can. So, I'm just wondering when are you planning to talk with the
17 landlords and property owners? After PTC but before... I think you have a slide on it right?

18
19 Ms. Bigelow: Yeah.

20
21 Commissioner Templeton: But before Council?

22
23 Ms. Bigelow: Absolutely. Correct.

24
25 Ms. Clare Campbell, Planning Manager: I think... can I jump in?

26
27 Ms. Bigelow: Please.

28
29 Ms. Campbell: I'll add... thanks, so we are definitely gathering our data for the property owners
30 of multi-family units in the City. and fortunately, because we do have our own utilities, we have
31 a way to access this information. So, were definitely working on that currently to put that
32 together and we will start out reaching to these property owners to start engaging them in this
33 conversation. And I think the idea is that we want to do some of this... we want to do this work
34 before we go back to Council and as we progress along the path, to get them more involved and
35 make them aware of what we're working on.

36
37 Ms. Bigelow: And also, nine policies is a lot and so one of the things that we talked about doing
38 is do want to pursue all nine of these? We don't know what the interest is and so we don't
39 want to solicit feedback on something that we're not going to necessarily pursue valid though
40 that feedback may be.

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1
2 Commissioner Templeton: Then I guess the last part of this question is just from a procedural
3 stand point and maybe City Attorney can weigh in on this. Is it ok for us to vote on action items
4 that are affecting parties that aren't represented? I just want to make sure because I'll tell you,
5 what's coming from how this presentation appeared to me. It had a very strong study session
6 vibe, like let's talk about it and let's get a sense for which directions we want to go but it is not...
7 I feel that it's incomplete. That said, I'm excited about a lot of the things that are being
8 presented so you know, I'm happy to give that feedback and I have a lot to say on each of these
9 nine items. But I want to make sure that we are... if we take the time to vote and make a
10 recommendation that it is valid.

11
12 Mr. Albert Yang, Assistant City Attorney: Sure, so I'll just address that briefly. You know this is
13 absolutely appropriate for the Planning Commission to vote on it as it is an action item and this
14 isn't a quasi-judicial item where there's any particular set of applicants or appellants. And so,
15 anyone in the community, including the property owner landlord community had the
16 opportunity to come and speak today.

17
18 I guess I'll just say one brief thing about the distinction between a study session and action
19 item. The difference there is primarily that the Planning Commission cannot take action as a
20 body. They can't take a vote on a study session. It's just what we get is individual Commissioner
21 comments and we have to cobble together direction from that. With an action item, we're able
22 to get direction from a majority or more of the Commissioners and that can in a sense is more
23 helpful to Staff and I guess the fact that this is an action item doesn't mean, as Staff mentioned,
24 that it's final action. This is an intermediate recommendation.

25
26 Commissioner Templeton: Thank you so much, Mr. Yang. That's exactly what I wanted to know.
27 So, what we're doing is we're setting up a framework here where we have an opportunity to
28 take votes and make recommendations in a slightly more formal and structured way. And
29 there's always going to be a future opportunity if other parties wanted to be involved. So, thank
30 you for clearing that up.

31
32 My other question and Ms. Bigelow, you may have just answered it in... a few minutes ago. We
33 have the household numbers; do we have the resident numbers yet or is that part of the
34 missing data?

35
36 Ms. Bigelow: I wish that we had the individual data. I do, I do. We... when we looked at the ACS
37 data, we talked about there being an average of 2.55 individuals but that's some messy math
38 when it comes to statistics. Because as we know with averages, there are folks above and
39 below and so, it doesn't really compute. And as I mentioned in the presentation, getting

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1 information on household sizes, vacancies, all sorts of things. These are things that could be
2 really useful with having enforcement from the rental survey program.

3
4 Commissioner Templeton: Great. Those are my overview question. Thank you so much,
5 everybody.

6
7 Chair Hechtman: On Commissioner Templeton's question, I appreciate the question and the
8 Staff discussion that followed that. It seems to me this is a little bit of a chicken and egg
9 situation where I agree with Commissioner Templeton that more data would be useful but
10 when I think about our function tonight, we've got these nine items and really what we're being
11 asked tonight is thumbs up or thumbs down on each of the nine items should the City pursue
12 them. And so, these nine items, whatever our recommendation on each are, will go to the
13 Council and they will make a decision on each of the nine items whether to pursue them or not.
14 If they... as to the ones that they decide to pursue, Staff will draft ordinance language, policies,
15 and I think that is going to be a critical time to collect data, including from property owners and
16 landlords as well as renters so that when this comes back to us my understanding is we will get
17 draft language back before the Council sees it. Then we can consider actual language in its
18 context of the... it's potential effects as we interpret them and as potential renters and property
19 owners interpret them. So, it seems like this is a good building process toward a conclusion but
20 I think Commissioner Templeton's primary point is before we make ultimate decisions, ultimate
21 recommendations, we really have to hear all the voices and I'm sure every Commissioner
22 agrees with that.

23
24 So, any other Commissioners with overall questions for Staff before we go to Commissioner's
25 general comments? I see Commissioner Chang.

26
27 Commissioner Chang: Hi, thank you. Thank you, Ms. Bigelow and all the other Staff who've put
28 tremendous work... a tremendous amount of work into this. It was a very informative report
29 and but of course, I like others wish there were more data on many things.

30
31 I have a question for I think the Chair and the Commission as to how we go about giving overall
32 prioritization because that was one of the pieces of feedback that Ms. Bigelow asked for. So,
33 they... the report has things in terms of feasibility but I'm not sure, at least for me personally,
34 that I would necessarily use that same ordering for prioritization. So, I'm wondering how we
35 want to address that? I would like to hear what all the Commissioners say on everything before
36 doing that but I guess I'm wanting to make sure that there's a way that in the end we can loop
37 back and chime in on relative prioritization if that doesn't come out through our discussion?
38 Does that... does anybody any other thoughts?

39

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1 Chair Hechtman: I think it's a great idea and frankly, just the way you suggested it. Let's go
2 through the nine items first to see which ones we... we're going to recommend to carry forward
3 and in what form. And then we can... I think it could be complicated to get consensus on a
4 prioritization but maybe not. But we can at least take a stab at it and see if it's a fruitful
5 conversation. So, let's do it that way and if we get through the ninth item and I forget, which is
6 possible, somebody remind me that we want to tackle that before we complete this item.
7

8 Alright, I don't see any more Commission hands with questions for Staff. So, now what I would
9 like is before we delve into the nine items, any Commissioners who have some overview
10 comments please raise your hand and I will start by recognizing Vice-Chair Roohparvar. You are
11 muted.
12

13 Vice-Chair Roohparvar: Thank you. Thank you, Chair Hechtman, and thank you Ms. Bigelow for
14 your very informative report. Overarchingly, I think it's great that you guys... that the Staff is
15 bringing this to us for consideration. I think it's imperative before we make any decisions, I
16 would agree with Chair Templeton [**note – Commissioner Templeton**] that we see more data.
17 And specifically, the data that I would like to see would be demographic data related to racial
18 issues, related to income, related to things of that nature as well as results. I want to make sure
19 we don't have unintended consequences from a decision that we make. So, I want to see how
20 what we're doing correlates to the results that we're going to get. So, if we're approving
21 number three or four or five, what is that equal to? Does that mean we're going to get X
22 number of additional units of housing for this number of residents who are in this income
23 bracket? I would hope, maybe through the survey or however, we choose to do it, to be able to
24 see that sort of granularity. So, that we don't later on down the road get blindsided by
25 unintended consequences, be able to understand the magnitude of impact, to be able to
26 understand the impact on supply, housing quality stock, what that all means and I would also
27 say that this is one side of the coin.
28

29 I think there needs to be carrots and sticks and balance because if you're just focused on
30 enforcement which is what effectively we're doing here. You're not increasing your housing
31 supply. You're basically just playing music chairs with who gets what and where and restricting
32 it and you can unintentionally increase prices on market-rate housing or other types of housing.
33 So, we... I think we need to also think about things holistically and not just focus on
34 enforcement but also how do you couple this with an increase in supply?
35

36 And another point that I wanted to make is we should really consider targeted programs as
37 well. I know for example the City of LA has targeted programs for specific demographics. They
38 specifically have programs for elderly people and how do you... and they're focused on bringing
39 affordable housing to the elderly with certain... it's not subsidies but they are able to provide
40 certain incentives for homeowners to deed restrict. We should consider that too. If there's a

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1 certain demographic that we are looking to incentives to live here or protect or whatnot. We
2 should also consider more targeted kind of efforts. That's it, thank you.

3
4 Chair Hechtman: Other Commissioners? I'm not seeing... Commissioner Summa, thank you.

5
6 Commissioner Summa: Thank you very much and thank you for the report and I'm really happy
7 to be addressing this because it does... these issues affect such a huge portion of our
8 community. At a... I think these... all of these ideas are attractive to me and how we're going to
9 prioritize them and how the City can afford them is another question but I did want to mention
10 at a very high level that I think no net use... not net lose of units is a very important across the
11 City that we should try to implement. And I know in the Comp Plan there's a... they specifically
12 call out not losing units in cottage clusters which is very important also. Although, I do know
13 that the Staff informally does not like to let that happen but I think it's important to have
14 legislation that makes it legal so that everyone understands.

15
16 And at a very high level, I would also like to see our inclusionary units addressed by the so-
17 called Palmer fix so we can also have inclusionary units for renters. Especially since it makes up
18 nearly half of our population and I do think the rental registry... well, we're calling it a survey
19 but it's the registry. I think that's a really great place to start because it gives us that data that
20 some of my colleagues have mentioned needing and I think the problems of enforcement are a
21 big issue in Palo Alto. We have one code enforcement officer at this time so we're going to
22 want to be sensitive about how we're going to address enforcement with the present code
23 enforcement setup. Thank you.

24
25 Chair Hechtman: Thank you. Commissioner Lauing.

26
27 Commissioner Lauing: Thanks very much. First of all, I'd just like to thank Ms. Bigelow for the
28 report. Granting that there's data missing, this is a long way from where we saw it the last time
29 and we've got quite a fellow here. It seems like you've been at this for 20-years, not about 6-
30 months so really appreciate the quality in this work. And I also particularly appreciate where
31 you're bringing out all the negatives. You're not just taking a one-size-fits-all or I'm going this
32 direction. Standing on a soap box so I think that was really helpful for us to balance and for the
33 public.

34
35 So, the general thing I want to say is I think that we're dealing tonight with frankly the most
36 important issue for land use in Palo Alto and I like the quotes you have in here on Page 9. How...
37 this is about housing affordability and social-economic diversity. That has got to be our top
38 priority and the other comment that you make in here written is that Council and the
39 community are especially seeking ways to support low-income households essential to the
40 community. It's not optional. It's essential to our community, partly because a lot of folks who

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1 are in this demographic group are already working here, and commuting in from long distances
2 which is terrible and we want them to be our neighbors. So, I really want to prioritize the
3 urgency of this. Even given current economic situations in the City and so on. We're late. This
4 has been in front of Council in Colleague's Memos since 2017. So, I really appreciate where we
5 are but I'm willing to do whatever has to do to kind of move this thing forward.

6
7 While I agree with the prioritization, I always agree with prioritization, I think Staff has tried to
8 do that by saying we're ready to tackle seven and not eight and nine. So, as a starting point,
9 that's probably a good place to start.

10
11 The other broad comment that I want to make is that this whole thing and a couple public
12 speakers said this and I think we're all going to suggest this. Without enforcement, we don't
13 have anything. I'm sorry, we just don't because the 2002 memo was basically ignored by
14 developers. Sorry, by landlords, so we just have to have a way to enforce what we put into
15 effect. It can't be completely voluntary and there's ways to do that and there's money that
16 should be spent there at some point to do that. So, I think everything that we talk about here
17 we have to be thinking in parallel, how is this going to be enforced?

18
19 And lastly, I just want to process-wise, I do respect the point that we're not trying to flush out
20 the details of this thing tonight. You asked this over one Page 16, to give us conceptual
21 feedback in addition to speaking if we support going forward on some of these things. So, we're
22 not trying to dissolve... create the programs but just give you that support and that direction.
23 Thanks.

24
25 Chair Hechtman: Commissioner Alcheck.

26
27 Commissioner Alcheck: So, this is the part where we can talk generally about the topic? So, I'm
28 going to do that real quick. I want to thank Staff for the report. I want to highlight an idea in the
29 report which is on Packet Page 12. It's the second paragraph, I'll paraphrase. We learn that the
30 Partnership for the Bay's Future suggests that addressing the housing crisis requires a three-
31 prong approach. Producing more affordable housing, preserving existing affordable housing,
32 and finally providing rental protection. Before I get into my take on this framework, I want to
33 first provide the following context. With respect to the first prong, Palo Alto is failing at
34 producing more affordable housing and Maybell may seem like old news but its memory seems
35 to be haunting all the affordable housing developers in the Bay Area. And the one workforce
36 housing concept which I'll submit is more affordable than market-rate which is not affordable
37 as defined by our code. This is a big problem. This stool only works, this three-prong approach
38 only works if all three prongs are invested in.

39

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1 With respect to the second prong, I think Palo Alto is also failing at preserving existing
2 affordable housing. The Presidents Hotel is an example of not our failure to act once the
3 housing project... housing property was in jeopardy, but in our complete failure in imagining
4 that such housing could ever need our protection. I'll add that at some point we have to
5 address the gap between the enthusiasm and vigor that some members of our City Council
6 showed for the Presidents Hotel and yet the inflexibility those same Council Members have
7 with respect to approving a project which would include similar heights, similar parking on-site
8 and FAR. It was the most beloved housing building of 2019 in the City of Palo Alto and yet it's six
9 stories, it's inadequately parked under our current standards, and has a look and feel all of its
10 own. That type of project wouldn't get far in one of our scoping sessions today and so I hope
11 one day we can address that issue as well.

12
13 So, that brings us to this third prong which is what we're dealing with tonight which is renter
14 protection. Which is quickly becoming the only tool to address inequity in the Bay Area and if
15 not California and while I support the mission. I am deeply concerned about the impacts of
16 programs that can make the outlook of future housing development even more bleak. So, I will
17 address those concerns as we go through the programs in the order... in their order as
18 suggested.

19
20 But my hope is that we appreciate this notion that as a City we have failed to address a major
21 problem in our community and as a state, we've failed to address this very same problem.
22 We're not addressing housing development, we're not addressing the homeless situation and,
23 in that vacuum, we're left with one tool which has lots of consequences.

24
25 And there's... I once heard this analogy where the government addresses food insecurity with
26 food stamps. This is a program that's paid for with funds from the general public and that puts
27 individuals who are food insecure in a position to be able to purchase the goods that they need.
28 We don't ask, as a community, our local grocers to stock an isle in one part of their grocery
29 store with items that are the same as the items in the other isles but at 50 percent or at a lower
30 rate only to be accessed by certain individuals in our community. We don't ask our grocer to
31 bear that burden alone. We all pay for the food stamps and one of my concerns is to what
32 degree are we shifting our object failure on one group of people? Developers is like a four-
33 letter word in Palo Alto, I appreciate that, they get a lot... they get short-changed a lot, it's a
34 high-risk industry. I'll talk about that later but we're talking now property owners and we're
35 talking about housing providers and we ask a lot of them. And one of the things I would like us
36 to keep in mind tonight is to what extent are we asking them to bear the entire burden of this
37 crisis? And it may make us feel better and it does. It does make me feel better to know that so
38 and so who teaches my son has some protections. The... what you would describe, anyone
39 would describe as maybe a ridiculous rent increase. It does make me feel better but it is shifting
40 the burden away from me frankly, and I'm not... I'm certainly not bearing the burden in my

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1 neighborhood, in my backyard. I'm not making space for housing in my backyard. I'm just saying
2 that this one industry should essentially take on new limits in pricing and there are other issues
3 here. And I don't have problems with every program but this is the context that I'd like us to
4 keep in mind here.

5
6 And I think that we have to approach this... as a Planning Commission, I think we're responsible
7 for telling the City Council, hey, yeah, this is very politically popular but don't kid yourself. If you
8 don't start creating robust programs for protecting existing affordable housing and for actually
9 developing new affordable housing in this community. Then some of these program may make
10 those two things even less likely and I'll elaborate on that later on the individual items.

11
12 Chair Hechtman: Thank you. Other Commissioners, overview comments? I don't seen hands so
13 let me offer mine.

14
15 So, the first two words I was going to say Vice-Chair Roohparvar already said. Unintended
16 consequences. Some of these policies have the potential to increase costs to property owners
17 which gets passed on to tenants in the form of increased rent absent comprehensive rent
18 control ordinance which we don't have and which I'm not promoting. At least two of our public
19 speakers tonight referenced that concern and I think it's entirely valid. So, what it means is not
20 that we don't consider these policies, but rather as a part of considering these policies, we
21 consider the economic impact that the policies have. And that's why I think it's critical that
22 when this comes back to us in whatever policies get moved forward, that tied to those
23 potential policies, there has been an analysis of how the dollars will flow associated with that
24 policy in terms of landlord expense, rental increases, enforcement. Whatever the issue is, we
25 need to see that information as well as the additional data that Commissioner Templeton had
26 referenced earlier. So, that is really important.

27
28 The second point I want to make and I really started this point back on September 30th when
29 this first came to us. When we were talking about the data that was going to be collected and
30 what I said then was it's going to be necessary for us to modulate our policies to the data that is
31 collected. And to put it differently, the policies that we ultimately come up with here in the City
32 need to be narrowly tailored to address the problem. They don't need to be broadly tailored to
33 make us feel good and so specifically when I look at Table Two on Packet Page 11 which gives
34 us our rental... renter household units with income tiers. What is see is that a minimum of 73
35 percent of households with an income less than \$75,000 are rent burden units. That is a
36 problem. That is a significant problem and I think our policies need to focus on addressing that
37 problem.

38
39 By contrast, I do not think that our affluent renters need government intervention or warrant
40 government protection. And so, one of the things that I'm... and I will talk to that in the context

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1 to some of these individual items, but that's going to be focus of mine as we go through some
2 of these items.

3
4 And then the final point is and I'm picking up a number of Commissioners and a number of the
5 members of the public talking about it, enforcement. When this comes back to us with policies,
6 part of what is presented to us needs to be an explanation of the realistic enforcement of
7 whatever that policy is.

8
9 So, those are my overview comments and I'm not seeing any other hands. So, now what I'd like
10 to do is I want to move through these nine individual items and Ms. Bigelow, I don't know if you
11 want to share your screen with one of the two tables where you had... the second table you
12 had that had kind of a more full explanation of each of the nine. Maybe we want to use that
13 and so what I'd like to do I think is start with any Commissioner questions on the item.
14 Questions of Staff and then we can go to discussion. So, let's start with this Rental Program...
15 Rental Survey Program and let me see if there are any questions of Staff about it. If not and I'm
16 not seeing any hands. Then let me ask actually one... oh, I see two hands, sorry. Commissioner
17 Templeton.

18
19 Commissioner Templeton: I don't have Staff questions. I'm just prepping for comments.
20

21 Chair Hechtman: Ok, then let me ask one quick question. Just a clarifying question of Staff. This
22 is called a Rental Survey Program. A number of our public commenters referred to a registry.
23 We also got some emails that referred to a registry. Is that the same thing or is it something
24 different? And if it is different, can you explain the difference?

25
26 Ms. Tanner: Thank you, Chair Hechtman. It is the same program. I'll be perfectly honest and say
27 that we have a Business Registry which has a lot of negative baggage associated with it. And we
28 wanted to differentiate this program from that registry which I will not comment on but just to
29 say it is the same idea that is provided for within the existing Municipal Code.

30
31 Chair Hechtman: Thank you. Alright, we will go then first to Commissioner Templeton.
32

33 Commissioner Templeton: Thank you so much, Chair. Yes, I was hoping that the registry was the
34 same concept as the survey and I'm thinking back to Commissioner Chang's prioritization
35 question and Ms. Bigelow's question. To me, you really can't make great decisions without
36 great data to base it on and I think this is probably the highest priority item on the list just
37 because otherwise we're sort of flying blind. So, I'm very supportive of getting this. I know that
38 we have a neighboring community of Mountain View has software that they're using for this
39 survey. We could check in with them and see how that's working. But the point is that there is
40 some scaffolding already there if we were to try and put it together quickly and maybe start to

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1 collect that data so that we can make better recommendations as we proceed through this
2 process. Thank you.

