



CITY OF  
**PALO  
ALTO**

# Planning & Transportation Commission Action Agenda: July 12, 2023

Council Chambers & Virtual  
6:00 PM

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## Call to Order / Roll Call

6:01 pm

Chair Summa: Good evening, everyone and welcome to the Planning Commission meeting of Wednesday, July 22<sup>nd</sup>. And our first matter is a call to order and a roll call.

Ms. Veronica Dao, Administrative Assistant: Yes, Chair Summa?

Chair Summa: Here.

Ms. Dao: Vice-Chair Chang?

Vice-Chair Chang: Here.

Ms. Dao: Commissioner Akin?

Commissioner Akin: Here.

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1 Ms. Dao: Commissioner Lu?

2

3 Commissioner Lu: Here.

4

5 Ms. Dao: Commissioner Templeton?

6

7 Commissioner Templeton: Here.

8

9 Ms. Dao: We have a quorum.

10

11 Chair Summa: Thank you so much and do we have any members here, on Zoom, that wish to  
12 speak to items no on the Agenda?

### 13 **Oral Communications**

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

15 Ms. Veronica Dao, Administrative Assistant: I have no raised hands on Zoom or speaker cards.

16

17 Chair Summa: Thank you and Ms. French, do we have any Agenda changes, additions or  
18 deletions?

### 19 **Agenda Changes, Additions and Deletions**

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

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1 Ms. Amy French, Chief Planning Official: No changes.

2

3 Chair Summa: Thank you so much and then it's time for City official reports. I don't... haven't  
4 looked to see who else is here yet maybe.

5 **City Official Reports**

6 1. Directors Report, Meeting Schedule and Assignments

7 Ms. Amy French, Chief Planning Official: Oh, I believe we have a representative from Office of  
8 Transportation, maybe start with Mr. Rafael Rius.

9

10 Chair Summa: Okay, Mr. Rius.

11

12 Mr. Rafael Rius, Senior Transportation Engineer: Hi, thank you Chair and Commissioners. Rafael  
13 Rius, Senior Engineer with the Office of Transportation. Just one minor update on the  
14 Lincoln/Middlefield evaluation project. We did have back on June 27<sup>th</sup> we did conduct the  
15 online Zoom community meeting and we have as a result of that we're going to have a couple  
16 of follow-up meetings with some of the nearby residents at the side and plan to make some  
17 improvements to the sight lines and pavement markings in the very near future.

18

19 Just wanted to also note that the project website is still up and running and we are still  
20 expecting more input from the community. If they'd like to either send us an email or use the

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1 submission form on the City's webpage or the project webpage and that's my only update for  
2 today.

3  
4 Chair Summa: Thank you very much. Ms. French, do you have other items to report on?

5  
6 Ms. French: There's a funny feedback happening that we'll ignore that for the moment. The  
7 Packet does include what the upcoming meetings will be at some point. Oh, we talked about  
8 what's coming on July 26<sup>th</sup>, of course, that's a target set of items for July 26<sup>th</sup> and of course, if  
9 we need to use that meeting for other things we can use that. Then we have August 9<sup>th</sup> which  
10 prior to tonight, or prior to this Packet, I had noted might be a meeting off but we do have  
11 something that has been targeted for that date at this point. And then we do not have  
12 something solid yet for August 30<sup>th</sup> that I am aware so that's... and then of course, there's no  
13 items going to Council this month. So, whoever has the July representation from Planning  
14 Commission is relieved of reporting to Council this month.

15  
16 Chair Summa: Great, thank you for that. We're going to move onto our first item tonight which  
17 is 2901 and 702... 2901 Middlefield Road and 702 Ellsworth, a request for a rezoning.

18 **Action Items**

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

- 21  
22 2. 2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend  
23 Planned Community 2343 (PC 2343) and to apply the R-1 Zoning to 702 Ellsworth  
24 Place to Enable the Development of a Single-Story, Single-Family Residence

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1 Chair Summa: This is continued meeting but I did want to let you know that Staff won't be  
2 giving the full presentation but has a few additional slides to share later. So, if anyone would  
3 like to speak, who spoke before to something new, that would be fine but it isn't necessary, or  
4 even regular actually to speak again at a continued meeting. So, keep that in mind and groups  
5 of five, if we have any, get 10 minutes. One speaker for a group of five gets 10 minutes, so with  
6 that said I will go down the line and see if there are any disclosures. Commissioner Templeton?

