



CITY OF
**PALO
ALTO**

Planning & Transportation Commission Action Agenda: August 31, 2022

Council Chamber & Zoom Meeting
6:00 PM

Call to Order / Roll Call

6:00 pm

Chair Lauing: I'd like to Call to order the regular meeting of the Planning and Transportation Commission for August 31, 2022. We'd like a roll call please.

Ms. Klicheva: Commissioner Chang?

Commissioner Chang: Present.

Ms. Klicheva: Commissioner Hechtman?

Commissioner Hechtman: Present.

Ms. Klicheva: Chair Lauing?

Chair Lauing: Present.

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1 Ms. Klicheva: Commissioner Reckdahl?

2

3 Commissioner Reckdahl: Here.

4

5 Ms. Klicheva: Vice-Chair Summa ... May join later. Absent right now.

6

7 Ms. Klicheva: Commissioner Templeton?

8

9 Commissioner Templeton: Here.

10

11 Ms. Klicheva: Commissioner Roohparvar absent. Thank you. We have a quorum.

12

13 Chair Lauing: We have a quorum and a Vice-Chair Summa is going to try to make it, she has a
14 pet emergency that's critical, so, she's going to tend to that. Okay, so now we'll have a hybrid
15 meeting, dynamics please.

16

17 Chief Planning Official Amy French: Yes, Good evening. Pursuant to AB-361 this meeting will be
18 held with the option to attend by teleconference or in person. Members of the public may
19 provide live public comment by submitting a speaker card prior to the start of Public Comment
20 on that item. Speakers may address items not on the Agenda during Oral Communications

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1 portion of the meeting. Spoken comments via a computer or a smart phone will be accepted
2 through the zoom app. To address the Commission, go to <https://zoom.us/join> the meeting ID
3 916 4155 9499. When you wish to speak, click on raise hand. To offer comments using a
4 regular phone call 1-669-900-6833 and enter Meeting ID: 916 4155 9499. When you wish to
5 speak on an agenda item hit star (*) 9 on your phone so we know that you wish to speak.

6

7 **Oral Communications**

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

9

10 Chair Lauing: Okay, the next item on our Agenda is Oral Communications. That's for any
11 member of the public to speak on an item that is not on tonight's agenda. Either from hybrid or
12 in Chambers. Is there anyone in Chambers that's going to speak in Oral Communications? No?

13

14 Ms. Klicheva: I haven't received any speaker cards; I can explain how can participate if they
15 want to speak but...

16

17 Chair Lauing: What about online?

18

19 Ms. Klicheva: Online we have one attendee, but they have not raised their hand.

20

21

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1 **Agenda Changes, Additions and Deletions**

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

3 Chair Lauing: Okay in that case we'll go and see if there are any Agenda changes, additions or
4 deletions.

5

6 Ms. French: No changes.

7

8 **City Official Reports**

9

10 Chair Lauing: Okay, then we'll go to the Director's report. Amy.

11

12 1. Directors Report, Meeting Schedule and Assignments

13

14 Ms. French: Thank you. Big news. Last Monday the City Council made the motion to support the
15 proposed Housing Element Goals, Policies and Programs with some modifications. The more
16 notable outcomes are that Council supported the up-zoning of the ROLM and GM districts near
17 West Bayshore to ninety dwelling units per acre. And this will become a Housing Element
18 program. And then the expansion of the Housing Element Incentive program for that same area
19 to allow for higher density development with less restrictive development standards. The next

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1 step in the Housing Element Update is to develop the draft document for review. That's expect
2 late fall and then we will get the environmental analysis pursuant to CEQA underway. The
3 target timeline for Council adoption is June of 2023. So, also let's see, just to let you know, I was
4 reviewing the minutes that you all reviewed as well, and noticed back on June 29th Jon gave an
5 update about the interim Fire Arms Ordinance, which I guess is to require a CUP conditional use
6 permit for Fire Arms sales, that was an interim ordinance, the Council hurried to adopt, hasn't
7 been seen by the Planning Commission, that was adopted on August first. And that goes
8 through June of next year. So, we have that amount of time to get a permanent ordinance
9 process going that would include the Planning and Transportation Commission as part of that.
10 Other items just to note, we did, on August 10th [break in audio] September 14th meeting of the
11 Planning Commission so we will go ahead and do that, these minutes that you all got to review
12 are helpful to that effort. We also on the fourteenth we'll be having the Home Key Project
13 Comprehensive Plan Land Use Amendment designation amendment so that's coming and the
14 one thing you probably noticed in the report for Sheldon's item tonight, we had anticipated
15 having the retail study that had been commissioned coming forward. We received it mid to late
16 August and we are reviewing it now. Hopefully we'll get that to you towards the end of
17 September or early October. Of note, as I mentioned last time, the Council is going to be
18 reviewing three planned home zonings two, I think I mentioned last time, there's a third that's
19 going as well, and then the other thing of note is that the Council will be reviewing a permanent
20 ordinance for parklets, we're targeting October 24th. It's not anticipated that there is an

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1 ordinance that address Title 18 in anyway, so technically it's not required to come to the
2 Planning Commission as per the ordinance, but certainly I think there's interest in that, so we
3 can give an update on that. And then I believe, is Rafael online to describe (crosstalk)

4

5 Chair Lauing: He is.

6

7 Ms. French: ... for the VTA memo. Thanks.

8

9 Mr. Rius: Yes, I am. Thank you. Rafael Rius, Senior Engineer with the Office of Transportation,
10 just here to give an update. I know it was asked at the previous meeting about an update on a
11 future study session for high incident locations and we have discussed with our managers, and
12 we are targeting a date in October. I believe there's two hearing dates that are possible. My
13 understanding is also we have a couple other items coming in the pipeline that are also in
14 October so we're going to try to have kind of a transportation day meetings either with the two
15 other items... the other two items are the On Demand Transit Service Contract as well as a mini
16 code clean up related to bicyclist infrastructure so, I'm working with those managers to find a
17 joint date, likely in October. Little bit of one project update that I have for you is part of the
18 Charleston/Arastradero corridor that's ongoing construction, it a previous meeting I reported
19 that some of the intersection turn-ons have been delayed in particular the intersection of
20 Charleston Road and Luis Road, and Montrose. We were able to put together some fine parts

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1 and move up that turn-on date and we're actually going to try to turn it on, hopefully by
2 tomorrow but should be by the end of this week, that intersection will be running, possibly
3 tomorrow. And that's all I have from Transportation. Thank you.

4

5 Chair Lauing: Questions for either representative for Planning and Transportation?
6 Commissioner Hechtman.

7

8 Commissioner Hechtman: I thank you, Ms. French, I'm the PTC representative to the Council for
9 September so if you would let me know offline if any of our PTC matters are heading to Council,
10 and if so, which Monday meetings I need to show up for. Thank you.

11

12 Chair Lauing: Commissioner Templeton.

13

14 Commissioner Templeton: Thank you. I was wondering Mr. Rius, if you heard about the
15 incident that I witnessed at the intersection of Los Robles and El Camino last week.

16

17 Mr. Rius: I did see your correspondence and we did hear about it. I don't... I haven't seen any
18 police report yet, or any info to follow up on that.

19

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1 Commissioner Templeton: Okay, that's okay. What I wanted to ask you was related to that, so,
2 what is the City doing to make El Camino safer to bicyclists and pedestrians? And I know El
3 Camino is owned by the State, but other cities adjacent to us are working with the State so that
4 when they do repave it, El Camino is going to be safer. So, I just wanted to make sure we talked
5 a little bit about that.

6

7 Mr. Rius: Sure. And some of the adja... as you mentioned, El Camino Real in Palo Alto is
8 completely owned and maintained by the State, so any kind of changes generally need to
9 happen through an encroachment type process with them. As you mentioned, and I know
10 Mountainview and I know Santa Clara and a couple other cities did actually take ownership and
11 maintenance responsibilities for portions of El Camino, so it's a little bit different, and CalTrans
12 is planning to come through pretty soon to repave Palo Alto and we are working with them,
13 trying to provide comments back where there are striping improvements that could happen,
14 our ability to stretch the improvements is some what limited to regular maintenance type
15 projects, their repaving is generally not an improvement project but we are trying to get them
16 to upgrade to the latest standards where, you know, high visibility, crosswalks, improved
17 pedestrian crossings and such. So, we are currently reviewing some of their design plans as part
18 of that resurfacing effort that they're going to be leading.

19

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1 Commissioner Templeton: Thank you. Yeah, I'd heard that they're not coming through until
2 2023 because the other cities are doing stuff that would make sense to come through and do
3 paving afterwards, so we have a little bit of headway. Do you think it's possible to get an update
4 from City about that some time?

5
6 Mr. Rius: Sure, I'll talk to Andrew and try to provide... I know some of my colleagues have been
7 trying to extract information from CalTrans and have been struggling themselves... ourselves, to
8 get some more comments. I know we've provided comments on the plans in the past and didn't
9 hear anything for a while, but I'll try to get an update for that.

10
11 Commissioner Templeton: Well, if it's appropriate, I mean definitely talk with your team, but if
12 there is something that you can share that we could discuss as an Agendized item, I think you'd
13 be surprised at the kind of feedback we're going to hear from the community.

14
15 Mr. Rius: Sure.

16
17 Commissioner Templeton: And it may help us. Right, get the changes that we need. Thank for
18 that comment, and just to let the others listening know why I'm asking about that, I witnessed a
19 car collide with two teenage girls on their way biking to high school at Gun and they were

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1 tossed off their bikes and into the intersection. They are safe, as far as we know, they were able
2 to walk away from the accident, but it was very chilling to witness. So, I appreciate the update.

3
4 Chair Lauing: Thanks for bringing that up Commissioner. I had one question, I didn't quite
5 understand your reference to ... it almost sounded like the shuttle you were referencing in the
6 midst of your comments.

7
8 Mr. Rius: Yes. To be... I apologize, I don't know too much detail other than our Department
9 office of Transportation is planning to come to this commission in October, I believe in October
10 or November to discuss OnDemand Transit service.

11
12 Chair Lauing: Okay, so you don't know if that's a new proposal or if it's just an update on the
13 VTA test or whatever?

14
15 Mr. Rius: I apologize, unfortunately I don't.

16
17 Chair Lauing: Okay. Alright. Well don't make it up. That's okay, we're just seeing (laughter).
18 Alright thanks, any other questions? Nope.

19

20 **Action Items**

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

3

4 Chair Lauing: Okay, so we move to our Action items now. And the first action item is a Quasi-
5 Judicial hearing on 575 Los Trancos Major Site and Design Application for construction of a new
6 single-family residence and an accessory dwelling in the open spaced zoning area. So I know we
7 have a staff report so we'll go to that first.

8

9 2. PUBLIC HEARING / QUASI-JUDICIAL. 575 Los Trancos [21PLN-00196]:
10 Recommendation for Approval of a Major Site and Design Application for the
11 Construction of a new 7,245 sf Single-Family Residence With a new 895 sf Accessory
12 Dwelling Unit and Associated Site Improvements, Including a Swimming Pool, on a
13 5.38-Acre Site. Zoning District: Open Space (OS). Environmental Assessment: A Draft
14 Mitigated Negative Declaration was Circulated for Public Comment on August 17,
15 2022 and Ends on September 16, 2022.

16

17

18 Ms. French: Yes, we have Emily Foley here to present, she's the staff planner for the project.

19

20 Ms. Emily Foley, Senior Planner: Hi, good evening, I will pull up my presentation now. As Ms.
21 French said, I am Emily Foley, I'm the project planner. This is 575 Los Trancos road, the site and
22 design review permit for a single-family house. So, what we are reviewing this evening is a
23 proposal to place a 7,245-square foot house and nine-hundred-eight.... 985-square foot ADU on
24 a currently vacant 5.38-Acre property. This property is near the City Limits, it's adjacent to Los

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1 Trancos Creek and the town of Portola Valley as you can see from this map from our GIS that
2 shows the satellite imagery the City of Palo Alto, but not what is just beyond it. This proposal
3 meets the zoning requirements for floor area and lot coverage, and it is in the open space
4 zoning district. In terms of process, this is a major site and design review permit, because this is
5 in the open space zoning district which is considered environmentally and ecologically sensitive.
6 As a result of that this project has gone through the CEQA process and initial study mitigated
7 negative declaration has been prepared. And so, this is before you this evening to provide a
8 recommendation to City Council and then after that this project will be placed on the Consent
9 Calendar. In terms of compliance with the comprehensive plan this has the land use designation
10 of streamside open space (SOS). This designation is intended to preserve and enhance the
11 corridors of riparian vegetation and this corridor is measured to be up to two-hundred feet
12 from either side of the creek. This project complies with the current streamside protection
13 requirements to be at least twenty feet away as you'll see later in the presentation there are
14 two points where the building where the proposed building is the minimum twenty feet away
15 but for the most part it is proposed to be further than that. In terms of land use, single-family
16 residential is a permitted land use in the open space district as are ADUs. This table summarizes
17 that this project is in compliance with the development standards for the open space zoning
18 district. This slide shows the proposed site plan. In the top right corner we have the overall site
19 showing that the proposed development is taking place in what's a naturally clear and flat part
20 of the property and the rest is significantly sloped and has a significant number of trees, as

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1 shown in the close up view on the left. All of the existing trees are protected and will remain for
2 the life of the structure, excluding three trees that were determined to be dead and have
3 already been removed. This slide shows the proposed elevations. The general form is one story
4 and elongated with a smaller two-story section and the entire site is generally screened very
5 well by existing landscaping and meets the design criteria to fit in with the natural environment.
6 This slide shows the story pulls that are currently out on the site, I don't know if any
7 Commissioners had a chance to go see it in person but what is shown on the left is Los Trancos
8 Road beyond the trees and how the topography slopes downward towards the house so that it
9 provides natural screening from the street as well as from the rear so from the Portola Valley
10 side there's also significant landscaping. And then these two pictures show the closest points to
11 the creek and associated trees that are on the following objectives for the site and design
12 review permits from the zoning code. This includes ensuring construction and operation will be
13 orderly, harmonious, and compatible with other existing uses nearby to ensure the desirability
14 of this use in the same area to ensure that sound principles and environmental design and
15 ecological balance are observed and that the project meets the intent of the comprehensive
16 plan. There are also twelve open space design criteria that are listed in the code, and we go into
17 further detail on how those were met in the staff report. In summary the intent is for the design
18 to be minimally visible from publicly accessible areas and to fit the natural topography of the
19 site. There's also minimal grading associated with this project since the existing... since the
20 proposed site is relatively site, there's only minimal excavation for the foundation of the house

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1 as well as some excavation associated with a proposed swimming pool. As I stated earlier, an
2 initial study mitigated negative declaration has been prepared. Abe Leader from RenCom is also
3 available on zoom if you have any questions about that document. There were potentially
4 effected factors identified, included what's listed here, and so there are proposed mitigations,
5 however these mitigations are fairly standards pre-construction and in construction phase
6 mitigations such as doing a bird survey, training for the construction workers for what to do if
7 unexpected resources are encountered and that type of thing, there are no mitigations that go
8 beyond construction phase so this project is not expected to have any ongoing impacts after
9 construction. And there for the staff recommendation is for the PTC to provide
10 recommendation of approval to the City Council. And that concludes my presentation. Thank
11 you. The applicant also has a presentation.

12

13 Chair Lauing: Yeah, I expected that so, we can go ahead with that and then we'll come back
14 and do nondisclosures around the quasi-judicial and then we'll go to questions.

15

16 Ms. French: If I could just say, when you're doing the disclosures, just declare whether you
17 visited the site or not.

18

19 Chair Lauing: Yeah.

20

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1 Ms. French: Thank you.

2

3 Architect Leonard Ng: Testing. Okay. Can the four members see the... my desktop okay? Oh
4 great. Sorry, I'm still getting familiarized (interrupted)

5

6 Chair Lauing: Stay close to that mic though.

7

8 Architect Leonard Ng: Oh sorry, I'm still getting familiarized with the hybrid format but thank
9 you again on behalf of the owners and myself, I'd like to thank you so much for giving us
10 opportunity to present my project on Los Trancos this evening. Emily kindly already
11 summarized a lot of the big points, but we thought we'd just hopefully supplement that with a
12 couple points of our own and maybe shed a little insight into our design process. 575 Los
13 Trancos, as you can see, on this aerial view, has gentle sloping topography in an area more than
14 five acres. It's actually a beautiful enclave sight, and I don't know if you can see my cursor, but
15 it's surrounded by very mature groves of oak trees almost all around the entire perimeter. We
16 wanted to be deferential to the overall surroundings and our new home aims to preserve this
17 natural and beautiful context and we carefully set the project in this natural clearing, which I
18 think this aerial best shows. To minimize impacts to both grading the heritage trees and to the
19 neighbors, and to privacy all around. Most of the site is completely hidden from Los Trancos to
20 the nearby areas, as you can see here. Along the top are some views, along Los Trancos street,

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1 for those who may not have visited the site, this image right here is an image from Valley Oak
2 on the Portola Valley side, on this side looking back, it's essentially a wall of existing oaks and
3 trees. And then this set of images down here are photos from the site looking back out, and so
4 the site is very shielded on all sides. I think just in terms of big picture, in plan, obviously we
5 sited it in the natural clearing. In terms of big moves, we really worked carefully to decompose
6 the home into smaller volumes and masses in plan, to really feel like a collection of smaller
7 buildings, and also to provide more intimate scale spaces both interior and outside along the
8 patios in the rear yard. And to really have the architecture and landscape work as one to
9 feather into the surrounding and existing natural earth landscape. In elevation, similarly, we
10 tried to decompose the home into smaller volumes through a series of flat terraced roofs to
11 further minimize height and bulk. The home is designed to be almost entirely concealed
12 actually from the public ways and from the surrounding neighbors as well. And so I thought I
13 would maybe go through a little bit of how we addressed the open space review criteria that
14 Emily kindly shared at the beginning. From the very beginning of the design process, we really
15 used that as our guidebook on how to design the home. In terms of how to site the building,
16 obviously one of the [unintelligible] cluster development and so rather than design something
17 small and really most of the development is localized in this about a half-acre clearing here
18 which is a 10 [skip in audio] which is to be visually unintrusive, to be hidden from view if
19 possible. And so with the natural screening along the site perimeter, our home is essentially not
20 visible but even in addition to that, I think in a materials standpoint we really took inspiration

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1 from these beautiful canopies, the shadow, the dark kind of trunks and canopies and so using
2 that as an inspiration having a darker pallet, a more natural pallet to blend in as well. From a
3 plan standpoint again, decomposing the building into smaller volumes, our home is on average
4 typically set back more than a hundred-feet, a hundred to a hundred-fifty feet from the
5 property line along Los Trancos and in elevation, our finished floor is actually nine to ten feet
6 below the elevation of Los Trancos itself. And so, we're already a story below in terms of
7 height. In addition to that, as Emily mentioned, we're mostly a one-story home, we added more
8 detail, and we designed these terraced flat roofs to minimize volume but to also mimic the flat
9 topography of the clearing. We're also doing subtle cuts to help nestle the building further into
10 the natural site. In terms of neighbor privacy, obviously along the south and the east there are
11 no close neighbors. Along the west is Valley Oak, Portola Valley and these are images of that
12 frontage. This one is on Valley Oak looking back, outside looking in; and this one is inside
13 looking out and so it's very well screened. We have one neighbor, 805 Los Trancos over on the
14 north side and that's actually very well screened as well. This is a photo taken just a couple of
15 weeks ago and between the existing foliage and barren landscaping, coupled with our future
16 screening along this edge by our landscape architect, they will continue to be very private, we
17 no views and we're very happy that we received a letter of support from 805 Los Trancos, the
18 neighbor, the one neighbor that we're close with, and they are in support of our project. From a
19 landscaping and a tree preservation standpoint, I think as we mentioned, we're actually
20 protecting and preserving all thirty-seven of the heritage trees onsite, we're actually protecting

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1 and preserving almost eighty trees in the vicinity of our development, not all of them are
2 heritage of course, and only removing essentially the dead trees and a handful of non-native
3 species in bad condition. In terms of landscaping, we're working with a great landscape firm in
4 Sitchu and they worked with us very closely to feather in the perimeter of the development,
5 have a light touch really on the site, and work on the interface portion where we can use new
6 landscaping to feather into the larger landscaping surrounding the site. We're using only
7 California native trees and plants; low irrigation and low water use with a mind for fire resistive
8 planting of course. Again, we're working closely with the landscape architect and civil engineer
9 on keeping our impervious areas to a minimum. Essentially these are limited to smaller patio
10 areas off of the main house and the larger site is essentially un-touched. I think lastly, there's a
11 really beautiful and quite hidden for those who've been to the site, existing driveway into the
12 site. It's almost fully hidden, has a very rural character and that's what we find so charming
13 about it. We want to keep that character, the fact that it's discreet, quiet, and easy to miss
14 entirely. And, we're proposing the new driveway to be located in the exact same location, with
15 natural DG, decomposed gravel for the driveway and a softly curving design that hopefully
16 enhances the rural character of the site. This is a photo of the existing driveway access, and our
17 new driveway access would be of a similar spirit of our design. If one actually passes through
18 this grove of trees to enter the site, if you can see... it's tucked under the tree canopy, quite
19 beautiful, if one actually passes through this grove they'll come upon a natural clearing. And we
20 envision they will see a house nestled and framed by two majestic oaks with a rich material

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1 pallet that echos the darker brown and grey tones of the shaded oak canopies, and help the
2 home really feather and blend into the site. We're using textured materials of darker asbestos
3 stained wood siding and flat screened for texture, paired with more modern solid elements of
4 warm earth grey cement plaster and darker accents. So, in conclusion, from the very onset, we
5 tried our very best to design a home that's depth provincial of the overall surroundings,
6 completely hidden from view. We sited it in a natural clearing to minimize impact to
7 surrounding neighbor, land, site, and trees. We decomposed the building into smaller volume in
8 plan and low terrace roof forms in elevation to break down the volume of the house. We
9 designed our home to really minimize visibility and feather into the beautiful natural landscape
10 surrounding. So, we envision hopefully, once this home is built, a soft spoken and carefully
11 crafted home nestled into the landscape in keeping with the beautiful community around Los
12 Trancos. Thank you.