3

4 Chair Hechtman: Vice-Chair Roohparvar.

5

6 Vice-Chair Roohparvar: I had one procedural question. Can we put up the slides, Chair
7 Hechtman if you think so? The one that had the pro cons that was more expanded. Is that...
8 would that be more helpful per topic?

9

10 Chair Hechtman: I think a good idea.

11

12 Vice-Chair Roohparvar: Ok, great. So, I agree with Chair Templeton [note – Commissioner
13 Templeton], I do think that this is... would be number one priority and would be helpful to have.
14 I guess I had a follow-up question and we would get information from both landlord and
15 tenants in our survey? Why would we not include landlords as well and then can you also speak
16 to any sensitivities around the types of questions we can ask or what we can expect to be able
17 to gain from this?

18

19 Ms. Tanner: [unintelligible] (interrupted)

20

21 Vice-Chair Roohparvar: I'm very supportive of it but I just... definitely supportive of it,
22 definitely in their own priority. I just want more information and why landlords aren't being
23 included.

24

25 Ms. Tanner: So, this would be a survey of landlords. So, it actually is the landlord who is
26 responsible in the code for providing the information. We should note in the code it doesn't
27 outline specific information that we've provided and I think based on best practices from other
28 Cities and the discussion here tonight. We would want additional information. So, I believe the
29 code says it's the name of the landlord, who's the primary contact so property manager, and
30 maybe one or two other things. And so that is where I think what I'm hearing and what we've
31 seen in other Cities is that we want other information. What rent is being charged, additional
32 information. We would have to, just similar with the Business Registry, some information may
33 not be publicly available. So, the City may receive it but it may be confidential so and that's to
34 protect both the landlord but also the tenant as well. So, we don't want someone's personal
35 [unintelligible] information becoming public information. So, we would want to work on both
36 what the best practices of what data we want to collect are. And also ensure that we have
37 proper procedures to protect that information or aggregating it through gathering the data
38 together for trends and observing what's going on at a high level but certainly not at the
39 individual kind of property level.

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1 Vice-Chair Roohparvar: So, I think I flipped, why are we not getting information or can we get it
2 directly from the renters, because how is a landlord going to know what income their renters
3 have... their renter has without disclosing I ran a credit check and this is what I see in their bank
4 account which I don't think is appropriate? I... can we reach out to renters because I think what
5 they can offer in terms of their demographics are would be extremely valuable here.

6
7 Ms. Tanner: Certainty the City could and the PTC could recommend that. I think the
8 functionality in how that program would be structured, we'd have to look into. A lot of Renter
9 Registry Programs are structured where there's a fee associated that covers the cost of it and
10 there's a penalty for not participating. So, the question would be whether it's voluntary for
11 renters to participate? Then it's really up to the renter to decide if they want to disclose the
12 information, or is it required that they disclose to the City this information, and then we'd have
13 to do some research with our attorney about what we can compel a renter to disclose to the
14 City.

15
16 Ms. Bigelow: And I will say that I did have conversations with several different Cities that do
17 have Rent Registry Programs about the data that they did collect and there were several who
18 were in different phases of trying to figure out if they should have renters verify the
19 information. But the notion was that you weren't trying to put the burden or the onerous on
20 the renter when there's already a quasi-disparity of power going on as well.

21
22 Vice-Chair Roohparvar: Yeah, but, I mean I hear you on that but in terms of just gathering basic
23 information like income and race. You know I don't know how much... I get it. It's a very fine
24 line. I just think it would be really valuable to also try to collect the data from the actual renters
25 who we're assessing but I also understand the constraints that we would face around that.
26 Thank you.

27
28 Chair Hechtman: Commissioner Chang.

29
30 Commissioner Chang: So, I actually had a host of questions too but wanted to express my
31 whole-hearted agreement with Commissioner Templeton that I think that this is a high priority.
32 So, we're... the highest priority on the list because we are flying blind.

33
34 My first question is why did this only have minimal participation? I think that many of the other
35 Commissioners are eluding to this. We want the data to be complete and I echo Commissioner
36 Roohparvar's sentiment that like gosh, couldn't we use the renter data in some way to
37 provide... even if it's not mandatory reporting, right? We need the mandatory reporting from
38 the property owners but a supplement survey might... optional survey might be a good option
39 or the verification idea. So, I'm wondering why it's minimal because minimal participation to
40 date and how do we make sure that it isn't minimal participation? Because I'm concerned that

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1 there's properties that are flying under the radar. We heard the... some of the commenters
2 point out that mom and pops don't necessarily follow the legislation and don't necessarily
3 know what rules are supposed to be followed. So, if we want good data, particularly since in
4 Palo Alto so many of the rentals are single-family homes. I think we need to really look at those
5 pieces.

6
7 And then my final question was around the cost. I know there was an estimate throughout of
8 about \$115 per unit potentially from Mountain View and I guess I want to zero in on that a
9 little. I hope when we get this back that we zero in on that a little bit more to be clear about
10 what the specific cost is of this particular piece versus implementing a host of other programs.
11 Because my suspicion is that Mountain View isn't just doing a survey with \$115 per unit. So,
12 those were my questions/comments.

13
14 Ms. Tanner: Thank you, Commissioner Chang, and if we don't answer all questions, please let
15 me know. I was trying to jot them down when you were speaking. I think regarding the way to
16 implement the survey, or kind of how it hasn't been implemented. So, it's been on the books
17 since 2002, has not been implemented. For a while, the Human Relations Commission and their
18 Staff were collecting some data but it was very voluntary. And so, I think this goes a little bit to
19 the discussion that's been happening tonight about implementation and the role that
20 enforcement plays in implementation, both in one... terms requiring that this be answered,
21 enacting a way for folks to answer it. So, what is the means and methods by which we tell
22 landlords ok, here's this form, or here is the website. You know how do they let the City know
23 the answer to these questions and what are the questions and then also, a penalty, a late fee
24 essentially if it's not answered by a certain time of year so there's also predictability. So, I think
25 those are the areas where the City was not able to implement a real system that made it easy
26 and expected that folks would respond to this information.

27
28 In regards to asking the information of tenants, certainly, it's something we can look at and look
29 at other Cities that have good success. Part of the question we may want to raise is it worth the
30 cost and what is the cost for the City to actually do a survey of renters that actually weights it
31 versus just saying whatever renters respond. We'll just take that data and say that that's data.
32 As you all know, just whoever responds is not necessarily representative of the population, so
33 that might be something that we can understand.

34
35 As far as understanding the cost, I think you're making a great point. Certainly, Mountain View's
36 program is a more robust program in terms of its really implementing a range of policies that
37 they have. And so, to the degree that's instructive for us, it can tell us a couple of things. One,
38 that our fee could be lower. They've actually lowered their fee from \$115 to \$85 per unit and
39 that still covers a range of other policies that is not just the registry. So, we can assume... well,
40 maybe just the registry or the survey alone would be less than \$85 a unit. Just ballparking it, but

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1 if we did add enforcement of other regulations that may come to fruition. Perhaps that a fee
2 could also help with those. Again, that was [unintelligible] some of the concerns about who
3 actually ends up paying that fee in the end and so wanting to be mindful of the fees.

4
5 I hope that answered your questions. I may have forgotten one that you asked.

6
7 Ms. Bigelow: That sounded like the three to me as well and I just wanted to tac on the end
8 there that that \$115 down to \$85 did come through Mountain View. Specifically, because they
9 didn't need such robust enforcement and so they were able to kind of take that number down
10 year after year. But also, Los Angeles has a Rent Registry Fee that I think is like \$15 a unit. So,
11 there's an entire spectrum here to be explored that needs more research, and as we have all
12 said, more data. It's really how involved do we want the City to be in enforcement and
13 implementation and education that we're trying to shape.

14
15 Commissioner Chang: Thank you.

16
17 Chair Hechtman: Are your questions answered Commissioner Chang?

18
19 Commissioner Chang: Yes, they're answered. Thank you.

20
21 Chair Hechtman: Alright, Commissioner Summa.

22
23 Commissioner Summa: Thank you. I agree with my colleagues who have spoken so far that this
24 is really the place to start is gathering this data. I understand it's been in the code for a while
25 but just not implemented. Has... I was curious has Staff decided what kind of data they want to
26 get? Has there already been a design of that or will you be working on that after we move
27 forward tonight?

28
29 Ms. Tanner: Certainly, and I'll ask Ms. Bigelow to... she's been working with her colleagues in
30 other Cities on what they have already in place and so I think that provides a bit of instruction.
31 Certainly, we've been dreaming about the data we lack and certainly the gaps that we want to
32 fill. And some of that may be part of the registry and some of it we may need to do additional
33 research to gather. So, Ms. Bigelow, do you want to talk about what other Cities have asked in
34 their survey programs?

35
36 Ms. Bigelow: Absolutely and I think another fellow in my program is in East Palo Alto and they
37 have a Rent Registry Program that they use to see about when every single notice is given and
38 do we need to do that particularly? Not necessarily but it's interesting to see if you can find the
39 data points as how many notices does a person get before it becomes a quasi-informal eviction
40 process? How... is there a point where someone is served a 3-day notice to vacate the property

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1 and nothing happens? Their rent is paid. Things like that; rent increases; notices; vacancy rates.
2 These are all things that are explored in a lot of different places. Again, we have another fellow
3 in Berkeley who has had a Rent Registry for many, many years. In fact, they have a Staff of 21
4 that they employ to make sure that their Rent Registry is working well and is enforceable. And
5 they cover mostly... they cover things like what the rent is, how it has increased over time if it's
6 within limits of the rent cap, things like that. So, I have said this before and I will say it again.
7 We are in place where it is what we make of it. We do have the opportunity to borrow from
8 other Cities who have been doing this for a little bit and see what their best practices are. But
9 we're also very interested in what you, the PTC, and what Council are interested in collecting as
10 well.

11
12 Commissioner Summa: And may I ask a question about a member of the public mentioned the...
13 I think it was the minimum occupancy per bedroom law that's been on the books. Does Staff...
14 there was a suggestion that maybe it's not... that's... people aren't being informed of that. Is
15 there a way... does Staff know if people are being informed of that in terms of (interrupted)

16
17 Ms. Tanner: Certainly, what I would say with that rule is that I think perhaps is a blanket for all
18 of these policies, whatever ones we move forward. Education really has to be a fundamental
19 piece of what the City takes on as a responsibility and so whether that's annual webinar for
20 landlords and tenants or publications that we can create. We have to inform both parties of
21 what our laws are at a very minimum because it does vary across the Bay Area. We're talking
22 about regulations that would be unique in Palo Alto and not necessarily part of the state. So, if
23 someone is a landlord and looking up oh, what are the laws of California? They could miss these
24 things and so when it comes to those occupancy rules, they're on the books but if a tenant
25 doesn't know it and if a landlord doesn't know it. It may not be being lived out in our
26 community and to Lauren's point and to everyone points with the registry. We would have no
27 way of knowing how many folks are even living in a unit. We wouldn't know at least that
28 information other than what we have as our median averages for the population.

29
30 Ms. Bigelow: And also (interrupted)

31
32 Commissioner Summa: Oh sorry, go ahead.

33
34 Ms. Bigelow: Oh, it's ok. I also just wanted to mention that part of my first year of the program
35 was focused on figuring out how to do outreach regarding what rights are on the books and
36 what resources there are locally for tenants and landlords to utilize. So, one of the things that
37 we've been putting together was a Renter Resource Portal on the website for folks to access
38 various webinars, explaining laws and information, informative links. So, that people could have
39 one central hub to have explanation of things and not feel as we have off... said tonight like
40 they're flying blind when they're trying to figure things out.

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1
2 Commissioner Summa: And it occurred to me, I think... I believe a member of the public said it
3 was required to be written in the lease this law and also posted on the premises. And if that
4 kind of got lost in the shuffle, when you acquire... when you do the rental survey, it might be an
5 opportunity to also send information to the landlords about those things.

6
7 Ms. Tanner: That's a great point.

8
9 Commissioner Summa: It's an opportunity. So, I've very excited about getting this survey going
10 and I will leave it at that for now. Thank you.

11
12 Chair Hechtman: Commissioner Alcheck followed by Commissioner Lauing.

13
14 Commissioner Alcheck: So, let me ask a couple questions about some of the data here already.
15 On Packet Page 11 it says something about 37 percent of households are cost-burdened. Is that
16 adding up the number of units in the orange and dividing that by 11,764?

17
18 Ms. Bigelow: Great question, so that number is adding up the number of units' total which is
19 the first column and the number of cost-burdened numbers and dividing one by the other.

20
21 Ms. Tanner: So, it's per income group so for example, (interrupted)

22
23 Ms. Bigelow: The \$50,000 to \$75,000.

24
25 Ms. Tanner: 84 percent... right, yeah, 84 percent of those making less than \$20,000, 84 percent
26 of those households are cost-burdened which is 1,135-units overall.

27
28 Ms. Bigelow: But the (interrupted)

29
30 Commissioner Alcheck: Ok.

31
32 Ms. Bigelow: 37 (interrupted)

33
34 Commissioner Alcheck: Hold on, hold on, let me just say something real quick. I took the
35 number of units that are in the categories of less than 20, 20 to 34, 35 to 49, 50 and 74. Right, I
36 took that total and then I divided by that 11,764 and for whatever reason, I got 34 percent. The
37 numbers in the cost burden units are even smaller. So, did you divide that... so there you got
38 4,409. I see that but those numbers are even smaller so is the idea that there are individuals
39 making \$20,000 to \$34,000 but they might be in an affordable housing unit so they're not
40 housing burdened?

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Ms. Bigelow: Yes.

Commissioner Alcheck: And if that's the case, wouldn't the number actually be smaller and not greater? So, I'm going to... I'll double-check that. I could have made an error but I got 34 (interrupted)

Ms. Tanner: I'm sorry, what number of what would be greater? You're saying 4,409 divided by 11 (interrupted)

Commissioner Alcheck: My... I just did the math... I'll show you. I did the math on this first column. I took these four in the first column and I divided it by the 11,000. I got 34 percent. Maybe I did the math wrong but I got 34 percent and then I thought to myself, how many of those individuals are in the housing units that account for 14 percent which are affordable? And I sort of just thought to myself ok, so 20 percent of our individuals who are making these small incomes are not even in... I mean if they are, are not in the units we have available for affordable housing. So, I was trying to figure out what is the gap we have between individuals who theoretically qualify for affordable housing but are not in affordable housing units and does that make sense? And so, it would be interesting to me to just have that drilled down. We have individuals who are cost-burdened because their income level is low. We may have individuals whose income level is low who are in affordable housing units which by design do not burden their costs. That needs to be clearer. If for example, you're in an affordable housing unit provide by Palo Alto Housing Corporation and your rent is significantly reduced. You may have a lower income level... so it would be interesting to me to just have that number out there. We have this many people who would be eligible for an affordable housing unit. We don't have the supply. That would be a helpful data point. I'm not suggesting the survey would solve that problem. I'm just saying that when I'm thinking about data, that would be helpful.

And you know look, you've heard me say this before because I'm not a huge fan of reinventing the wheel but we need to be a little bit more forward-thinking and reach out to our neighbors as a part of Packet preparation. For example, this discussion could have really benefited, in my opinion, from the inclusion of the Mountain View and East Palo Alto Surveys. I don't think they're impossible to get. And we... we're talking about data survey in the abstract and I think it would be... I think that's making it hard for us to make good progress on this one. But it would be very interesting if instead of just talking about it in the abstract. We understood what are the questions that East Palo Alto is asking its landlord in its survey? They've been doing it for years. Mountain View is doing it. We don't have to conceptualize this from scratch like what questions can we ask? These are done. They're already out there and so at the... I wouldn't wait till the next Packet. If it's possible for Staff to sort of get these surveys, email them to us so that

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1 we can begin to digest this information and understand what is that local communities are
2 asking landlords.

3
4 I would suggest to you that one of my issues with this program is the notion that we would
5 charge a per-unit price. It's... this is an example of an issue as a community we're dealing with
6 and we need more data to overcome the... we need more data just to be able to address this
7 problem. And it seems to me ludicrous that in our effort to contemplate how we're going to
8 potentially restrict this small group of housing providers. We're going to also ask them to pay
9 for the annual data collection work that enables us to burden them to some extent in
10 addressing our... like I said earlier, our failures to address this problem.

11
12 So, I am in favor of conceptually of a survey. I would very much like to see the surveys our local
13 neighbors are doing to better understand what data you're collecting. I would not support a
14 survey that I think provided data that wasn't helpful. And I think I share Commissioner
15 Roohparvar's, maybe she didn't say it, but some element of concern about to what extent are
16 we going to get the answers we need to solve... to address these problems? And so, there's a
17 part of me that wishes I could better understand... not just understand what was the survey
18 used in Mountain View but how did that survey inform the discussion that took place at their
19 City Council? I would read those minutes. I would read the minutes where the Staff of the City
20 of Mountain View presented the survey results to better understand how those results
21 informed that decision-making body in their process.

22
23 And then I'll just say this to be really precise here but I wouldn't support the idea that we would
24 ask landlords whether their mom and pops and own one single-family home; or whether
25 they're 50 plus unit providers to pay a per-unit annual fee. I would like our City, in the absence
26 of real progress in the development of affordable housing, to create a budget line for this sort
27 of thing and make it a shared effort by all members of the community. So, that's where I stand
28 on that.

29
30 Ms. Bigelow: Thank you so much for that feedback. I think it's really valuable. Actually, I think
31 all of your feedback is very valuable. I feel like I've just given you a participation trophy for
32 pardon that. But East Palo Alto publishes the results of their Rent Registry through their
33 website so you're able to see what notices are a track. Also, the Rental Housing Commission in
34 Mountain View has a monthly discussion about what the Rental Survey is finding. Including
35 who's coming through the door, things like that. So, you can pay attention to those things as
36 well. Do they get shifted to the level of City Council? That is a question that I think you as
37 Commissioners probably understand. Not everything that's discussed here goes exactly to City
38 Council but there are greater thematic issues that are discussed with City Council that have
39 started at that Rental Survey or registry area. But looking at those Rental Registries, Berkeley,
40 Mountain View, East Palo Alto, we did.

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Chair Hechtman: Commissioner Lauing.

Commissioner Lauing: Thanks. The core point I wanted to make and I will make on this Commissioner Alcheck just summarized almost exactly as I was going to say it which is that we need to make this quick and cheap. It doesn't need to... we don't want this to be a burden to landlords so we want it mandatory. I suggest that we do not charge a fee and that we have a deadline and if there's any charging to be done. It's because they've missed the deadline by some sort of margin, so that's how I would structure it.

The last thing we want with any of this, particularly this one maybe, is to kind of get the message out there that we're doing things to prevent more rental housing from being created because we aren't. So, we don't want to send any false signals or get it picked up incorrectly in some piece of press from San Jose to San Francisco.

The only other thing I would note as a footnote for you guys to look at is that I don't know how much the data changes year to year. So, if it's a big cost saving, you do it every other year. I have no knowledge of that. I'm just saying that don't just do it annually because that sounds like a good idea. Do it because the efforts going to give us something new and there may not be enough change. There probably has been in the last 12-months but going forward there may not be. So, I'll leave my comments there and... for now. Thanks.

Chair Hechtman: Thank you, Commissioners. So, I'm in support of recommending this survey program. I agree that data collection is the starting point so it's logically our highest priority. I agree with the concept of finding a way to shoulder this cost within the City's budget because alternatively, ultimately, it's likely going to be paid by the renters.

The only concern I have and I have to believe that this is addressed already by the municipalities that are already conducting surveys is we don't want... well, first of all, I'm going to assume that landlords will by in large honestly answer the survey. So, I wouldn't want us to have a survey that had an unintended consequence of making a landlord alter their behavior so that they could honestly answer the survey. And the example that came to mind is there's a distinction that we'll be talking about later tonight between properties that are... have been rented for less than a year and properties that have been rented for a year or more to a tenant. And I think I would hope that we can all agree that having tenants stay on the property and not move every year is desirable. But I wouldn't want a survey to encourage somehow landlords to not have to answer yes, I've had a tenant there for over a year. If somehow that's going to throw them into a policy where if they honestly answer no, I haven't because they don't allow the tenant to stay then they're going to go that way. So, I think that's not really something that

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1 is addressed in the motion. It's... nor actually in the policy when we see it. It's really something
2 that I'll be curious to see what the actual survey questions are.

3

4 So, those are my comments and I would invite a Commissioner to make a motion on this item.
5 Commissioner Summa.

6

7 MOTION #1

8

9 Commissioner Summa: Sure, thank you. I'll make a motion that we recommend the Staff move
10 ahead with the survey and I'll just leave it at that. Is that what... the kind of motion you were
11 looking for?