7

8 Commissioner Templeton: No disclosures.

9

10 Vice-Chair Chang: I received an email from a member of the public inviting me to visit the... to  
11 visit Ellsworth Place and meet her. I did not meet with her but I did go visit on my own.

12

13 Chair Summa: Commissioner Akin or Lu?

14

15 Commissioner Lu: I got probably the same email and also did a site visit but did meet with the  
16 neighbor and also another neighbor who was on the street. I think everything we discussed was  
17 mostly captured in the Packet. I did ask if there... what compromises they would like to see and  
18 they did mention that they would actually potentially prefer a two-story building if it meant  
19 further setbacks and extensions of the pavement.

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1 Chair Summa: Great. Commissioner Akin?

2

3 Commissioner Akin: I had a brief email exchange with Ms. Van Fleet and largely we discussed  
4 strategy and engagement. That she should continue to engage with Staff and rather than  
5 approaching the Commissioners individually, approach us all together.

6

7 Chair Summa: Thank you and I'll conclude disclosures. I did get a call from a member of the  
8 public but I didn't learn anything that wasn't in the public record. So, with that, we will go to  
9 Ms. French for a brief Staff update.

10

11 Ms. Amy French, Chief Planning Official: Thank you. One moment while I share my screen. Let's  
12 see, where did it go? Okay, that's where. Okay, and here we go. Good evening, Amy French,  
13 Chief Planning Official. Speaking in my register tonight, recovering from being sick. So, on the  
14 screen is the cover sheet for our slide presentation that was presented last time with one  
15 difference. Noting today's date and noting the motion that did occur. It was the second motion  
16 of the evening and it passed by a 3-2 vote. Noting that Staff sent the video link to the Planning  
17 Commission, applicants and neighbors the week of July 3<sup>rd</sup> when it came out and then Staff  
18 emailed the draft transcript, which we received on Monday this week, to the Planning  
19 Commissioners, the applicants and neighbors and that was on Monday. And I'll just I'll note  
20 before I commence any further, we did receive three letters today which have been I believe

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1 put At Places from the applicant team. Two letters from them and one letter from a William  
2 Ross. Those were forwarded by email to the Commissioners and are At Place in case the  
3 Commissioners have not had a chance to digest those. And I'll just note that in the past it has  
4 been something that might be considered to take a break and a moment to read  
5 correspondence that has not been digested if it came the day of so that's at the Chair's  
6 pleasure.

7

8 Next, I'm just going to pass through all of the slides that were presented before. This is the  
9 open items slide showing what Staff believes are the open items. I know at some point there  
10 was discussion about Staff should say if we've addressed it or if it's still been open. So, if you'll  
11 notice the trees on Mr. Dewey's property, we believe we answered that on June 28<sup>th</sup> and the  
12 private street not owned by Palo Alto. We believe we answered that on June 28<sup>th</sup>, but here they  
13 are at the end five and six. So, just starting... and we do have our City Attorney Albert Yang on  
14 the call as well and I believe Garrett Sauls in case my voice should completely take a turn for  
15 the worse. The first there is Code Section 18.38.150, Items A through E. The second one is  
16 commitments for Ellsworth Place widening. The third is the sight triangle/visibility regarding  
17 fences and vegetation. The fourth is about the delivery truck spot and spaces and maneuvering  
18 for those. So, to that end, we did create a couple of and we altered a couple of the prior slides  
19 to provide some updates and we have a couple of new slides. So, to the extent that this will  
20 help answer the questions that were asked on June 28<sup>th</sup>.