13

14 Chair Lauing: Okay thank you. Let's go to the Commission and see if there's any disclosures
15 relative to this project and per staff's request just mention if you've been there or not. So, we'll
16 start here with Commissioner Reckdahl.

17

18 Commissioner Reckdahl: Yeah, I have visited the site but I have no disclosures.

19

20 Chair Lauing: I have no disclosures. Commissioner Chang.

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Commissioner Chang: I have no disclosures and I did not visit the site.

Commissioner Hechtman: No disclosures and did not visit the site.

Chair Lauing: Commissioner Templeton.

Commissioner Templeton: No disclosures, did not visit.

Chair Lauing: Okay, let's go back to the Commission then for questions and comments to staff.

Which, if necessary, can also include the applicant. Commissioner Hechtman.

Commissioner Hechtman: Thank you Chair. I think my questions are really directed towards staff, mostly to Ms. Foley but I think there's one or two here that might be for Mr. Yang. So, first I wanted to ask some questions about the trees. Because, what I found when I read through the report and the findings, is there seems to be some conflicting information. And it's not that I'm concerned about what's happening with trees on the site and I'm appreciative of the design efforts to retain all the trees, but what I'm concerned about is that the numbers be consistent when this goes to the City Council. So, let me just kind of run through it very briefly to show you Ms. Foley, what I'm seeing that confused me as I read the staff report. So, Packet

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1 page 39 says that there are 37 protected oak trees, but when you get over to Packet page 11 it
2 refers to fifty-four protected trees, it doesn't say oak trees, it just says trees there, so I don't
3 know if it's thirty-seven or fifty-four. On Packet page 11 it says five trees were identified for
4 removal, one is dead and three are in decline. When we get over to Packet page 12, it says no
5 trees are proposed for removal. And then, and really where I think the accuracy is more
6 important is when we get into the findings, let's see, on Packet page 18, under landscaping, five
7 trees... including one protected live...coast live oak were identified as dead and will be
8 removed. So, again, there's just a little bit of inconsistency. Then on [page] 19 it says all existing
9 trees are proposed to remain, three dead trees have already been removed and maintain all of
10 the existing protected trees. So, that's kind of the flavor and again, I'm not... if you happen to
11 know all the correct figures today it would be great to hear them, but I mean all the numbers
12 are very small in terms of what is either dead or in decline to be removed, so I'm not concerned
13 about that, I just want this packet to be concise when it goes to Council. So, if you know the
14 answers now, you can tell us, if not, then just clean it up on the way to Council.

15

16 Ms. Foley: Absolutely, yeah, thank you for your comments and I'll definitely make sure that
17 everything is consistent before it goes to Council. I do know that in terms of the tree removal,
18 the discrepancy is likely from the plans being from a couple of months ago since it was... there
19 was a significant amount of time needed to prepare the CEQA document and so when I went to
20 see the story pulls in person, the architect had explained to me that the three trees which I

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1 guess based on the arborist's report was one tree that was already dead and two that were
2 declining, have since been removed and so, I will take a closer look at that. In terms of the total
3 number of trees on site, you know, since it's such a large site, it's possible that some of the
4 ones that were further away were not included in that thirty-seven number.

5

6 Commissioner Hechtman: Alright. Next question, Ms. Foley, I think your third or fourth slide
7 was a table that had a lot of ... you know, code comparisons, are you able to pull that up?

8

9 Ms. Foley: Yes, I can do that, it is also the same table as I believe as the attachment B or C in
10 the staff reports, there's a compliance table.

11

12 Chair Lauing: Packet page 16.

13

14 Commissioner Hechtman: Yeah, so, actually it's not the same and that's one of the things that
15 caught my eye, because in the staff report one of the things that caught my eye and you're
16 right, it's on Packet page 16, is the maximum impervious surface in the staff report is you know,
17 listed at 4%, 9,374 but then the proposed is 3.9%, 9,192. And then you go down again, in the
18 staff report, that the floor area is the same 4%, 9,394 but the proposed is 3.5%, 8,140. And
19 what I'm seeing in the screen you're showing, the slide you're showing on-screen, are those
20 two figures are flipped. And I think that the printed staff report has it correct, because I think

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1 impervious coverage is the combination of building plus hardscape. So, I just wanted to confirm
2 that the printed version is correct because later on in comments, I had a comment about that,
3 but I just wanted to make sure I was working with the right figures.

4

5 Ms. Foley: Yes, the staff report version on Packet Page 16 is the correct one.

6

7 Commissioner Hechtman: Alright. And then, few... let me go ahead and ask... some questions
8 on the conditions. Packet page.... Let's see... first of all, on Packet page 18, under the landscape
9 bullet, and again I mentioned this before, it says that five trees are being removed and ten
10 replacement trees will be planted onsite. So, I wasn't... I was not clear from that if the ten
11 replacement trees were required at a two-to-one ratio, or that was just trees that they were
12 planning to plant even though they didn't have an obligation under our code to replace dead
13 trees.

14

15 Ms. Foley: I will need to take a second look at that, I don't have an immediate answer.

16

17 Commissioner Hechtman: Okay. So, when you look at that, that ties to my question on Packet
18 page 21, Condition 11 – arborist follow up... That you need a arborist or landscape report five
19 years after the final sign off to evaluate the health of trees and significant landscape that will be
20 required for screening planting. And here, on this lush site, my impression was there weren't ...

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1 there is a landscape plan but that was really for the pleasure of and the beauty of the home,
2 and not necessarily for screening purposes and so my question is whether Condition 11, which
3 I'm sure is a stock Condition in City forms, really belongs here and so I'd like Ms. Foley... and I
4 think related to that is the question of whether they are replacement trees that are required
5 which need to be checked in five years. So, if staff would look at that and if Condition 11 is not
6 necessary, or appropriate, then I would suggest that it be removed as this moves towards
7 Council. Let's see, the next question I had of a similar nature, top of Packet page 24, item 27,
8 sidewalk, curb and gutter, again I did not visit the site, but I know these rural areas generally
9 and I was wondering if there are... on the street as it passes by this property, is there a
10 sidewalk, curb, and gutter.

11

12 Ms. Foley: So, for that question it does say sidewalk, curb, gutter or driveway approach and in
13 this case there is a driveway approach on however you are correct that generally this is a
14 standard Condition from the Public Works department, Public Works engineering department
15 and we can definitely talk to those reviewers and see if this needs to be modified to the
16 particulars of this specific project.

17

18 Commissioner Hechtman: Yeah, I appreciate that, I think it's appropriate here, I often times in
19 my work, deal with boiler plate provisions imposed years ago and now there's a question of
20 whether something is due, that doesn't seem to fit. So, I think to the extent that we can avoid

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1 that anxiety for our applicants, by making clear applicable conditions we should do so. And then
2 my final question Chair, I'm sorry to take the floor for so long, is in Section 6 on that same
3 Packet page 24 and this is probably a question for Mr. Yang, first line says the approval's valid
4 for two years and the last line says application may be made prior to the one-year expiration.
5 So, I'm almost certain that those two numbers are supposed to be the same, what I'm not
6 certain of is whether they're both supposed to be one or two, and that's just dependent upon
7 our code and Mr. Yang probably knows the answer to that, that needs to be corrected. One of
8 those two numbers needs to be corrected unless I'm misunderstanding it.

9

10 Ms. French: I can say that site design review permits are good for two years. So, that can be
11 fixed. And Albert, sorry, was I cutting you off?

12

13 Mr. Yang: No, I was just going to say the same thing. And I'll double-check but I think it might
14 be that it needs to come in within one year of the expiration, so we'll figure out where the typo
15 is there and fix it.

16

17 Commissioner Hechtman: Thank you. Those are my questions.

18

19 Chair Lauing: Very good, does the applicant know about the 2-for-1 as we just called it,
20 replacement trees ten for five.

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Architect Leonard Ng: The last landscape architect I believe is in zoom, but to my knowledge I believe most of the replacement trees are just as Commissioner Hechtman mentioned is just for the private use of the property. I don't actually think we have much requirements in the way of formal heritage trees, because we're not removing any formal heritage trees.

Chair Lauing: Okay. Thank you, Commissioner Hechtman and Commissioner Chang.

Commissioner Chang: Thank you. And thank you Commissioner Hechtman, for asking that question about the trees because I think I flagged five or six places with the exact same issue, I wanted to note one, that Commissioner Hechtman didn't mention which is in the Mitigated Negative Declaration, so, that wasn't included in our packet but I went onto the project website and looked at the Mitigated Negative Declaration. Page-36 of it says that there are eighty-two trees which is a number that was cited on Packet page 11. So, at least that matches, but then it says that four non-protected trees would be removed and yet there are other statements in the packet that said that no trees would be removed, so, again I think no protected trees would be removed, again if anyone knows the answer to that question, I would appreciate the answer and if not, then...

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1 Architect Leonard Ng: Don't quote me on this but last I checked, generally speaking, I think our
2 arborist report just surveyed the local area around our site, which is about eighty or eighty-two
3 trees, I think out of those trees, thirty-seven are formally protected by Palo Alto, which we are
4 keeping all of. To my recollection, I think there are two dead trees that we are removing or
5 have removed. Some of them are rather dangerous, they've fallen on the site already. And I
6 believe there are two or three just minor trees that are not protected, that are non-native, that
7 are in declining health that we're just removing, just for the health of the site and the trees.

8
9 Commissioner Chang: Okay, Thank you. Even what you said just there sounds a little different
10 from what is in the packet which says fifty-four instead of thirty-seven protected trees. So,
11 again, I know that this will be a big question in any audience so let's just figure out what the
12 right answer is.

13
14 Architect Leonard Ng: But I think probably the most important point probably is to our
15 knowledge, we're not removing any protected trees, at all, whatever the number is
16 (interrupted)

17
18 Commissioner Chang: (Crosstalk) Thank you for your time. Okay, thank you for confirming that
19 again, I was a little confused because sometimes it was maybe one that was protected that was
20 being removed, and one that... five are dead in one place, and one of them is protected, and so

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1 again, I was very confused, but it sounds like no protected trees are being removed. Fantastic,
2 that's what I needed to know. Another question is on Packet page 16, for the table, this is just
3 to clarify for me, the first line under the required column, the minimum site area, it says area –
4 ten acres but the existing site that we're talking about is actually much less than that at 5.38 so,
5 can you explain to me the difference, is this just like a non-conforming site, is that what the
6 issue is?

7

8 Ms. Foley: So that minimum site for if an applicant was proposing to do a subdivision. So for a
9 new lot to be established it needs to be at least ten acres but this site currently being 5.38-
10 acres does not make it non-conforming.

11

12 Commissioner Chang: Okay, thank you. And then I do have a few more questions if I can find
13 them. Most of them were around the trees. Oh. Okay, so there is a mention of how much
14 grading and removal is required and I read it was only eighty-, now I'm losing the spot, I think it
15 was eighty cubic yards, but then in separate document, and I'm not quite sure where I saw it, I
16 think it was in the Mitigated Negative Declaration, it said there was an additional two-hundred
17 for the pool, is that correct?

18

19 Ms. Foley: Yes, that's correct.

20

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1 Commissioner Chang: So again, that seems a little inconsistent and just might be important to
2 make sure that ... no right, I know it's eighty for the foundation but then there's another spot
3 that also says eighty but then most of that's for the pool. And so that was confusing to me. I'll
4 have to see, oh there it is... on Packet page 19, and it... on Packet page 19 under item number
5 seven at the bottom it says the project has minimized grading, the majority of the grading is
6 associated with installing the swimming pool but the earlier reference said that there's only
7 eighty for the foundation so again, the numbers... it just... and then in a separate document
8 there's a mention of two-hundred for a pool and eighty for the foundation and so I think it just
9 needs to be clear. Do you know, by any chance?

10

11 Ms. Foley: So, Yes I do know for a fact that eighty cubic yards of grading is proposed for the
12 foundation and another two-hundred cubic yards is proposed for the pool and you definitely
13 read that in the Mitigated Negative Declaration and so doing like a text search of the staff
14 report right now, it looks like it's possible that only the discussion of the foundation made it
15 into the staff report and we can definitely add the two-hundred for the swimming pool.

16

17 Commissioner Chang: Great. Thank you. Sorry, and then I have a couple more questions. One
18 question... so I was looking at the Mitigated Negative Declaration, this is just partially, mainly
19 for my education, as well as anyone else who's listening who's not aware, there's a whole
20 bunch of mitigation measures. How are they enforced? Because some of them seem pretty...

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1 you know, we need to have like an archeologist come, we need to have a biologist come, and
2 we need to have the training for the workers, who... how are those enforced, because a lot of
3 them... the need for them would happen over the... at different times during the project
4 construction.

5

6 Ms. Foley: Yeah, so what has been prepared and provided at this time is the public draft MND,
7 by the time it goes to Council we will also have the miti... MMRP, let's see if I can remember
8 what that stands for... Mitigation Monitoring and Reporting Program, I think. And so that
9 document is in the process of being prepared and it goes into much more detail on how those
10 mitigations are enforced. It assigns responsibility, whether that is on the applicant or on the
11 City, and how it will be enacted.

12

13 Commissioner Chang: Okay. Thank you. And then, finally, my last ... I have a set of questions
14 around this project and our Stream Corridor Protection item 18.40.140 in our code. So, there's
15 something... there's a mention that all native riparian vegetation within a hundred feet of the
16 top bank shall be retained, and so I wanted to ask the applicant or Ms. Foley if you know if
17 that's the case.

18

19 Architect Leonard Ng: Oh sorry, I spoke out of turn, I believe that's true, most of the vegetation
20 is closer to the riparian edge, it's really a dry creek and all that is being retained, I think once

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1 you get into the clearing as you saw in some of the photos, it's really just a clearing, so there's
2 not much vegetation after a certain point.

3

4 Commissioner Chang: Okay great, thank you. And then there's another part of the code that
5 says nighttime lighting shall be directed away from the riparian corridor of a stream and so I
6 wanted... because the plan, at least not that I can see, didn't really indicate where the lighting
7 would be, I wanted to ask how that's going to be handled, and maybe that hasn't been fully
8 designed yet, but also ask the quick question... I noticed there's a lot of glazing on this house
9 and it's beautiful, but then is there any concern about night time light pollution from these
10 giant window so that even if the external lighting is directed away from the riparian corridor,
11 there's still night time lighting that's interior of the house that would be effect... and I'm asking
12 primarily because this is so close to the creek.

13

14 Architect Leonard Ng: I believe the... I believe the open space requirements is that exterior
15 lighting should be low intensity, shielded from view, and so I think we have a note in our
16 drawings that confirms that all our... we're actually doing minimal exterior lighting, wall sconces
17 or anything like that, mainly just where code requires. I think you need minimal light outside of
18 doors and probably along the driveway for safety, and so that's our approach and all the time
19 will be completely shielded. So, from an exterior lighting standpoint, like exterior light fixtures,
20 which I think is our minimal approach. In terms of interior lighting, it's not technically part of

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1 the open space but still we've been thinking about it. That's why I think we brought in a good
2 landscaping architect, I think that's the interface layer, where we can. We wanted to provide
3 another layer of landscaping and screening even though it's not required, just to feather it in
4 with the overall surrounding.

5
6 Commissioner Chang: Okay. Can I ask Mr. Yang a question about the code, because the code
7 refers to nighttime lighting, it doesn't... at least the stream corridor protection item refers to
8 nighttime lighting, and that's not necessarily... does that by definition mean that external
9 lighting? Because my understanding of the intent of the code is just to minimize impact on
10 riparian... of light on riparian corridors. Obviously, most lighting will be at night. But it doesn't
11 specify external.

12
13 Mr. Yang: Yeah, so, this isn't something I'm familiar with off the top of my head so, give me a
14 few minutes to take a look at it and I'll come back to you.

15
16 Commissioner Chang: Sure. Okay, thank you. I think that's it for my questions.

17
18 Chair Lauing: One of my questions was right in that area so I'm going to pile on here while you
19 look at that Mr. Yang, my question was around whether there was specific lighting
20 requirements in this OS zoning district because there's obviously lots of critters running around

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1 out there, and I know we all did our best on parks in the city to get it right on the bridge that
2 went over to the... over the 101, and that turned out to be too bright. So now there's some
3 relooking at that. So, right out there, you're just surrounded by critters all the time, day and
4 night, so I just wondered if there's some specific regulation on lighting in OS. So please take a
5 look at that as well.

6

7 Mr. Yang: So, I can answer that one. And that is what the applicant just referred to. There is a
8 light and glare regulation for the OS district that says exterior lighting should be low intensity
9 and shielded from view.

10

11 Chair Lauing: Is that quantified?

12

13 Mr. Yang: It is not.

14

15 Chair Lauing: So low intensity is up for discussion?

16

17 Mr. Yang: I'm ... you know I think it's probably something that has a more specific
18 understanding in practice. That planning and architectural professionals could probably help us
19 define.

20

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1 Chair Lauing: Go ahead Amy.

2

3 Ms. French: I can say that going through the Architectural Review Board on these types of
4 things we look at foot candles, you know and spill over onto... passed the property so we would
5 ... we would be looking for those things. I do also note in that section of the Chapter 18.28 it
6 talks about interior light placement to reduce night glare so, you know, not putting really bright
7 interior light right next to the window or something... you know, having those pushed back a
8 bit. So, that's the kind of thing you might see on building permit plans, interior lighting.

9

10 Chair Lauing: Yeah, we all know there are not very many residential projects in OS so, the few
11 that are there, we want to make sure are really tight on this issue if 18.0... whatever we're on
12 here, needs an adjustment before this goes to Council, I don't think anybody would disagree
13 with that. We all want to get it right, so. If it should be more quantified in the Municipal Code I
14 think we should take a hard look at that.

15

16 Ms. French: One thing that is very clear, it says skylights should not use white glass. That's very
17 specific so. (crosstalk)

18

19 Chair Lauing: Just the more specific the better in an area that's that full of nature. Okay,
20 Commissioner Reckdahl.

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Commissioner Reckdahl: Yeah, (cough) pardon me. When I visited the site, I thought it was an excellent site, I was worried that building in open space would have a lot of impact but it's really well sheltered, both from the road and from the neighbors. I think it's a really good site. It's a quite large parcel, there's a flat plane there so you're not building on a hill, so it's very good spot. The two things that bothered me about that were how close it was to the stream. Both effecting the riparian code and also this nighttime lighting. If you... when you have a beautiful house in a beautiful area, you want glass so you can see out, but that also means that at night your light will be blasting and your interior light does become exterior light, even if the bulbs are inside your house, it's going through the windows and it's effecting the wildlife. And when you're twenty feet away from the creek, that's really... you're really blasting your light far into that wild riparian corridor.