12

13 Chair Hechtman: I think so. Our motions are really it's a recommendation to Council. So, it's a
14 recommendation to Council that Staff moves ahead with this Rental Survey Program to enact a
15 policy to support it. Is that what you had in mind?

16

17 Commissioner Summa: Sure. I didn't know if we were really making it to Council at this time or
18 if it was more direction to Staff but whatever is appropriate.

19

20 Chair Hechtman: Let's get a second and then we can perhaps have Ms. Tanner clarify our
21 process tonight. So (interrupted)

22

23 Commissioner Lauing: Second.

24 Chair Hechtman: Commissioner Templeton, I see your hand up next. Did you want to second or
25 you have (interrupted)

26

27 SECOND

28

29 Commissioner Templeton: I did. I was... I wanted to ask Commissioner Summa if we need to be
30 more specific about that but I think it will depend on how Staff answers the question that she
31 posed so.

32

33 Chair Hechtman: So, we have a motion and a second and now Ms. Tanner, if you could help us
34 understand the process. What's going to happen with this motion? Where does it go after it
35 leaves us?

36

37 Ms. Tanner: So, our process for all the motion tonight would be to then bring them forward to
38 City Council. So, overall what we want to do is we don't want to be spending a lot of energy on
39 any policy that the Council ultimately doesn't want the Staff to work on. In particular example
40 with this one, if the Council said that's actually not the top priority for us for whatever reason.

-
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1 This other policy is the top priority, then we would shift to working on that and refining that
2 policy. But with the Rental Survey Program, if that was recommended by PTC and then affirmed
3 by Council. Then we would begin implementing that.

4

5 Chair Hechtman: Alright Commissioner Summa, with that explanation, are you comfortable
6 with your motion?

7

8 MOTION #1 RESTATED

9

10 Commissioner Summa: No, I think we should change it to reflect that it is a recommendation
11 that the Council knows that the Planning Commission... recommendation that the Planning
12 Commission recommends that the Council consider the Rental Survey Program.

13

14 And don't... I kept it general because I don't think we want to get into... well, maybe some of my
15 colleagues do but I just kept it general so because I'm not sure at this point we should be giving
16 direction about exactly what we want in the survey.

17

18 Chair Hechtman: Thank you. Commissioner Templeton, with that rephrasing of the motion,
19 does your second stand?

20

21 Commissioner Templeton: It does and if I'm given the opportunity, I'm happy to speak to it.

22

23 Chair Hechtman: [unintelligible – low audio]

24

25 Commissioner Templeton: So, I think that the motion is clear that a lot of us have... we have all,
26 in our various ways, supported this idea and as context, even if it's not in the text of the
27 motion, I would say that we strongly recommend this. But I guess that will be shared in the
28 votes but as a high priority and that we would ask Staff to consider including samples of what
29 information you might get from a survey as context when you present it to Council. If that... if
30 you also agree that would be helpful because several Commissioners mentioned it would be
31 nice to visualize and understand what kind of data is possible. Thank you.

32

33 Chair Hechtman: Commissioner Alcheck, comments on the motion?

34

35 Commissioner Alcheck: So, the motion is that we recommend that the City Council consider
36 moving forward with the survey. Am I getting that right?

37

38 Chair Hechtman: A policy to establish the Rental Survey Program.

39

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1 Commissioner Alcheck: Ok, so I would like to push my maker... my first and second makers of
2 this motion to see if we can just be a little bit more enduring there. They're going to want to do
3 a survey. It's so straightforward, a good idea, that we don't need to anticipate that they're not
4 going to support the idea. The question is, is what is it that we want them to really know how
5 we feel regarding the survey and I think our motion will speak louder than the minutes frankly
6 because I just... that's my 9-years of experience speaking. So, if the maker or the seconder
7 together, separately, either way, would consider maybe we could just spend another minute
8 here and say we're not just recommending that they pursue a survey. We're recommending
9 that they pursue a survey that is X, Y, and Z. It doesn't present a burden for landlords,
10 encourages participation as its chief goal, does not involve I don't think... I didn't hear
11 Commissioner Lauing say it and I didn't hear anybody else say it. But does not consider at this
12 point penalties, is brought quickly to fruition and becomes a top priority of this entire process.

13
14 That's sort of a collection of things I heard people say and I would add that they consider
15 immediately sending this back to us for review for the purposes of involving us and the
16 community in discussion of what exactly the questions we want to answer. They're going to
17 support the survey. They're going to send it back to us and we're going... and it's just going to
18 be a part of... it's going to go dah, dah, dah, dah, dah. It's ping pong. I think we can do better
19 here. I think we should be a little bit more specific about what we hope this survey
20 accomplishes, how quickly we hope it is adopted, how we think it paid for if we have consensus
21 on that. I don't know that we do. Maybe not everybody on the Commission feels like the City
22 should bear that cost but I heard Chair Lauing or Commissioner Lauing said, Chair Hechtman,
23 suggest he was open to the idea, and maybe there were others too. So, I just think if that's ok,
24 can we add a little bit more? And I'm happy to suggest a friendly amendment if you guys don't
25 want to try again. You let me know.

26
27 Chair Hechtman: So, I think it would be most appropriate and clear at this point if you want to
28 actually suggest a friendly amendment and then we can find out from the maker of the motion
29 and the second if they'd accept it.

30
31 FRIENDLY AMENDMENT 1, 2 AND 3

32
33 Commissioner Alcheck: Ok, I'll parse it out, I'll parse it out. I would like to suggest a friendly
34 amendment that we... the existing motion and that we encourage Council to make this a top
35 priority of the program. That's the first... friendly amendment number one. I'm going to do all
36 of them real quick.

37
38 Friendly amendment number two, that we encourage Council to direct Staff to make the cost of
39 the program a part of a budget that the City provides for as opposed to making it paid for by
40 the landlords.

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1
2 And then number three, I think that they should direct Staff to begin working on the
3 development of that survey in conjunction with the Planning Commission. So that we can help
4 steer that process in the direction that leads to a very, very helpful result.

5
6 And I'll stop there because I'm thinking. If anybody else has something they'd like to add or
7 they heard me say earlier. We don't have to (interrupted)

8
9 Commissioner Summa: Ok, so number one I heard was encourage City Council to make the new
10 survey program policy a top priority. Is that correct? I'm just trying to get the language from
11 what (interrupted)

12
13 Commissioner Alcheck: So, imagine there's... we've got nine programs here. If the survey is
14 done in conjunction with the development of the nine programs. So, for example, if this comes
15 back to us in 6-month time, once all of the programs have had an opportunity to be flushed out
16 by Staff. That will be too long. The survey should be broken off, it should be delegated to Staff
17 members, they should begin executing, developing, designing the survey for distribution
18 immediately. So, that when we come back to discuss the nine programs, we have the data.
19 That's the idea and so it is a top priority that it is distinct and separate from the development
20 and Staff time that will be allocated toward the other policies that we may recommend that the
21 City Council can consider.

22
23 Commissioner Summa: So, would this be right? Would this be the language you would be happy
24 with? Encourage City Council to make it a top priority and implement it before the other eight
25 items on the list.

26
27 Commissioner Alcheck: Yeah, I mean (interrupted)

28
29 Commissioner Summa: Ok, I'm fine with that.

30
31 Chair Hechtman: Commissioner Templeton, your second?

32
33 Commissioner Templeton: I'm fine with all three of the things that Commissioner Alcheck
34 brought up but I was... wanted to give the maker curtesy of giving her comments first.

35
36 Chair Hechtman: Commissioner Summa [unintelligible] (interrupted)

37
38 Commissioner Summa: [unintelligible] comfortable with item two for the City Council to
39 consider making it a budget item because I don't... I'm not really sure what's realistic. So,

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1 could... would consider... City Council consider to make it a budget item rather than it a fee
2 item? IS that fine with (interrupted)

3
4 Commissioner Alcheck: Yeah, I guess my question is, is there broad support on the Commission
5 for the notion that we feel like this isn't something the landlord should pay for? That this is
6 something that the City should pay for. That was sort of my sentiment and I think I heard that in
7 Commissioner Lauing and Commissioner Hechtman [note – Chair Hechtman]. I don't know that
8 I... that you had an opportunity to address that or that Commissioner Templeton or Roohparvar
9 or Chang did yet. But so maybe that needs a quick collection of thought, but yeah, the idea is
10 that we don't pass... that the \$100 and something fee proposed in the Packet is not something
11 that the Commission supports is essentially the idea.

12
13 Commissioner Summa: I'm fine with that. I was a little bit uncomfortable with charging it per
14 unit because I think it's... I didn't understand why. So, a person with a large building would be...
15 it would actually cost kind of a lot and could be a disincentive for those... to get them to
16 complete it. I am fine with that and it sounds like Chair Templeton [note – Commissioner
17 Templeton], would you like to comment?

18
19 Commissioner Templeton: No, I think it's great to make that comment clear to Council because
20 it could be a pass-along cost that could cause rents to... renting to increase. So, I mean the cost
21 of renting to increase so I like the idea of trying to find another way to fund it.

22
23 Commissioner Summa: I'm fine with that and then the last one Commissioner Alcheck, is tell
24 Staff to plan the survey with PTC input. Is that fine, that language?

25
26 Commissioner Alcheck: Yeah, that was sort of a timing one. That we would encourage Council
27 to direct Staff to work with the PTC to have some insight. Essentially, what I'm suggesting is I
28 wouldn't want the questionnaire, survey, whatever you want to call it to be developed by Staff
29 and then executed without some oversight right before. Because you know a lot of times we
30 get data and we go well this isn't exactly what we wanted to know. And if we're going to be the
31 body that's heavily involved in the next step which would be maybe once Council gets the
32 recommendation from tonight and then they send it back and Staff starts to actually
33 articulating ordinances for rent control, for Rent Stabilization if you will, for eviction protect,
34 etc. I would want to know that data.

35
36 So essentially what I'm suggesting is I wouldn't want to be in the position where I go well
37 wouldn't it be nice if this questionnaire had said X? So, I'm suggesting that they direct Staff to
38 work with the PTC or in conjunction with some PTC oversight prior to execution of the survey.

39
40 Commissioner Summa: Ok so if I can simplify that (interrupted)

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1
2 Commissioner Alcheck: Please.
3
4 Commissioner Summa: Would it be to direct Staff to develop a survey with PTC impact before
5 it's finalized?
6
7 Commissioner Alcheck: Yeah PTC and community input.
8
9 Commissioner Summa: PTC and community input.
10
11 Commissioner Alcheck: Yeah, exactly.
12
13 Commissioner Summa: Direct Staff to design a survey with PTC and community input.
14
15 Commissioner Alcheck: Prior to execution.
16
17 Commissioner Summa: Prior to execution.
18
19 Commissioner Alcheck: Thank you.
20
21 Commissioner Summa: That's fine with me.
22
23 Commissioner Templeton: I'm ok with that too. Thank you so much.
24
25 Commissioner Alcheck: Thank you guys for... thank you for bearing with me on those.
26
27 Chair Hechtman: So, we have a motion and a second that includes a friendly amendment. Let
28 me ask Staff if they are... have sufficient clarity on the motion?
29
30 Ms. Tanner: It's great. We are satisfied.
31
32 VOTE
33
34 Chair Hechtman: Alright, any Commissioners feel the need to comment further? If not Ms.
35 Klicheva, can you please conduct a roll call vote?
36
37 Ms. Klicheva: Yes. Commissioner Alcheck?
38
39 Commissioner Alcheck: Support. Aye, excuse me.
40

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1 Ms. Klicheva: Commissioner Chang?

2

3 Commissioner Chang: Sorry, I was trying to raise my hand earlier and it wasn't working before
4 we voted but I (interrupted)

5

6 Chair Hechtman: [unintelligible]

7

8 Commissioner Chang: So, I don't... I mean I wanted to comment about one thing and ask for
9 clarification. So, what was the second amendment? The one about the costs.

10

11 Commissioner Summa: To... for City Council to consider making it a budget item instead of a
12 fee-based.

13

14 Commissioner Chang: Ok, I guess I can go with that. Yes.

15

16 Ms. Klicheva: Thank you. Chair Hechtman?

17

18 Chair Hechtman: Yes.

19

20 Ms. Klicheva: Commissioner Lauing?

21

22 Chair Hechtman: Commissioner Lauing, we can't hear you.

23

24 Commissioner Lauing: Oh.

25

26 Ms. Klicheva: Now we can.

27

28 Commissioner Lauing: Yes.

29

30 Ms. Klicheva: Thank you. Vice-Chair Roohparvar?

31

32 Vice-Chair Roohparvar: Yes.

33

34 Ms. Klicheva: Thank you. Commissioner Summa?

35

36 Commissioner Summa: Yes.

37

38 Ms. Klicheva: Commissioner Templeton?

39

40 Commissioner Templeton: Yes.

-
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1
2 Ms. Klicheva: Ok, the motion carries 7-0. Thank you.

3
4 MOTION #1 PASS 7(Alcheck, Chang, Hechtman, Roohparvar, Summa, Templeton)-0

5
6 Chair Hechtman: Thank you. So, Commissioners, it's 8:33. I would like us to take a 7-minute
7 break and reconvene at 8:40.

8
9 [The Commission took a short break]

10
11 Commissioner Alcheck: [note - video started mid-sentence] Commissioner Templeton's
12 question while we're waiting for that. Look, that one was a little clunky and I probably bear
13 some responsibility there because I wanted to curate that motion a little more. But I would
14 suggest to you that this is like the meat and potatoes. We're... these are topics that we have
15 to... you know Commissioner... Chair Hechtman said it at one-point, unintended consequences.
16 There's some real topics of discussion and I think that there are probably a lot of interesting
17 perspectives on these items. And I think we... you know it's not a bad thing if we're deliberative
18 and a little time-consuming. But I do think that as we get from two to nine we'll get better at it.
19 I think it will improve a little bit so.

20
21 Chair Hechtman: The public isn't... have we gone live? Not yet.

22
23 Mr. Yang: Yes, this is all broadcasting.

24
25 Commissioner Alcheck: I figured [unintelligible].

26
27 Chair Hechtman: Ok. So, let me start off this discussion with an observation that the... we've got
28 nine items on this agenda item which was scheduled to be finished at 8:15. It's 8:45 now and
29 we just finished the first of nine. Normally, I'm advising Commissioners to be concise in their
30 comments. I didn't do that this time but what I found is frankly, there were no wasted words. I
31 think it was an important discussion and I... but it concerns me that with eight more items and
32 frankly, that first one was to my mind the simplest to get behind, that some of these other
33 items have the potential for being lengthy. So, my thought and I'd like to hear from the other
34 Commissioners very briefly because I don't want this to turn into a half an hour process
35 discussion. But my thought was that we would just make as much progress as we can until 10
36 o'clock, going as we have been going and then do a check-in. But having given my suggestion, I
37 would like to hear other ideas that Commissioners may have for handling this... the remainder
38 of this agenda item efficiently. So, Commissioner Templeton.

39

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1 Commissioner Templeton: Thank you so much, Chair and it's fine with me if we continue that
2 way. I do worry that... I mean was that about an hour for that item?

3

4 Chair Hechtman: 45-minutes.

5

6 Commissioner Templeton: Yeah and I'm just not sure that we want to spend that per line item.
7 Personally, I came prepared with about a minute for each and am ready to kind of give the high
8 level. If we wanted to go around... this is just an alternate idea. I think it's obviously fine to go
9 with what we've been doing but just to throw another idea out there. We could do a 1-minute
10 round for each and then get into our discussions once we've had a chance to hear from each
11 other. So, that we can be a little bit more direct and specific with our commentary. Just like a
12 bullet round and then get into our deeper comments and discussion. So that was just a
13 suggestion.

14

15 Chair Hechtman: Any other Commissioner's thoughts on that suggestion? It seems like a
16 reasonable process to me. Commissioner Lauing.

17

18 Commissioner Lauing: Yeah, I agree with Commissioner Alcheck that these are super important
19 and each one of them has its own context. Some of them are more complicated as Chair the
20 just said but this is urgent and front burner and we should spend whatever time we need on it.
21 And I'd be perfectly happy to send the new handbook to the next meeting. So, I like the process
22 that we're on so that we can all engage all seven of us on each of these meaty items. I don't
23 mind the 1-minute thing but I think that's not going to obviate the need for going into the other
24 items one by one.

25

26 Chair Hechtman: Other Commissioners want to comment on the idea, the lighting round? So, I
27 would say we've got eight different things to talk about and it was not my impression that Chair
28 Templeton's [note – Commissioner Templeton] idea was intended to curtail any comments
29 anybody wanted to make. Just let everybody know everyone's base position and that might
30 inform how much or little you feel you need to say in the second round when you can talk for
31 I'm going to say up to 5-minutes and of course, we could have multiple rounds. So, everybody
32 can say everything they want to. This is an opportunity to maybe shorten the dialog.

33

34 So, what I'm going to suggest is let's try it with item number two, 1-minute lighting round, and
35 then after item two, we can decide if it was useful. If it doesn't seem to make a difference then
36 we won't do it for item three. So (interrupted)

37

38 Ms. Tanner: Chair, did you want us to actually measure the minute? Is that helpful for
39 Commissioners or just self-monitor the minute kind of idea?

40

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1 Chair Hechtman: We're going to try self-monitoring. You can let us know if somebody's watch is
2 significantly slow and Ms. Bigelow if you will pull up your cheat sheet for the second item.
3 Commissioner Templeton, will you do the honor of showing how... showing us how it's done?
4

5 Commissioner Templeton: Oh, of course, and thank you for being open to this. So, I think that
6 this is a great way to cover some gaps and make sure that protection is expanded to those that
7 are renting smaller properties which we have many of around Palo Alto. So, I'm inclined to
8 support the Staff recommendation on this. Thank you.
9

10 Chair Hechtman: Anyone else want to give their views briefly in the minute round? Let's see,
11 there we go, Commissioner Chang. Oh, sorry, Commissioner Alcheck your hand was up first and
12 then Commissioner Chang.
13

14 Commissioner Alcheck: A minute is like, really? Ok, this is a complicated one. I have concerns
15 about... well, let me put it this way. I think that there's a reasonable expectation when one
16 rents a unit in a large multi-family building. That they will not be asked to move out for the
17 purposes of remodeling or for any reason really if it's a not fault situation. And I say that
18 because those companies are really in the business of renting. They have no... there's no
19 benefit to constantly... they... keeping people around is a good business model for those
20 property providers. That same expectation though is unreasonable when one rents a single-
21 family home. In that scenario, it's far more reasonable to expect that one day the family that
22 owns the home may need to retake possession and make use of it for themself.
23

24 So, creating a policy requiring single-family, non-multiple family properties, to have to pay
25 relocation assistance I think will cause problems. It will lead to higher rents across the board in
26 that rental category but it also creates an imbalance and expectation.
27

28 And with respect to the recommendation by Staff whether it's 3-units or more which I didn't
29 hear you speak to, 5-units or more, or 10-units or more. I don't know that Staff took a specific
30 position. Am I right, that they didn't take a specific position? Ok. So, with respect to that,
31 there's a big distinction in the marketplace between 50 and under. 50 and under, you know
32 they can advertise for free on the websites that you're familiar with. Zillow, Apartments.com.
33 50 and over it's a whole different ball game and so I know my minute is probably wrapped up
34 here.
35

36 Chair Hechtman: It is.
37

38 Commissioner Alcheck: But I would suggest that we need a different threshold. Five, three and
39 10 is too small. I would support something that was closer to 30. Let's bring it down slowly. This
40 is a policy that's in its infancy. So, why are we in such a rush? That's my position.

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Chair Hechtman: Commissioner Chang.

Commissioner Chang: I'm just going to go out there really quickly and say I hear what Commissioner Alcheck said about particularly the small mom and pop types. And I think that's a little different from people who are having many more multiple units. So, where I came out on this as a... I'd love to hear what everybody else says but I came out at cutting it off at 5-units or more. Therefore, extending the Relocation Assistance to 5-units or more, but not for 3-units or more.

Chair Hechtman: Other Commissioners? Commissioner Summa.

Commissioner Summa: Thank you. I will associate my comments with Commissioner Chang's. I came out at 5. I'm in supportive of it and I came out at 5-units as more as well.