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2 I'm going to go back first to Slide 12, noted as altered here and you have these in your Packet  
3 from last time, so this shows Staff's recommendations. Staff from Office of Transportation were  
4 able to go out to the site and study the slope of that Middlefield Road as it slopes down to  
5 Ellsworth and look at the existing conditions. And so, there's recommendations here on this  
6 screen with a lot of colors so we can come back to this slide as needed. Another slide that was  
7 altered is this slide that was showing kind of where that flare might be approximately. That  
8 would show a 28-foot wide curb cut here from on this side and then the things that would need  
9 to be moved a bit to the north. The stop sign and then utility box.

10

11 Now, leading up to the slides to show that the study... the question about is this really the best  
12 delivery truck spot going behind tandem spaces and or behind carport spaces in the last  
13 iteration. This shows an option, this shows... first of all, those two areas that were discussed on  
14 June 28<sup>th</sup> being the widened Ellsworth pavement and it shows a 90-degree delivery spot, 90  
15 degrees from Ellsworth. It shows an alternative for parking spaces 13 and 14. One being in  
16 tandem and one being not in tandem. The... there are truck maneuver diagrams showing how a  
17 truck might back out of and back... drive into that spot and also, a maneuver showing how the  
18 truck might go from Middlefield onto Ellsworth.

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1 And this is the recommendation that I think this would be something that Albert would talk...  
2 speak to and I don't know if now's the time. So, I'm going to end there and see if Albert is on  
3 the call and wants to present anything further.

4  
5 Ms. Albert Yang, City Attorney: Sure Amy, if you just go back to the table. There were... there  
6 was a question, the first open item there, about Palo Alto Municipal Code 18.38.150, specific  
7 requirements that I apologize, Chair Summa, we didn't address at the last hearing. But your  
8 question was how does this Code section... what implications does it have for this property and  
9 this application? So, Section 18.38.150 provides for PC ordinance certain maximum heights  
10 depending upon the situation as well as minimum interior yards and Daylight Plane regulations.  
11 And in the past and our ongoing application of this section is that the Council may chose to  
12 exceed or deviate from those standards in a specific PC because PCs are ordinances as in the  
13 same the way that the that Code section was adopted by ordinance. And so, the City Council  
14 may, in a specific PC, chose to deviate from those items.

15  
16 Chair Summa: Thank you very much for that explanation. Did you have comments on other  
17 issues?

18  
19 Mr. Yang: Not at this time.

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1 Chair Summa: Not at this time, okay thank you. Ms. French, are you... have you concluded?

2

3 Ms. French: I think so, I should note again we have Garrett Sauls who is on the call as well as  
4 members of the transportation Staff and so I don't know if there's anything else to be added.  
5 We do have... they are at the ready for questions regarding the site visit that was undertaken  
6 between meetings and the results of that. So, if it comes up in questions to pursue additional  
7 information.

8

9 Chair Summa: Okay, thank you very much. I was thinking that if we wanted to take a little time  
10 to read the two letters that we received this afternoon. We could maybe do that after we hear  
11 from the public and the applicant because it will kind of... better time to take a break while  
12 things are fresh. So, I think at this time I would ask my colleagues if that's agreeable to them,  
13 that if they have any clarifying questions at this time for Staff. Not seeing any, I think we will  
14 open the continued public hearing and Ms. Dao, do we have... what's the speaker situation look  
15 like?

16

17 Ms. Veronica Dao, Administrative Assistant: Yes, and can give a couple seconds for those on  
18 Zoom. I received on speaker card from William Ross who's here in person.

19

20 Chair Summa: So just... sorry, just two speakers?

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Ms. Dao: One.

[note - unknown female speaker in the audience:] This is for the [unintelligible]

Ms. Dao: Yes, just one and no hands-on Zoom.

Chair Summa: Okay, then we will go ahead and call on the public speakers, please.

Ms. Dao: Okay, Mr. Ross.

Mr. William Ross: Good evening, Chair, Commissioner Members, Staff. I believe I represent more than 10 people. There are... in addition to the residents that are listed I believe there's 18 there. I think there are four people online. Chen Wang, Caroline Garbarino, Kim Jackson, Pamela Van Fleet that could also be counted so I would request 10 minutes.

Ms. Dao: Yeah, I see them on Zoom so we can have a group of five.

Chair Summa: Thank you, then please go ahead and take 10 minutes.