Architect Leonard Ng: (mic off) Is that right?

Chair Lauing: Please repeat.

Architect Leonard Ng: Oh sorry. I may be mistaken, off the top of my head, I believe it's twenty feet from the top of the bank, so it's not the actual (crosstalk)

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1 Commissioner Reckdahl: The riparian corridor goes beyond the top of the bank.

2

3 Architect Leonard Ng: Yeah yeah so twenty feet from that.

4

5 Commissioner Reckdahl: Yeah, twenty feet from there. You hope there, which those story
6 poles are very nice, I'm glad they were out there, they're right next to that creek. It's very close.
7 From a standpoint, if it were my house, I'd love to have that view, of that beautiful creek, but
8 you're really have a big impact on nature and that really bothers me. So, looking at Packet page
9 13, the top there, second paragraph, you talk about the difference between the comp plan and
10 the zoning, and the zoning currently only requires twenty, but the comp plan says... and we
11 really should update this, the comp plan talks about one-fifty, and you say that one-fifty is not
12 feasible, therefor we're not going to use it. There's a logic there in the comp plan why they
13 wanted to go from twenty to one-fifty, and you said one-fifty isn't feasible, which I totally agree
14 with. One-fifty would not be feasible for this location, but you totally neglect the logic of why
15 the comp plan wanted to go from twenty up to one-fifty, and instead stuck with twenty and I
16 didn't understand why... and staff can talk about why we totally neglected the spirit and the
17 logic inside the comp plan.

18

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1 Ms. Foley: Well, since the comp plan is a recommendation for a change in the zoning code, but
2 the zoning code has not been updated, we went with the minimum required by the zoning code
3 because we don't have a basis in the code to require something larger.

4
5 Commissioner Reckdah!: Yeah, but if you look at the comp plan, they talk about having at least
6 thirty feet of vegetation from the creek and so that would make you think that twenty is not
7 appropriate and if so....

8
9 Mr. Yang: I can respond to that and to Commissioner Chang's earlier question. So, on the
10 twenty-feet vs. one-hundred fifty-feet I think what Ms. Foley was explaining was that you know,
11 right now we can apply the code that we have and the Comp Plan Program does say that we
12 should update the Stream Corridor Protection Ordinance, but we haven't done that yet, in part
13 it's not simply that there should be a hundred-fifty foot setback but there's also part of that
14 program is to consider the conditions in which single-family property and existing development
15 are exempt from that setback. So, you know that's a longer and bigger policy effort than the
16 staff had time to undertake right now, we have the code that has been adopted and that's what
17 we apply. As far as the nighttime lighting question, it is not limited to exterior, as it's currently
18 written, we could take into consideration interior lighting impacts. And so, if that's a concern of
19 Commission you know, that's something that we can discuss.

20

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1 Ms. French: I would add to that, about interior lighting... There is a practice that we've had for
2 some like office buildings where we require automatic shades for night to limit the night light
3 and glare so that's something that could be considered as a condition, to have some kind of
4 automatic shades facing the creek, on a timer, or something.

5
6 Commissioner Reckdahl: Okay, and then I also had another question on the impervious
7 coverage. If you look at Packet page 16, impervious coverage being 3.9% of the area, how is
8 that calculated? Was the swimming pool considered impervious?

9
10 Ms. French: Swimming pools in our code are considered pervious because the water doesn't
11 run off of them, it collects in them, the water itself is ...

12
13 Commissioner Reckdahl: I find that really confusing. Because why... the biggest thing is that
14 you... it's an environmental issue is that you don't want this big desert under the big concrete
15 structures, it's not so much the run-off, it's the environment below, you want that water
16 running to the ground and soaking the ground. So why would swimming pools ... water doesn't
17 soak through a swimming pool, so why would that not be counted?

18
19 Ms. French: Sure, I don't think I made the rule but I think that's how it's been viewed over these
20 many decades, is that swimming pools are not part of that impervious... (interrupted)

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Commissioner Reckdahl: Yeah, I saw in the code that it says that... it just makes no sense why we'd do that. If that were the logic then if someone had a big concrete roof, you could have a runoff with rain barrels and then you wouldn't be affecting it but yet we don't allow that exemption, so it seems really bizarre that swimming pools are considered pervious and not impervious. Okay, that's all I have. Thank you.

Chair Lauing: Okay in terms of my own comments, I had a number of those tree questions so I'm not going to go back over those. Commissioner Reckdahl and I are on the... have served together on the Parks Commission so, I'm glad we have some parks DNA from people who haven't served on the Parks Commission, watching these trees. The lighting I already mentioned, and the EIR around that stream is a question mark but you're convinced that the mitigations are... are good enough, I guess. So, so I don't have anything more to add to that. I don't see any comments from anyone else. So, are we going to do another round here. Oh, yeah... it went so long I almost forgot public comments. Do we have any of those?

Ms. Klicheva: We do not.

Chair Lauing: Okay.

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1 Ms. Klicheva: I see one attendee but they have not raised their hand.

2

3 Chair Lauing: We'll just give it another minute. Okay. Let's go back for another round on what
4 we're going to do here. Commissioner Hechtman.

5

6 Commissioner Hechtman: I think... yeah, so last time was providing questions, right, then we
7 provided the opportunity for public comment and now I have my comments which are very
8 brief. Of course, the design of this house is not really in our purview, that's ARB, but that
9 doesn't stop me from admiring what I think is a really lovely design. Particularly sensitive to its
10 location. So many of these homes favor a taller roof, which is a beautiful look itself, but here I
11 really just was enamored the way this laid out and kind of nestled in that deep kind of nestled
12 down into that valley. So, my compliments on that. I wanted to mention that as I think you did
13 in your remarks, that there was a neighbor who wrote a letter in support, and I just wanted to
14 say how refreshing that was. We don't often get the supporting neighbor letter but it's
15 wonderful when we do. So, I thank that neighbor for taking the time to you know, let us know
16 what they thought. One thing I did want to just mention on the impervious coverage, I do
17 understand why pools would be included in... it is odd, I agree, but the concept of impervious
18 coverage is that you know, today a raindrop can fall to the ground, and it will soak in. It won't
19 run off. But if you put a piece of concrete down, that same raindrop can't soak in, and it will
20 become runoff. But with a pool, I think the point that Ms. French was making, and I think it's

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1 been my understanding too, is when the raindrop falls in the pool, it's not going to run off,
2 unless of course the pool is overflowing. In which case it will, but I think that the expectation is
3 that generally pools won't overflow and so they include it. But it's an anomaly and you're right,
4 there are other things that you would consider should be equally... be candidates and you
5 know, a lot of those concepts ... it's kind of an interesting thing that you raised, because a lot of
6 those concepts are newish, and maybe we should be... this pervious vs. impervious coverage
7 topic can be a challenging one on some sites and maybe this is something that we need to be
8 looking at more aggressively to encourage people to capture their water and perhaps reuse it,
9 and in exchange, we give them the benefit that it doesn't count towards the pervious surface,
10 which may give them more development flexibility. So, I think it's a really interesting idea that
11 you brought up. In this particular one though, I did notice now that we've got our figures
12 correct, that you're just about maxing the impervious coverage, which is fine, you know, that
13 number's there for a reason, you're welcome to go all the way up to it, but the caution that I
14 was going to offer is that... I've seen a number of dream homes of this nature developed and
15 known the occupants of them and what I've seen over time is sort of the needs and interests of
16 the homeowners change and they find themselves desiring some accouterment down the road
17 that they weren't thinking that they would need. So for example, in this house, maybe one of
18 the children ends up showing some aptitude towards basketball and they want to build a half
19 court for them, or maybe they find that the sunset is particularly beautiful on a particular side
20 of the house and wouldn't they like to have a patio over there, with a pergola and the only

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1 thing I noticed is that by bumping up to within two-hundred square feet of your max
2 impervious surface, you're really limiting those opportunities for future flexibility, which again,
3 that's entirely the owner's and designer's choice, but it's something worth thinking about as
4 you sort of move forward and make the finals plans, but I've got no beef with it. If this is the
5 design that the owner loves and the architect blesses. So those were my comments, I didn't...
6 I'm chagrined to say that I did not review the Mitigated Negative Declaration, I didn't click on the
7 link because I read this on hard copy and shame on me, I didn't read the foot notes well
8 enough. But, I suspect that the Mitigated Negative Declaration does as it should, deal with light
9 and glare issues and I'm hoping it would, including, you know, and that those were dealt with,
10 particularly for this subject, in other words they were taken in the context, proximity to the
11 creek and so I'm hoping that those things were professionally addressed and looked at, as part
12 of the Negative Declaration because I think they should have been. So, having said that, I'm
13 supportive of the staff recommendation here and believe the findings that are listed in the
14 attachments to the staff report on this item are well founded and I can support them. Thanks.

15

16 Chair Lauing: Commissioner Chang.

17

18 Commissioner Chang: So, I too was really pleased to see that the project is so well screened,
19 and so it really won't impact at least human eyes looking into the project, so that's fantastic
20 and of course the support from the neighbors is wonderful too. Where I was concerned was

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1 primarily around the creek and the proximity to the creek. Because I know that there's steel
2 head trout there and apparently a pretty big population actually if there's enough precipitation
3 in a given year, and several other species. It doesn't sound like, if I'm looking at the Negative
4 Mitigation report that there are much of an issue with the plants in the area, but rather several
5 different animal species. And so, because of that, and then after reading our own code about
6 the stream corridor protection, I am most concerned about the runoff impacts be.... Given the
7 proximity to the stream and there is discussion of mitigating measures for runoff but then
8 particularly... that's why I was asking the question about enforcement because really on a....
9 once a project is built, you know, the runoff is going to be less of a concern, but you know, if
10 the water is murky or dusty or whatever, all the construction runoff goes into the creek, that's a
11 much larger issue given the proximity to the creek in an open space area, especially since it's
12 highlighted in our comp plan. So, runoff was one and the other was the lighting. So I really
13 hope, that there's a way... the windows are beautiful, and of course if you're going to build a
14 house up there you want to be able to see nature, but I was just on an eco-tour vacation and
15 there really... they were really strict with us about pulling the shades at night so not to effect
16 the wildlife and so I'm hoping there might be some way to mitigate that and I don't think that
17 the lighting issue was, or at least I didn't see it clearly addressed in the Mitigated Negative
18 Declaration, other than external lighting. And then I should have asked this as a question, but I
19 wanted to ask staff about this, where in terms of making the findings, we as the PTC needs to
20 ensure the use will be accord with the Palo Alto Comprehensive Plan. And so that's the only

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1 part where I struggle a little bit. I understand that there have been houses built in streamside
2 open space, even like the neighboring house but that one's a little further away, so I just
3 wanted to understand how staff thinks we should interpret this. Anybody wants to... maybe Mr.
4 Yang can speak to it.

5

6 Chair Lauing: Yeah, I was going to say Counsel Yang can comment on that again.

7

8 Mr. Yang: I'm sorry, could you repeat that?

9

10 Commissioner Chang: Sure, so, when we're supposed to make findings, we're supposed to
11 make sure that the use will be in accord with the Palo Alto Comprehensive Plan. And, for the
12 most part this project is except for the proximity... except for the fact that it's in streamside
13 open space, not just open space, and that it's right up against... you know the comp plan has
14 stated an intent and this is not matching that completely.

15

16 Mr. Yang: Right. So, the comp plan doesn't say that... I guess I would say I think that this is still
17 consistent with the comp plan despite that program regarding a hundred-fifty feet from the
18 stream corridor. Because the comp plan doesn't say that a home shouldn't be built within a
19 hundred-fifty feet of the stream corridor, it says that the City should update it's ordinance to
20 explore a hundred and fifty feet and have recommendations on whether or not it should be a

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1 hundred and fifty feet when there should be exemptions from that requirement, and so I think
2 it's possible and probably the most supportable approach that this is still in conformance
3 despite that program. Because that program is not really directed at... it's directed at staff to
4 and other City bodies to consider updating the ordinance, not control on individual
5 development projects.

6

7 Commissioner Chang: Okay thanks. I mean I think it's something for us to look at, because at
8 least in reading page 28 of the comp plan where it defines streamside open space, just as
9 mentioned in the staff report, there's no mention about housing in streamside open space and
10 it seems to be a sort of oversight almost of you know, just wasn't fully thought through.
11 Because there is mention of open space in controlled development and then separately
12 streamside open space and then nothing about housing in specifically streamside open space,
13 which is called out as very different type of designation. Those are my comments.

14

15 Mr. Yang: Sorry, I guess I have a question, I wonder if Ms. Foley could clarify, is the land use
16 designation for this parcel, streamside open space?

17

18 Ms. Foley: Yes.

19

20 Commissioner Chang: Yes.

-
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1

2 Ms. Foley: And then the zoning is open space.

3

4 Mr. Yang: Okay.

5

6 Chair Lauing: Did you have a [unintelligible] Mr. Yang?

7

8 Mr. Yang: No, I mean I think, you know, the zoning still permits housing in this area and that's
9 what governs here.

10

11 Chair Lauing: Other Commissioner comments? Commissioner Reckdahl.

12

13 Commissioner Reckdahl: Yeah, I'm pretty much in the same boat. I love this design, I love the
14 site, I think this is a really good project, is the glass 95% full or 5% empty and in this case, I think
15 it's 5% empty. That it's certainly not consistent with the spirit of the comp plan and if this were
16 to be pulled back another twenty feet, then it would be consistent with everything. I think it
17 would be a really good project. And it's feasible to pull it back, there's no reason to be right up
18 against that stream. This is a very large parcel and there's room to have a design that both
19 makes a wonderful house and does not impact the stream. So. As is, I don't think it's consistent

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1 and I won't be supporting it. But I think it's almost there. I don't think it's a bad project. I think
2 it's a good project, it just needs improvements.

3

4 Architect Leonard Ng: I don't know. If I may add a little bit...

5

6 Chair Lauing: Yeah, I was going to ask you to respond to that relative to the possible, you know,
7 shifting of the footprint.

8

9 Architect Leonard Ng: Oh yes, so obviously, we tried our very best to keep a large enough
10 setback from the riparian as possible, I think ostensibly it seems like it's more reputable but as a
11 If we're looking at the site plan, we're actually bound by a lot of the existing heritage trees
12 on the other side, so, the site really comes to a pinch point between the existing heritage tree
13 on one side and the stream on the other. It actually, there's a point where it comes to a point
14 on both sides and we were trying very hard from the get... from the very beginning of the
15 project and I don't think this is so apparent without further study. Like, in first glance, at the
16 plans, you might not notice but the heritage trees along Los Trancos is really kind of pinching at
17 the pinch point and then then riparian that comes in. And so that's kind of the most challenging
18 aspect because we don't want to intrude on the root zones of the heritage trees, at the same
19 time, we're stuck between a rock and a hard place so to speak. We have the existing oaks on
20 one side and we have the riparian on the other and then in terms of lateral depth, we bound by

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1 fire access limitations in terms of fire truck, a hundred-fifty foot rule from access around an
2 entire building, and so I think, in terms of our building design, if you actually noticed, it's not
3 like we have a building edge that's parallel to the creek edge, it's not perpendicular, it's not
4 sitting right up against the top of the bank or anything like that, we're really talking about two
5 corners of the building that meet at tangent and the majority of the building on that side of the
6 property is actually much farther, like fifty to a hundred feet setback and so if you look at the
7 plan, where the building comes close to the riparian edge is really at two tangent points and so
8 I think that's a very different ... I think that's important to consider as opposed to something
9 that's parallel to the riparian edge. I think the other thing... (interrupted)

10

11 Chair Lauing: Can we pull up that picture, staff, or you?

12

13 Architect Leonard Ng: Can you see my screen? Is this visible to everyone? So, the rock and the
14 hard place I was speaking of is we have these very majestic oaks on this side and obviously the
15 TPZ is the canopy of the ... roughly the canopy of the oak and this is the pinch point we're
16 talking about, these trees, and then the riparian edge, well actually it's like a dry creek it's
17 really, I think along the property line, if I'm not mistaken. So, rather than say a building that's
18 parallel to the creek, we really tried to kiss is at two corners and actually relating to the lighting
19 discussion, most of these walls are actually solid, these are solid walls and most of our larger
20 glazing is setback way farther, so this is bathroom, so hopefully it's daily... it's circadian rhythm

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1 so to speak is not as high use as like a living room or a habitable room. It's kind of used
2 incrementally. And so, I think we tried to factor that in very carefully. And we worked really
3 hard with this pinch point in terms of finding a balance between the creek side and then the
4 oak side and the other point with that is we're also limited on how we can... how far we can
5 slide this because we worked very closely with the fire department to work out the fire access
6 which I'm sure you guys are very familiar, it's quite complicated and we need to ensure a
7 hundred and fifty foot circulation for the firemen around the building. And so, by pushing it
8 farther back, we also come into a problem with fire access, and we also come into the problem
9 of there's additional heritage trees on this side that we're trying to avoid. So, we're really trying
10 to nestle in... if that makes sense, report over the plans intensively actually to try to find that
11 perfect balance.

12

13 Chair Lauing: Okay, thanks for that. Other comments? Commissioner Chang.

14

15 Commissioner Chang: Can I... can you show the elevations for those two, I'm a little confused
16 looking at those plans so if you were able... can you pull up elevations of those sides that are
17 facing the creek, because you said that they are mostly not windows, yup.

18

19 Architect Leonard Ng: So, I'll go to the elevations but these two are the longest frontages, and
20 I'll point these out. This one is a bedroom, but it doesn't quite face the creek in a way because

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1 it's not perpendicular to the creek. I mean it's in the vicinity but it's not directly facing the
2 creek. And this one is a bathroom so hopefully a lower use. Let me try to find the drawing. Bear
3 with me for a second. Ah, well maybe we can look at the plan first. So, these two walls are
4 mostly solid. They have some punch windows; I mean we needed for code for bedrooms. Okay,
5 this, these are the bedroom windows for light and view, we need to meet certain code
6 requirements, but most of this wall is solid on this side. And it's setback. It's setback farther, it's
7 not the corner, so we may have opportunity to augment with some landscaping. And then the
8 other side, the massing is steps, a lot... something TD drawings are actually somewhat
9 deceptive because it flattens everything into a plane. Ah, over here. So, these are, I believe, this
10 is other side. So it's limited to mostly wall with some... I think this may be translucent glazing I
11 believe, so it can be cut back a little bit, the bathroom glazing.

12

13 Commissioner Chang: So, I have a question for staff. I didn't see.... That the lighting... sorry, the
14 light coming through the glazing for nighttime lighting was addressed in the Mitigated Negative
15 report, Ms. Foley, would you know if that was in there or not or maybe could Rincon talk about
16 it?

17

18 Ms. Foley: I would love to invite Ig from Rincon to discuss it more however on page 15 of the
19 document of the MND, it is identified as being less than significant.

20

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1 Commissioner Chang: Okay, I didn't print out the entire document so I must have missed it
2 there. Was that looking at exterior lighting or nighttime lighting? It acknowledges that interior
3 lighting would be a potential source of light and glare, or that those windows would be a source
4 of glare and the justification is generally that it would not be substantial and would be similar to
5 other nearby residences.

6
7 Commissioner Chang: That wasn't looking at it with respect to riparian corridor, was it?
8 Because it... there's a different concern here. In our code at least.

9
10 Ms. Foley: Mr. Lee are you able to speak to that?

11
12 Mr. Lee: Sorry, I wasn't sure if you were inviting me to speak. Thanks Ms. Foley and PTC
13 Commissioners. We actually didn't identify the lighting from the house as a significant impact to
14 the riparian corridor to wildlife in the corridor and that may have been... first of all, our
15 [unintelligible] of resources assessment or constraints assessment for the site for the project
16 and then incorporated that to other analysis to the MND and that wasn't identified as
17 significant impact to wildlife that may have had to do with some of the site plan issues and
18 specifics that wasn't called out for further discussion, however, we can talk to staff about ways
19 to incorporate additional language about that issues.

20

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1 Commissioner Chang: Okay, yeah, I think for me, that's one of the big sticking points, is the
2 light shining into the creek. And so if there is a way to mitigate that, but I don't know if that's
3 within bounds for me to ask for, or not.