Chair Hechtman: Other Commissioners? Ok, my initial comments are that I think when we're looking at expanding this program, it should be focused on the low-income. That 73 plus percent, that is primarily and largely rent-burdened. And also, that we really need to be cautious when we lower that threshold because these are... we're talking about multi-family properties that could potentially redevelop with more units. And we need to think about are we going to create a disincentive for a property owner with a 5-unit building to tear it down and build a 10-unit building if we're going to burden them with these kinds of costs.

Anyone else for the minute round? Sorry, alright, then let's go to more general comments. Commissioner Summa, your hand is up. Do you want to lead off or is that a trailer? Ok. Commissioner Alcheck, your hand is up.

Commissioner Alcheck: Yeah, so I'm glad... I just want to say that was my next point was going to be that these small apartments are the most likely opportunities that we have for redevelopment and that's a big deal.

I want to suggest something real quick. You know we have an affordable housing requirement that abides to buildings that want to produce three or I think it's more than 3-units. And one of the questions I always think is should that kick... we want... we've kicked around the idea. I know Commissioner Lauing has suggested before this idea of should we increase the minimum? 10 percent? 15 percent? 25 percent affordable housing? One of my thoughts has always been maybe in a 75-unit building we can handle 25 percent affordable, but in a 10-unit building we can't, and so does it ramp up? And one of the questions I have here is should it be uniform? Should the same Relocation Assistance apply to a 50-unit building that applies to a 5-unit

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1 building? My argument would be no. It should be... there should be a ramp-up because here's
2 another interesting thing that maybe people not in the industry don't realize.

3
4 In the State of California, a complex that has less than 16-units doesn't need a manager on site.
5 The big corporations aren't dabbling in 10-units apartment complexes. Those are largely owned
6 and operated by small outfits. And so, you get this more professional environment in a complex
7 with more than 16-units. That's where you have an onsite manager, an onsite presence and I
8 have some concerns that we're creating what we typically associate with 50 plus units for 5-
9 units is very different owners. Very different ownership models. I think there's a real deliberate
10 reason why the state policy on rent control for example doesn't apply to single-family homes
11 that are not owned... that are owned by or does apply to single-family homes that are owned
12 by corporations if you will. I may be getting that a little wrong right now but there's a reason.

13
14 And so, I think number one, if you were going to do this, I would strongly encourage us to have
15 some ramping up. It shouldn't be the same, it shouldn't be three or more bedrooms get 17,000
16 if it's a 50 per unit complex and if it's a 5-unit complex. And then the other question would be is
17 maybe we start at 16-units because that's a threshold that the State of California makes a
18 distinction with when it comes to professional management.

19
20 Chair Hechtman: Commissioner Lauing followed by Vice-Chair Roohparvar.

21
22 Commissioner Lauing: Thanks. I could be pursued to move down from where we are right now
23 to the 10-units or whatever. In so doing, I actually put together a little table that actually
24 mirrors what Commissioner Alcheck basically just said. If it's a really small landlord with a
25 couple units, I don't think they should be charged the same amount as larger landlords. That's
26 not the business model. They might be doing on the side, etc.

27
28 But my big concern with this one is that it... and it might not be fair to associate this comment
29 with this issue but the big concern is that we don't want to be giving people incentives to evict
30 people, or to be able to pay them to go away. This is one of the core items of the three-legged
31 stool which is that we want to preserve affordable housing and prevent displacement. So, this
32 sort of isn't addressed here. This is a way to allow redevelopment. What I'd almost like to see
33 coupled here and I just am kind of throwing this out as an idea. But if someone is... if the rents
34 are going to go up because this thing has been redeveloped. Then maybe instead we should be
35 looking at some sort of minimum number of time at the old rent or the old rent plus 5 percent
36 that they get to stay in that building. Because we want to keep people in affordable housing
37 that are already in affordable housing as opposed to raising their rents. And they can't afford it
38 anymore and why are we talking about that in the Venture project? So, I don't see that issue
39 covered anywhere in these and this is the place I thought it kind of came up most significantly

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1 to me. So, that's something that I feel like we need to address somewhere. Otherwise, we're
2 just putting a price tag on whether it's easy or hard to evict people.

3
4 And it seems like some of the definitions, without getting into too much detail, back in the
5 back, the definition of major remodel has to do with changing the plumbing or things like that.
6 So, there's some pretty easy ways that people can say it's a major remodel, we're going to get
7 everybody out. So, that's of high concern that I just don't see addressed here. I don't know if
8 Ms. Bigelow has any comment on that either about this or later but somewhere it has to be
9 addressed?

10

11 Ms. Tanner: Well certainly in SB 330 there are some relocation requirements when folks are
12 remodeling or redeveloping a property that are already provided to the tenants. And so, one
13 way to think about this particular program is either a disincentive to evict tenants or to have
14 them move out and there for providing stability as well as a parachute perhaps for that
15 household when they do need to move out. That they have the ability to land somewhere,
16 hopefully in Palo Alto. If you connect this with the later item around security deposit, for
17 example, depending on the Relocation Assistance provided, that could be the security deposit
18 for the next rental unit here in Palo Alto for example. So, it may discourage displacement which
19 is the goal of all these renter protections to keep people stable, or it could provide the ability
20 for a family or household to relocate within Palo Alto.

21

22 Commissioner Lauing: Yeah, I mean even in the same page, you comment on that. That
23 depending on the written comment, displaced households may not be able to relocate in Palo
24 Alto and that's the worst-case scenario. The three-legged stool. That we finally have affordable
25 housing for somebody and they have to leave because the thing has been remodeled and
26 glorified and they have to raise their rents. So, I get why we're doing it, I'm not opposed to the
27 state law and all that. I'm just saying that if there was some way we could bail-in and we still
28 have to have some amount of time before they're evicted. So that they have a longer time to
29 enjoy that rent and look else wear. That's kind of [unintelligible] (interrupted)

30

31 [note – audio disturbance]

32

33 Ms. Tanner: [unintelligible] sorry, I have an echo. If there were a noticed period for example.
34 That could be a suggestion the PTC so that it isn't like hey and there's a time period to your
35 point that this is enacted could be helpful policy.

36

37 Commissioner Lauing: Pretty long, like a couple years or something. Ok, thanks.

38

39 Chair Hechtman: Vice-Chair Roohparvar.

40

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1 Vice-Chair Roohparvar: So, I'll be brief, I just had two comments. One, I'm not sure where the
2 threshold should be. I still haven't made a decision on that but for me the... where I would draw
3 the line is I think the line should be drawn between what you would consider like a commercial
4 developer. Like Boston Properties or your typical big kind of shop that builds these types of
5 costs into their operations and business, versus your mom and pop landlord that saved their
6 entire life or this is their family's property that they've inherited. And you know I want to...
7 whatever that threshold is, whether it's 5 or 10 or 16 or 25, I want to better understand what
8 that distinction is and for that, I would take feedback from my colleagues that I've heard and
9 that's very helpful in helping make my decision.

10

11 I think the second point is what Chair Hechtman raised regarding and it's flagged in the report
12 regarding this redevelopment issues. I actually don't think that redevelopment is a bad thing. I
13 think we would want to encourage redevelopment because one, we would get better housing
14 stock. And the reason for that is when you redevelop, you have to bring the property up to
15 code, you remove asbestos, everything is brought... you're going to get better housing stock.
16 And I was also thinking for properties that are being redeveloped, there's this potential that you
17 turn a property that's currently 5-units to 10 or add additional... I mean that's how you're going
18 to increase supply. So, in the long run, I'd rather take the redevelopment in 10-units over trying
19 to continuously keep 5. Especially as the property is continuing to deteriorate, is not up to code,
20 has asbestos, etc. So, those are kind of my two points and thoughts.

21

22 Chair Hechtman: Commissioner Templeton.

23

24 Commissioner Templeton: Thank you. Yes, it's very helpful to hear folk's thoughts about what
25 the threshold should be and I'm glad we're getting into this discussion. I've been loathed to go
26 down to the single-family level as many of the Commissioners here have mentioned. That might
27 be... we might all be able to agree that those kinds of properties are off the table for this
28 particular policy. But you know, if we're looking at properties with 3-units or 5-units or 10-units,
29 we're not talking small businesses. We're talking multimillion-dollar properties because they're
30 in Palo Alto and our properties are all very highly valued on the market if they were to be sold.
31 So, trying to understand this discussion in that context, I just wanted to speak out and say that
32 anybody who has multiple units in Palo Alto is running a multimillion-dollar business. That said,
33 that's not the same thing as multimillion-dollar profits. So, I understand that people are trying
34 to get by and perhaps they are have temporarily moved overseas and are trying to rent their
35 house out so that they can return without having to turn over the home in the market and
36 things like that. So, I do think it's sensible to have some of these smaller landlords exempted.
37 So, I like the ideas that we've been throwing around. I'd be happy to talk about 5-units, 10-units
38 and 16-units. Those are all places we could draw the line.

39

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1 But I also want to mention that it's... I want to second what Vice-Chair Roohparvar said. That
2 improving the quality of our housing stock is very important. As someone who's lived in a very
3 old and poorly built home here in Palo Alto. I feel particularly heard when or seen when she
4 says that because there are opportunities and things that need to be improved. A lot of building
5 materials improvements have happened over the last century or century and a half as it may
6 be. So, I guess century in 20-years.

7
8 The other thing is, it's very important to talk about the impact line there. High impact for
9 renters at risk of displacement. It's a big deal. It's a big deal to be... to lose your home if you did
10 nothing wrong. And it is very hard and takes a lot of time to get another property that you can
11 rent or live in here in Palo Alto. This has happened to several of my friends and neighbors and
12 classmates of my children who have been displaced in the middle of the school year. We also
13 know there's stories of displacement that have resulted in vehicle dwelling as an interim stop-
14 gap because it's very hard to find a home if your home you're living in is being turned over. So,
15 all of these are real concerns and it's not to say that these aren't tensions that are pulling in
16 various directions.

17
18 But the point of this discussion is potential renter protection policies and the goal is to reduce
19 the impact of displacement for renters. So, we need to find a way to come to terms with the
20 need for this and if there is a need. If we all do agree that there is this need, I'd like for us to
21 maybe focus our discussion on where to draw the line. Because I do think that the case has
22 been made pretty strongly by Ms. Bigelow and our own various anecdotes that we've heard
23 from our community conversations that this is necessary. Thank you.

24
25 Chair Hechtman: Commissioner Alcheck, your hand is up. I'm not sure if that's a ghost.

26
27 Commissioner Alcheck: Yeah.

28
29 Chair Hechtman: You wanted to speak again?

30
31 Commissioner Alcheck: Yeah. I sense that we're coming up to a motion soon and I want a few
32 more thoughts for the Commissioners to think about in the order I hear them. There was a
33 concept I think that Commissioner Hechtman [note – Chair Hechtman] suggested about
34 tailoring this to individuals who are burdened by housing costs. Am I getting that right? You
35 have an idea there. Ok, you froze on me so I can't tell, but (interrupted)

36
37 Chair Hechtman: I did.

38
39 Commissioner Alcheck: You did? Yeah, so here's one issue. If you tailor some of these programs
40 to be there for individuals who have lower incomes. You create an incentive on the part of

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1 landlords to avoid renting to individuals who have lower incomes. So, this is... I'm not saying it's
2 impossible but it becomes a task of tremendous specificity. How do we protect someone who
3 would be more affected by the relocation without making them a less desirable person to rent
4 to? It wouldn't be difficult to find another tenant who may be not qualified as being in that
5 income situation.

6
7 So, that's one issue and then I want to address something that Commissioner Roohparvar said
8 [note – Vice-Chair Roohparvar] which is the irony is that the Boston Property and the big shots
9 don't make a habit of evicting people without cause. They don't do it. Those properties are so
10 large that they don't present opportunities for redevelopment. The Packet says the 50 limit has
11 never been triggered yet. That's because it won't be and the exception obviously, the big
12 exception, is the President Hotel but the problem there wasn't redevelopment. It was that we
13 had no control of the changed use. A rule simply saying that multi-family residential properties
14 cannot be converted to hotel or office without Council approval would have been sufficient
15 there.

16
17 So, let's go deeper. Commissioner Lauing suggested that there might be a way for someone to
18 do a remodel. Doesn't really meet our standards of a remodel and would allow complete
19 eviction. What does the owner get from that? In theory, he gets to have market rate. He's
20 evicted, somebody. He can now reset his market. That's what we're trying to avoid. Why would
21 someone evict someone in a... other than to occupy it themselves, right? If you're the
22 homeowner or you are an owner of a triplex or a quadplex and you want to occupy one of the
23 units. Other than that reasoning, if you remodel the unit, what is the benefit you get? If the
24 benefit is that you can put it back on the market for the market rate. Let's attack that. Let's say
25 that if you cause a no-fault eviction, let the previous rent has to be the rent for the next tenant.
26 That is a simple solution there. You're creating an incentive where listen, there's no benefit to
27 putting this person out unless you're going to move in yourself. Or... I mean I'm not inventing
28 this rule. This is something that we've seen in other communities. The question is, is
29 Commissioner Lauing made a valid point and so we need to target the heart of this.

30
31 I completely agree, having to move is a tremendous burden. Look, this is going to sound insane
32 what I'm about to say but I believe in my lifetime this City and even maybe the State of
33 California will offer property owners to pay these Relocations Assistancess on their behalf to
34 encourage them to redevelop their property. We will get to a point, mark my words, where the
35 state and the City is begging people to rebuild their properties to densify. We're not there yet,
36 but we will and so the irony here is that let's attack the problem. The problem is, is how does
37 someone get around rent control and they can do that sometimes by evicting someone and
38 resetting it. And so, if we say listen, if there's a no... we could have a rule that says if there's a
39 no-fault eviction, the rent has to remain the same as the previous tenant. And that would
40 alleviate a lot of those concerns and I would submit that to all of you.

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Chair Hechtman: Commissioner Summa.

Commissioner Summa: Thank you. I wouldn't want to do anything that... displacement is such a huge problem in general and I wouldn't want to do anything to encourage that. And also, I think we have to acknowledge that the most affordable housing because affordability is a problem in housing, is... the most affordable housing is the housing that already exists because it's not new. So, I just want to be careful not to encourage that and not have another President Hotel apartment situation where people are driven out of our City so that would be my priority.

Chair Hechtman: Commissioner Chang.

Commissioner Chang: So, I like this... the sentiment that Commissioner Alcheck and Commissioner Lauing have proposed about trying to somehow even if there is no fault eviction, preserve the rent for the future... for the tenant to return potentially or the future tenant. But my concern with that is doesn't that also create a disincentive for redevelopment? I mean of course, if there are more units, you can make more money. So maybe that works but for many of these small... you know if I have 5-units and I'm a... that's my one little income property. It's not my primary income and it's old because I see a lot of them that are old. We want to make sure that people can update them. There are problems with that housing stock. Yes, it's affordable but we want to make it so that it won't become completely dilapidated and really bad affordable housing. And so, I think I'm just a little stuck there and those are the thoughts that are crossing my mind. I appreciate the discussion. I'm not sure that I come to a conclusion per se and maybe somebody wiser mind than me can come up with a way to allow for remodeling and updating. I mean if plumbing and electricity really do need to be updated because I've seen some of these places. They do need to be updated, you know to allow for that but we don't want to prevent redevelopment either if that eviction has already happened.

Chair Hechtman: Ms. Tanner.

Ms. Tanner: I wanted to offer that perhaps the Commission might consider that there's actually I risk saying a 10th policy. There's a Relocation Assistance for tenants who are being asked to leave a property and there would be a right of return policy for tenants that are being asked to leave for purposes of remodeling or renovation. This could be in addition to the SB 330 requirements because I've heard similarly it's not just that you have the right to return. But a right to return at a similar rent that you were paying because obviously if your rent triples three times, may having the right to return may not be feasible. So, I just want to offer that as possibly a way to parse out the policy proposals.

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1 Chair Hechtman: Thank you, Ms. Tanner. So, I'm not seeing any other hands so let me... I'd like
2 to address this issue. So, a number of years ago I went to a... I think it was a middle school-
3 related function and it was at somebody's apartment in downtown Palo Alto. That building was
4 somewhere between 8 and 10 stories and there were two units per floor. And it was lovely and
5 a really fun evening. I don't know but I'm going to speculate that the average rent in that
6 building is something like \$10,000 per unit and the thought to me of obligating the landlord of
7 that building and as Commissioner Templeton said, that's a multimillion-dollar venture, the
8 thought to me that government would get involved and require that landlord to pay its tenant
9 \$17,000 because those are all 3-bedroom units on their way out. I just... I find no sense in that
10 and further, I would fully expect that if we impose that, that the landlord would immediately
11 raise all of his tenants' rent, unless we couple it with the Rent Stabilization for the same unit
12 level. He would raise his tenant's rent by \$17,000 a year and thereby just pass that cost on. So,
13 that he collects it and if they stay for 2-years, he can collect it double.

14
15 So, I'm going to offer... I've got a different idea. I think that part of the struggle here is that
16 we're focused on the number of units when I don't think that's the right metric. So, already
17 state law protects these buildings with 50-units or more. I think if we're going to look at
18 increasing protection, it needs to be addressed as I said before to the portion of our Palo Alto
19 population that most need the help. And I agree with Commissioner Alcheck that you can't do
20 that directly on an income level. That's too problematic. You can't have... it just won't work and
21 so that's not the metric that I'm suggesting. What I'm suggesting is there is a correlation
22 between the roughly 4,000 Palo Alto units that are rented by people who make \$75,000 or less
23 in their household. There is a rent figure that most of those, not everyone but most of those
24 families are paying that number or lower. Now, I don't know what that number is but we can
25 find that out. We do have in our Staff report that the average rent throughout Palo Alto in all
26 categories is I think \$2,940 a month. So, let's just say that our... we could find out that most of
27 these families with income levels of \$75,000 or less, most families are paying rent of \$2,000 or
28 less. That's where we offer the additional rent protection is for units under... because 50 and
29 over is already protected. So, we're looking at whether it's 2-unit or 5-units or 10-units or 17-
30 units. If the rent there is under this number that captures most of this most needy crowd, then
31 that group gets Relocation Assistance and that way we are serving the people who really need
32 this help.

33
34 So, that was my primarily thought that I wanted to float for consideration. I see Commissioner
35 Alcheck's hand.

36
37 Commissioner Alcheck: I'll respond. I think is an interesting idea. I would want to get a little bit
38 more accuracy. What that number, the \$2,900, whatever the average is. I thought I saw that
39 was provided by Zillow or maybe that's by a different apartment provider? Look, one of the
40 things that I'm seeing in the market right now is that there's an advertising rate and then

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1 there's the deals that are happening out there because of COVID, right? And so... and there's a
2 lot of under-reported, sometimes people aren't listing in Zillow or whatnot. So, one of my
3 questions is well where is that number actually? That's number one and then number two
4 would be I would like to make the point that I don't think that there is a perfect solution.

5
6 There will be situations where somebody is... doesn't fit... they will not be saved by this. There
7 will be a dislocation that we can't address and I just want to sort of suggest that as we grapple
8 with this issue. We should be comfortable with good. It doesn't have to be perfect. We have
9 to... so that's number one. I don't think we can solve every possible anecdotal scenario.

10
11 And then I would want to just add one more thing which is Commissioner Chang made a really
12 good point that we do want to encourage remodeling and there's a lot of units... we don't want
13 to create a disincentive. And what I had suggested earlier might do just that and then I realized
14 right as she said that. I was like this I why rent control units are often problematic because no
15 one wants to invest any money in fixing the pipes if they can't get any more rent out of it. It's
16 not that they're greedy. They may not have the resources. They may not be able to pencil out
17 and this is what brings me back to this idea that there's sort of two kinds of evictions. There's
18 the eviction where there's a result that we want. We want a 3-unit building to be redeveloped
19 to seven. We want a 5- or 10-unit building to be redeveloped to 15 or 20. When that happens
20 we get affordable units by our code. That's huge and so we want that result. So, if someone's
21 like, you know what, I'm evicting everyone in the building of six because I'm going to selling to
22 this person who's also buying the property adjacent and they're going to build 120-units and
23 that's the result we want. So, in that situation I would ask you, does the City want to encourage
24 property owners who have extremely low-density properties to assist them by subsidizing any
25 Relocation Assistance?

26
27 You know we've heard Council Member Filseth say this all the time. He'd like to spend money
28 on the priority that is housing. That the City should put... get behind it and I'm just suggesting to
29 you that this is one way. It's... if for... and then because we really don't want is the person who's
30 evicting somebody for the sole purpose of getting double the rent. It's not just paying for the
31 remodel, it's getting 2x-3x and so I mean this is very complicated. And I think what we need to
32 ask City Council is for more time maybe, or maybe we suggest that we would like to consider
33 this in a more articulated way. Could we, for example, review an ordinance as Commissioner
34 Hechtman [note – Chair Hechtman] has envisioned? Could we see an ordinance written in
35 that... could we have time to appreciate that and see how it would play out?