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1 Mr. Ross: Thank you very much. I'm going to raise and parallel the issues that I've set forth in  
2 my written communication on behalf of the residents. I'm going to make reference to  
3 provisions in the PC regulations which are attached cumulatively as Exhibit A. I would not note  
4 preliminarily that the regulations, which is the bases for a PC determination before you, are  
5 replete with the word shall. Shall is a mandatory duty, I don't think there's any questions about  
6 that and it refers to the analysis that has to be accomplished by Staff after an application is  
7 made which also has mandatory provisions. The summary of the argument presented by the  
8 residences that there's incomplete or inaccurate representation set forth in the record before  
9 you by the applicant and I think you have to construe it as both the owner of balances. A  
10 balanced of a portion of the PC and the buyer. I note in the communication that there's an  
11 inconsistency between what's set forth in the applicant's counsel's letter as to who the owners  
12 are and what's set forth in the first section of the proposed ordinance as to who the owners  
13 are. I would respectfully suggest that that's reflective of the balance of the record that there's  
14 either inaccuracy or incomplete information set forth for you, the Commission, to make a  
15 decision where mandatory findings are required.

16  
17 I think the first one that I'd start with is 18.38.060 (c). The specific part that I think that is  
18 different from all the other types of land use approvals that come before you is this section in  
19 the Municipal Code requires that there be a consistency analysis and determination with  
20 respect to the Palo Alto Comprehensive Plan. Normally, as a Charter City, the City has chosen

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1 not to indicate that they would require constancy of land use approvals with the  
2 Comprehensive Plan which is your General Plan. Let's respectfully say it this way, there's no  
3 analysis by Staff in the Staff Reports. I note in the written communication and I think if you go  
4 through them the Staff Report from your last Commission and the Staff Report for this  
5 Commission meeting are identical. So, if a member of the public wanted to comment on the  
6 additional information raised by Staff a moment ago. It wouldn't have been with respect to that  
7 information that was furnished 72 hours before this hearing. I think that relates to this issue of  
8 whether there's been a fair and impartial hearing on this matter, but let's go through the  
9 consistency analysis.

10

11 Consistency, as defined by applicable case law, and again this is something that the City  
12 normally does not do, can be summarized in probably I think there are 17 reported cases, about  
13 half of the them before the Supreme Court. That say a consistency analysis should implore  
14 some concept where the goals and policies of the General Plan are furthered without hindered.  
15 Well, that's the comprehensive examination. You know, the case law also says you can't isolate  
16 one portion of a General Plan. That you have to do that with respect to all applicable provisions  
17 of a General Plan, but consistency analysis is a substantial land use decision. That's not present.  
18 It's not satisfied as indicated in the communication by just listing some policies in the  
19 Comprehensive Plan as the proposed ordinance does. That's not an analysis, right? So, for this  
20 to go forward that analysis would have had to been in the record on the 28<sup>th</sup> or would have had

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1 to been present now and been presented by Staff. And again, we're not talking about  
2 something that's new to the concept of land use in California. You know, I looked right before  
3 the hearing I think the first consistency case that I'm aware is 1974. So, that's a substantial  
4 omission and lack of compliance with the provisions in the PC regulations before you.

5

6 Next basis is the specific requirements that are set forth and I note in the communication and  
7 it's legally relevant to the CEQA also. Is the extensive communication of adjacent residents  
8 constitutes substantial evidence, substantial evidence as to the issue it's offered on? Both with  
9 respect to the issue of consistency and more importantly with respect to the CEQA analysis. So,  
10 are there other areas that aren't analyzed? Yeah, there are. The application itself triggers the  
11 provisions of the Stream Med Protection Ordinance. The Public Records Act Request, which is  
12 finally completely contained in the record before you, there's an email from an administrative  
13 clerk at the Santa Clara Valley Water District about that. I find that unique because, like the  
14 provisions of the PC regulation, it also has that use of the word shall and that obligation is an  
15 obligation of Staff. Is it evident from the application? It certainly is, it's within 50-feet of a  
16 designated stream bed. It doesn't matter that it's a confined channel. There are exemptions in  
17 that provision but those exemptions aren't applicable to a PC Zoning request. So, another  
18 specific mandatory section for a PC regulation is not analyzed.