4

5 Chair Lauing: Yeah, I think it is.

6

7 Commissioner Chang: Okay, so that's where I would stand. I wouldn't want to approve it until
8 ... it seems like it'd be reasonable. I mean if it's a bedroom you'd want ... it wouldn't be
9 unreasonable to put a shade down anyway and so automatic shades seems like a good
10 compromise....

11

12 Architect Leonard Ng: I believe that's what we were planning for anyways. Just for light control
13 and privacy and all that.

14

15 Commissioner Chang: Thanks.

16

17 Mr. Lee: And if it's acceptable to have that as a Commission approval and not reopen the MND,
18 that would work as well from our perspective, as our [unintelligible] just didn't call it out
19 originally.

20

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1 Chair Lauing: Define reopen MND for all our benefit.

2

3 Mr. Lee: Well they tell us what's the status the comment period is closed.

4

5 Ms. Foley: No, the comment period goes through September, I want to say fifteenth. I'll have
6 to go back to my notes, but it is... we purposely set this hearing to be in the middle of the
7 comment period. So...

8

9 Mr. Lee: So, strike the comment reopen. It would be a matter of taking this as a comment on
10 MND and then we can discuss with staff how we'd like to make adjustments, if that's
11 warranted.

12

13 Chair Lauing: Other comments, otherwise I'll jump in. Yeah, Commissioner Templeton.

14

15 Commissioner Templeton: Yes, I just want to say how much I appreciate on a project like this
16 that's out in undeveloped areas or close to it, that the applicant has done a lot of due diligence
17 and a lot of effort to protect the space and appreciates the space that their planning to occupy.
18 I'm... it's... we haven't typically seen projects that were this buttoned up and I think it's great
19 that we've been able to discuss the one percent of things that are still open but ... and I

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1 appreciate how much attention to detail has gone into this and I just wanted to remark on this.

2 Thanks Chair.

3

4 Chair Lauing: Good, that actually segways into my comments, but I concur with that. I think

5 architecturally how you addressed this is almost spectacular with these minor points that

6 Commissioner Reckdahl and other minor points meaning, wish it was better, but very very

7 good. It's always difficult to think about putting up a structure in the middle of that beautiful

8 wilderness and I think most of us wish that wouldn't happen but we understand that that's

9 private land and in some cases what the law is and so are there for by definition supportive of

10 that and you've just done a really good job of getting the right kind of architecture in there and

11 getting it out of sight unlike some of the ones up there that kind of interfere with the view

12 when you're out there walking or whatever, so I think it's really good. I also am at least feeling

13 here that the discussions that we're having around lighting are not apathetical to what you

14 have planned anyway so I don't feel like we're creating a controversy, but I feel like we should

15 create a record of our concerns on this and have Council address is unless it can be addressed

16 before it goes to Council. So, that's kind of where I'm feeling in terms of that... that we can't

17 move this forward without making some sort of significant comment on the need for attention

18 for the lighting issue to make sure it's consistent with what we really want in the OS and if

19 that's not enough detail right now, then I would like to call Council's attention to that, and say...

20 take a look at it now, in the context of this project, not to hold up your project, and I think they

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1 could do it pretty quickly. So, that's an overall comment. Commissioner Templeton did you
2 have another comment? Oh, okay, I didn't want to skip you. So, I'd be ready to try to create a
3 motion around that, but I want to get any other comments that are up. I also think particularly
4 with being down two Commissioners that we should be really specific about... down two
5 Commissioners tonight because of absence, we should be specific about what we want here.

6

7 MOTION

8

9 Chair Lauing: So, unless someone else wants to try it, I will go ahead and suggest that we
10 approve 575 Los Trancos as is with the added language that Council review and potentially
11 amend standards for indoor and outdoor lighting in the OS zone to ensure appropriate level of
12 lighting restrictions in this animal intensive nature area. So that's be the motion, is there any
13 second?

14

15 SECOND

16

17 Commissioner Chang: I'll second it so we can discuss and maybe wordsmith some.

18

19 Chair Lauing: Okay. So, the reason for the motion as is ... is what we've all said, that it's a good
20 project, as best as it can be in the OS zone, with this exception on lighting which I'm trying to

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1 call out, so I'll leave my comments for there right now, and you're second Commissioner
2 Chang? Do you want to speak to that?

3

4 Commissioner Chang: I also think it's a good project, I just want to see the lighting addressed,
5 so I would want something, I'm not sure that changing code... while there may be a code
6 change necessary, I'm not sure that's the right way to handle this situation and would be
7 interested in hearing what my colleagues would say about it, especially given that it sounds like
8 there's a solution to the nighttime lighting issue that the applicant may be amenable to.

9

10 Chair Lauing: Sure, that's fine. Commissioner Hechtman.

11

12 Commissioner Hechtman: So, the motion as I heard it and understand it I don't ... I'm waiting to
13 see if Mr. Yang raises his hand, we haven't Agendized tonight, any kind of consideration of a
14 change to City Ordinance. But it sounded like you were tethering this approval to a re-
15 examination of the City ordinance regarding lighting in the streamside open space general plan
16 designation, so, maybe you could clarify...

17

18 Chair Lauing: I appreciate that comment the one comment that I made is I don't want to hold
19 up their project. So, if that does it, then we can make adjustments here.

20

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1 Commissioner Hechtman: Okay. Again, it sounds like your motion involved ultimately two
2 approvals by the City Council. One has to do with some modification to an existing ordinance
3 and the other would be the, you know, approval of the major site and design application. So,
4 did I understand that right?

5

6 Chair Lauing: The way you put it, I cannot deny that.

7

8 Commissioner Hechtman: Okay.

9

10 Chair Lauing: It was intended to cover both with one.

11

12 Commissioner Hechtman: Yeah, so, I don't... I'm not sure that we can do that but I'm going to
13 leave the legalities to Mr. Yang, but I guess I want to sort of talk about the bigger picture for a
14 minute. The City of Palo Alto has rules for what must be contained in an application and a
15 design and the applications are made based on those rules, right, the applicant studied those
16 rules and tried to come in with a conforming plan and where it's not conforming staff tells
17 them and they go back to the drawing board and redo it, but eventually they get to a point
18 where staff brings it forward, in this case to us, and tells us whether it's conforming or not. And,
19 in this situation, we have an application in front of us, that is number one, conforming on the
20 setback, because what our rules say is ... is contained in the zoning code, twenty-foot riparian

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1 setback. But the comprehensive plan does not contradict it. What the comprehensive plans
2 says is ... as a policy, we should really study whether we should expand that setback to as much
3 as a hundred and fifty feet. Now, I don't think we're in a position to presume to know the
4 outcome that the City Council will resolve when at some point in the future, they do study it.
5 And we don't know what exceptions will be created. All we know is, for now, it's just a future
6 study item. So, in terms of the twenty feet, I think we're bound by our code and then when we
7 want to talk about light pollution, here, we're bound by facts and opinions based on facts. We
8 had an analysis of this issue in our Mitigated Negative Declaration and to the extend some of us
9 may be uncomfortable with the fact that that analysis yielded a determination that putting a
10 house... this house, in this location with these windows, with lights inside, having this effect
11 would not have a significant affect on the flora and fauna of the creek. The only way... we're not
12 allowed, just like no member of the public is allowed, to just say I'm still worried about it, and
13 so, I'd really like to make it more protective. The way this process works, we have to come up
14 with facts, right. And normally in this situation, what you see if there was an environmental
15 group really concerned about it, maybe they would do a light study, and they would come up
16 and they would demonstrate to us... hey... even though it's a bathroom, you know, we assume
17 you're going to use sixty watt lights and it's only going to be on for whatever, thirty-six minutes
18 every evening, at various times, but this is the affect and you know... you're going to blind a
19 hoot owl. But we don't have any of that information and so, I'm really hesitant for us as
20 Commissioners to do things that members of the public couldn't do and that is just impose our

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1 opinions that aren't based on study onto a project that has been studied. So, I would encourage
2 all of us to the extent that these things concern us and they're legitimate concerns, I'm not
3 saying that, but you know, you've got to come prepared. We have to come prepared to
4 demonstrate here's a reason, you know, either here's something the Mitigated Negative
5 Declaration didn't study but needed to, so it's a gap, or, here's some information that doesn't
6 seem to have been folded into the Mitigated Negative Declaration that needs to be considered,
7 you know, and it's coming in during this comment period and the authors of the Mitigated
8 Negative Declaration will study it. And so, that's one of the things that I think has been
9 beneficial about this discussion of lighting, because we are, as Ms. Foley said, still in that
10 period... the comment period and so they can fold these things in and what they're supposed to
11 do and I'm sure what they will do, is where they feel that maybe they were a little soft on
12 studying a particular issue, they'll study it more and maybe they'll find you know what, we
13 really didn't do this quite right and we have to require the mitigation, you know these shades
14 that close automatically at night or whatever it is. So, I think the process has been good, I just
15 want us to be careful about imprinting our own concerns onto this process. So... (crosstalk) I
16 can't support the motion but hopefully we'll have another one that's (crosstalk)

17

18 Chair Lauing: Very well-articulated. I'd like to get Counsel Yang on this, I'm not an attorney,
19 unlike Mr. Hechtman and Mr. Yang, I'm just trying to do what I think I heard was okay from the

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1 applicant's standpoint and during the comment period. So if this is the wrong approach, that's
2 fine. Counsel Yang?

3

4 Mr. Yang: Yeah, so, I think I understood Commissioner Hechtman's concern to be sort of are
5 we moving beyond the bounds of what was noticed here under the Brown Act. And I think this,
6 the proposed motion is sort of broad enough, it's just general direction that we're okay. We're
7 not... it's not really specific action, it's really asking you know staff or Council to ask staff to
8 come back with something more. And that's fairly common to come up in an Agenda item for a
9 related... for a request for something related to come back in the future. So I think we're okay,
10 from a Brown Act noticing perspective, I understand the motion not to be kind of conditioning
11 one, the recommendation of approval on the other element on ordinance review, that they're
12 sort of two related things and that could be in two separate motions but are in one for some
13 sense of economy, and that's okay.

14

15 Chair Lauing: Yeah, as the motion maker, that's consistent with what I was trying to
16 accomplish, I'd just also like to point out that Commissioner Hechtman, I was also including in
17 that the twenty-foot setback as opposed to the hundred and fifty so, that was... we have no
18 disagreement on that. That didn't mean I like it, but I understand what the why is versus the
19 future possibilities as stated in the comp plan. One more question for you Mr. Yang. Or, for all
20 of us. If it's more helpful to put this into two different motions, we can also do that. One

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1 relative to the approval here and the other one about looking at the zoning. But, in the midst of
2 all this is the question, you know, what can we do, you know, in the comment period here to
3 maybe even go a little bit deeper on lighting restrictions. Other Commissioner comments... oh,
4 Amy... go ahead.

5

6 Ms. French: Yes, I was thinking along the lines of your first motion, I think we're considering
7 that the motion on the project...

8

9 Chair Lauing: Right.

10

11 Ms. French: I didn't hear anything about adding a condition for automatic shade, the applicant
12 indicated interest in doing something along those lines, is that something you'd like to address
13 as part of your motion?

14

15 Chair Lauing: We could, I was just trying to keep it more general in terms of what are the
16 potential extra things that could be done easily, like that, so, I don't feel like it has to be specific
17 but if other Commissioner's want that that's perfectly fine with me. I think Commissioner
18 Chang's lit.

19

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1 Commissioner Chang: Well then maybe we could put in our motion that it's a condition for
2 approval that nighttime lighting is mitigated in some way. Right. We don't have to say that it's...
3 an offer letting the applicant have the flexibility of figuring out how they want to deal with it.
4 Or, another thought I had was... I don't know if we could make part of our motion that we're
5 making this public comment on the Mitigated Negative Declaration. So, that was another
6 thought I had about how we might... it might make sense to kind of indicate what I think, at
7 least my perspective is on it, and I believe perhaps some of the other Commissioners, I did want
8 to respond to something that... a couple things that Commissioner Hechtman said. Which is,
9 there actually is a code issue here, that I see, I'm not an attorney so I don't know how this sits
10 in, but our code in 18.4140 specifically says, nighttime lighting shall be directed away from the
11 riparian corridor of a stream, and I don't think that that was specifically addressed in the
12 Mitigated Negative Declaration. And second, it says the distance between nighttime lighting
13 and the riparian corridor of a stream should be maximized ... which is open to interpretation
14 what maximize means. It's unclear to me that maximize means just the twenty feet that's
15 specified in a... so this isn't in our packet, I had to look up the code for it. Because I'm seeing
16 other Commissioners look for it in the packet, so that's where my objection to just for the
17 lighting. That's where it comes from and then furthermore, we have to make a finding that says
18 that this use will be in accord with the Palo Alto Comprehensive Plan, it is certainly in accord
19 with our code. But our Comprehensive Plan says a whole bunch about the designated land use
20 here and so that's where I could say that this is not in accordance with the designated land use

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1 of streamside open space but I do appreciate what the applicant has done here and has really
2 done a really good job designing this and taking all of the many environmental considerations
3 into account and I also particularly appreciate the applicants explanation that rather than trying
4 to make the building parallel to the streamside, it's just kind of two corners touching the stream
5 side. And so, that makes a lot of sense to me. So, I just want to figure out... I don't know
6 procedurally how to best address this as a motion, but I'm open to ideas from my colleagues.
7 Thanks. And staff, if staff has ideas.

8

9 Chair Lauing: Commissioner Templeton.

10

11 Commissioner Templeton: So, one way to approach this might be the entire context rather
12 than just that one clause of the sentence. If you look at the entire context of the sentence on
13 Packet... bottom of Packet page 11, that Commissioner Chang was quoting, it's really long and it
14 goes through a list of things that they have to meet and basically the just of it is that it needs to
15 harmonious with other uses, compatible with environmental and ecological objectives, and will
16 be in accord with the Palo Alto Comprehensive Plan. So, if I'm reading that outside of the
17 context of this discussion, I'm looking at what... that this... compatible with and harmonious
18 with are describing the ways in which it should be compatible with the Comprehensive Plan. So,
19 I think if you read it that way it's a bit more flexibility, however, we should still note some of the
20 concerns that we have and we should still alert the Council that there's some work to do to

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1 tighten this up, but I think as long as we can make our remarks, that will go into the
2 comments... the open comments period, I think they've done a lot that are harmonious with
3 other uses and compatible with environmental and ecological objectives. And, we can specify,
4 as you mentioned, the area in which they can improve by the time they get to City Council. So,
5 that might be a way to look at it.

6

7 Chair Lauing: (crosstalk)

8

9 Commissioner Chang: Could you help with a friendly amendment Commissioner Templeton?

10

11 Commissioner Templeton: You know, at this point, I don't even know what the state of the
12 motion is. But...

13

14 Chair Lauing: Well, we can clarify that.

15

16 Commissioner Templeton: Yeah, can you read it back Ms. French?

17

18 Chair Lauing: Yeah, I mean, the motion was basically to approve the project as stated with the
19 addition that, and I'm not trying to word smith, that Council review and potentially amend

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1 standards for indoor and outdoor lighting in the OS zone to ensure appropriate levels of lighting
2 restrictions in this animal intensive nature area.

3

4 Commissioner Templeton: So, I think the concern with that Chair, is that the.... That is difficult
5 to include because it's out of scope, however, we have already, by the nature of our discussion,
6 given staff that information. And I think you'll find more support if you leave it there, because
7 otherwise, we don't want to have to.... If we find that that's not determined to be in scope of
8 this discussion, it might interfere with the validity of the motion in total.

9

10 Chair Lauing: Yeah, Council said it was within scope and did not interfere, but I suggested
11 separating those two.

12

13 Commissioner Templeton: Separating it makes more sense, for me, into two motions, if you
14 feel that you still want to make the motion, I do maintain that we have convinced staff, but
15 yeah, I think that if the motion is just to approve it and add our comments to the open
16 comment period, then that's fine.

17

18 Chair Lauing: Okay, I think the.... I think... we're in a timing problem right now because we're
19 asked to approve it tonight and it's still in the open comment period. If the consultant and staff

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1 put in some of this stuff, that's in there, in the mitigations, we're not going to see it again. So all
2 we're trying to do is call attention to it on the part of Council.

3

4 Ms. French: If I can add, one possibility is if you wanted to amend your... the first motion about
5 the project to say something along the lines, you know, that the project applicant submit, you
6 know, exterior and interior whatever... more lighting details that would satisfy those code
7 sections 18.41 – 3G and 4A, that that could... and then that would be in time for Council's
8 review and then you know that would be (crosstalk)

9

10 Chair Lauing: I think that could work. What do you think Commissioner Hechtman?

11

12 Commissioner Hechtman: Yeah, I think I could support that and ... I would prefer you split up
13 the motion and if you do, I could also support the second motion which is have them look...
14 have the... encourage the Council to look at these lighting requirements in the streamside OS.
15 So, I could support that idea, what's really making me uncomfortable is the tethering. But two
16 separate motions, I'm all for it.

17

18 Chair Lauing: The reason for the, what you call the tethering, is we still want to try to have
19 some cooperative improvements on what's going to happen in this house. That's why there's
20 this linkage here. So, in otherwards, we don't want to say, I don't intend it to mean, okay we

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1 approve your project, six months from now we hope somebody looks at this and changes the
2 OS. What we're trying to do is get this project a little bit better, like maybe 2.5% of the 5% that
3 Commissioner Reckdahl was talking about, so if you take them entirely apart then staff or
4 Council doesn't... isn't giving any comment from us on that. Besides as Commissioner
5 Templeton said, all of our comments we're putting into the minutes.

6

7 Commissioner Hechtman: I guess I'm not understanding that. Because this is... let's say we do
8 two motions, and we come up with two recommendations, right, one is to recommend the
9 project with this condition that Ms. French suggested, that I see Commissioner Chang nodding
10 her head that that would fit her thinking, and then the second one is regarding the policy issue.
11 Right? This is going to be a staff report to the City Council (crosstalk) and it's going to say, PTC
12 made the following two recommendations. And they're going to just be listed after each other.

13

14 Chair Lauing: I thought when you said put it into two motions that you did want any comments
15 in the first motion.

16

17 Commissioner Hechtman: No no... Amy (crosstalk), Amy's comments about submitting lighting
18 information right, that's tied to our recommendation on the project. Yeah.

19

20 Chair Lauing: I thought you were objecting to that So,

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Commissioner Hechtman: No, I would like the idea of (crosstalk)

Chair Lauing: I'm just trying to find a compromise here.

Commissioner Hechtman: Okay.

MOTION WITHDRAWN

Chair Lauing: Okay, alright, so then, you could actually read motion out, because the motion... the motion... okay, the clear way to do this is for me to withdraw my motion. That's the clear way to do it.

MOTION

Chair Lauing: And then move now, the staff proposal on 575 Los Trancos plus ... your witness, for the ...

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1 Ms. French: Plus, a condition of approval... or plus direction for the appli... to staff for the
2 applicant to submit their proposal for lighting and shades and what have you, not good working
3 there... to address the Palo Alto Municipal Code section 18.40.140 3G and 4A. (crosstalk)

4

5 Chair Lauing: Which is called what? Lighting?

6

7 Commissioner Chang: Which is called stream corridor protection.

8

9 Chair Lauing: Okay, great. Perfect. Alright. Will you give me a new second?

10

11 SECOND

12

13 Commissioner Chang: Second.

14

15 Chair Lauing: Okay. Alright, we have a new motion, is there discussion on that?

16

17 Commissioner Templeton: I'm inclined to support it.

18

19 Chair Lauing: That's a good part of the discussion. Commissioner Reckdahl did you have any
20 other comments?

-
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Commissioner Reckdahl: Can you read back the motion again?

Chair Lauing: Essentially the addition to what's on paper. The first part of the motion is to approve this project with these conditions of approvals submitted relative to those code items that she read out.

Ms. French: Direction to staff to command the applicant to submit their lighting proposal for exterior/interior/shade what have you to meet this section of the code, before it goes to Council.

Commissioner Reckdahl: Yeah, that's certainly an improvement I still am very uncomfortable with the fact that the code is one thing, and the comp plan has a totally different [unintelligible] from separation. But this certainly is moving in the direction of goodness.

Chair Lauing: Okay. I think... Commissioner Templeton did you have something else?

Commissioner Templeton: I just wanted to say we can't change the rules midstream here, or whatever, mixing metaphors like I'm doing, but...