36
37 I'm not... I am not... I would not support a motion tonight to take it down to five and to be
38 frank, based off this discussion, I don't know that 16 even addresses the problem. I think the
39 question is what are we trying to avoid and how can we avoid it? And then what do we do to
40 encourage the redevelopment that we do want to see and should that be a part of the

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1 ordinance? Should we say City Council you should require Relocation Assistance if you will in
2 10-units but if the relocation isn't in conjunction with a redevelopment project that increases
3 affordable housing. You should consider subsidizing the Relocation Assistance. Not giving them
4 exception because those people who are getting relocated still need the help and their
5 relocation helps us achieve our goal as a City. So, I would support something that was a little
6 more broad like that.

7

8 Chair Hechtman: Commissioner Templeton followed by Commissioner Chang.

9

10 Commissioner Templeton: Thank you. Yeah, a lot of great comments tonight so I think this is a
11 very productive discussion. I'm also a little bit concerned about the baking in of specific
12 numbers for the Rental Assistance and I'm wondering if we can do something a little bit more
13 dynamic like tie it to the rent? It looks like roughly 3-months rent is what the calculus is
14 estimating here so maybe that's a way to provide the assistance. But I would also caution is that
15 one of the challenges that we have in Palo Alto is existing rent doesn't often match or hasn't of
16 late matched what the current rents are. So, it is hard to find a new place in comparable price
17 range because the rents are just a bit too dynamic around here. But in any case, if you're
18 concerned about the specific dollar amounts here, maybe that's a way to handle it is to tie it to
19 rents.

20

21 I'm not so sure that \$75,000 cut off suggested by Chair Hechtman is the right one. I think that
22 people who are facing displacement have an urgency that perhaps other renters may not
23 regardless of their income level. So, we should think about that and find ways to help and think
24 about what our appropriate level might be. That's probably a separate discussion and
25 something that Staff might need to come back to us or City Council with. A recommendation on
26 that number but I don't have a problem with the concept of having a threshold there. There's
27 certainly some renters who don't need any assistance.

28

29 As far as the idea that somebody might... that a landlord might raise the rent by \$17,000 if this
30 was... this policy was put into place. I'm firmly of the belief that if that could raise it \$17,000,
31 they would whether this policy was in place or not. So, I'm not sure that I find that a completely
32 genuine argument but I understand what you're saying is that this could have other kinds of
33 consequences that we might not at first see. So, I get the general sentiment of it, but I go back
34 to at some point that these are medium businesses and larger businesses and potentially can
35 handle the price of doing business because they exist.

36

37 So, I think that we need to understand that housing is a different kind of business and that lives
38 are impacted and we don't want to take some of these decisions lightly. And if this is a way to
39 work towards our goal of having a more stable housing situation for our community members.
40 That this might be the right price to pay to do business in housing in Palo Alto. Thank you.

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Chair Hechtman: Commissioner Chang followed by Commissioner Lauing.

Commissioner Chang: Thank you. So, I keep going around and round on this and this is kind of where I land and why. I initially said ok, I can go down to 5-units and in my notes, I have 10-units for sure, 5-units maybe so here's my thoughts. The goal of this is to help renters and to disincentive evictions so it's kind of a like a fine for eviction and really what it is, is help for those renters who are evicted. That's really what this does.

If somebody is going to... so with respect to the redevelopment question, we want redevelopment and we don't want to lose housing. But if somebody evicts everybody in order to redevelop, my logic is that they probably will go denser. Therefore, it will pay for itself and let's say it is all 3... let's say it's a building with 5-units, they're all 3 or more bedrooms. Ok, we're talking \$100,000 here, right? Under \$100,000. That's going to pay for itself probably if the place was dilapidated and they're going to increase the rent. So, the concern here is that we're going to lose some affordable housing, potentially if it's been... it's dilapidated, but things do need to get updated. They do need to get updated over time and so I'm ok with this because I think that if somebody's really redeveloping they can afford likely. If they're building an extra unit here, that's going to pay for itself. So, that's kind of where I arrived at and I still go round and round and it's fascinating to hear everybody's opinions and they're very, very thoughtful. But that would be my two sense is that I'm less concerned that this level of fee would affect... would negatively affect redevelopment. It might negatively affect remodeling but not necessarily wholesale redevelopment.

Chair Hechtman: Commissioner Lauing.

Commissioner Lauing: And so here we are on this issue. I think that given our assignment, we are just meant to suggest what we recommend that Ms. Bigelow and Council consider and move forward with. I think that we want to suggest that they definitely move forward with this, which is very complicated and perhaps Chair Hechtman, your thoughts coupled with my earlier thoughts could be put into a direct motion. That the focus is to be on basically giving necessary monies to low-income folks in the development and that perhaps it's either that or they get to stay at a lower rent for X number of years. And all of this is bracketing the whole thing of during development where do these people go? So, there's a lot of details that have to be worked out but maybe we could just give general direction with... from where you started Chair Hechtman and give enough for tonight in terms of getting Council to say yeah, let's jump into this.

Chair Hechtman: Commissioner Templeton your hand is up. Is that... do you want to speak?

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1 Commissioner Templeton: No, I just had one more thought just listening to Commissioner
2 Lauing and Commissioner Chang. I'm just wondering if one of the challenges that we're having
3 tonight is understanding the concerns and the downstream impact for the property owners. So,
4 going back to our earlier conversation, it's possible that we can't really home in on this until we
5 have heard from them. We might consider that our motion would be to gather some input in or
6 to have... to get more detail on this particular item after we've rounded out our conversation.
7 Thank you.

8
9 Chair Hechtman: So, I'll just make a brief comment, really a response. The reason that
10 downtown high rise today doesn't increase its rent by \$17,000 a year is because if it did that, its
11 tenants could go across the street to the other high rise that didn't because the market forces
12 are keeping the rent where ever they are. But if I impose this requirement across the board,
13 now every landlord is going to raise their rent by \$17,000 in this comparable category. And so,
14 my tenant in this particular high rise doesn't have the option to go to a lower rent place. So, it's
15 really, it's a function of the market of the rental market and I do believe it will again, get passed
16 on to tenants which is not... the cost will be passed onto tenants which is not desirable.

17
18 So, does someone want to hazard a motion on this?

19
20 Commissioner Lauing: Well, I could.

21
22 Chair Hechtman: Commissioner Lauing, do you want to give it a shot?

23
24 MOTION #2

25
26 Commissioner Lauing: Yeah, I'll try and I'll try and keep it concise. So, I would like to move that
27 Council do... does give serious consideration to expanding Tenant Relocation Assistance
28 coupled with doing everything possible to prevent displacement from those units as a priority.
29 And there's an hour of conversation to go with that to help their debate.

30
31 SECOND

32
33 Commissioner Summa: I'll second.

34
35 Chair Hechtman: Commissioner Lauing, can you state the motion again? I lost the thread of it in
36 the middle. I'm sorry.

37
38 Commissioner Lauing: Well, I'm basically saying that we recommend that Council do seriously
39 consider expanding Tenant Relocation Assistance beyond state law but do to that coupled with

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1 a first look at keeping displacement from happening at all. Even in the case of development and
2 there's a lot of stuff that we talked about that are ideas that can go underneath that.

3
4 Chair Hechtman: Thank you. Commissioner Alcheck your hand is up.

5
6 Commissioner Alcheck: I would suggest to you that I again don't think the minutes are going to
7 be a good reflection or very useful tool for Council. I just frequently feel that way and so I would
8 suggest to you that the wording of this motion and I would say that it's like you're just basically
9 saying this is an issue and they should consider it. And (interrupted)

10
11 Commissioner Lauing: [unintelligible]

12
13 Commissioner Alcheck: They should do something about it without... with an eye on
14 displacement and I feel like that basically like stating the problem. I'm not... I wouldn't support
15 a motion tonight that brought it down to 10-units. I would... but (interrupted)

16
17 Commissioner Lauing: I'm not.

18
19 Commissioner Alcheck: If for example, Commissioner Chang made that motion, I would have
20 suggested a friendly amendment that said something like this because I think Commissioner
21 Chang would probably take comfort in knowing that 99 percent of the time when a remodel
22 occurs as she suggested. They don't do them all at once. They do them one by one and so you'd
23 be looking at a small sum paid each time and so it wouldn't be \$100,000 charge. And so, in that
24 regard, this would have been my friendly amendment on a motion, if you had made one to a
25 number you were comfortable with. My friendly amendment would have been to ask you if you
26 would consider recommending City Council... I'm going to take back the word consider. If you
27 would... well [unintelligible] I have to say it. You would... if you would consider whether we
28 could make a recommendation that City Council consider in a situation where the entire
29 property was evicted for the purposes of redevelopment. Where City Council would subsidize
30 the cost of relocation in anticipation of encouraging the redevelopment and the affordable
31 housing supply growth.

32
33 So, here's... my biggest problem with these issues is the consequence that something may not
34 become redeveloped because we have created another hurdle and this isn't going to be the
35 straw that breaks the camel's back. The straw that breaks the camel's back is The Palo Alto
36 Profit, the affordable housing requirement, the... it's all of these things and then there's one
37 more. And then there's one more and then there's one more and so the question is, how can
38 we demonstrate what our City values and I think our City's value is redevelopment. And despite
39 its lack of occurrence, we value redevelopment and affordable housing development. We just
40 can't seem to get it done.

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And so, if someone does propose a motion tonight that provides City Council with a little more specificity then we think this is a good idea. My friendly amendment would be that we encourage them to consider subsidizing in the event of whole sale property eviction in an effort to encourage redevelopment which would address my biggest concern of making the Relocations Assistance about smaller properties.

I really do think that Commissioner Hechtman [note – Chair Hechtman] has something here. I don't know yet. I'm having a really hard time imagining what it would look like and how we would go about figuring out whether what would people... would we suddenly lose a supply of \$2,000 apartments? Would all [unintelligible] be \$20... \$2,000 and five... \$2,005. What would happen at the threshold and how would that affect supply?

I think another really important question which I can't find in the Packet but it's probably here is if we go to 10-units. What percentage of the rental market is that and does that do the work we need it to do? And if it's insignificant, then we kind of have a problem here because we're spending a lot of time on a small number and if it's really significant, then I think we have a problem because we need to understand really how this works.

So, I would be... while I won't support the motion to 10. I would be happier if we had more specificity for City Council because frankly, they're just going to go oh yes, City... Planning Commission recommended that we consider adjusting a relocation assisting threshold. Well, that's what we're discussing.

Commissioner Lauing: So, you're not speaking to my motion at all at this point.

Chair Hechtman: There's not a motion (interrupted)

Commissioner Alcheck: Well, I'm saying I think we need to be more specific if you're going to make a motion. I think that this one doesn't really do what... doesn't do enough. I don't think our minutes are sufficient and then number two would be if they make a motion. I'm going to suggest this friendly amendment which for anyone who's considering making that motion. If you wanted to include it without me having to make it, that would be wonderful, but that's basically the point.

And then I also think I'm reluctant to support a motion to 10 because I do want to see what Commissioner Hechtman's idea would look like. So, that's all of my comments.

Chair Hechtman: Ms. Tanner, you have... has her hand up. Please.

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1 Ms. Tanner: Just wanted to offer, for what it's worth, that in the event of an actual demolition
2 of a building and total redevelopment of a site. State law does require Relocation Assistance be
3 provided to those tenants. So, in the instance of remodel where a tenant may need to be
4 relocated because the remodeling of the unit is such that it's not habitable. That may be a more
5 specific instance the Commission way wish to consider.

6
7 Commissioner Alcheck: I'm sorry, does that apply to all sizes?

8
9 Ms. Tanner: It does.

10
11 Commissioner Alcheck: Oh, well, there you go.

12
13 Ms. Tanner: 50-units in our local law so at 50-units locally, we required Relocation Assistance.
14 My understanding is [unintelligible](interrupted)

15
16 Commissioner Alcheck: It really only matters because of remodeling? It's not to do
17 redevelopment at all?

18
19 Ms. Tanner: Our local law is if you are displacing a tenant that... in an instance of building that's
20 50-units or greater. Then Relocation Assistance is required.

21
22 Commissioner Alcheck: Regardless of why.

23
24 Ms. Tanner: Right and I'm saying in addition, state law requires that for... when there is
25 demolition of a housing unit and a tenant is displaced. That Relocation Assistance is required
26 and right of first refusal is provided. So, some of what you're talking about (interrupted)

27
28 Commissioner Alcheck: And do we know the numbers?

29
30 Ms. Tanner: Is about... the number of units that it requires?

31
32 Commissioner Alcheck: No, how much is the Relocation Assistance?

33
34 Ms. Tanner: I don't have that off-hand. I'm sorry, we can look that up though.

35
36 Chair Hechtman: So, [unintelligible](interrupted)

37
38 Commissioner Alcheck: So, assuming a building gets demolished there's some amount you have
39 to pay to each tenant per [unintelligible]?

40

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1 Ms. Tanner: That's my understanding, yes.

2

3 Chair Hechtman: A single-family home gets demolished; state law requires Relocation
4 Assistance?

5

6 Ms. Tanner: I do not believe it applies to single-family homes. So, it just... I want to just make
7 sure that we understand there's kind of someplace... some units that are covered by some laws
8 and some units that are covered by others. And so, and just to distinguish between the
9 demolition of a unit and its redevelopment of a site versus in some cases I think the
10 Commission is referring to remodel of the unit. And that may be... so it could be a large building
11 but it's not demolished and the Relocation Assistance may not be required both under local and
12 state law in those cases.

13

14 Chair Hechtman: Commissioner Templeton.

15

16 Commissioner Templeton: Thank you. Thank you for going for its Commissioner Lauing. I can't
17 support this motion because it's a little too vague and I think it's vague because we don't have
18 the right information in order to provide the guidance that City Council is looking for from us.
19 So, I would propose an alternate idea to consider that we could discuss and then move on if this
20 motion doesn't pass of potentially since we know we're not going to finish this item tonight.
21 Potentially, asking Staff to come back with additional information so that we can be more
22 specific on our guidance to Council at the next meeting. That's just a suggestion. Thank you.

23

24 Commissioner Lauing: So, Chair we do have a motion and a second, right?

25

26 Chair Hechtman: We have a motion and a second.

27

28 Commissioner Lauing: Right.

29

30 Chair Hechtman: Are you ready for a vote?

31

32 Commissioner Lauing: So, I just wanted to make a comment. We do not have all the data that
33 we need. We've come up with a lot of ideas. We're not supposed to make policy tonight. We've
34 shown how complicated this issue is. And so, I'm feeling that the best that we can do is support
35 how important this is with the considerations that we've raised and let Staff go forward with
36 Ms. Bigelow and others and do their data and package that all along to take to Council. I don't
37 think we have enough data as actually I think was said at the get-go for a lot of things including
38 enough data to suggest what... if it's 10 or 15 or we shouldn't do anything there. And so, there's
39 just enough going on that I think it has to be sort of like this, or else we're going to talk about it

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1 for another 2-hours and I'm not sure we still are going to have the data in 2-hours. So, that's
2 why I've positioned it the way that I did.

3

4 FRIENDLY AMENDMENT #4

5

6 Chair Hechtman: So, I appreciate the sentiment of the motion. I'm not going to support it
7 because I think part of our duty here tonight, hopefully, tonight is to give the Council direction
8 on a metric. It's not enough that we just let them know that we agree that Tenant Relocation
9 Assistance should be expanded. I think we need to direct them on a metric but I don't think we
10 have to be exact. I think you know again, given where we are in the process, the issue tonight is
11 are we going to go forward with a policy or are we going to drop this idea? And so, I think we
12 could be something more general. So, for example, if it's the will of the majority of the
13 Commission to go on a number of units, we don't have to pick an exact number of units. We
14 can say... we can give a range and we can add in these other flavors.

15

16 You know my preference is to go a different direction than number of units but again I don't
17 have to define that tonight. I don't have to say rent over X amount. I can say that the assistance
18 needs to be tailored to serve the people who are rent-burdened and then if Council likes that
19 idea, they work with Staff to figure out what the metric is.

20

21 Commissioner Lauing: Why not just assign that as an amendment to this? It's ok with me.

22

23 Chair Hechtman: Well, I'm seeing one hear... a couple heads shaking. So, I'm happy for that to
24 be an amendment. Commissioner Summa, I think you were the second on the motion?

25

26 Commissioner Summa: I was and I also think we might want to consider, given what Assistant
27 Director Tanner just told us, if we want to cover the people that aren't covered in other
28 situations. And not necessarily by apartment size but because state law covers some relocation,
29 we would cover some. I think what we wanting to do was cover the people who weren't
30 covered by another existing law. So, I think we might want to make that clear to Council. We
31 don't... in other words, we don't need to cover people that are already covered unless we feel
32 that the dollar amount is inadequate and we haven't really got that information right now
33 tonight so. We could also carve this one out and ask it to come back to us with more data I
34 think.

35

36 Chair Hechtman: So, Commissioner Summa, I wasn't entirely clear if you're supportive of this
37 concept of the friendly amendment and then you had another idea to layer on top of that.

38

39 Commissioner Summa: Well, I don't know if I'm supportive because what Director Tanner just
40 said just sort of changed my thinking and it was based on information that wasn't in our Staff

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1 report. So, I'm wondering if we don't need more information about currently who is not
2 covered at what level to really make a specific recommendation. That's all.

3

4 FRIENDLY AMENDMENT #4 DIES DUE TO LACK OF SUPPORT BY THE SECONDER

5

6 Chair Hechtman: If I'm understanding that the friendly amendment does not... is not supported
7 by the seconder of the motion so that dies. I see two Commissioner hands. Commissioner
8 Chang followed by Commissioner Alcheck followed by Commissioner Templeton.

9

10 Commissioner Chang: Thank you. So, I just wanted to say first, in response to what
11 Commissioner Alcheck was asking. The data is there that current law covers only I believe it's 2
12 22 percent of the units in Palo Alto that have 50 or more. It's there in various... one of them is in
13 a pie chart, about 22 percent and then in the text on Page 18 it states for A, B and C, how much
14 of the rental housing stock would be covered. So, if we went to 10-units, it means that 45
15 percent of rental housing stock is covered and if we go down to 5 then it becomes 57 percent.
16 So, this is my sentiment, covering only 22 percent of renting housing stock doesn't do it
17 because we know that about 35 percent of our people are rent... what was the term? Rent
18 (interrupted)

19

20 Chair Hechtman: Burdened.

21

22 Commissioner Chang: Anyway. Yes, rent-burdened. It's getting late. So, I am in favor of
23 expanding this for that reason. We are definitely not reaching all of them right now. We're
24 likely putting this on some people who are... they're luxury apartments, right? But so, I like the
25 friendly amendment and maybe we should be setting a goal about covering that 30... doing our
26 best to cover that 35 percent in some way. Or to double the percentage who are currently
27 covered because covering only 35 percent is probably, in my mind, not enough either. Because
28 that's the goal of this, is to help people out if they're evicted without cause. So, philosophically
29 that's where I am.

30

31 I'm ok... I'm also fine going ahead with Commissioner Lauing and Commissioner Summa's
32 current motion on the table because I think we're really struggling due to lack of data. But
33 philosophically that is why I am in favor of more of this eviction protection.