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1 Let's look at the CEQA exemption, I set it forth in the letter. It's stated in both Staff Reports  
2 again because it's identical. A starting point in any CEQA analysis, anybody like me will say you  
3 have to have a stable project description. It's not stable here, why? One of the reasons  
4 advanced for this PC application is the supposed error in the General Plan. You know, I've set  
5 forth in the communication and I'll say it here publicly. The error issue is irrelevant. Owners are  
6 authorized to apply for a specific plan amendment, so it doesn't matter whether it's Dewey or  
7 Handa. They're both authorized to apply for a PC Amendment. Is there an error? If there were  
8 an error, I would think there would be an analysis by the City Attorney's Office about a liability  
9 because there are several immunities. If... you know if I were a municipal attorney I'd be  
10 advancing. The zoning sheets itself say it's not to be relied on, but if it's an error then why  
11 weren't the immunities raised by the City Attorney's Office? Neither an individual nor the City  
12 itself, would be liable for a negligently issued Land Use Permit.

13

14 Let's go on, again the testimony of the residents constitutes substantial evidence, and there's a  
15 case site, the Salmon Case where CEQA Guidelines Section 15300.2 says look, even if there is an  
16 exemption. If there are unusual circumstances that are supported by substantial evidence then  
17 that exemption fails. I also believe that the screening application in this matter, one of the  
18 Council Members said I'm aware of traffic access and safety at the location. The intersection of  
19 Middlefield and Emerson. I think that's critical here. The exemptions not applicable. Staff  
20 should perform an initial study and analysis.

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So, keeping again within the 10 minute timeframe there are mandatory duties that haven't been complied with in the analysis of this and finally, there's this issue if you look at the PRA request response. This seems to have been decided offline. There's a communication that I put in as Exhibit C where the principal planner, Ms. French, communicates directly with Cara Silver, the former Deputy City Attorney. I don't know whether that was properly disclosed in anything under what I call the Ethic Law and asks her about a legal question concerning this project. That should have been directed to the City Attorney.

In short, this matter needs to be decided in a public hearing, before you, consistent with these mandatory standards. They aren't present in the record. I think your Commission should deny the application. Thank you. If there are question, I'll be available to respond.

Chair Summa: Thank you very much. Do we have any other speakers?

Ms. Dao: No, that's just the one.

Chair Summa: Okay, thank you so much, so I am (interrupted)

Ms. Dao: Oh, well, Ken Hayes but if he gets a rebuttal.

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Chair Summa: I know that’s what I was going to say, so please come forward for your rebuttal.

Mr. Ken Hayes: This will be an interesting rebuttal and this is not a legal rebuttal. I... Ken Hayes with Hayes Group Architects (interrupted)

Chair Summa: Just make it... yes, make sure we can hear you.

Mr. Hayes: Ken Hayes with Hayes Group Architects, good evening Chair Summa, Members of the Commission. I’m here tonight with my client Richard Dewey, RLD Land, the owner of 2901 Middlefield, with... along with Ollie Zhou of Hexagon Transportation in case you have questions relative to transportation safety. Camas Steinmetz, our counsel with Jorgenson, Siegel, McClure & Flegel.

And the only reason we are here is because of a serious mistake that I pointed out last time that everyone is aware ago... aware that was made 56 years ago of not properly recording a PC development in the Zoning Map as it was required to do so. None of us here today had anything to do with this but we’re here trying to resolve this in a fair and reasonable way. I respectfully request that the City’s corporation in achieving this fair and reasonable resolution.

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1 Quickly, by way of background, Ellsworth Place has been 20-feet wide since its beginning. The  
2 15 homes and the apartment building that currently exist have been using Ellsworth Place for  
3 access for at least those 56 years and safety concerns the neighbors have noted have persisted  
4 for at least this period as well. As part of this PC Amendment, we've proposed numerous  
5 community benefits that justify the PC Amendment and the R-1 rezoning which will resolve the  
6 decade-old Zoning Map error that was relied upon by my client and Mr. Handa when they  
7 purchased their properties.