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1 Chair Lauing: Oh please don't say midstream at this point or we'll have another environmental
2 fallout.

3

4 Commissioner Templeton: My apologies. So, as frustrated as we are I think we just need to
5 accept it and move on. Yeah, let's.. vote.

6

7 Chair Lauing: Roll call vote please.

8

9 VOTE

10

11 Ms. Klicheva: Commissioner Chang?

12

13 Commissioner Chang: Yes.

14

15 Ms. Klicheva: Commissioner Hechtman?

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17 Commissioner Hechtman: Yes.

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19 Ms. Klicheva: Chair Lauing?

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1 Chair Lauing: Yes.

2

3 Ms. Klicheva: Commissioner Reckdahl?

4

5 Commissioner Reckdahl: No.

6

7 Ms. Klicheva: Commissioner Templeton?

8

9 Commissioner Templeton: Yes.

10

11 Ms. Klicheva: Motion carries 4-1.

12

13 MOTION #1 PASSED 4 (Hechtman, Lauing, Templeton, Chang) – 1 (Reckdahl) -2 (Roohparvar,

14 Summa, absent).

15

16 **Commission Action**: Motion by Lauing, seconded by Chang. Motion Passed 4-1.

17

18 Chair Lauing: Okay, thank you. I think we made some progress on that and I appreciate the

19 (crosstalk) pardon me? Oh, I just said I appreciate the applicants input on this. Commissioner

20 Reckdahl, you wanted to add?

-
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Commissioner Reckdahl: Yeah, I mean I think this is a very good project, overall, I'm quite happy with it, I think it would be feasible to have a beautiful home that's still protects that riparian corridor. I think both are possible and I would prefer to see that.

Commissioner Hechtman: Chair?

Chair Lauing: Yeah.

Commissioner Hechtman: Chair, were you going to make another motion to address the...

Chair Lauing: Yeah.

MOTION

Chair Lauing: Okay, second motion is to, I don't have to put timing on this, is for staff or Council, probably staff first to review potential amendments for inside and outdoor lighting in the OS zone to ensure appropriate level of lighting restrictions in this animal intensive nature area.

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1 SECOND

2

3 Commissioner Chang: I'll second that.

4

5 Chair Lauing: Any further comment on that? Okay, let's do a roll call vote on that. Thank you.

6

7 VOTE

8

9 Ms. Klicheva: Commissioner Chang?

10

11 Commissioner Chang: Yes.

12

13 Ms. Klicheva: Commissioner Hechtman?

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15 Commissioner Hechtman: Yes.

16

17 Ms. Klicheva: Chair Lauing?

18

19 Chair Lauing: Yes.

20

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1 Ms. Klicheva: Commissioner Reckdahl?

2

3 Commissioner Reckdahl: Yes.

4

5 Ms. Klicheva: Commissioner Templeton?

6

7 Commissioner Templeton: Yes.

8

9 Ms. Klicheva: Motion carries 5-0.

10

11 MOTION #2 PASSED 4 (Hechtman, Lauing, Reckdahl, Templeton, Chang) – 0 -2 (Roohparvar,
12 Summa, absent).

13

14 **Commission Action:** Motion by Lauing, seconded by Chang. Motion Passed 4-1.

15 **Commission Action:** Motion by Lauing, seconded by Chang. Motion Passed 5-0.

16

17 Chair Lauing: Okay, good thank you. It's eight o'clock. I propose we have maybe a ten-minute
18 break and come back for our next time. Alright. Thank you.

19

20 Ms. French: Thank you.

21

22

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RECESS BREAK from 8:02 to 8:12 p.m.

Chair Lauing: Welcome back, thank you. Let's see. Don't know if Commissioner Templeton is back, can you let us know. We still have a quorum with four, but I didn't see her come on the screen. Our second action item is recommendation of an Ordinance Amending Title 18 around a lot of stuff retail and ground floor, for combining district, broaden permissible uses, limit certain uses and update thresholds on condition use permits and we'll go into a staff meeting to get an explanation on that.

3. PUBLIC HEARING / LEGISLATIVE.
Recommendation of an Ordinance Amending Title 18 (Zoning) of the Palo Alto Municipal Code, Chapters 18.04 (Definitions), 18.16 (Neighborhood, Community, and Service Commercial (CN, CC and CS) Districts), 18.18 (Downtown Commercial (CD) Districts) and 18.30 (A) and (C) – the Retail and Ground Floor Combining Districts to Update Definitions, Broaden Permissible Uses, Limit Certain Uses and Update Thresholds for Conditional Use Permits for Some Land Uses Throughout the City. Environmental Review: CEQA Exemption 15061(b)(3)

Mr. Sheldon AhSing, Principal Planner: Yes, thank you. Sheldon AhSing, Principal Planner, let me just bring up my PowerPoint.

Chair Lauing: Just for the record, Commissioner Templeton is aboard. So, I see her on screen, thank you. Sorry Sheldon, go ahead.

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Mr. AhSing: No worries, I'm admiring there's no audience, it's the first time I can remember in a long time that I have to give a presentation without anybody here. Okay. So first off is staff recommendation that PTC hold a hearing and recommend City Council adopt an ordinance amending the zoning code for certain retail use definitions in relaxing conditional use permit thresholds for certain uses. In addition to this, the recommendation should include deferment of the Council's referrals to the PTC, which are a part of motion B of their motion B, D, and E. So we'll discuss that a little bit and further. Presentation overview, I'll give you a little bit of background on how we got here, from November of 2020, and then an overview of the temporary ordinance that was adopted by the Council and the summary of the draft ordinance that's before you this evening and then some next steps. So this all started in seven months after the pandemic started, and started to see some trends about the economy and it created a lot of vacancies and so it was information item to the Council on the effects of the pandemic on the economy and it was the outcome of this was there was several strategies that the Council wanted to accomplish and one of those was to come up with a temporary ordinance that would help streamline sort of the process to kind of get some of these vacancies filled up with some uses. So the first meeting of that temporary ordinance, which we brought back rather quickly, in December, a month later and again, there were some discreet changes that were proposed at that time. Then customarily you have a second reading of the ordinance, that occurred in January, we did have some change in the Council, some of the new Council members at the

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1 time had wanted to make some changes to that first reading so we had some other second
2 readings that happened. In March of 2021 we did come up with six motions, A-F, that's in the
3 staff report, that included some carve out to changes to some focus areas of concern and we'll
4 talk a little bit more about that, including 3 of the motion items were the referrals to the PTC,
5 and then that was adopted on April, it would have expired in June of this year, but it was
6 extended through December 16th, of this year. And one of the other strategies was to engage a
7 consultant to think more long term about best practices for retail recovery. So, we have done
8 that this year and as Amy mentioned earlier in the meeting, we have an Admin draft report that
9 we are reviewing now. So, just kind of briefly going through some of these changes to the
10 Temporary Ordinance, definition changes, change to eating and drinking definition to clarify
11 what was considered dining establishment versus what's a retail establishment. So, at one point
12 we had coffee shops and ice cream shops that were considered dining and actually it was
13 probably parking than what was necessary. So that was a streamlining effort. The other thing
14 was a change to fitness and exercise studios to mean that those type of uses are now anything
15 up to five thousand square feet. And beyond five thousand square feet would be a commercial
16 recreation. So, yoga studio, something really small versus like a twenty-four-hour fitness and
17 the commercial recreation use requires a CUP versus anything up to five thousand square feet
18 in that category would be a by-right use. And then there are some other new definitions to
19 clarify uses. As mentioned, the Council has some areas of focus such as University Avenue and
20 California Avenue and Town and Country Shopping Center, where the concern was there was

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1 some vacancies and that you had some really more traditional types of retail uses and if those
2 go away and are replaced by some more retail tangent like retail services, then that was a
3 concern for the Council and they did come up with some carve outs to some of the streamlining
4 that we did for the CUP thresholds. So, one of the things CUP is not required for medical offices
5 up to five thousand square feet but except for California Avenue and University Avenue, that
6 was down to like eighteen hundred square feet for instance. CUP is not required for fitness and
7 exercise studios up to five thousand square feet as I mentioned, except along University
8 Avenue, California Avenue, and Town and Country where again it's eighteen hundred square
9 feet, that was a threshold, anything above that would require a CUP. And then some other
10 things regarding learning centers not permitted on University Avenue, and then barber shops
11 and nail salons are not permitted on California Avenue. So, the last two bullets is not meaning
12 that existing uses will need to go away, it's just that those are now non-conforming and there
13 for pursuant to the code, if say a barber shop were to leave on California Avenue, the property
14 owner has a year to fill that vacancy with another similar use, like a barber shop, and that
15 would be permitted. And then with the temporary ordinance the maximum size for these CN
16 and CD-N districts, neighborhood districts, personal services and neighborhood business
17 services increased in size from twenty-five hundred to three thousand square feet, so it would
18 allow a little bit more flexibility. We wanted to track some of the affects of the temporary
19 ordinance, to date we haven't had any CUPs that have been filed with respect to these,
20 however we did notice that like medical office and ready to eat shops such as ice cream shops

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1 or like a Boba Tea or something like that took advantage of the street lining, so it's a little too
2 early to forward any type of trend necessarily but you can see that there's definitely some
3 interest there. So, with the draft ordinance, which is in front of you this evening, we have done
4 some public outreach, we've had some conversations with property owners, email blasted
5 businesses, we had newspaper for public advertisements and notification of property owners,
6 we've heard from some people about that, and you also heard from them in the last meeting as
7 well, that we had back in March. So, the proposed ordinance, we want to maintain the
8 substantive changes from the temporary ordinance and make that permanent. That was the
9 direction we got from the Council moving forward. Staff also noticed that, just to make it more
10 easier and try to implement it easier, code friendly, we did move some of the regulations from
11 footnotes to appropriate sections in the code, such as California Avenue – R combining district
12 or from University Avenue we moved them to the GF Combined District. We also kind of
13 massaged the multiple use tables to make it much more easier to read. And then we also made
14 a definition change for eating and drinking establishments revised as restaurants, that was just
15 some more forward thinking, a lot of people come in and they say they want to do a restaurant,
16 it's just more in keeping with the times, we thought it was convenient to do that. The Council
17 did have direction to the Planning Commission and those are items B, D, and E. The first one is
18 refer to PTC the threshold for gyms greater than eighteen hundred square feet on University
19 Avenue, California Ave and Town and Country, and that's the carve out that we talked about,
20 where otherwise city wide it's five thousand square feet so, they wanted to gauge from the

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1 Commission whether or not that was appropriate, give a thumbs up or a thumbs down, we
2 don't have any additional information on that but it may benefit from the consultant work
3 that's coming to you soon, the other two are referrals to the PTC for occupancy limits for
4 commercial recreation, I think that had to deal with how many people could be in a space at
5 any one time, it maybe different than what the fire building codes are, again we don't have any
6 additional information on that at this point, so we're requesting a deferral of that. And then
7 lastly, refer to the PTC the best way to define restrictions for dining establishments. We've
8 heard from some of the brokers that maybe take-out, too much parking there, so perhaps
9 that's something we can look at again, we don't have that information for you, but maybe you'll
10 be thinking more long term that these items would benefit from the consultant work that's
11 going on retail recovery and we are bringing that forward as a study session later this fall, so
12 those are things we think we can defer while the balance of it we can be bringing forward. So
13 kind of in summary, as sort of a blue print here, might help people out in what we're doing and
14 what actions we're requesting, but the Council directed items, there wasn't any prior PTC
15 review, that was the Emergency Temporary Ordinance, so that's... that's what's in the code
16 right now. And we're carrying that through to the draft ordinance before you receive
17 [unintelligible]. Then we have the staff changes that we made, again, note there was no prior
18 PTC review or CC review of that, but that's like formatting, consolidating regulations to make it
19 much easier to read, we also just updated that definition of eating and drinking to restaurant.
20 We think that's not a big deal. And then the other two columns that, where we have the

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1 Council direction and needing PTC review, and we're proposing deferring that is again, the
2 eighteen hundred square feet threshold for commercial recreation, the carve out that's
3 included in temporary ordinance and it is in the draft ordinance but it's just as easy to say defer
4 that and we can mention that to the Council and as well, we have occupancy limits for
5 commercial recreation and further restrictions on dining. So, those were not included in the
6 temporary or draft ordinance, we think it would be best addressed with the retail recovery
7 discussions more long-term. So next steps, what to expect, we have a City Council meeting on
8 November 7th, we anticipate, if we have recreation here [unintelligible] yet that we get
9 introduction to the first reading of the ordinance, and then we anticipate the adoption, second
10 reading of the ordinance on November 21st, and that leads us to the ordinance being effective
11 on December 21st. If it overlaps a little bit than what the expiration is by a few days we don't
12 feel is as bad, but as you can see the timeline, we just don't have really much more time to deal
13 with this issue before it goes back to what the code was before November 21st. And then we
14 have a study session coming up this year regarding the consultant's findings for best practices
15 retail recovery. So that should give you a better picture about kind of more long-term changes
16 that could be made regarding the code. So with that, staff recommends the PTC holds a public
17 hearing, and recommend that the Council adopt an ordinance amending the zoning code for
18 certain retail use definitions, limiting certain uses and relaxing certain conditional use
19 thresholds for certain uses and then also we're saying to defer those items, motioned items B,

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1 D, and E that the Council had for the PTC. So that concludes my presentation and we're happy
2 to field any questions. Thank you.

3

4 Chair Lauing: So, we discussed this a little bit at the pre-meeting yesterday and the summary is
5 essentially that staff would like to move on items A, C and F because they think that's directed
6 by Council, and that should be turned into a permanent ordinance now. The alternative is that
7 if that isn't change then the temporary ordinance expires and these items from Council don't
8 get put into the code. That's the first part. And the second part is that because we don't have
9 any new information, B, C, and E, should be deferred until we get the benefit of retail
10 consultants et cetera, because we did say last time, and the reason we continued it was that we
11 wanted to study this and make a good decision. And we don't have any information on things
12 like, why would we decide on one kind of square footage or another. So, is that a fair summary
13 of where staff is?

14

15 Mr. AhSing: That's a very good summary Chair.

16

17 Chair Lauing: Okay. So, in that regard, let's just take any questions first, as to that process, or
18 whatever and if there aren't then we can just start comments. So let's go to questions
19 Commissioner Chang.

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1 Commissioner Chang: So, (interrupted)

2

3 Chair Lauing: I'm sorry, go ahead.

4

5 Commissioner Chang: So, I'm so confused, why can't we, if we can defer some of these things,

6 by deferring them does it mean that they lapse and then the code reverts back to the way it

7 was or by deferring them are we asking to extend the temporary ordinance for those things,

8 because for like, based on what you say there, my next question will be why can't we just

9 extend the temporary ordinance on the whole darn thing?

10

11 Mr. AhSing: Yes, thank you for that. And, so one of the items, motion B, is one that we've

12 included that's in the temporary ordinance now and we included it into the draft ordinance,

13 that's the eighteen hundred square foot carve out, we are saying I think that's one that could

14 be deferred, so when we get to the Council, if it is deferred then we'll just have to kind of back

15 that out, so it's clean... what goes forward. The other two, about the occupancy limits and

16 further restrictions on dining, I mean, like the Chair had said and summarized, we just don't

17 have any more information about that, we are expecting to come forward with the retail

18 recovery so that's not in the temporary ordinance or draft ordinance at this time. So that

19 doesn't affect it at all.

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1 Chair Lauing: I think Commissioner Chang was actually asking the opposite which is, since
2 we're deferring those three, why aren't we deferring the other three and just deal with it all at
3 once.

4

5 Mr. AhSing: Was that your question?

6

7 Ms. French: Are you asking, excuse me, are you asking if the Council can extend the ordinance
8 in its totality while we study everything?

9

10 Commissioner Chang: Yes, that's what I'm asking.

11

12 Ms. French: Okay, and I don't know if Albert is on the line, but how long some ordinances can
13 be extended, another year and others may not.

14

15 Mr. Yang: So, this could be extended in its entirety. I think the staff recommendation is that we
16 also are able to hopefully make some parts of this permanent and that we've gotten Council
17 direction to do so. So, you know, we could just extend the whole thing temporarily, you know,
18 staff is recommending that we make some of it permanent while we work on the rest.

19

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1 Chair Lauing: Should we go to Commissioner Hechtman, or do you have a follow-up
2 Commissioner Chang? Okay, Commissioner Hechtman go ahead.

3
4 Commissioner Hechtman: Yeah, so, so the way... right now we're just talking about process.
5 Right. And so, and I think what I'm understanding, that what's being recommended by staff in
6 terms of what we would break down is... is items A, C, and F are currently in the temporary
7 ordinance and staff is recommending that we recommend that the Council include those in the
8 permanent ordinance. Make those things permanent.

9
10 Chair Lauing: That's right.

11
12 Commissioner Hechtman: Items, D... I'm going to come back to B, but items D and E are not
13 currently in the temporary ordinance and we don't have the information we need to make
14 knowledgeable recommendations on them, that's ... the consultant is bringing that information
15 forward, so staff is suggesting we table those issues, which are of interest to the Council and
16 they've directed to our attention but we're not ready to talk about them, but once we get the
17 consultant's report, in the future, we may make further recommendations on those to Council
18 and those can be another round of changes to the ordinance.

19
20 Mr. AhSing: Correct.

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Commissioner Hechtman: Am I good so far?

Chair Lauing: Yes.

Mr. AhSing: Yes, you are.

Commissioner Hechtman: Okay and that just leaves B, which is kind of a hybrid because there's a piece of it which isn't... at least a piece of it, which is in the temporary ordinance, if we don't take it up now, it won't be in the permanent ordinance, at least until we come back around and make further changes. So, but also it seems like the part of the Council direction... if felt to me like, is they want to get a permanent ordinance on the books and so I'm hesitant to kind of put all our eggs in the let's just defer the whole thing, our recommendation is to make this a temporary ordinance ... extend the temporary ordinance because if this is one of those situations where Council feels that we haven't responded to the thing that they wanted us to do, they don't have time to come back to us and tell us that. They're going to by-pass us and following the schedule Sheldon showed us, you know, March through due to whatever, do the first reading, approve it on April... November 7th and get it on the books by the 21st. So, while I do like the idea of having it all at one time, I'm afraid that... look, already in this process we're not quite an after-thought, the PTC, because so much of the legwork was done by staff and by

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1 the Council and I don't want to miss an opportunity to weight in. So that would be concern
2 about deferring everything.

3

4 Chair Lauing: Other comments. Commissioners Reckdahl or Templeton? Commissioner
5 Reckdahl your lights on.

6

7 Commissioner Reckdahl: One of the things I don't want to do is ping pong back and forth. And
8 so, I would be inclined to have the temporary ordinance and just extend that and then just deal
9 with it and any changes, all the changes occur at one time. If we now say, we can make these
10 three permanent, maybe with changes, we make them permanent and then after we do our
11 study we realize no, that was wrong, and then we have to go back. I don't see the advantage of
12 making things permanent right now if we haven't done our study.

13

14 Chair Lauing: Commissioner Templeton did you have any input? Okay. If we were to... question
15 to staff, they're now in consultations or something... if we were to approve A and C and F now,
16 that would go and if Council wanted to do that, that would be the quote – permanent
17 ordinance. Right.

18

19 Ms. French: Yes, if Commission has recommendations on those A, C, F, this evening, we would
20 proceed with that timeline that we had anticipated to make a permanent ordinance. That

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1 doesn't mean that we aren't going to come back, which we're planning to, maybe end of
2 September, with this retail study to discuss that context for these other items, so there could
3 be some discussion by the Planning and Transportation Commission on these other items even
4 if it's not in the permanent ordinance itself.

5

6 Chair Lauing: But then we could either take this ordinance again and recommend additional
7 changes to it is what you're saying.

8

9 Ms. French: Yes.

10

11 Chair Lauing: Okay. So, I think as I'm understanding the sort of intent of Council is ... which of
12 course they can do, Commissioner Hechtman they have kind of made decisions on three of
13 these, and they would like those to be permanent just pick one out, F, because I'm looking at
14 that, prohibit expansion of medical sizes in the areas noted, they don't want medical offices to
15 get any bigger than what's already in the code. That's basically all that says, right? And so, if we
16 don't do that, then medical offices can get bigger if they don't extend the ordinance, and let it
17 expire. But what we would be... but what we would be recommending is that we ... did I not get
18 that right? Okay, so basically this is in the ordinance right now... prohibit expansive of
19 permissible medical, if it expires, that goes away, and a large one can come in. But I don't
20 understand why they would do that. I think they would either decide ... if we voted that we

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1 don't want to do that now, and they want to do it, they can just approve it, and that's fine. I
2 don't think they would let it expire, as one of the options, I think they would continue it or just
3 approve it. So, I guess I'm not worried about the downside of this is going to expire and those
4 things can happen. That would be kind of my judgment on it. Commissioner Templeton.