34

35 Chair Hechtman: Commissioner Alcheck.

36

37 Commissioner Alcheck: So, I know that we would capture an additional I think by this pie chart
38 23 percent. I understand that. The question is, is the affordable housing unit on Alma is not a
39 10-unit building. It's larger than that which suggests that... here's the question. If we have 14
40 percent affordable housing units, we have 35 percent... approximately 35 percent individuals

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1 who are burdened. What percentage of individuals who are burdened who are not in
2 affordable housing? What percentage of people who are burdened will be impacted by this
3 change?
4

5 I find comfort in Commissioner Hechtman's [note – Chair Hechtman's] approach because he is
6 not targeting the size of the building which he very eloquently started the conversation by
7 saying this isn't about the size of the unit... the number of units. It's about what does
8 displacement does to an individual? If you're making a quarter of a million dollars and you
9 happen to be in a 10-unit building. This isn't going to change your life dramatically if you have a
10 studio apartment. You will probably go to find another studio apartment in Palo Alto. But if
11 you're a family of three and you're in the category of burdened and you're not in one of our
12 affordable housing units and you're in a housing unit of 5-units. Then this will and we're not
13 helping them and so I can't support this motion. I think we should hear from Commissioner
14 Roohparvar [note – Vice-Chair Roohparvar] and then if she doesn't support it then we should
15 withdraw the motion. So, we don't have to go through the process of voting on it because it
16 making this whole process cumbersome.
17

18 I think the friendly amendment is going to a different solution. He is not specifying unit size. He
19 is specifying impact which I think is something I could get behind and to suggest that Council
20 direct Staff to begin the process of studying how we would achieve that goal. It's very different
21 than expanding the current law on our books. It's completely different.
22

23 And I would also suggest to you because this is news to me about the demolition and I need to
24 study that a little bit. That I still would like to communicate to Staff that is there a way to also
25 have them at least communicate to us how they feel about wholesale evictions for the
26 purposes of redevelopment. Because let's say they just took your direction and they went with
27 10-units or 20-units. The question there is well, what if it's a 5-unit building? Those people still
28 have an issue and if they're all getting kicked out at the same time. Then that is an impact that
29 maybe the owner has to grapple with. That is an expense and do we want to defray the cost
30 there by subsidizing the Relocation Assistance from a City level? Maybe we don't even subsidize
31 it. Maybe we lower Impact Fees or maybe we... maybe there's some component? Do we want
32 to direct Staff... do we want Council to potentially have a discussion about directing Staff to
33 think about how could we incentive... how could we offset the burden of Relocation Assistance
34 if it applies to a 5-unit building under Commissioner Hechtman's [note – Chair Hechtman]
35 metric if that was one day adopted? But also allows them to benefit from this idea of providing
36 more housing, especially since some units might be affordable, by some subsidization.
37

38 I think I would like to... I would love for Commissioner Hechtman to make a motion after this
39 motion is dealt with.
40

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1 Chair Hechtman: Let's hear from Vice-Chair Roohparvar after she unmutes.

2

3 Vice-Chair Roohparvar: It's getting... how many times tonight? I was supportive of
4 Commissioner Lauing's motion. I was ready to vote yes on it until I heard what you said
5 Commissioner Hechtman [**note – Chair Hechtman**] which I think is pretty interesting. So, for
6 that reason, it would be a no only to see what the vote turns out on if you decide to propose a
7 motion.

8

9 And then I want to say one more thing. I am curious as to what Rachael... sorry, Ms. Tanner.

10

11 Chair Hechtman: Tanner.

12

13 Vice-Chair Roohparvar: Ms. Tanner, Ms. Tanner, thank you and Commissioner Summa raised
14 about kind of where that gap is. I mean I don't think it's a discussion for tonight. We don't need
15 to open it but I am personally curious. And I would encourage the Council to dig into that and
16 see where that gap is between City and local and what's not being covered and how we can
17 craft to that.

18

19 Chair Hechtman: Commissioner Templeton.

20

21 Commissioner Templeton: Thank you. I wanted to agree with everything that Commissioner
22 Chang said. I also want to echo what Commissioner Summa said about the new information and
23 potentially having that information presented to us in a future meeting so that we can respond
24 to it. I think it would be very helpful to understand what the gaps are because it's not clear
25 from the presentation and judging from how our discussion has kind of meandered. I wonder if
26 we would be able to come up with a better solution if the gaps were more clearly identified.

27

28 And yes, one more comment and then we should vote or go back to the motion makers and
29 decide what they want to do. The idea has been brought up several times by one of our
30 colleagues that we should subsidize these multimillion operations and I'm kind of opposed to
31 that. Thank you.

32

33 Chair Hechtman: Alright, I see no further hands. Commissioner Lauing is the maker of the
34 motion. Are you ready to hear a vote on that motion?

35

36 Commissioner Lauing: Yes, but it's going to have to be without the amendment because the
37 second withdrew unless there's a new second.

38

39 Chair Hechtman: Correct.

40

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1 Vice-Chair Roohparvar: I'll second.

2

3 Chair Hechtman: Sorry.

4

5 Vice-Chair Roohparvar: Oh, I can't.

6

7 Chair Hechtman: Well, we have a second on your original motion but that did not include the friendly amendment.

8

9
10 Commissioner Lauing: Right, so another way to do it is have a second on my motion with your amendment. That's all I have to say.

11

12
13 Chair Hechtman: Mr. Yang, if we do that... well, what's the process for doing that? I want to make sure I don't leap frog Commissioner Summa impermissibly.

14

15
16 Commissioner Summa: You know if there is... if it would pass with the friendly amendment and given that the original maker of the motion is satisfied with it. I will go ahead and second it so we can... if that would satisfy more of the Commissioners.

17

18
19
20 Chair Hechtman: We've had a lot of conversation. Can I restate the (interrupted)

21

22 Commissioner Summa: I would appreciate it.

23

24 Chair Hechtman: Since it was (interrupted)

25

26 Commissioner Templeton: Maybe the whole motion and the amendment.

27

28 Commissioner Lauing: You must.

29

30 Chair Hechtman: Ok, well, then if we're going to try to do that, let me ask Commissioner Lauing to first state the base motion and then I will layer on top of that my friendly amendment.

31

32
33 MOTION #2 RESTATED

34

35 Commissioner Lauing: This is a fatigue test, Chair Hechtman. I was simply stating that the Council definitely needs to consider Expanding the Rent... I lost my page now... the Relocation Assistance to lower buildings and they could consider that in the context of also, as an alternative, to have the replacement of a new unit at the old rent. And as you know Chair Hechtman, my focus there was on the lower-end affordable units because that's what we're trying to protect. So, we can have that in there as well if you'd like.

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FRIENDLY AMENDMENT #4 REPROPOSED AND RESTATED

Chair Hechtman: My amendment which now I'm not sure fits with that statement of your motion, my amendment was, as you said, that the Expansion of Tenant Relocation Assistance be not based on the number of units in the building. But rather based on a metric that serves renters who are experiencing... who are renting cost burden units. So, that could (interrupted)

Commissioner Lauing: Ok. So, yeah, so that changes what I said but I'll accept that amendment.

Chair Hechtman: Commissioner Summa, with that statement of the motion, are you satisfied with your second?

Commissioner Summa: Yes, I think it gives enough flexibility and direction. Thank you.

Chair Hechtman: Ok.

MOTION #2 REREAD

Ms. Tanner: Just to restate it. Earlier in your motion Commissioner Lauing, you had to prevent displacement.... to advance additional policies to prevent displacement in the first place. So, I have Council would consider expanding Relocation Assistance based on a metric that serves cost-burdened households and take other efforts to prevent displacement of households.

Commissioner Lauing: That's great. That's great.

Commissioner Alcheck: Just a quick question. I'm sorry to interrupt. Would it be appropriate to just be a little bit more specific and just reiterate that we steered clear of the... so as for example, adding to the end, as opposed to using the number of units at a property at some threshold because I feel like we're grappling with that. We don't know where to land and we're making it clear. I want it to be so clear that we're making it a distinction that it's not really just about the threshold number of units which I think spoke to me a lot when you said it earlier in the night but more about the target of the assistance.

Chair Hechtman: That was part of my amendment is that the metric is not based on the number of units but rather on providing assistance to renters of cost burden units. Is that (interrupted)

Commissioner Alcheck: Great.

Chair Hechtman: Is Staff clear on that?

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1
2 Commissioner Alcheck: And let me ask you a question. In your mind would that create a
3 situation where Council... where the new law would replace the 50-unit law? So, an individual
4 making half a million dollars put in a 50-unit building that has to get relocated. Maybe the
5 Relocation Assistance isn't necessary there or do you... no (interrupted)

6
7 Chair Hechtman: No.

8
9 Commissioner Alcheck: It wouldn't change.

10
11 Chair Hechtman: No, that's not, because we're talking about an expansion of Relocation
12 Assistance without any kind of contraction of any existing policy. Commissioner Templeton.

13
14 Commissioner Templeton: Sorry, just a quick clarification. You said rent burden units?

15
16 Chair Hechtman: Renters of cost burden units. Sorry, if I said rent burden unit (interrupted)

17
18 Commissioner Templeton: Well, maybe (interrupted)

19
20 Chair Hechtman: Renters of cost burden units.

21
22 Commissioner Templeton: Ok.

23
24 Chair Hechtman: That's the term used in Table 2 on Packet Page 11.

25
26 Ms. Tanner: Just to clarify, what I've written is cost burden households because I think
27 assistance is going to the household is your intention.

28
29 Commissioner Templeton: Thank you. That was exactly my question, Ms. Tanner. Thank you.

30
31 VOTE

32
33 Chair Hechtman: Yes. Ok, Ms. Klicheva, will you conduct a roll call vote?

34
35 Ms. Klicheva: Yes. Commissioner Alcheck.

36
37 Commissioner Alcheck: Yes.

38
39 Ms. Klicheva: Commissioner Chang?
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1 Commissioner Chang: Yes.

2

3 Ms. Klicheva: Chair Hechtman?

4

5 Chair Hechtman: Aye.

6

7 Ms. Klicheva: Commissioner Lauing?

8

9 Commissioner Lauing: Yes.

10

11 Ms. Klicheva: Vice-Chair Roohparvar?

12

13 Vice-Chair Roohparvar: Aye.

14

15 Ms. Klicheva: Commissioner Summa?

16

17 Commissioner Summa: Yes.

18

19 Ms. Klicheva: Commissioner Templeton?

20

21 Commissioner Templeton: Yes.

22

23 Ms. Klicheva: The motion carries 7-0.

24

25 MOTION #2 PASSED 7(AIcheck, Chang, Hechtman, Roohparvar, Summa, Templeton) -0

26

27 Chair Hechtman: I'll just comment that the hard work of the Commission I think is reflected in
28 the consensus we were able to draw. So, I think we did a great job on a challenging issue. It is
29 10 o'clock now and I'd like to find out what the will of the Commission is. I'd like to know if
30 people are interested in going to 10:30 or 11:00? I think it's pretty clear that even if we went to
31 11:00, we're not going to finish this item. So, let me see some Commissioners that would like to
32 talk about that. Commissioner Lauing followed by Chair... Vice-Chair Roohparvar.

33

34 Commissioner Lauing: Yes, thank you very much for the question. As we talked at the end of
35 our meeting last time, I would be happy to conclude now, or I would be happy to tackle number
36 three at max and then we need to wrap it up. It's possible that number three could be a little
37 bit easier but we won't know that until we jump on it so.

38

39 Chair Hechtman: Vice-Chair Roohparvar.

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1 Vice-Chair Roohparvar: So, my preference... I mean I don't know if you or this is a topic I'm very
2 interested in; housing and I want to make sure we don't give it short shrift. My preference
3 would be to conclude and to come back fresh and tackle these at our next meeting and spend
4 significant amounts of time on each of these. That would be my preference but what do other
5 Commissioner's think?

6
7 Chair Hechtman: Commissioner Chang.

8
9 Commissioner Chang: I'm willing to say that I think that number three might be faster. So, I
10 would be willing to stick it out through three but there's no way that four is going to... four is
11 going to be worse than this one is what I would say. So, I'm willing to give it through the next
12 one.

13
14 Chair Hechtman: While I wait to see if there are additional hands, I would also say that I was
15 envisioning three as being fairly straightforward and fast, but I thought we'd be done by 8:45
16 on this whole item so. Anymore... I'm... I guess I'm only hearing so far, a soft we could end now
17 from the Vice-Chair and nobody really strongly feeling that... oh, Commissioner Alcheck.

18
19 Commissioner Alcheck: I mean I try to avoid having conversations about conversations but since
20 you're really asking. I... not only do I believe that number three will go quick, I actually think
21 number four, based on our conversation so far, is one where the consequences are... the
22 unintended consequences are clear and will probably not take as long as Commissioner Chang
23 thinks, but I agree with her that we should put that one-off. I think we should push forward
24 number three because I like pushing forward and then maybe we can deal with item number
25 three on the agenda so that that one doesn't have to come back and then we can conclude our
26 meeting. So, I support that route.

27
28 Chair Hechtman: Ok, so one step at a time. I am going to take us now through item number
29 three on Agenda Item Number Two and then when we conclude that, we can have a
30 conversation about whether we want to go to Agenda Item Number Three on our agenda or
31 conclude for the evening.

32
33 So, if Staff will pull up the cheat sheet for item number three which is the Eviction Reduction
34 Program. Fair Eviction Framework, there we go.

35
36 Ms. Tanner: So, if I can just before the Commission takes up this item. Just to refresh since it's
37 been a few hours since we talked about what each item was. Just a reminder, this is filling up...
38 proposing to patch the gap in AB 1482 and in particular, potentially applying just case eviction
39 for those who have been in their rental units for less than a year. But you will note in the Staff
40 report it does list other occasions where AB 1482 does not apply. So, it's single-family homes

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1 that are duplexes that are renter-occupied... where the owner is occupying one of the duplex
2 units that is less than a year and there's on other condition which I've... just escapes me where
3 it doesn't apply. So, Staff have put forward that having a proposal... it's a single-family home,
4 also properties that have been built in the last 15-years.

5
6 So, those are four instances where AB 1482 does not apply. Staff has proposed patching the gap
7 for the folks who've been renting for less than a year but there may be other gaps that
8 Commission is interested in or not filling any of the gaps in that coverage. So, and again, this is
9 just extending the just cause framework that is in the state's law and there is an attachment
10 that does list out what is just case and what are the no-fault eviction causes.

11
12 Chair Hechtman: I had a question on this item. Commissioner Lauing, I see your hand up. Do
13 you have a question or do you want to talk substantively about the motion [note – item]? I'm
14 looking for clarification. I can't hear you.

15
16 Commissioner Lauing: Go ahead, go ahead.

17
18 Chair Hechtman: Oh, so my question, I was just curious if we're expanding this, is there some
19 sort of carve-out for an Airbnb type situation; or by expanding this, for example, the single-
20 family homes that are not owned by a corporation would be... even a weekend rental falls
21 under this expansion?

22
23 Ms. Tanner: Well, certainly in Palo Alto short-term rentals are not allowed and so that would
24 not be something that folks should be doing anyways. In terms of... so I think we'd required that
25 it's 30-days or more and then we also have the law that requires that folks are offered a 1-year
26 lease opportunity. They don't need to enter into a 1-year lease if they don't want to but that is
27 required that they are offered the opportunity. And so, if someone were in a 30-day or more
28 lease situation, we could be specific either that it does not apply or it does apply. So, it could be
29 that if someone's in a 1-year lease for example, that it applies, but if someone has decided I
30 don't want a 1-year lease. I want something that's more temporary, perhaps the Commission
31 could say that doesn't apply.

32
33 Chair Hechtman: Thanks for... I wasn't aware that short-term rentals were prohibited here so
34 thank you. Commissioner Lauing, thank you for allowing that question.

35
36 Commissioner Lauing: Yes, thanks. I'd like to use the format suggested by Commissioner
37 Templeton and I'm going to do a lightning round on the whole issue. I think that it's a very well-
38 reasoned Staff proposal in this regard and that we should extend it to A and B on Page... Packet
39 Page 19 which is rental units in the last 15-years and those rented less than a year ago. I'd be
40 supportive of extending it to that and not to the other two. That's all.

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Chair Hechtman: Commissioner Chang, we are doing a lighting round.

Commissioner Chang: I'm equally supportive of A and B and not the other two and just wanted to add that I really think that we should be extending this past 2030... the statute expires in 2030. And I don't want to wait all the way till 2028 to address that just to give our people some confidence so that's something that I just wanted to have on public record.

Chair Hechtman: Commissioner Templeton.

Commissioner Templeton: Thank you. I agree with Commissioner Lauing and Commissioner Change. Specifically, A and B seem promising opportunities for us to provide additional protection and extending the duration of these protections is a good idea. Thanks.

Chair Hechtman: Commissioner Summa.

Commissioner Summa: I think you said, Summa. I will agree with Commissioners Lauing, Templeton and Chang and associate my comments with their's in supportive of A and B and the extension.

Chair Hechtman: Commissioner Alcheck.

Commissioner Alcheck: Alright, I'm late to this party. This... the first comment I'm going to make I think will come up again in the Rent Stabilization discussion. My problem with A is that there is sort of a... there's a reason why we don't... well, ok, let me start with B. The problem I have with B is that if you were to put your unit on the market and somebody comes in and you're like here's the 1-year lease. This is the rate and they go you know what, I'm actually only interested in 6-months. Then you go ok and then 6-months down the road you have... in the process, you've created a plan to make that space available for somebody else because you weren't counting on them staying. And then they determine that they want to stay and then you don't have a... I guess you would call this a no-fault eviction tool, right? Is that what I'm understanding this would work? That it would basically expand the no-fault eviction to that exact scenario? Then you're in a predicament and that to me is on the renter. If the renter doesn't put themselves in a position to... it has created an expectation that they're going to be out and they're not. I don't see why this effort to give them this protection is reasonable. I can think of a lot of people who didn't intend to rent the space out. Didn't market the place as a... what I guess you would call a short-term rental if it's under a year. But once that's happened and you're like ok well, you know what sister-in-law? I should have the unit back by May and you can spend the summer there. I'm just... this seems to me like such a small problem that we have absolutely no data on and it strikes me like why would we even make the effort until we

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1 better... until someone is like hey, this happening all over the place which I'm assuming it's
2 really not. So, that's my issue with number two.

3
4 My issue with number would be well, rental units and properties built within the last 15-years
5 makes me not think of single-family homes. The bulk of those that are rented are ancient. You
6 know 50-years, I shouldn't say ancient, 50-years is not old. Mid-life and so these would be like
7 the new apartment buildings that have all been built on El Camino. And so again, we're talking
8 about this category of units that would otherwise qualify in the statewide program but they've
9 got to carve out because of the timeline.

10
11 So, I guess I would want to know how many properties we're talking about for number A before
12 really throwing my weight behind it but with respect to B. This seems crazy and then I agree
13 that C and D are too expensive further this moment.

14
15 Chair Hechtman: A little slow for lightning but thank you, Commissioner. We'll go to Vice-Chair
16 Roohparvar.

17
18 Vice-Chair Roohparvar: I am not actually supportive of... I mean C and D, no. B I'm not
19 supportive of either. I don't think it makes sense for the reasons Commissioner Alcheck raised.
20 People that rent their homes for a year, long-term rentals, are very different from those that
21 rent them from what's called medium term, between a month and a year. So, the calculations
22 that go in, you know those are people who want to rent over two to three months and now all
23 of a sudden it turns it somewhat of a permanent lease. I'd want to understand more of how big
24 of a problem really is this? Especially, since we already have protections already in our statutes
25 that say you need to offer a lease for a year.

26
27 And A, I'm undecided on. I think further on but B, C and D would be a no for me.

28
29 Chair Hechtman: Ms. Tanner.

30
31 Ms. Tanner: I'd just like to clarify that it's not that they have a lease that's less than a year. It's
32 that they've been residing in the unit for less than a year. So, this is not regarding how long they
33 agreed to rent the place for. It's that they have been renting for less than a year and so in that
34 intervening year, first-year rental period, they could be evicted for any cause.

35
36 Vice-Chair Roohparvar: So, I mean I would be supportive of maybe that clarification but if just
37 saying occupied with that... that language occupied can apply to a lease that's a year, 2-years, 2-
38 month, a month. There's a lack of clarity there unless we're saying this is only applying to
39 people who have been in the property for less than a year with leases that are for a term 1-year

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1 plus. If that's what we're saying, definitely can get on board with that. That's not what I'm
2 reading so that's my concern there.

3
4 Ms. Tanner: Certainly, I'm just relating what state law... the state law gaps. So, state law says
5 that those who have been renting a place for less than a year can be evicted for any cause. So,
6 I'm not arguing one way or the other but just to clarify. So, what I hear you saying is that you
7 would want to be clear about another metric to regard that year.

8
9 Vice-Chair Roohparvar: Yes, correct.

10
11 Chair Hechtman: Alright, so if... what we're talking here about is filling a gap and so state law
12 doesn't cover this and so we could fill the gap to whatever extent the City of Palo Alto decides.
13 So, it could be for people who've moved in less than a year regardless of the length of lease or
14 it could be people that moved in less than a year who have a lease of 1-year or more. We get to
15 choose. Either way is not in conflict with state law. It's supplement state law.