5

6 Commissioner Templeton: I just want to second that. I'm not exactly sure if... if the message is
7 Council has already decided it wants to do these things, why are we seeing it? Right? Like Staff,
8 can you help us understand what they want from us?

9

10 Mr. Yang: Well, one of the reasons that you're seeing it is that permanent ordinances need to
11 come to the PTC before the Council adopts them.

12

13 Commissioner Templeton: Okay, so their intention is we can discuss it or not discuss it, they're
14 going to see it next.

15

16 Mr. Yang: Well, let me say it... don't they need to come to the PTC and get a recommendation
17 from the PTC.

18

19 Commissioner Templeton: I see, so it's pro-forma kind of situation. Alright. Thank you for
20 clarifying.

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Chair Lauing: So, the only other kind of comment I'll make on this, just as a Commissioner, is that you know, we intentionally wanted it to be continued so that we'd get more information on the totality so now it's back to us in the same format it was last time, so it's no different right now then what we saw the last time. So, Commissioner Reckdahl did you have a comment? Go ahead.

Commissioner Reckdahl: Will the consultant be coming back with any new information on the A, C and F?

Chair Lauing: I think we don't know, right? Wasn't that the issue, Sheldon?

Ms. French: The consultants report is fairly broad, it's not particularly tailored to those narrow questions, it's broader than that. It looks at objective development standards, streamlined approval processes, you know, as recommendations for things, looking to advance a legitimate public purpose, these kind of framework for retail, health and retail districts and such. So, it's pretty broad. I imagine a study session for the discussion on that, rather than specifics on this, you know, D and E at that fall date. So, it could inform, to answer the question.

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1 Commissioner Reckdahl: Yeah, so, if we don't think it will inform then we may as well make it
2 permanent. If Council has made up their decision, and we have no new information coming
3 forward, then by our future discussions by our focusing the problem...

4
5 Chair Lauing: Where we started last time, on the three that staff is now suggesting we defer, is
6 we can't make decisions on that because we have no information. So, we can't make a decision
7 on those tonight, just as we couldn't the last time.

8
9 Commissioner Reckdahl: So, B, D and E?

10
11 Chair Lauing: Yes.

12
13 Commissioner Reckdahl: Yeah.

14
15 Chair Lauing: So, somebody has to give us that information is what I'm saying... if it's the retail
16 consultant, or a different retail consultant or staff research, somebody has to give us some data
17 upon which to make... Yeah. Okay. Commissioner Chang.

18
19 Commissioner Chang: So, I'm confused. I understand A, I understand C, it's F where I'm
20 concerned about what the implications are so I think in terms of whether I think it should be

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1 extended or deferred, I'm hoping that somebody can... this is a question for staff. Like, what
2 was the ordinance beforehand, before the temporary ordinance, what did the temporary
3 ordinance change, and there for, what are we at risk of reverting back to if we don't make it
4 permanent? So, can we ... specifically for F. Can we talk about that?

5

6 Mr. AhSing: Right, so for F the idea was that medical sizes, I think the Council meant medical
7 office size and that threshold was expanded to five-thousand square feet city wide.

8

9 Commissioner Chang: By the Temporary Ordinance?

10

11 Mr. AhSing: By the temporary ordinance.

12

13 Commissioner Chang: So that's where... so, by making it permanent, then we would be
14 permanently saying that medical office could be five thousand square feet except in these three
15 areas. That I am not ready... well, I'll just kind of opine on that also. Right after my question. I
16 am not ready to make that permanent without understanding the retail study a little bit more. I
17 mean if it were just to say, because we expanded things, so if was just to say the limitation part
18 of it, I'm okay with that. It's the citywide expansion that I'm more concerned with.

19

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1 Ms. French: I'll direct, maybe we can look at... all be on the same page literally, so, Packet page
2 55, shows medical offices in a table. And it shows what was scratched out and was that a CUP
3 was required and loosening, due to the pandemic et cetera, to allow it as permitted rather than
4 by CUP for up to five thousand square feet with the caveat, you know, retail protection, I
5 believe is what those sections are to the right column. Then if you flip the page to Packet page
6 56. It says exceeding five thousand square feet. That's when you need the CUP. So, I think part
7 of this whole retail and looking at loosening, this was a loosening whereas if you don't adopt it,
8 then it goes back to being a tighter thing with the CUP requirement. I think that's how it is,
9 right?

10

11 Mr. AhSing: Yup. That's correct.

12

13 Ms. French: Okay.

14

15 Chair Lauing: Okay, and along the same lines I would just... we should probably look at A and C
16 just to be thorough and on A, that one is kind of odd to me as well, I mean I understand the
17 point here, that prohibit all these kinds of shops on California Avenue street-facing. And what
18 that means is that... there's some other language in here that says if one closes a landlord can
19 get another one, but once it's not filled, then that goes away. Theoretically it could go down to

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1 zero over time. Which also seems odd to me. That you couldn't have any nail salon facing the
2 street on California.

3

4 Ms. French: So, if I may, the... if a nail shop goes away and it's been more than twelve months,
5 it's not, you know, non-complying, non-conforming use is now remedied and now what has to
6 go in there, you know, can not be that same thing.

7

8 Chair Lauing: That's exactly what I'm saying. So over time, when that happens, if they don't
9 find tenants right away, over time this means that there can be no nail stores facing California
10 Avenue. It just seems like an odd restriction to me, because what if there were one or two, who
11 cares. I would think that the concern would be more, you know, we don't want fifty of them.
12 So, it would be better to me, to amend this to have some sort of number that would be allowed
13 over time, so, that's another thing that would have to be debated, if we wanted to change what
14 Council has already sent us.

15

16 Ms. French: So, your comment on this is about proliferation of ...

17

18 Chair Lauing: Well, I think that's where this started. Is they didn't want, what they call, personal
19 use to take away from what's generally called vibrant retail. And that's totally fair, totally
20 consistent with how we've managed retail, forever. And if they're all nail stores and so on, then

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1 it's not too vibrant. Same way if it's all gyms. That's where this all started from and it's a good
2 thing to have this discussion. But to go down to zero on that category restricts the retailers, the
3 landlords, customers, because what difference does it make? So, I would prefer to have some
4 more discussion about that before kind of automatically doing that. And then just so we can
5 discuss C, this is kind of the same thing. You don't want office looking kind of training on
6 downtown on Cal Ave and again, post pandemic here, particularly, who cares if there's a
7 tutoring shop, on some section of California Avenue. So, I would think we could benefit with
8 some discussion of, you know, limitation of the numbers of those as opposed to net zero. So
9 that would be a reason not to take this up until we took up all the rest of it and ask Council for
10 another extension. Commissioner Hechtman.

11

12 Commissioner Hechtman: So, we're kind of having a wide ranging discussion here that kind of
13 process, but kind of not, it doesn't look like we have any members of the public, well, we
14 definitely don't have any here in Chambers and I don't see any here online but I'm wondering if
15 we just want to go through the formality of inviting public comment and then closing that and
16 then we can roll... (interrupted)

17

18 Chair Lauing: I was going to do that.

19

20 Commissioner Hechtman: Okay.

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2 Chair Lauing: Just before you had another comment.

3

4 Commissioner Hechtman: Sorry.

5

6 Chair Lauing: No, no, no. I don't think there is any, but let's do that Madina.

7

8

9 PUBLIC COMMENT

10

11

12 Ms. Klicheva: There are no public attendees online or in person.

13

14 Chair Lauing: Okay, great. Thank you. Okay I think we did exhaust the process question. So now
15 let's just talk about what we want to do. Commissioner Hechtman.

16

17 Commissioner Hechtman: Okay, so, I'm not in favor of our recommendation being... to Council
18 being extend the temporary because I'm afraid they won't. But, I've heard two of my fellow
19 Commissioners voice that as something they thought might be the best approach and so I'm
20 wondering if we want to... but if we do that, we don't need to talk about any of this. So I'm

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1 wondering, and I just don't have a sense from the other Commissioners whether they're
2 supportive of that idea or not, so I'm wondering if somebody wants to make a motion that that
3 be our recommendation then we can vote on it, you know, if the majority think that that's the
4 direction we want to give Council then that's what we're doing tonight. Or, do the people ...
5 again, what I'm wanting to avoid is an hour and a half discussion and then a vote that only tells
6 them we think you should extend the temporary ordinance.

7

8 Chair Lauing: It could still get there but it's better to do that with a motion on the table.

9

10 Commissioner Hechtman: Yeah, and I'm not wanting to make the motion, because I'm not
11 supportive.

12

13 Chair Lauing: Right, right.

14

15 Commissioner Hechtman: But I'm inviting if anybody wants to, if there's an appetite for it.

16

17 Chair Lauing: Commissioner Chang.

18

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1 MOTION

2

3 Commissioner Chang: I would be okay with making certain things, permanent but not others,
4 so... but I do think that the most expedient way to handle this is to make the... would be just to
5 extend the temporary ordinance. So, I'll make that motion. But that's what... we recommend to
6 Council.

7

8 Chair Lauing: Commissioner Templeton.

9

10 Commissioner Templeton: I don't have my hand raised.

11

12 Chair Lauing: Oh, I thought you were reaching to second it, I'm sorry. I was watching your
13 keyboard motion.

14

15 Commissioner Templeton: No.

16

17 SECOND

18

19 Chair Lauing: Okay, I'll second it. Did you want to say anything more Commissioner Chang?

20

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1 Commissioner Chang: Sure, okay so I share Chair Lauing's concern about prohibiting nail salons,
2 beauty shops, barber shops directly on Cal Ave. I understand that we don't want proliferation of
3 them, we don't want more of them, but I worry, and wonder why we would try and limit that
4 choice, because I think a few of them are okay. And so, I don't... I worry that's kind of
5 unintended consequence here, by making it permanent. And then with respect to C, same
6 thing, with the tutoring, I have no problem with one, and then, but of course we don't want a
7 ton of them, so I think we could benefit by talking about the number and then finally, with
8 respect to the permissible medical office sizes. I need more data to decide if I want to make the
9 five thousand square feet city wide permanent. I don't mind the piece that restricts... that
10 prohibits the expansion on those three areas of Cal Ave, you know, University Avenue and
11 midtown shopping center, but I don't have the data to know whether it's appropriate or not, to
12 have five thousand as the threshold. That's why I made the motion. I just don't... I need more
13 discussion. So relative to my second I concur with that, and I also want to point out the
14 timetable that staff presented here, started way back in 2020, and by the time this would get
15 approved at this point it would be almost 2023. So, sometime has passed since Council
16 members mad those specifics here and I think that judgment might have changed post-
17 pandemic about some nail sores versus none for example. And respecting what we've already
18 said, which is that if we go this direction, they can still approve the ones they want and not
19 extend it and that would be fine and we're still going to get the other three back, so, I don't see
20 a lot of downside to this, but I think it would be more comprehensive in terms of our analysis if

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1 we could have these points on the same night and put the time into it and we need data for
2 three of them, so, I'd be happy to wait. Other Commissioners? Commissioner Hechtman.

3

4 Commissioner Hechtman: So, I want to say that I agree with the spirit of this motion, because I
5 agree that the way to make the best comprehensive ordinance regarding retail is with all the
6 information when we can see how all the pieces fit together and we can't do that until the
7 consultant's report comes. And while I agree that is ideal, as I mentioned before, I'm afraid this
8 ship is going to sail without us if our only recommendation to them is to extend the temporary
9 until we can make that comprehensive analysis. Because if they disagree, and they have given
10 us an indication I think, that they want to make a permanent ordinance, then we lose our
11 opportunity for feedback before the temporary ordinance becomes permanent, because it's
12 not coming back to us before December 21st, and for example, regarding A, the nail salons, you
13 know, I have the same exact concern, that prohibiting them so that over a period of years, they
14 as... they leave and they not replaced within a year and we go from, I think I read somewhere,
15 between eight to ten, right, and then it's seven, and then it's five and then it's one and then it's
16 none. Right. That is not what we want. My family uses those kinds of facilities on that street
17 and when they do it, they also, you know, go to Molly Stone and they go to other places and it's
18 part of the vibrance. And so, I think as the Chair said, that the better approach here is a
19 number, right? That we're recognizing whatever. I had written somewhere between three and
20 five. Right. And so we'll see who gets weeded out until we get down to three to five, but, and I

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1 like that approach and I'm willing to you know, work tonight on some language [video skip] and
2 we might not get that chance if the council agrees with us and they extend the temporary, then
3 sure, when we provide them our comprehensive thoughts later, then that will be part of it. But
4 if they disagree and they just plow forward, we're going to get the version of the language in
5 the ordinance of A, that at least three of us have already indicated is not appealing to us. So,
6 that's why I you know weighing all this, take A, ehh... the numbers... A, C and F and then I think
7 we have to talk about B. Because B again, is something we don't have the consultant's
8 information, but it is in the temporary ordinance, so it's kind of in a class by itself. What
9 happens if we defer that so it's not in the permanent ordinance. Anyway, those are my
10 thoughts. I can't, even though I agree with the sentiments of the motion, I can't support it.

11

12 Chair Lauing: Commissioner Reckdahl.

13

14 Commissioner Reckdahl: Do we even have any data on the number and the square footage of
15 nail salons, so if we were trying to come up with something, do we know how many are there,
16 how many square footage is already there? If we had good numbers for this varies of things, I
17 would entertain specifying something but...

18

19 Commissioner Templeton: On California Avenue? Or any of the streets/areas?

20

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1 Commissioner Reckdahl: The nail salons on Cal Ave.

2

3 Commissioner Hechtman: Packet page 47, under this heading A, it says there are currently
4 eight to ten nail salons, beauty shops and spas located on Cal Ave. It doesn't give the square
5 footage.

6

7 Commissioner Templeton: I'm going to... can I give an anecdote if you're trying to understand
8 that Commissioner Reckdahl.

9

10 Chair Lauing: Go ahead.

11

12 Commissioner Templeton: So, back in the before times I would go down to California Avenue
13 and I would get my hair done, and I'd get my nails done, and then I would wait for the kids to
14 get out of school across the street at the coffee shop and then I would go have dinner on Friday
15 night at one of the restaurants on that street. It is part of the ecosystem. I don't think it's
16 excessive, during the pandemic it's been great to have the ability for the shops there to
17 consolidate, so some of the places had to shut down but some of the designers could move
18 over and still keep their business and serve their clients. I don't think it's a problem. So, I
19 understand what you and Commissioner Chang are talking about, I don't understand why it has
20 to get down to zero. It's weird.

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Commissioner Reckdahl: Yeah, I just don't want to shoot from the hip, and we'd be better off extending it, even though it may be imperfect, and do it right, but if we think we have enough data that we're not shooting from the hip, then I could entertain that.

FRIENDLY AMENDMENT #1

Chair Lauing: Well, here's an idea to kind of slightly shift the motion, we could say that we want this to be continued because on A and C, we do want to study a cap, an appropriate cap on those kinds of stores as opposed to zero and on item F, we need data to justify that, and we don't have it. But, that's two different things, obviously, so, the first one is a little bit easier to talk about than the second one I talked about, but we could signal to them that we want to... a cap and there for that's why we want to get these back, the other three we say staff wants it deferred.

Commissioner Chang: Is that a friendly amendment?

Chair Lauing: Yeah.

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Commissioner Chang: I accept that friendly amendment.

Chair Lauing: Well, then I'll ask the seconder... Yes, I agree. (laughter)

Chair Lauing: And in that case Commissioner Hechtman if they're inclined to accept it they may not just accept it and listen to that and say let's us work on a cap tonight in four weeks when they have it or whatever. Go ahead, your light is on.

FRIENDLY AMENDMENT # 2

Commissioner Hechtman: So, I think I have a slight variation on that theme, that's a little more sort of both forceful and protective of us making some difference. And that would be, if the motion were that our primary recommendation is that you extend the temporary ordinance until the consultant's information can be digested and a comprehensive approach can be taken on all of these items A through F, and any others but if you were disinclined Council, to accept our primary recommendation, then this is our secondary recommendation as to each of these, which ever items we want to take on. So that way, it addresses my concern that we have no

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1 voice in the event that they decide just to plow forward. So, and maybe your motion, that was
2 intended and does, but it didn't sound quite like that to me.

3

4 Chair Lauing: The one difference that I just wanted to explore between those two motions is
5 that Commissioner Chang's motion was still, we want to continue it, but... and give guidance
6 that what are the reasons we want to continue it is we want to look at caps rather than zero on
7 those two items but not get into a discussion tonight as to if that cap should be four or three or
8 two or whatever because as Commissioner Reckdahl said, we'd still like to get a bit more data
9 on that. So, I think that's the difference between what you're suggesting and what she is
10 suggesting.

11

12 Commissioner Hechtman: It is, because what I'm suggesting is we would see if we could come
13 up with... this is the hand we've been dealt, I mean, I don't honestly know that I need a study to
14 tell me that I personally would not be uncomfortable with four or five of these kinds of facilities
15 on Cal Ave. Right. That wouldn't seem... oh... like on Castro in Mountainview. You know I call
16 that [Audio Skip], if we don't put a line in the sand, something firm that they can actually adopt,
17 then they may just adopt the zero which three of us don't want.

18

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1 Chair Lauing: Right, but what I was getting to in terms of the direction on that point, I think I
2 said this the same way I'm going to say now is we would give them guidance. We would like to
3 explore a cap of say five or under on these two items A and C.

4

5 Commissioner Hechtman: So that explore, are you telling the Council to explore?

6

7 Chair Lauing: We're saying that we want to explore it, that's our primary, but if our secondary
8 isn't they want to move on it, then they have our recommendation which is somewhere around
9 five. That's where I'm going. So, then either way they get our recommendation which is your
10 concern.

11

12 Commissioner Hechtman: Right. That's my concern. That they get our recommendation our ...
13 if you're not willing to extend the temporary, here's our recommendation, in the absence of the
14 information we think would be useful. Yeah, so I think maybe we are on the same page with
15 Commissioner Chang's motion.

16

17 Chair Lauing: I think so, but she needs to speak to it. I was just trying to figure out where we
18 were both going.

19

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1 Commissioner Chang: No, that's fine. I'm fine, I think where I come out on this is I do not feel
2 comfortable providing a specific number in a... but guidance, right, of what that number might
3 look like, because we just don't have data and sure I could guess, but ... I mean for me I'd say no
4 more than we currently have. Right, that would kind of be my cap. I can say that for the nail
5 salons, and I could probably say that for the tutoring item too, for C, so sure, I'm okay with the
6 primary recommendation and then a secondary recommendation. So, should I withdraw my
7 motion? And then...

8
9 Chair Lauing: It's just a kind of an amendment... it's not even much of an amendment I don't
10 think to what you said before, because you want to continue it...

11

12 Commissioner Chang: Yes.

13

14 Chair Lauing: So, we can evaluate it as (crosstalk)

15

16

17 MOTION # 1 AMENDMENT

18

19

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1 Commissioner Chang: So, I would amend my motion to say that I would like to continue the
2 temporary ordinance in order that we can have the data to make a more comprehensive
3 evaluation of all the items and that's my primary recommend... that's our primary
4 recommendation and then further we have as secondary recommendation that if the Council
5 really wants to move on something, that we're going to do this to A, this to C, and this to F and
6 we need to fill that in together.

7

8 Chair Lauing: Well, you figure out ...

9

10 Commissioner Chang: Well, if I were doing it, it would say that for A, that the number of nail
11 salons, beauty shops, barbershops etc, directly on California street-facing be limited to no more
12 than currently exists, and the same for C that the expansion of tutoring schools and related
13 functions are limited to no more than currently exists, the number of them...

14

15 Commissioner Reckdahl: Number or square footage?

16

17 Commissioner Chang: Number I think, is what I would say. And then that for F, for that one in
18 particular, that we just keep it as is because we need more data. That's where I come out.
19 That's my motion.