16
17 Other... Commissioner Alcheck, before you go let me say that I concur and I think we have close
18 to unanimity on C and D. I'm ok with including A, and B I had some concerns with too. Although,
19 I think about half the times that B might apply, assuming we don't have the 1-year lease
20 requirement. About half the time that it might theoretically apply is when you go on sabbatical
21 for 6-months and come back and in that situation, it doesn't apply because one of the just
22 causes is it's... the house... the property is being reoccupied by the owner. And so, I don't think
23 that this I going to happen a lot but I do like the flexibility of limiting B to leases of 1-year or
24 more. The flexibility that gives to the property owner. Commissioner Alcheck, you're up.

25
26 Commissioner Alcheck: One of the suggestions was that the time allows the parties to get to
27 know each other and figure out if it's a good fit. That was one of the suggestions. It wasn't clear
28 to me that that was the only reason when this was dealt with at the state level but let me just
29 throw a few other things out there that just get me hot.

30
31 For example, when we talk about no-fault evictions, Attachment A sort of suggests what are the
32 four categories. An owner or relative wants to move in so this is a scenario where let's say you
33 have a 4-unit building and someone's just moved in. So, they're relatively new and the other 3-
34 units might be occupied for longer. And you need a unit for your family and displacing the last
35 in, first out kind of concept. There's a scenario where this would apply and so that's interesting.

36
37 I think also this concept of withdraw of the unit from the rental market. So, I'm thinking of a
38 scenario where... I don't know, I can't... what if... this wouldn't apply to single-family homes,
39 correct? So, this already doesn't apply to single-family homes so we're not considering
40 expanding it to single-family homes that... we're really talking just duplexes and up. And I'm

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1 thinking about a scenario where you have a duplex that's owner-occupied in one of the units
2 and it is a bad fit. And it just... I'm a little worried that without this release valve. This is going to
3 sound wrong but I'm worried that without this release valve, we create an incentive... we're
4 encouraging individuals to be maybe less adventurous in their leasing practices. That they may
5 be more reluctant to lease to individuals who for whatever reason are different than them
6 because they feel trapped. That sounds crazy but I'm just throwing this out there. I feel like we
7 didn't have an opportunity to review material why the state didn't discuss this and I'm sure
8 there were advocates on both sides. And I'm thinking about equity, I'm thinking about access
9 and one of my concerns is well if someone is like you know what, I can't take a risk on this kind
10 of person.

11
12 At one point we're going to talk about asking about criminal history and taking that off the
13 table and I don't know where we're going to land on that. But what if you would consider
14 renting to someone who had a criminal history but you don't have a way to get them out in 3-
15 months if it turns out sour. You're never touching that and I am talking about the 2-, 3-, and 4-
16 unit buildings. I'm not talking about the 50-unit buildings because frankly, they don't... they're
17 not... they don't do this. They don't get in the habit of evicting people after 3-months.

18
19 So, I have concerns about this and I wish we had more information about why the state law was
20 crafted the way it was. So, I'm not sure I can support this but I appreciate that there's some
21 consensus.

22
23 Chair Hechtman: Ms. Tanner, is a duplex considered a multi-family property?

24
25 Ms. Tanner: So, I'm only laughing because in Palo Alto our definition of multi-family is 3-units or
26 greater. And I also believe specifically state law does not have this apply to the duplex where its
27 unit is owner-occupied, 1-unit is owner-occupied.

28
29 Chair Hechtman: The reason I'm asking that question is if... and I think I'm hearing clearly that
30 it's not the will of the Commission to move forward with C or D. But if you take C and D off the
31 table and you just look at A the way it's written, rental units in properties built in the last 15-
32 years. There's nothing in there that tells you that that couldn't be a single-family home and so I
33 was thinking that we would want to clarify that it's really rental units in multi-family properties
34 built within the last 15-years if that's the will of the Commission.

35
36 Ms. Tanner: Yeah, we could (interrupted)

37
38 Chair Hechtman: And then (interrupted)

39
40 Ms. Tanner: Certainly, specify that. That would be helpful.

-
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Chair Hechtman: Commissioner Templeton.

Commissioner Templeton: Thank you. Just to expand on your comments Chair Hechtman. Ms. Tanner, nothing... we can't override AB 1482 in the way that we're talking about, can we? I feel like if single-family homes are exempted, are they are exempted, or is that even on the table for us to discuss?

Ms. Tanner: Right, so single-family homes that are owned by a corporation or that are not owned. Sorry, let me just (interrupted)

Commissioner Templeton: Not owned, yeah.

Ms. Tanner: Look at the Staff report because I want to make sure I'm saying it right. So, single-family homes that are not owned by a corporation, these do not apply. So, you could have a situation where you have a new single-family home that's purchased by a corporation that was remodeled in the last 15-years or rebuilt. So, I think at this stage being clear about the PTC's intention, we can certainly make sure that we double-check that with the state law as it goes through the process. So, I think if we can capture the conceptual intent from the PTC, we would certainly want to make sure that to your point we can't override the state law. We can be stricter in some cases but we can't say oh yeah well, it does apply to single-family homes owned by corporations here.

Commissioner Templeton: Right, ok. I just wanted to point that out because several Commissioners have asked about it and I personally didn't feel that we needed to specify the things that are already exempted in the bills as... in the bill as being exempted here. We're... I think our work is more on the affirmative. What do we want to include that was exempted and what do we want to cover better? So, I don't know, I mean it sounds like some Commissioners are interested in specifying that but just know that that's what the bill says. So, I think unless we actively are countering something in the bill. Then we can assume that the bill stands as it is. Thank you.

Chair Hechtman: Is there a Commissioner who would like to make a motion? Commissioner Chang.

MOTION #3

Commissioner Chang: Alright, I'd like to make a motion that the PTC supports the Staff recommendation to extend AB 1482 to the group's A and B on Packet Page 19 but not to C and D. I think there might have been something that Giselle was or sorry, Commissioner Roohparvar

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1 [note – Vice-Chair Roohparvar] was wanting to add but I actually... I'd like to make a motion just
2 of this.

3
4 Chair Hechtman: Commissioner Templeton, I see your hand.

5
6 Commissioner Templeton: Just a point of clarification. Commissioner Chang, in your motion,
7 you don't mean to extend 1482. You mean to extend protections in 1482 beyond 1482? Is that
8 what you mean?

9
10 Commissioner Chang: Yeah, so I should be clearer. So, extending the Eviction Reduction
11 Program portion of Ab 1482 to A and B but not C and D.

12
13 Commissioner Templeton: Thank you.

14
15 SECOND

16
17 Commissioner Summa: I'll second.

18
19 Commissioner Chang: Did that clarify?

20
21 Chair Hechtman: I heard a second from Commissioner Summa. Thank you. Commissioner
22 Summa... well, Commissioner Chang, do you wish to speak to your motion?

23
24 Commissioner Chang: There we go, unmuted. I just think that I makes... this is about no faults
25 and at-fault evictions. At-fault evictions are still allowed. It seems to me that if... it just makes
26 sense to extend it to almost everybody unless the owner is living on the property and there
27 might really be a personality misfit or something like that. That's it.

28
29 Chair Hechtman: Alright, Commissioner Summa, your second, additional comments?

30
31 Commissioner Summa: Yes, I [unintelligible] motion maker and also this slide, the feasibility
32 bullet on the slide that we're looking. This is a low cost and it has high impact protection so it
33 really makes sense to me.

34
35 Chair Hechtman: Commissioner Templeton.

36
37 Commissioner Templeton: Thank you. I have a question that I don't think we've really come to
38 resolution and it will affect... I'm inclined to support this motion. I just want to make sure I
39 understand. The idea of a probationary period for new tenants was discussed. Is the motion as
40 presented going to eliminate any probationary period where those tenant/landlord mismatches

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1 that Commissioner Alcheck mentioned could be resolved? Or what happens in those cases? I
2 guess this question is directed at Staff.

3
4 Ms. Tanner: So, let's imagine that there is an apartment complex that has been built in the last
5 15-years and so the reasons that a landlord could evict someone are limited to the evictions
6 that are listed on the just cause one-pager that you have. So, in that case, one might argue that
7 number five, destruction of property or creating a nuisance, depending on nuisance is defined
8 in the lease that could be a nuisance. And so, I think one might argue that there are sufficient
9 room within those 11 just causes or at-fault causes that if there is a mismatch. If it's just
10 personality and preference differences, that really isn't rising to that level. One might say that
11 that person should be allowed to continue. Again, it depends on one's framework. I think that
12 in the case where the landlord is living in the property. Obviously, if the landlord is living in a
13 large apartment complex, they could have a clash. But that's partly why the single-family home
14 and the duplex where a renter is living would go. Homeowner and we can imagine an ADU
15 where a renter is living there and the homeowner is living there. That is allowed to say that this
16 is just not working and you need to leave so that is allowed.

17
18 Commissioner Templeton: And so ADUs would be covered under the single-family exemption
19 because it's an R-1 with an ADU. Ok, thank you for answering that question and I'm supportive
20 of this motion. Thank you.

21
22 Chair Hechtman: Other Commissioners? Commissioner Alcheck.

23
24 Commissioner Alcheck: Yeah, just a quick question for Staff. Have you or maybe this is for...
25 [unintelligible] there now. This is... would you consider this to be this 1-year... do you see this in
26 other Cities like Mountain View? Do we know? Do you have a sense? Have we done any of the
27 (interrupted)

28
29 Ms. Tanner: Great. Ms. Bigelow, can you respond if other Cities have covered this type of 1-year
30 (interrupted)

31
32 Commissioner Alcheck: [unintelligible] City.

33
34 Ms. Tanner: Of the 15-units and greater with other just cause protections?

35
36 Ms. Bigelow: Hi there, thanks for asking, great question. I have not seen other Cities. Though
37 after this patch as hard as we are right now, but I do think that it warrants further research as
38 we discussed earlier in the evening.

39

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1 Ms. Tanner: The other thing that we could look into is just what other Cities have as their just
2 cause baseline. We don't currently have just cause protections in Palo Alto at all, other than
3 what is provided in state law. So, we would need to look more closely at their overall just cause
4 protections other Cities have to see how those are applied.

5
6 Commissioner Alcheck: So, the properties built within the last 15-years of any size are eligible to
7 terminate tenants who have lived there for less than a year for no cause? And just so we're
8 clear (interrupted)

9
10 Ms. Tanner: Presently.

11
12 Commissioner Alcheck: Has that... that's not my understanding of the practice in some of our
13 neighboring Cities. So, I'm a little confused. I don't even (interrupted)

14
15 Ms. Tanner: I'm sorry if I'm misunderstanding the question.

16
17 Commissioner Alcheck: Understand how if you have a... because here's my issue. Typically, if
18 you have a 1-year lease agreement with a party you can't... I mean there are some... there is a
19 short list which we have on Page 11 which is the... you're the owner and you need to occupy. In
20 which case, we're opposed to that and I mean the fault eviction is... these are the four
21 acceptable no-fault evictions under this framework. But there are other no-fault evictions
22 where this isn't one of the reasons. It's just we're... this is an eviction without... we're not
23 making the case. We're giving you notice and you have 60-days to get out and that typically
24 isn't possible.

25
26 So, I'm... I think there's either a gap of knowledge here because (interrupted)

27
28 Ms. Tanner: I'm not sure what you're asking Commissioner Alcheck. I'm sorry.

29
30 Commissioner Alcheck: I'm trying to understand if the suggestion is that in a large apartment
31 building in Palo Alto, someone with a 1-year lease can be evicted in the second month of their
32 lease without cause. And then if your answer is no because that's what I think it is, but if the
33 not-fault eviction is one, two, three, or four, they could be. Then the question I would have for
34 you is we have a problem if an owner or relative needs to move into an apartment building.
35 That's... we're going to attack... that's the or better. The units being removed from the market,
36 maybe it's got some kind of insane mold problem that they can't address properly with the
37 tenant in the unit. Or where the City or county agency requires the unit to be. So, if these are
38 the four reasons you can remove somebody in under...I'm... I think I need... I can't support this
39 motion because I don't think you can just evict somebody without cause with a 1-year lease.
40 And I hesitate to say in any situation but I'm confident in large apartment complex scenarios.

-
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1 So, I'm confused here because I feel like we're operating on this premise that there's other
2 reasons other than these four and if these four reasons are problematic to us. Like we can't
3 accept any of these. I don't know how you would argue with number three if a county required
4 the unit to be vacated due to uninhabitable conditions. You can't evict them? So, I'm a little...
5 there's some concerns here.

6
7 I'm not sure what this accomplishes in a 15-year or younger building. I'm not sure what it
8 accomplishes in a property where the tenant moved in less than a year ago that didn't have...
9 that had a 1-year lease but has been there 2-months. They... I don't see how they could
10 otherwise be evicted without cause. They certainly couldn't be evicted without... I can't even
11 imagine a scenario where I think if you have a 1-year lease, you need a significant amount of
12 time before an eviction. There's... I think we're missing some information and I wish I had more
13 time because I didn't anticipate this discussion would go this way.

14
15 So, I'm a little confused and I'm not sure that we're solving a problem here that exists and I
16 think that (interrupted)

17
18 Ms. Tanner: So, all of those reasons are reasons that you can evict someone. So, number 1
19 through 11 (interrupted)

20
21 Commissioner Alcheck: The four reasons?

22
23 Ms. Tanner: And 1 through 4. So those (interrupted)

24
25 Commissioner Alcheck: Yeah but the number 1 through 11 you can evict regardless of the
26 change we're making.

27
28 Ms. Tanner: Right.

29

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1 Commissioner Alcheck: We're not saying that fault... at fault evictions. We're saying that these
2 four no-fault reason no longer apply?

3
4 Ms. Tanner: They no longer apply?

5
6 Commissioner Alcheck: You're saying that if a building was built in the last 15-years, you can't
7 evict somebody.

8
9 Ms. Tanner: They currently do not apply under state law to units built in the last 15-years.

10
11 Commissioner Alcheck: Right, you can't... right now someone could say... could use one of
12 those four reasons to evict somebody in a building that has been built less than 15-years. That's
13 the [unintelligible].

14
15 Ms. Tanner: Or that's older than 15-years. Those are allowed and so under state law right now
16 if a building is newer than 15... it was built in the last 15-years, then they... the eviction process
17 can go under whatever terms the landlords want to pursue. There's no restriction on when or
18 what reason that person... that landlord and property owner [unintelligible](interrupted).

19
20 Commissioner Alcheck: And you're saying that if a building is 20-years old and the City requires
21 that the unit be unhabitated, that they can't be evicted?

22
23 Ms. Tanner: What I'm saying is that if the building is 20-years old, that is a reason can evict the
24 person. That they cannot... they have to use one of those 11 or four reasons to evict. Those
25 units are already covered under the state laws just cause eviction.

26
27 Commissioner Alcheck: Right and the change we're making is that the four reasons would no
28 longer be permissible?

29
30 Ms. Tanner: No, they would be permissible for the units that are 20-years and... 15-years and
31 older.

32
33 Commissioner Alcheck: Right, right, but for the units that are 15-years and younger, those four
34 reasons are no longer permissible.

35
36 Ms. Tanner: They are the only reasons allowed plus the 11 reasons. Maybe I'm not having luck
37 explaining this.

38

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1 Commissioner Alcheck: I'm saying after this recommended change... here's what I'm saying. The
2 change that we're recommending would... what at fault... what no-fault evictions would be
3 permissible in a 10-year old building in Palo Alto if the recommendation was passed?
4

5 Ms. Tanner: Those four would be permissible.
6

7 Commissioner Alcheck: Those four would continue to be permissible?
8

9 Ms. Tanner: They are not allow... they're not restricted right now. A building that is 15-years
10 and younger is not restricted in what they can evict someone for. They're not restricted by AB
11 1482. It does not apply to that building.
12

13 Commissioner Alcheck: Ok so this is what I was suggesting at the beginning. That these aren't
14 the only four reasons. Right now, we have more flexibility but you can't evict someone in a 1-
15 year lease for no cause. My impression was that you couldn't evict someone... you know I'll
16 stop because I have to double-check. Alright, I'll sit this one out.
17

18 Chair Hechtman: So, there's been enough confusion here that what I thought was simple is now
19 I'm not sure. So, let me take a run at just making sure I understand before I cast a vote on the
20 motion that's on the floor.
21

22 So, right now there is AB 1482 and that provides some tenant protections, at least until 2030
23 and so if I'm understanding correctly, one of the protections it provides is that there has to be
24 just cause which could be at fault or no-fault for a property built more than 15 -years ago. So,
25 do I have that part right?
26

27 Ms. Tanner: Can you just repeat it one more time? I'm sorry.
28

29 Chair Hechtman: Sure, sure. Under Ab 15... 1482, its protections apply to a rental property built
30 more than 15-years ago, right?
31

32 Ms. Tanner: Yes, that's correct.
33

34 Chair Hechtman: Ok and right now, Ab 1482 does not apply and provide those protections to a
35 building built within the last 15-years.
36

37 Ms. Tanner: Correct.
38

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1 Chair Hechtman: So, what we're contemplating here and what Staff is recommending is that we
2 extend the same protections that 1482 provides for buildings more than 15-years old, Palo Alto
3 provides to buildings 15-years old and less. Do I have that right?

4
5 Ms. Tanner: Yes.

6
7 Chair Hechtman: Ok.

8
9 Commissioner Alcheck: Can you clarify B though? Will you clarify the second one?

10
11 Chair Hechtman: Sure, and let's see.

12
13 Commissioner Alcheck: Particularly, whether you could be kicked out with... if you've only been
14 there 1-year in a building that's 15-years old versus one that's less.

15
16 Chair Hechtman: Yeah, so I think what Commissioner Alcheck is getting at is there's a
17 cumulative effect of possibly overlapping or not aspects of this. So, I mean so if we adopt A,
18 now it applies to every rental property regardless of when it was built. It could be 15-years
19 more or less, but if we've done that, then why would we need B? If it already covers every
20 building whenever it was built, other than perhaps single-family units, what is 1482 say about
21 rental units occupied by renters that moved in less than a year ago? Let me ask it that way.
22 Does it protect them?

23
24 Ms. Tanner: So, I'll ask Ms. Bigelow to answer that question and if we need to get back, we can
25 get back but I think the understanding is that they are not protected by that. So, if you think
26 about the law, it's kind of carved out who does it not apply to and so you can imagine that
27 someone's in an older building, more than 15-years ago, but they have a lease that hasn't been
28 longer than a year. They haven't lived there longer than a year. They're not protected under
29 1482. So, certainly, if the City were to close the gap in A, then maybe B doesn't matter, but
30 we're just kind of laying out the way the state's carved up the... what we understand to be the
31 carve-outs. So, Ms. Bigelow, do you have anything to add to that?

32
33 Ms. Bigelow: I would say that the basic premise behind B was that if there were a situation
34 where somebody has just moved in and the landlords decide whatever is happening happens
35 and they need to make changes or what have you. That those folks are also covered by what
36 fair reasons to evict people are. So, it's really for what we don't want to have happened is for
37 folks who are in transition of some form to get caught by being in a loophole.

38
39 Chair Hechtman: Let me complete my thought and then I'll go to Commissioners Templeton
40 and then Summa. I think what AB 1482 does is it, first of all, it protects... it provides this just

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1 cause requirement for properties built within the last 15-years and then I think it also provides
2 protections for units occupied by renters who have lived there at least a year. Now, I would
3 think that those are not overlapping. So, I would think that that second requirement in AB 1482
4 is really addressed to people who live in buildings that are less than 15-years old. They would
5 fall under that category and so it... I need to understand if that's correct because if that is
6 correct, then if we adopt A, again B is superfluous. Everybody is already covered and so what
7 we have to think about in adopting A, is do we really want to cover everybody regardless of the
8 length of their lease? So, I think I could still use some clarification to really understand the
9 interplay that Staff is envisioning in this item between that 1482 provides and the gaps they'd
10 like us to fill. So, Commissioner Templeton followed by Commissioner Summa.

11
12 Commissioner Templeton: Thank you so much, Chair. I'd like to stab at answer your question
13 but Staff, please feel free to jump in if I have it incorrectly. So, the universe of renters can be
14 carved up into a bunch of different types of subgroups. Some people are renting in older homes
15 or older units. Some people have just started their lease and people are well into a long-term
16 lease. These... if you put it together like a Venn diagram of the universe of renters. There are
17 gaps so there's going to be some of these intersections that aren't shaded. And that's what Ms.
18 Bigelow has highlighted here and the previous slide where she says these are the ones that are
19 currently exempted. These are the parts of the Venn diagram that aren't shaded in terms of
20 protection by Bill 1482.

21
22 So, what we can do as a City is identify some areas in that Venn diagram that aren't shaded that
23 we would like to provide a local layer of protection on, rather than relying on this state bill. I
24 know that that's a popular thing here in Palo Alto. We want to be able to direct our future of
25 housing and have some local input. And this is an opportunity for us to, as local leaders, to
26 cover gaps that were left at the state level because that's what's going to be right for our
27 community.

28
29 So, for example, does the case exist where somebody is renting a new property and is only 6-
30 months into their lease and could be evicted? Yeah, right now they could because 1482 doesn't
31 cover either of those scenarios. But if you only implement A and provide that rental protection
32 to property built within the last 15-years, without B, they're still only 6-months into their lease.
33 So, the exemption is not protected unless we do both because the age of a property and the
34 duration of the lease are separate characteristics. Does that make sense? Maybe. Ok, well that
35 was my attempt. Ms. Bigelow or Ms. Tanner, if you want to jump in, please feel free.

36
37 Ms. Tanner: I think that was very helpful. I'm imagining us creating a Venn Diagram for future
38 discussion so thank you for that.

39
40 Chair Hechtman: Commissioner Summa.

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1
2 Commissioner Summa: Thank you to my colleague Commissioner Templeton. I thought that
3 was very clear and I want to say there's another problem in Palo Alto that probably doesn't
4 exist now because of COVID. But a lot of landlords won't give 1-year leases. They make people
5 go month to month because of the volatility of the market here. My goddaughter was in this
6 position and I said... I remember this very clearly saying but you have a right... a legal right to a
7 1-year lease because she worried every month that the landlord was not going to give her new
8 lease. So, I think that's an important problem to solve for people, especially young people that
9 are trying to live in the City. So, I think B's helpful in that situation as well.

10
11 VOTE

12
13 Chair Hechtman: So, we have a motion and a second to adopt... to recommend to the City
14 Council moving forward with Fair Eviction Items A and B, but not C and D on Packet Page 19. So,
15 is there any further Commission discussion? Seeing none, Ms. Klicheva, will you conduct a roll
16 call vote?

17
18 Ms. Klicheva: Commissioner Alcheck?

19
20 Commissioner Alcheck: No.

21
22 Ms. Klicheva: Commissioner Chang?

23
24 Commissioner Chang: Yes.

25
26 Ms. Klicheva: Chair Hechtman? Chair Hechtman?

27
28 Chair Hechtman: No.

29
30 Ms. Klicheva: Commissioner Lauing?

31
32 Commissioner Lauing: Yes.

33
34 Ms. Klicheva: Vice-Chair Roohparvar?

35
36 Vice-Chair Roohparvar: No.

37
38 Ms. Klicheva: Commissioner Summa?

39
40 Commissioner Summa: Yes.

-
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Ms. Klicheva: Commissioner Templeton?

Commissioner Templeton: Yes.

Ms. Klicheva: So, I believe motion fails 3-3.

Chair Hechtman: It passed 4-3.

Ms. Klicheva: Oh, sorry. Right, 4-3, sorry. Once again, the motion carries 4-3. I have four yeses and three noes.

MOTION PASSED 4(Chang, Lauing, Summa, Templeton) - 3(Alcheck, Hechtman, Roohparvar)

Chair Hechtman: Ok, Commissioners... well, Commissioner Lauing? You're wanting to speak to your vote?

Commissioner Lauing: No. No, I want to move the continuance of this item to a date uncertain.

Chair Hechtman: Yeah, well, if you'll wait, just hold that thought for just a moment. I want to see if any of the Commissioners who voted no want to speak to their no votes. Commissioner Alcheck.

Commissioner Alcheck: Here's my issue with this situation. I can't... I don't have a strong reaction to this 15-year timeline because this has more to the management than it does in my mind with the rental income and Rental Rate Stabilization. But I do have an issue with this 1-year distinction and if I'm understanding it right. After this change is enacted if it were to be enacted, then the only remedies would be those on this Packet Page Exhibit A. Those would be the only avenues for an eviction would be the at-fault group and the four that are under the no-fault. And I believe that a lot of landlords in our community and everywhere in the Bay Area use a no-stated causes eviction notice to eliminate someone in their first year for a variety of reasons. Including the first at-fault list and the no-fault list. And this deprives them of a remedy to get out of a lease that isn't working out for maybe any of the reasons in the at-fault without having to go to court. You would go to court for destruction of property, creating a nuisance, criminal activity, maybe they're breaking your rules. You would essentially... but if you give them a notice without cause, then you don't have to go through that really messy process which clogs our system.

And so, to me, this is crazy because we are essentially going to put landlords in a position where they have to get specific about why something is not working out and for a very long time I

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1 think in the State of California we haven't required that and it doesn't sound like any of our
2 neighbors have. And my biggest concern is it's not the big boys that are going to get affected by
3 this. They take their housing... they have everything down to a perfect system and a science. So,
4 they don't typically get caught up in this as much as the small 3-, 4-, 5-, 6-, 7-, 10-, under 16-unit
5 mom and pop-owned property. And my concern there is that the unintended consequence of
6 this will be less inclusive leasing. We will be... people will be more reluctant to lease to an
7 individual who they're concern may cause a problem and they don't want to have to adjudicate
8 and demonstrate that someone's risen to a nuisance. And that to me is very... so the reason
9 why I'm speaking to this no is because I hope that it will be included in the recommendation
10 and that Council will very strongly consider the potential for impacts on the leasing applicant
11 pool if you will. And there are tools to avoid that but when it comes to the small-timers, it's not
12 as simple. So, that's why I can't support that motion.

13

14 Chair Hechtman: Vice-Chair Roohparvar, you want to speak to your no vote?

15

16 Vice-Chair Roohparvar: No, but I do echo Commissioner Alcheck's sentiment and it's what I've
17 actually practically seen happen to someone in my experience. Thank you.

18

19 Chair Hechtman: Alright and I'll just say briefly that while conceptually I'm supportive of
20 expanding the 1482 protections, but I think being a lawyer who spends a lot of time reading law
21 really hampered me on this because I just... to me if we adopt A, B seems superfluous and I hate
22 moving forward with laws that don't mean anything because it confuses people into thinking
23 they must. Now, having voted no but the majority... I'm happy with this majority that moved it
24 forward because what I know is if the Council agrees to go forward with this, Mr. Yang is going
25 to write the policy in a way that eliminates the ambiguity that I couldn't get over. So, I couldn't
26 support it but I'm happy with the result.

27

28 Alright, so with that Commissioner Lauing, you have something to suggest.

29

30 MOTION #4

31

32 Commissioner Lauing: Yes, I'd like to suggest continuance of this item to a date uncertain.
33 Uncertain because we need guidance from Staff and potentially new data to come in.

34

35 Chair Hechtman: So (interrupted)

36

37 Commissioner Lauing: Second? No second, everybody wants to keep going?

38

39 Ms. Tanner: Did someone second it?

40

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1 Commissioner Templeton: I... Commissioner Lauing, I haven't seconded because I don't think
2 that we've specified any data that needs to come in except on the items we already voted on.

3
4 Commissioner Lauing: That's... I thought that was covered in my first comment. That it's up to
5 Staff in terms of when they think this is ready to come back. That's all I meant.

6
7 Commissioner Templeton: Ok.

8
9 Chair Hechtman: So, let me... does... so there's not a second yet so let's see if we can
10 (interrupted)

11
12 SECOND

13
14 Commissioner Chang: I'll second. I'll second.

15
16 Chair Hechtman: I'm sorry, Commissioner Chang, I think I (interrupted)

17
18 Commissioner Chang: Yes, I seconded it.

19
20 Chair Hechtman: Commissioner Chang seconds. So, let me just (interrupted)

21
22 Commissioner Lauing: I didn't mean to add a [unintelligible] on the motion. I just think its
23 enough is enough and Staff can figure out the next date appropriate.

24
25 Chair Hechtman: Ok so let's... I'd like to get a little information from Staff before I cast a vote on
26 this. So, if there's an expectation that the next time we see this Staff is going to have some
27 additional information. Let me ask Ms. Tanner if you have an understanding of what that
28 information would be.

29
30 Ms. Tanner: I want to be clear that we have many undiscussed items. So, Staff would not be
31 bringing forward additional information about the items that we have yet to discuss. I did hear
32 in... for items one and two requests for additional information. I don't... since the motions have
33 already been made though it's not clear how we would bring those back without the motion
34 having gone forward to the Council in the next steps. So, I mean we just haven't finished this
35 item so we just need to continue it to even take up the remainder without any additional
36 information. That's my understanding. So, we can possibly do some of it at the next meeting.
37 We have two hefty items so I'm hesitant to add a third item to that meeting but we could look
38 at the future dates.

39

-
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1 Chair Hechtman: So, just to elaborate on that. Our next meeting, we have two items that look
2 like they will take us to 10 o'clock. It's the return of the Objective Standards and Ms. Tanner,
3 remind me of the second item.

4
5 Ms. Tanner: Discussing our Retail Recovery Referral from City Council so.

6
7 Chair Hechtman: Which is a time-sensitive matter that we don't want to put off.

8
9 Ms. Tanner: Yeah, I would agree with that. So, that's... the date we can figure out though. It's
10 just that I do have notes, I'm just looking at them about the data that we would like to have
11 related to particular item number one. There were quite a bit of requests. I just want to be
12 clear we won't be able to bring those back for the next time that... what, I guess seven items
13 are discussed.

14
15 Chair Hechtman: So, Commissioner Lauing, hearing Commissioner... Ms. Tanner's comments,
16 you've sort of framed your motion with a pre-requisite that Staff is going to bring information
17 back and that's how we'll set the time if I understood it right.

18
19 Commissioner Lauing: No, no, sorry, sorry, that obviously came across incorrectly because
20 Commissioner Templeton mentioned it as well. All I was saying is that whatever Staff wants to
21 bring back, they can do that at a date uncertain. That's all I meant by that.

22
23 Ms. Tanner: That's makes sense.

24
25 Commissioner Lauing: I just threw in the data because people were talking about well it would
26 be good to have data. So, if this goes another 6-weeks and Ms. Bigelow happens to have more
27 data, that's fine, but that's not a requirement in the motion.

28
29 VOTE

30
31 Chair Hechtman: Ok and Commissioner Templeton, I see your thumbs up so that... you're
32 second intended to second that motion. Alright, I'm not seeing any hands so Ms. Klicheva,
33 please conduct a roll call on the motion to continue the item.

34
35 Ms. Klicheva: Commissioner Alcheck?

36
37 Commissioner Alcheck: Aye.

38
39 Ms. Klicheva: _Commissioner Chang?
40

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1 Commissioner Chang: Yes.

2

3 Ms. Klicheva: Chair Hechtman?

4

5 Chair Hechtman: Yes.

6

7 Ms. Klicheva: Commissioner Lauing?

8

9 Commissioner Lauing: Yes.

10

11 Ms. Klicheva: Vice-Chair Roohparvar?

12

13 Vice-Chair Roohparvar: Yes.

14

15 Ms. Klicheva: Commissioner Summa?

16

17 Commissioner Summa: Yes.

18

19 Ms. Klicheva: Commissioner Templeton?

20

21 Commissioner Templeton: Yes.

22

23 Ms. Klicheva: The motion carries 7-0.

24

25 MOTION #4 PASSED 7(Alcheck, Chang, Hechtman, Lauing, Roohparvar, Summa, Templeton) -0

26

27 Chair Hechtman: Thank you.

28

29 **Commission Action**: Motion by Summa, seconded by Templeton. Pass 7-0

30 **Commission Action**: Motion by Lauing, seconded by Summa. Pass 7-0

31 **Commission Action**: Motion by Chang, seconded by Summa. Pass 4-3 (Alcheck, Hechtman,
32 Roohparvar against)

33 **Commission Action**: Motion by Lauing, seconded by Chang. Pass 7-0

34 3. Review the City Boards, Commissions, and Committees Handbook and Recommend
35 Adjustments to Implement the Handbook's Directions.

36 Chair Hechtman: Alright, well the next item on our agenda is another action item. Review the
37 City's Boards, Commissions and Committee Handbooks and recommend adjustments to
38 implement the Handbook's directions. What is the will of the Commission?

39

-
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1 Ms. Rachael Tanner, Assistant Director: Can you repeat that last part?

2

3 Chair Hechtman: I'm sorry. Yeah, what is the Commission... what is the will of them on this?
4 We've just continued an item that promised to be lengthy. This items perhaps will not be
5 lengthy but it is 11 o'clock. So, I see Commissioner Templeton and Commissioner Alcheck.

6

7 Commissioner Templeton: Will there be a Staff presentation on this on? That may help us
8 decide.

9

10 Ms. Tanner: There's no Staff presentation. It's just really to make sure you all know what's
11 going on.

12

13 Commissioner Templeton: Ok, I only have one question so if we do decide not to continue it. It
14 could be quick from my perspective.

15

16 Chair Hechtman: Commissioner Alcheck.

17

18 Commissioner Alcheck: I will go with the will of the group because clearly, I have no sense of
19 what's quick and what's long since I thought the last one was not going to be long. And I think
20 Commissioner Chang is that camp with me so.

21

22 Chair Hechtman: Commissioner Lauing.

23 Commissioner Lauing: Yes, I would strongly urge us to move that to a future meeting. It's not
24 time-sensitive at all and we've already come up against our supposed final deadlines of 11
25 o'clock. And lastly, I'm not sure it's going to be short as we just proved on something that I
26 thought would be 15-minutes and took an hour. So, I don't think it's reasonable to move
27 forward on it tonight.

28

29 Commissioner Alcheck: I'm sorry, quick clarification. I thought this... you said there's no Staff
30 presentation but what are we deliberating? It's their Handbook. Is it just the question of
31 whether we want to move to action minutes?

32

33 Ms. Tanner: More or less, yeah.

34

35 Commissioner Alcheck: Maybe we could just do a 1-minute round and then continue. No? Ok,
36 never mind.

37

38 Vice-Chair Roohparvar: Vice-Chair Roohparvar. You're muted.

39

-
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1 Vice-Chair Roohparvar: Again, sorry, sorry. I agree with Commissioner Lauing for all the reasons
2 he stated and I think this is going to be long. I mean and I'll just share, our pre-Commission
3 meeting was short on this topic. So, if that's any indication as to how this might go.

4
5 Chair Hechtman: Alright, so I am hearing some interest in continuing this matter.

6
7 MOTION

8
9 Commissioner Templeton: I move to continue.

10

11 Chair Hechtman: To a date uncertain or to our next meeting or what's your pleasure,
12 Commissioner Templeton?

13

14 Commissioner Templeton: Date uncertain.

15

16 SECOND

17

18 Commissioner Lauing: Second.

19

20 Vice-Chair Roohparvar: Second.

21

22 VOTE

23

24 Chair Hechtman: Commissioner Lauing was in first with his second. Alright, before we take a
25 vote, let me just say that I think what's important for us Commissioners is this is new material
26 to us. The Council took some time to put it together without consulting with us I don't think,
27 but they did it and I think it... between now and whenever that date uncertain is, if you haven't
28 already studied this Handbook, we should all do that so that we're familiar with these rules that
29 are guiding our behavior and frankly, as I read through it I didn't... I think we're already doing
30 almost everything that is in there except creating summary minutes. So, I am comfortable with
31 deferring this to whenever because I've read the Handbook and I will follow its mandates other
32 than maybe the minutes.

33

34 I don't see any hands up so Ms. Klicheva, can we have a roll call vote on a continuance of Item
35 Three to a date uncertain.

36

37 Ms. Madina Klicheva, Administrative Assistant: Commissioner Alcheck?

38

39 Commissioner Alcheck: Aye.

40

-
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1 Ms. Klicheva: Commissioner Chang?

2

3 Commissioner Chang: Aye.

4

5 Ms. Klicheva: Chair Hechtman?

6

7 Chair Hechtman: Aye.

8

9 Ms. Klicheva: Commissioner Lauing?

10

11 Commissioner Lauing: Yes.

12

13 Ms. Klicheva: Vice-Chair Roohparvar?

14

15 Vice-Chair Roohparvar: Yes.

16

17 Ms. Klicheva: Commissioner Summa?

18

19 Commissioner Summa: Yes.

20

21 Ms. Klicheva: Commissioner Templeton?

22

23 Commissioner Templeton: Yes.

24

25 Ms. Klicheva: The motion carries 7-0.

26

27 MOTION PASSED 7(AIcheck, Chang, Lauing, Hechtman, Roohparvar, Summa, Templeton) -0

28

29 Chair Hechtman: Thank you.

30 **Commission Action**: Motion by Templeton, seconded by Lauing. Pass 7-0

31 **Approval of Minutes**

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

33 4. March 10, 2021 Draft PTC Meeting Minutes

34 Chair Hechtman: Moving to approval of minutes. Can I have a motion to approve the March
35 10th draft PTC minutes as revised?

36

37 MOTION

38

-
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1 Commissioner Summa: So, moved.
2
3 Chair Hechtman: Thank you, Commissioner Summa. Is there a second?
4
5 SECOND
6
7 Vice-Chair Roohparvar: I'll second.
8
9 VOTE
10
11 Chair Hechtman: Thank you, Vice-Chair. Can we have a roll call vote?
12
13 Ms. Madina Klicheva, Administrative Assistant: Commissioner Alcheck?
14
15 Commissioner Alcheck: Aye.
16
17 Ms. Klicheva: Commissioner Chang?
18
19 Commissioner Chang: I'll abstain because I wasn't there.
20
21 Ms. Klicheva: Chair Hechtman?
22
23 Chair Hechtman: Yes.
24
25 Ms. Klicheva: Commissioner Lauing?
26
27 Commissioner Lauing: Yes.
28
29 Ms. Klicheva: Vice-Chair Roohparvar?
30
31 Vice-Chair Roohparvar: Yes.
32
33 Ms. Klicheva: Commissioner Summa?
34
35 Commissioner Summa: Yes.
36
37 Ms. Klicheva: Commissioner Templeton?
38
39 Commissioner Templeton: Yes.
40

-
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1 Ms. Klicheva: So, the motion carries 6-0-1.

2

3 MOTION PASSED 6(Alcheck, Lauing, Hechtman, Roohparvar, Summa, Templeton) -0 -1(Chang
4 abstain)

5

6 Chair Hechtman: Thank you.

7 **Commission Action**: Motion by Summa, seconded by Roohparvar. Pass 6-0-1 (Chang abstain)

8 **Committee Items**

9 Chair Hechtman: Moving to Committee items. Are there any? Seeing none.

10 **Commissioner Questions, Comments or Announcements**

11 Chair Hechtman: Commissioner questions, comments, announcements or future agenda items?
12 Commissioner Alcheck.

13

14 Commissioner Alcheck: I just wanted to say apologies for the last meeting. I was with the family
15 Joshua Tree and we were very remote and I thought I would have better connectivity than I did
16 and I just couldn't make it work. I couldn't reconnect but I did, when I returned to my home,
17 watched the remainder of the meeting on my DVR. Thank you Channel 26, I'll be at 2x speed,
18 and I just wanted to say that I thought your conversation about process. The whole... even the
19 conversation about parking was great and I wish I could have been a bigger part of it but I
20 apologize for that technology snafu issue.

21

22 Chair Hechtman: Alright and I wanted to mention that on some future agenda when we're not
23 burning the midnight oil, I do want to daylight the issue of a PTC retreat and get some feedback
24 on that possibility. It's something that didn't happen last year so I haven't experienced it but it
25 did annually happen I think before that with varying levels of success and utility. And so, I'd like
26 to eventually have a discussion about whether we as a group want to do that in the coming
27 year. So, with that, I'm adjourning this meeting of the Planning and Transportation
28 (interrupted)

29

30 Commissioner Alcheck: Wait, before you adjourn, do we get a date on our meeting with
31 Council? There was a moment where there was some emails back and forth about a joint
32 meeting. And I don't know if that ended up just being backed out or if that's still on the
33 calendar?

34

35 Ms. Rachael Tanner, Assistant Director: If I can, it is going to be on May 10th. So, Monday, May
36 10th will be a joint study session with the PTC and Council. We do anticipate that would be the
37 first item. It should be around 5 o'clock p.m. but we will verify as soon as that item is published

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1 is to provide the agenda. And if we hear that it's going to be a different time than 5:00, we will
2 let you all know.

3

4 Commissioner Alcheck: Ok, thanks. Sorry for that.

5

6 Chair Hechtman: That's alright, thank you. Alright, we are a joined. A joined? Adjourned. Thank
7 you, everybody.

8 **Adjournment**

9 11:05 pm

-
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