20

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Chair Lauing: I'll stay with that on the SECOND. The one thing that that doesn't address that was my concern is that Council, the way it's written, they don't want any, and what we're saying with that motion is they can have the same amount as what is right now. So that's pretty far away.

Commissioner Chang: So, I see. I think making it more generic than like you said. That we explore a cap.

Commissioner Reckdahl: I don't think that Council want zero.

Chair Lauing: I think they do.

Commissioner Reckdahl: No, I think they just don't want anymore. And it's like freezing it, that was the way

Commissioner Chang: I don't think we know what Council wants.

Chair Lauing: Actually, I think one the way that it's written suggests that and the other one doesn't. A says prohibit allowing them period. No A. A says prohibit expansion, no sorry. Item A says prohibit allowing, C says prohibit expansion.

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Commissioner Templeton: I think prohibit allowing must be a mistake, can staff clarify that?
You want to put people out of business and take away our services? That's just bizarre.

Chair Lauing: It would be natural attrition is what they're planning on.

Commissioner Templeton: Well, but still, like.

Chair Lauing: I agree.

Ms. French: The word new maybe would be helpful.

Chair Lauing: Okay.

Commissioner Templeton: Does staff recall any, who were there? Do you know what they meant? Do you believe it to be a typo?

Ms. French: My recollection, I mean staff did not come forward with this as a narrow, California Avenue itself, and University Avenue itself, that was the deliberation of the Council. So, the frontage thing. Right.

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Commissioner Templeton: Well, the salons are pretty busy, so I think that probably was a mistake. The nail salon I mean.

Chair Lauing: Yeah, or you could put new in here staff, and then I think probably your motion is fine.

Commissioner Chang: I think I'm lost on where we are with this. So...

Chair Lauing: No, I think you're right on.

Commissioner Chang: So, for A then I think I would say prohibit, but it's not... new isn't the problem, it's the number right. If one closes...

Chair Lauing: That's why I think your language is absolutely correct.

Commissioner Chang: Okay.

Chair Lauing: Just is no more than (interrupted)

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1 Commissioner Chang: No more than currently exists.

2

3 Chair Lauing: Right.

4

5 Commissioner Chang: Is what my motion was.

6

7 Chair Lauing: So, you're capping the top of it?

8

9 Commissioner Chang: I'm capping the top of it.

10

11 Chair Lauing: And the same thing on C.

12

13 Commissioner Chang: Correct.

14

15 Ms. French: If I might add on C though, I think there are none that exist.

16

17 Chair Lauing: Sorry?

18

19 Ms. French: I think right now for the tutoring...

20

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1 Chair Lauing: I just didn't hear what you said.

2

3 Ms. French: Oh. The tutoring schools, that number C, item C, there are none that exist so that's
4 in a sense saying zero. For item C.

5

6 Commissioner Chang: So, thank you. That's good information. This is what I mean by no data.
7 But then why does it say prohibit the expansion of because that seems to indicate that there
8 are some right now. See, I don't think we're ready to discuss this.

9

10 Mr. AhSing: So, I mean I wasn't there, but I listened to the recording like many times, and to
11 the same point, it was challenging to try to put this into an ordinance and sometimes when the
12 Council puts together these motions, I mean there's a lot of different language going through it
13 so, I see your point. Yeah, it is confusing but the expansion of it is, I think they're just trying to
14 relate to an exception, a carve out as I was trying to say.

15

16

17 MOTION # 1 – AMENDMENT # 2

18

19 Commissioner Chang: I understand now, thank you. Okay, so then I would change the motion...
20 I think the motion with affect to A is correct. That it's a cap at the current number of these

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1 types of businesses. That would be our secondary motion, right. And then for C, oh sorry,
2 secondary recommendation and then for C, it would be to explore a cap on the number of
3 these types of businesses, and then for F it would be to, there is no secondary recommendation
4 I think I would want to just continue the temporary ordinance with respect to F. That is my
5 motion.

6
7 Chair Lauing: So, just for clarity for all... the two items that we're saying if you don't want to
8 continue it and send it back to us, then we're going to comment on A and C, A is no more than
9 what's there now, and C is a cap. Everybody get that? Commissioner Templeton? Sorry, your
10 hand was still up. Sorry. Okay. Commissioner Hechtman?

11
12 Commissioner Hechtman: Alright, so, let me start with A. The way A works is with our
13 modification, it looks like there's between eight to ten of these, somebody would have to go
14 count specifically so we have a fixed number, and to open any of these facilities, what kind of
15 permit is needed? If any, none, I see Ms. French shaking her head.

16
17 Ms. French: Which facility?

18
19 Commissioner Hechtman: Oh. Nail Salon, or a beauty shop, or a spa. Do you need a use permit
20 of any sort to open one?

-
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1

2 Ms. French: Personal services is a permitted use.

3

4 Commissioner Hechtman: Okay.

5

6 Ms. French: Except currently, under the interim of the temporary ordinance (Crosstalk)

7

8 Commissioner Hechtman: So, what do you need?

9

10 Ms. French: On those two streets.

11

12 Commissioner Hechtman: Right, because currently you just can't open one. Right? Here's one
13 of the technical problems we have and that is, we've got this whole street, and right now let's
14 say there are eight of these facilities. Right. Let's say God forbid Kali closes. And I'm only picking
15 on them because it's a narrow deep space that is kind of the right size for a salon. The... you
16 don't need a permit of any kind from the city to open there. Maybe some building permit if
17 you're doing some renovation, but there's no kind of use permit, so now I'm... you don't get a
18 use permit. So now I'm concerned with well we can say it's eight to ten, but how is it we stop
19 somebody from opening there... again, let's say there are eight and Kali... those eight stay and
20 Kali closes and somebody just moves in there because they don't have to ask our permission.

-
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1 How are we going to enforce that? That's the concern I have ... while I agree with the idea, of
2 limiting the number, it's occurring to me because nobody has to get a permit.

3

4 Commissioner Reckdah!: Can you force a CUP on them or something? Have someone...

5

6 Chair Lauing: Well, if there's a cap on size and store and they're the eleventh one...

7

8 Commissioner Hechtman: And actually, the old version of the ordinance was requiring a CUP.

9 Right. And so, I actually like the old version if we provide though, that the CUP should be issued
10 when there are eight, or whatever the number is.

11

12 Chair Lauing: Yeah, you solved that technical problem right now.

13

14 Commissioner Hechtman: Okay, good.

15

16 Commissioner Chang: So I would change the motion to reflect what Commissioner Hechtman

17 said.

18

19 Chair Lauing: Well, I don't think you have to change the motion, it will just get changed in the
20 ordinance.

-
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Commissioner Chang: No it changes our secondary recommendation, with respect to A.

Commissioner Hechtman: Right.

Chair Lauing: Okay.

MOTION # 1 – AMENDMENT # 3

Commissioner Chang: Such that we would actually say that requires a conditional use permit to operate these types of businesses when reverting back to the original, with the addition that the total number of conditional use permits given in the California Avenue location could not exceed the current number that's there?

Commissioner Hechtman: Almost, you've got to turn it around. Because there's a bunch of uses already there, that may or may not have conditional use permits, the way you'd have to word it is: The City can't issue a conditional use permit unless there are fewer than eight, whatever the number is of existing salons with CUPs or without.

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1 Chair Lauing: Right.

2

3 Commissioner Chang: Right. Okay. Do I have to say that again? Cause that's what I want.

4

5 Ms. French: So, what I'm hearing is require a CUP to operate a new personal service unless
6 fewer than eight to ten, whatever the number (interrupted)

7

8 Commissioner Hechtman: We're up to current number (crosstalk)

9

10 Commissioner Chang: Fewer than the current number.

11

12 Commissioner Hechtman: No, No, no.

13

14 Chair Lauing: It's the opposite.

15

16 Commissioner Hechtman: You have to... if the number is eight, and there are six, people
17 operating on the street, then I can get a CUP. If the number is seven and I want to operate, a
18 new place, I can get a CUP. If the number is eight, and I want to operate, I can't get a CUP, I
19 can't do it. Because we reached the cap.

20

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1 Chair Lauing: But Commissioner Hechtman, I thought you had it even simpler before. Which is
2 that we wouldn't require CUPs for this unless the cap had already been reached.

3

4 Commissioner Hechtman: Well, I don't (crosstalk)

5

6 Chair Lauing: One of the things we're trying to do is making it easier for people to get in the
7 stores. If you have to wait out the CUP process, that's one of the things this was trying to
8 address originally.

9

10 Commissioner Hechtman: Yeah, the problem I think is if you don't just require the CUP all the
11 time, again, if there are eight out there now, Kali closes, I go maybe I miss count, I didn't think
12 that was a personal service, I only counted seven, so I opened, right, well it turns out I'm
13 number nine and I didn't get a CUP, so that's why I think it's simplest, we're protecting the ones
14 that are there, anything new needs to get a CUP, and you can only get a CUP, if there are fewer
15 than whatever the number is. (crosstalk) Yeah.

16

17 Chair Lauing: This is another reason it would be better if it were continued.

18

19 Ms. French: So the cap would be eight, or you say fewer than eight, so eight is the cap that
20 you're exploring right now.

-
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Commissioner Hechtman: Whatever. I mean, staff is going to go count the personal services on California Avenue, right? Which they've estimated in the staff report at eight to ten. By the time this goes to Council, they will count and say there are this many and that is the number we want to set as ... because I guess the feeling that seems to be here that this particular issue is California Ave is not broke. Right. It doesn't have an overabundance of these kinds of things from our perspective as residents.

Chair Lauing: And also, we don't want landlords to go broke, if three of these nail salons close and they want to put in more nail salons, or more of whatever, they should just be able to do it.

Ms. French: And to be clear, just a finer point on that, if a nail or beauty vacate, and it's been less than twelve months and a new nail salon comes in... that's a new one, except that is still a grandfathered if you will, space, for the year of you know, for that year of time.

Chair Lauing: It doesn't have to be that space at all. It can be any space.

Commissioner Hechtman: Well, let's explore that because prior to the temporary ordinance, you had to have a CUP to get in there. And so, I'm thinking that not many new personal service

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1 places opened during the pandemic so most of the pre-date the temporary ordinance, most of
2 them have CUPs. Is that true?

3

4 Ms. French: That's what I'm saying. If there's one that doesn't have a CUP now and you know
5 salon A leaves and salon B comes in the very next day, into the same space, I think it's a
6 grandfathered situation where they wouldn't need a CUP because they're occupying the same
7 space within that twelve-month period. Right?

8

9 Commissioner Hechtman: Okay. Yeah, right.

10

11 Mr. AhSing: I think if they had a CUP already, that runs with the land.

12

13 Commissioner Hechtman: Right.

14

15 Mr. AhSing: Right, so that's the point I was just trying to get to.

16

17 Commissioner Hechtman: Yes.

18

19 Mr. AhSing: So if one leaves and another one wants to come into it would assume that.

20 (crosstalk)

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Commissioner Hechtman: It's not even grandfathered. (crosstalk) it's already permitted, and I would suspect that most of ... again, I don't know how long a CUP's been required, before temporary ordinance said you can't grant them, we're just not allowing it. But if it's been a while then I would think that most of those salons, personal services places, have a CUP and so those are going to be fixed. In otherwords, I mean with the C... I think our ordinance does provide maybe that after some period of time, if a CUP isn't used, then it may expire, but I don't think it's the same as the year for a grandfather. (crosstalk)

Commissioner Reckdahl: That's an important question to know.

Commissioner Hechtman: Yeah, Mr. Yang may know the answer to that.

Mr. Yang: So, we don't have a provision saying that CUP will expire if they are not used within a year, that's only if they are not initially established within a year of their approval.

Chair Lauing: Okay, so if there are no other comments, looks like we're ready for a vote.

Commissioner Hechtman: Well, no. Actually, not too close to being ready for a vote, I actually have a few comments on the language of the ordinance itself. But before I leave A, let me... I

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1 just wanted to ask a question. When we're talking about these personal services, are we only
2 talking about ground floor? Do these regulations also apply to the second floor, I mean we have
3 something called a ground floor combining district and I was wondering if that was really only
4 the zoning for the ground level.

5

6 Ms. French: I believe that's true. So, we have the ground floor combining district for downtown
7 and then we have the R – retail for Cal Ave. We also have the GF for ground floor in midtown.
8 So, and they're similar wording.

9

10 Commissioner Hechtman: Okay. Alright. So, what we've been talking about here for A, is this
11 only dealing with the ground floor on Cal Ave?

12

13 Commissioner Chang: That's a good question.

14

15 Mr. AhSing: So, Cal Ave is the R district, the GF is in University Avenue. So I have to look at
16 specifically,

17

18 Ms. French: It's helpful to have these annotated versions.

19

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1 Commissioner Hechtman: Yeah, so while you're looking for that, because what I wanted to say
2 is, regarding C, the schools and related functions, I don't see any issues with those even
3 proliferating on the second floor. And so that's why I was thinking maybe this is only applicable
4 to the ground floor, which would make sense, I know that's been the focus of Council's concern
5 and rightfully so.

6
7 Chair Lauing: But it should articulate that. But the motion and the ordinance should articulate
8 that.

9
10 Commissioner Hechtman: Right, and perhaps it does and that's what Mr. AhSing is looking for.
11 And then, you know, I still think we need to dig into F a little bit because I thought that
12 Commissioner Chang's question of where do we come from before the temporary ordinance,
13 you know, what changed, and I was trying to read the language, the old language and I don't
14 think I got it quite right, so, I want to talk about that and then just to sort of paint the whole
15 picture, Chair, then there were a few questions I had about the language of the ordinance, why
16 is this here, this seems duplicative to me, and I wanted to cover those. Those won't take very
17 long; I don't have very many of them. But it's part of what I wanted to cover. Mr. AhSing
18 what'd you find?

19

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1 Mr. AhSing: Yes, thank you. So, in looking at the ordinance, it doesn't have the whole chapter
2 in there, which would be redundant because somethings are not being changed, so just looking
3 at the R district, yeah, it is for the ground floor.

4
5 Commissioner Hechtman: Okay. Okay. So that's really a helpful clarification ... alright so, I've
6 expressed what I thought about A, for C, because they're allowed on the second floor, I don't
7 know, and the Council seemed to, they're not as retail like, I would say as personal services
8 kinds of places, and I don't really have a problem with saying no on the ground floor, okay on
9 the second floor, so, that's how I feel about C. I want to jump to the... I did want to talk about
10 some ordinance changes, but Chair you tell me when you'd like for me to do that.

11
12 Chair Lauing: Preferably when this comes back. (laughter). Apart from that, did you want to
13 first talk about F?

14
15 Commissioner Hechtman: Well...

16
17 Chair Lauing: Because those are the points we're all discussing the same time.

18
19 Commissioner Hechtman: Yeah, okay, so let's just tackle F, so I just need to get my head
20 wrapped around it. So, before the temporary ordinance, what we see in ... it's the bottom of

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1 Packet page 55, is before the temporary ordinance, medical offices in all of these districts
2 required a CUP, subject to note five. Do you see that? It's the bottom of page 55, it's crossed
3 out. So then we have to go over to note 5, which was on 57, and, we've got to ignore the things
4 that are crossed out because... or actually, read the things that are crossed out because that's
5 what used to be in the ordinance and ignore the things that are underlined because those are
6 the things that used to not be in the ordinance. So, what, before the temporary ordinance,
7 what note 5 said, I will try to say it out loud because hopefully it will help me retain it, A
8 Conditional Use Permit is not required for medical office or commercial recreation uses up to
9 five thousand square feet of gross floor area, with the following exceptions for which a CUP is
10 always required: a) medical office fronting Cal Ave and in midtown shopping center b)
11 commercial recreation uses fronting on Cal Ave and in the Town and Country Village shopping
12 center. Okay. So that was what the law was before the temporary ordinance. Did I get it
13 backwards?

14

15 Mr. AhSing: Just one clarification on that. So, the changes you see here are the changes to the
16 temporary ordinance. So, what is actually accurate, is what you had mentioned before that I
17 think you had pointed out was in the use table where it says the CUP, and the note. The CUP
18 was what the requirement was before, the footnote is how the temporary ordinance is, and we
19 want to get things out of the footnotes because it's confusing. So, we moved that, some
20 changes you see are just clarifying the temporary ordinance making it a temporary ordinance

-
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1 making it a permanent ordinance. So, the requirement was a CUP before, we... the threshold
2 was changed to five thousand square feet, that was a streamlining effort, and then we had
3 some carve outs with the motion, while at Council.

4

5 Commissioner Hechtman: How confident are you on that? Because what I'm seeing is five is
6 crossed out...

7

8 Mr. AhSing: And I can bring the co-author Mr. Yang back to clarify that (crosstalk)

9

10 Commissioner Hechtman: So, was, before the temporary ordinance, was a CUP required for a
11 four thousand square foot medical office not fronting Cal Avenue or midtown. So like on
12 University.

13

14 Mr. Yang: If you give me a minute, I can pull up what the law was before the temporary
15 ordinance, just give me a minute. Give me a second.

16

17 Commissioner Hechtman: Okay.

18

19 Mr. Yang: So, we are looking at the R combining district, is that right? And what in particular
20 was the question again?

-
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Commissioner Hechtman: So, so if you look at table one, down under the heading office use, where medical office is listed, we're wondering what was filling the box, the next three boxes whether it... F said CUP, or it said CUP and a Note 5.

Mr. Yang: I'm sorry, we're not in the R-planning district, which... table one, (crosstalk)

Ms. French: Packet page 55.

Mr. AhSing: See N-zone. I actually have the temporary ordinance as well Albert, if you need me to bring that up.

Mr. Yang: Yeah, that's... I'm looking at ordinance 55.17.

Mr. AhSing: Exactly, that's it.

Mr. Yang: So, let's see, Packet page 55, it is 18.16 and medical office was just a CUP, footnote 5 did not exist until the temporary ordinance.

-
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1 Commissioner Hechtman: Okay. Alright, all medical offices in that district required a CUP. That
2 was the old way. Okay, and then what the temporary ordinance did is ... up to five thousand
3 square feet was permitted. Right, because there's no footnote here. There's no footnote 5
4 here, well, footnote 5 is now, what I was reading, only applies to commercial recreation. Right.
5 So, period. Up to five... medical office up to five thousand square feet is permitted. That's what
6 they're proposing. That's what F does?

7

8 Mr. AhSing: Ye.. it does. So what we did was we took the footnotes that were... and moved
9 those into the respective combining districts, R and GF.

10

11 Commissioner Hechtman: Okay, so this one table really isn't telling us a whole story.

12

13 Mr. AhSing: It's telling you the story of city wide, except for the overlay districts which apply to
14 the downtown, Cal Ave... (interrupted)

15

16 Commissioner Hechtman: Which is really what we're talking about here.

17

18 Mr. AhSing: We're talking about the overlay districts, downtown, Cal Ave...

19

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1 Commissioner Hechtman: Okay, so where do we find that language we have to go to a
2 different part of the ordinance. So...

3

4 Mr. Yang: Yeah, that's on Packet pages 55 and 56.

5

6 Mr. AhSing: It's actually table one. But are you looking for the R district?

7

8 Commissioner Hechtman: Yeah, and again (crosstalk) Cal Ave, right?

9

10 Mr. AhSing: That's 65 and 66. The bottom of 65 and then 66.

11

12 Ms. French: Yeah, the 18.30 series is the GF and the R.

13

14 Commissioner Hechtman: Okay.

15

16 Mr. AhSing: If you can look at section seven. On sixty-five and that's kind of where the retail
17 shopping combined district begins ...

18

19 Ms. French: So that's for Cal Ave.

20

-
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1 Mr. AhSing: That's permitted uses. And then section eight are the conditional uses. For the R
2 district.

3
4 Commissioner Hechtman: Okay, so, looking at the top of page sixty-six, we're in the R district,
5 which is where Cal Ave is right? Ground floor. And we're looking at subpart C, it's at the top of
6 packet page sixty-six, five is medical offices. The following uses may be conditionally permitted,
7 so this says medical office and does that mean on Cal Ave there's no size limitation?

8
9 Mr. Yang: Well, there would be size limitations if that exists in the underlining zoning. What
10 we're saying here is just that you need to get a CUP for a medical office regardless of how large
11 it is, even if it's a small medical office on Cal Ave, you still need a CUP.

12
13 Commissioner Hechtman: Okay. Alright. Okay, and now with that context that I'm reading, the
14 description of that at the top of page 49, now it's making sense. So, in the commercial districts,
15 you can go up to five thousand square feet without a CUP, except that for greater than five
16 thousand you need a CUP, but if it's going to be on Cal Ave or University Ave, uh... let's see... "A
17 Cup is required and there are also rules about midtown". Medical office required CUP, right,
18 and also in midtown.

19

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1 Chair Lauing: So, I think per Commissioner Chang's comments that broadens the size without a
2 CUP. If it goes to a permit.

3

4 Commissioner Hechtman: Well, so if it's on... any medical office, if it's on University or Cal Ave,
5 or midtown, it requires a CUP. Right. So that doesn't broaden any size without a CUP because
6 everything requires a CUP.

7

8 Chair Lauing: Wait... I thought...

9

10 Commissioner Hechtman: in those three shopping districts, you can't have a medical office
11 without a CUP.

12

13 Ms. French: On the... fronting those streets.

14

15 Commissioner Hechtman: And ground floor.

16

17 Ms. French: Yes.

18

19 Commissioner Hechtman: Right.

20

-
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1 Ms. French: Because it is permitted up to five thousand square feet in this... if it's not on the
2 ground floor.

3

4 Commissioner Hechtman: Right. So, where...

5

6 Chair Lauing: But on 55 we took off the CUP.

7

8 Commissioner Chang: So, my understanding is if this lapses, then we're going to go back to the
9 old where all medical offices that I think are over eighteen hundred feet, is that right? No, all
10 medical offices period actually... All medical offices require a CUP. That's if it's not extended of
11 made permanent. If it's made permanent, it becomes all medical offices on... in these three
12 locations on the ground floor, require a CUP. Otherwise, elsewhere, if it's five... if it's more,
13 then a CUP is required. I don't feel comfortable making that portion of it permanent. To say
14 that all medical office on Cal Ave or University or midtown shopping center requires a CUP, that
15 can be made permanent. Because that's the same as what would happen if we reverted. It's the
16 other portion, which that five thousand number being the threshold, I don't know if that's right
17 or not. It was a temporary ordinance because we were supposed to test it out and see what
18 happened. There wasn't a lot that happened, is the reality. And so, I would say, we should just
19 continue it, get some data from our retail guy, and then discuss this issue about medical office

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1 in retail areas. That's why I said for F in particular, I think we should just continue, I think we
2 should extend the temporary ordinance and get some more data.

3

4 Chair Lauing: And that's in your motion, right?

5

6 Commissioner Chang: Yes. And that is in my motion.

7

8 Chair Lauing: As is, already...

9

10 Commissioner Chang: Yeah.

11

12 Commissioner Hechtman: Okay.

13

14 Chair Lauing: Did you have more Commissioner Hechtman?

15

16 Commissioner Hechtman: I guess a question, again, if our focus here is retail servicing and
17 these three primary shopping areas are protected, because you have to have a CUP, and we
18 know from our personal experience that even though Town and Country, we haven't
19 mentioned it here, we dealt with that and that has even more stringent limits on medical office,

-
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1 what area of town are you concerned that a four thousand square foot medical office could go
2 in without a CUP and adversely effect retail?

3

4 Commissioner Chang: Well, we have retail, right, like Cal Ave itself is fronting... there's a larger
5 retail area, there's a larger retail ordinance in fact, but right now there's a retail preservation
6 ordinance that says that if it had retail space and it needs to stay retail space, right? And so...
7 but, if you want to put a medical office in that space it needs a CUP, that's what the original
8 ordinance said. Am I correct [Ms. French]?

9

10 Ms. French: Yeah.

11

12 Commissioner Chang:

13

14 Ms. French: Ground floor.

15

16 Commissioner Chang: Ground floor, yes, on ground floor and so I don't know how big the
17 impact is. I don't understand, it's not just on Cal Ave that there's retail. There's retail not just on
18 University, there's retail on Hamilton, there's retail on every other street. That's still in our
19 retail preservation ordinance.

20

-
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1 Commissioner Hechtman: And staff remind me, I know for Cal Ave, there's language specifically
2 fronting Cal Ave, but is it the same language fronting University? Because I thought it was
3 broader downtown.

4

5 Ms. French: Yes, it's University, South, fronting ...

6

7 Commissioner Hechtman: Just facing front, University facing.

8

9 Ms. French: Yeah. Frontage (crosstalk)

10

11 Commissioner Hechtman: Okay. Your concern is we can have medical offices under five
12 thousand square feet without permits running down Ramona and Emerson and all of those
13 other places. Yeah, well, I think that's a very good point. Okay.

14

15 Commissioner Chang: And I'm okay with allowing it right now because it's still temporary, let's
16 just get a little... that was part of... City Council was trying to relax the retail requirements in
17 town a bit, but I'm like, do we want to continue that for all perpetuity, I don't know yet. I just
18 don't know. Maybe. Maybe not.

19

-
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1 Commissioner Reckdahl: And you have places like Charleston Center, at Piaz's right? They only
2 have a handful of stores and if two or three of those become medical, all of a sudden your
3 variety of retail has really gone down.

4
5 Commissioner Hechtman: Okay, I'm convinced. Thank you, for bearing with me while I got
6 through it but yeah, I think what you're saying is our fallback recommendation is that you not
7 carry forward F into a permanent ordinance, if you're going to make a permanent ordinance at
8 this time, before we get all of the studies.

9
10 Chair Lauing: Was that specific language on that third one?

11
12 Commissioner Hechtman: Well, I don't think we, I'm not sure you'd gotten to really flesh out
13 the third one yet in your motion.

14
15 Chair Lauing: I didn't think she was going to, but I was just asking her if she wanted... that to be
16 part of it. Take it your idea.

17
18 Commissioner Chang: Sure, I will take his idea. Not to make it permanent yet.

19
20 Commissioner Hechtman: So it would be rejected...

-
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1

2 Commissioner Chang: Right. Correct.

3

4

5 MOTION # 1 – AMENDMENT # 4

6

7 Commissioner Chang: Our secondary recommendation if you don't, if Council does not want to

8 continue the temporary ordinance would be to revert back to the original ordinance. I like that.

9 Thank you.

10

11 Chair Lauing: And that was a revision of the motion. And my second stands. Okay, so I think

12 that, apart from comments on ordinances that's kind of the debate. But the question, I mean,

13 specifically, is that really an order since we're not going to be dealing with this ordinance?

14

15 Commissioner Hechtman: Well, I think it is because I can't tell.... I should go through them

16 because if staff... if the Commission does not take our primary recommendation and takes our

17 secondary recommendation then some of these things that I have found, will be our law come

18 December 21st. And so if there are errors here, this is our only chance to comment on them,

19 and there may not be errors but I just want to flag them for staff, and in fact we don't even

-
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1 have to discuss them now, let me just identify them and staff can examine them as this moves
2 forward.

3

4 Chair Lauing: Is this more for Counsel Yang or staff or all of the above?

5

6 Commissioner Hechtman: Well, eventually.... I don't know if there are legal issues here, as
7 more as... there may be, but they may be more issues of clarity so that as confusing as... you
8 know, we're kind of semi-professional about this and we are confused about the language of
9 the ordinances, I want our citizenry to not be confused. So, some of these I think are just
10 practical things and others may be rights or legal. So let me just run through them. Again, it will
11 be very quick. Packet page 55 is the first one, it's the second and third land use box, that we
12 have in the second box we talk about drive-in/drive-thru services associated with permitted
13 use, those require CUP, and then the next box, we also have after restaurant, drive-in/drive-
14 thru services associated with the CUP, right, so it seems repetitive to me. It seems like the third
15 one... the third box is entirely the same as and broader than... it covers the second box. So, I
16 think you can drop the second box, because it's covered in the third box, with your additions.
17 So then again, these are just things I think you should look at. The next one is on Packet page
18 61, so here you've got the same issue in the table with the second and third box. I think since
19 you've added the third box, the second box can be deleted because it's repetitive but not as
20 much as the new third box. Then on ... this is just a question, confirmation because I asked this

-
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1 before, Packet page 66, section nine, this is the ground floor combining district regulations, and
2 in item A3, the things that are prohibited, when located on University Avenue, ABCD, that's
3 only on the ground floor, Right? We can have a fitness studio on the second floor on University
4 Avenue, what I'm reading here is just applicable to the ground floor, I just wanted to confirm
5 that.

6

7 Ms. French: So, 18.30 is the GF, zone, it's not, I mean it modifies the C-D zone in the case of
8 University Avenue. So, in this case, we're in the Ground Floor chapter. Not on the C-D chapter.

9

10 Commissioner Hechtman: Okay. Right so the C-D covers like the whole building but there are
11 additional rules on the ground floor in the GF.

12

13 Ms. French: Yes.

14

15 Commissioner Hechtman: Okay. So, we're good on that. So, those are it. So really it was just
16 that ... oh... one more question on Packet page 52...

17

18 Chair Lauing: No fair, You're going backwards!

19

-
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1 Commissioner Hechtman: Yeah, top paragraph references... so we're changing eating and
2 drinking to restaurant, and I see this sentence... references in the muni-code eating and
3 drinking shall have the same meaning as restaurants as defined herein. And I was speculating
4 that maybe that reference is sprinkled throughout ... outside maybe even the zoning code. Like
5 fire code, whatever, and you don't want to go through and change all of those, you would have
6 to add thirty pages to this?

7

8 Mr. AhSing: That's correct. (crosstalk)

9

10 Commissioner Hechtman: Okay. Good. Alright. Alright and thank you for bearing with me on
11 this.

12

13 Chair Lauing: Good, that was actually helpful. Thank you.

14

15 Commissioner Hechtman: Chair do we need to do anything affirmatively about items B, D and E
16 just to state our recommendation is to defer those until the consultant's report...

17

18 Chair Lauing: Yeah, consistent with staff recommendation.

19

20 Commissioner Hechtman: Yeah, okay.

-
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Chair Lauing: So, that should be in the primary motion I think.

Commissioner Chang: No, I think it should be a second part of the motion entirely. So the second part of the motion then just to be clear, the motion has a primary recommendation, then a secondary recommendation and that is the first part of the motion.

Commissioner Chang: The second part of the motion which we need to add now, is that we're going to follow the staff recommendation and defer parts, sorry now I've lost my page, somebody help me...

Commissioner Hechtman: B, D, and E.

Commissioner Chang: B, D and E to a date uncertain.

Chair Lauing: But that's only to the back up is that correct? Because we're asking them to defer (crosstalk)

Commissioner Hechtman: It's really part of the secondary motion.

-
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1 Commissioner Chang: Correct. Okay so it's actually part of the secondary motion. I'm going
2 crazy here.

3

4 Chair Lauing: Yeah, because we're asking them to continue all six of those items so we'd be
5 reiterating if you said those three (crosstalk)

6

7 Commissioner Chang: Correct.

8

9 Chair Lauing: So that's part of the secondary motion. Okay, let's go to a roll call vote.

10

11 Ms. French: Did somebody second that?

12

13 Chair Lauing: I'm sorry?

14

15 Ms. French: The second part of the secondary, a second.

16

17 Chair Lauing: Yes.

18

19

20 VOTE

-
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1

2 Ms. Klicheva: Commissioner Chang?

3

4 Commissioner Chang: Yes.

5

6 Ms. Klicheva: Commissioner Hechtman?

7

8 Commissioner Hechtman: Yes.

9

10 Ms. Klicheva: Chair Lauing?

11

12 Chair Lauing: Yes.

13

14 Ms. Klicheva: Commissioner Reckdahl?

15

16 Commissioner Reckdahl: Yes.

17

18 Ms. Klicheva: Commissioner Templeton?

19

20 Commissioner Templeton: Yes.

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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Ms. Klicheva: Motion carries 5-0.

MOTION #1 PASSED 5 (Hechtman, Lauing, Chang, Reckdahl, Templeton) – 0-2 (Summa, Roohparvar is absent).

Commission Action: Motion by Chang seconded by Lauing. Motion Passed 5-0 .

Chair Lauing: That was very productive even though it took an hour and a half to continue a motion, but it asked for a continuance ...

Approval of Minutes

Public Comment is Permitted. Three (3) minutes per speaker.

Chair Lauing: Okay, So not we have some minutes I think is next up. So, June 9, 2022 draft summary minutes.

4. June 29, 2022 Draft Summary Minutes

MOTION

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1

2 Commissioner Hechtman: Move approved as revised.

3

4 Chair Lauing: Second please.

5

6

7 SECOND

8

9 Commissioner Reckdahl: Second.

10

11 Chair Lauing: Commissioner Reckdahl Seconded. If there's no discussion let's go to a vote.

12

13 VOTE

14

15 Ms. Klicheva: Commissioner Chang?

16

17 Commissioner Chang: Yes.

18

19 Ms. Klicheva: Commissioner Hechtman?

20

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

2

3 Ms. Klicheva: Chair Lauing?

4

5 Chair Lauing: Yes.

6

7 Ms. Klicheva: Commissioner Reckdahl?

8

9 Commissioner Reckdahl: Yes.

10

11 Ms. Klicheva: Commissioner Templeton?

12

13 Commissioner Templeton: Yes.

14

15 Ms. Klicheva: Motion carries 5-0.

16

17 MOTION #1 PASSED 5 (Hechtman, Lauing, Chang, Reckdahl, Templeton) – 0-2 (Summa,
18 Roohparvar is absent).

19

20 Chair Lauing: Second set of minutes is July 13, 2022 draft verbatim meeting minutes.

-
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1

2 5. July 13, 2022 Draft Verbatim Meeting Minutes

3

4

5 MOTION

6

7 Commissioner Hechtman: Move approval as revised.

8

9 SECOND

10

11 Commissioner Reckdahl: Second.

12

13

14 VOTE

15

16 Ms. Klicheva: Commissioner Chang?

17

18 Commissioner Chang: I'm trying to figure out if I was there for that one.

19

20 Commissioner Hechtman: Was she present?

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

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Commissioner Templeton: For the thirteenth you were present for the twenty-ninth you were not.

Commissioner Chang: So Yes!

Ms. Klicheva: Commissioner Hechtman?

Commissioner Hechtman: Yes.

Ms. Klicheva: Chair Lauing?

Chair Lauing: Yes.

Ms. Klicheva: Commissioner Reckdahl?

Commissioner Reckdahl: Yes.

Ms. Klicheva: Commissioner Templeton?

-
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1 Commissioner Templeton: Abstain.

2

3 Ms. Klicheva: Motion carries 4-0-1 abstain.

4

5 MOTION #2 PASSED 4 (Hechtman, Lauing, Chang, Reckdahl, Templeton) – 0-1 (Templeton
6 Abstain) (Summa, Roohparvar is absent).

7

8 Chair Lauing: The next set of minutes is 8/10...

9

10 Commissioner Hechtman: Chair before you do that, Mr. AhSing is leaving and I really didn't get
11 a chance to thank staff, this is very complicated and it's taken a lot of work and you've done a
12 lot of work before it ever came to us, but you really helped us tonight to kind of work through
13 it, so I'm sure the other members of the Commission appreciate as much as I do, your efforts.
14 Thanks.

15

16 Chair Lauing: Okay, Goodnight. August 10th, 2022 draft summary meeting minutes.

17

18 7. August 10, 2022 Draft Summary Meeting Minutes

19

20 MOTION

-
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Commissioner Hechtman: Move approval as revised.

Chair Lauing: Died for lack of seconds.

SECOND

Commissioner Reckdahl: Second.

Chair Lauing: Okay, Commissioner Reckdahl.

VOTE

Ms. Klicheva: Commissioner Chang?

Commissioner Chang: Abstain.

Ms. Klicheva: Commissioner Hechtman?

-
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1 Commissioner Hechtman: Yes.

2

3 Ms. Klicheva: Chair Lauing?

4

5 Chair Lauing: Yes.

6

7 Ms. Klicheva: Commissioner Reckdahl?

8

9 Commissioner Reckdahl: Yes.

10

11 Ms. Klicheva: Commissioner Templeton?

12

13 Commissioner Templeton: Yes.

14

15 Ms. Klicheva: Motion carries 4-0-1.

16

17 MOTION #3 PASSED 4 (Hechtman, Lauing, Chang, Reckdahl, Templeton) – 0-1 (Templeton
18 Abstain) (Summa, Roohparvar is absent).

19

20 **Commission Action**: Motion by Hechtman, seconded by Reckdahl . Motion Passed 5-0.

21 **Commission Action**: Motion by Hechtman, seconded by Reckdahl. Motion Passed 4-0-1.

-
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1 **Commission Action:** Motion by Hechtman, seconded by Reckdahl. Motion Passed 4-0-1.

2

3

4 Commissioner Hechtman: Chair, if I can ask Ms. Klicheva, I'm thinking maybe we've got

5 another set of minutes that maybe, that was the summary for the July 13th, I would have

6 thought we might have done one more set, if we missed one, bring to us.

7

8 Ms. Klicheva: Doesn't it say July 13th draft verbatim and summary minutes?

9

10 Commissioner Hechtman: No, oh, I'm looking at approval of minutes. What it says is June 29th

11 summary, July 13th verbatim, and August 10th summary, so...

12

13 Ms. Klicheva: Okay, there should be a correction, I received comments from Commissioners for

14 July 13th verbatim and summary minutes, for July 13th.

15

16 Commissioner Hechtman: Okay, since we didn't Agendize it, let's just throw it onto the

17 September ...

18

19 Ms. Klicheva: Okay. Yup. Thank you.

20

21 Commissioner Hechtman: The July 13th summary, right. Yeah.

22

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1 **Committee Items**

2

3 Chair Lauing: Okay the next time is any committee items. I don't think we have any committees
4 after that one ad-hoc.

5

6 **Commissioner Questions, Comments or Announcements**

7

8 Chair Lauing: Commissioner questions, comments or announcements? And then we'll talk
9 about future agenda.

10

11 Commissioner Hechtman: Chair I have one.

12

13 Chair Lauing: Sure, go-ahead Mr. [Commissioner] Hechtman.

14

15 Commissioner Hechtman: Ms. French, I don't know who handles this but as I've mentioned
16 frequently and it used to be my zoom background, I spend a lot of time at the Renzel Marsh,
17 the ponds over there, which I encourage all Palo Alto residents to do, it's an amazing amenity
18 that no one ever comes to. But, and I'm over there a few times a week, it's becoming
19 overgrown, so it's a big, it's like a maintenance road that run around these two ponds and it's
20 really lovely, but it has... the vegetation that they planted around the edge of the lake have

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1 been a tremendous success and it's to the point now where they're now growing over the road
2 so some of them are nearly, I get wacked when I ride my bike because you can't totally avoid
3 them. I don't know what department, I don't know if that's parks that handles trimming, but
4 maybe we can get somebody to take a look at that.

5

6 Commissioner Reckdah!: I think Chair Lauing has some pull there.

7

8 Commissioner Hechtman: Okay.

9

10 Ms. French: We have to be careful about those new species that have developed as a result.

11

12 Commissioner Hechtman: Yeah, that's right. You and you're trimming. So, yeah, I think it could
13 use a little maintenance.

14

15 Chair Lauing: last time I was out there I made a note to bring my clippers on my next walk so... I
16 noticed the same. Okay future agenda items, Amy you want to just note those. We're set up for
17 the 14th with those two items. And then beyond that it's a little bit fuzzy.

18

19 Ms. French: Yes, so two items on the 14th I mentioned, the 28th would it be. Yeah, so our
20 thought was to try to bring that retail study on the 28th, we'll see, we have a need to pow wow

-
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1 if I can say it that way, maybe not, internally to gather together with our director, that's not
2 possible at the moment, but we'll hopefully have that opportunity in a timely way so that we
3 can... this is a robust report that has attachments and everything so it's a lot to get through and
4 talk about, and there may be things in there that aren't going to be politically received well. So,
5 we have to be very cautious about proceeding forward quickly. I'll just say it that way.

6

7 Chair Lauing: Okay. So, everything else is tentative, not on the agenda I just wanted to confirm
8 that.

9

10 Ms. French: Yeah. There's I mean we could bring some other things, I'm not in a hurry to do
11 that because there's a bunch of things that descended upon staff such as the parklet, there's
12 things that Rachael was in charge of in the meeting and now you know, project in search of a
13 manager kind of thing. That's what's happening.

14

15 Chair Lauing: Okay, so if there's no further business, then we can adjourn. We'll see you in two
16 weeks.

17

18 **Adjournment**

19 10:01:00 pm

-
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