8

9 So, let me just note, we are granting the owners of the other parcels on Ellsworth Place an  
10 access easement over a 20-foot by 100-foot strip of land called Ellsworth Place that here to for  
11 has not been properly memorialized. We are improving vehicle, pedestrian and cyclist safety at  
12 the intersection of Middlefield Road and Ellsworth Place by increasing the width of Ellsworth  
13 Place by 4-feet for the first 35- to 40-feet of the length of Ellsworth Place. Through a  
14 combination of dedicating a portion of the 2901 Middlefield property and a portion of the 702  
15 Ellsworth property. And we plan on matching the paving of Ellsworth Place in those two  
16 extensions. We are removing and rebuilding a wider driveway apron, 24-feet wide, to match  
17 that width with a throat at the street of 28-feet wide to aid in maneuvering. We're going to  
18 install no parking signs as they have further down the street on the fence in front of 702  
19 Ellsworth so no one will park there. We're creating an enhanced 35-foot site triangle at the  
20 intersection of Ellsworth Place and Middlefield. That includes moving the new fence that could

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1 otherwise be at the property line at 702 Ellsworth an additional 4-feet away from the... well, 2-  
2 feet in from the side or the property line, 4-feet in from the sidewalk at transportation's  
3 request to make the intersection safer. Then that in effect is Mr. Handa loses another 2-feet of  
4 his front yard. We're also going to be creating a temporary delivery truck parking space at 2901  
5 Middlefield that Amy... Ms. French had shown you just a minute ago. That allows vehicles to  
6 pass that otherwise might block... be blocked by a delivery truck on Ellsworth Place and we're  
7 accommodating all current required parking for the apartment project on the 2901 Ellsworth or  
8 2901 Middlefield property; reducing the cars on Ellsworth Place. And lastly, we're allowing for  
9 the addition of a new 16,090-square foot single-family home to add to the housing stock and  
10 furtherance of RHNA goals of the City.

11

12 So, accordingly we respectfully request that you allow Staff's or follow Staff's recommendation  
13 and vote to recommend that the City Council approve the project as proposed and our team,  
14 like I said, is here to answer any questions that might come up. Thank you.

15

16 Chair Summa: Thank you very much. I would like to ask my colleagues if they have any  
17 questions for Mr. Hayes or Mr. Ross or our Staff at this time. Yeah, go ahead.

18

19 Commissioner Lu: I had one questions or I have a couple questions maybe for Albert and Mr.  
20 Ross. Firstly, I wanted to ask, what does a consistency analysis actually look like? There were

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1 some comparisons, existing lots, existing homes, existing kind of streetscapes. Does it need to  
2 be codified in a certain way? Like what does that look like?

3  
4 Mr. Yang: So, I guess I'd say we actually do consistency analyses all the time. They're a regular  
5 feature of our Code. They're required for every ARB approval and the way that we've done it in  
6 this case is it's a part of the ordinance. And Mr. Ross may not think that that's good enough but  
7 we disagree. That is the analysis that we have of consistency with our Comprehensive Plan and  
8 consistency doesn't mean that it's consistent with every Element of the Comprehensive Plan.  
9 It's that on balance, it is... it furthers the goals of the Comprehensive Plan itself so I think  
10 we've... we feel we've shown that in the ordinance.

11  
12 Commissioner Lu: Oh, sure.

13  
14 Chair Summa: I think... oh thank you.

15  
16 Mr. Ross: I'll respond and say a consistency analysis is as stated, that's the authority. You know,  
17 it's not nearly setting forth the sections of the plan like I referenced earlier. What does it look  
18 like? If it's accomplished, the goals and policies of the General Plan, here you call it the  
19 Comprehensive Plan, as set forth and there actually is an analysis between them. So, that you  
20 say look, here's a policy for example for neighborhood preservation. Here's a policy on

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1 transportation safety, here's... and there is a mandatory duty to implement those policies in  
2 Government Code Section 65103 (b). So, there is an analysis which usually is quite extensive,  
3 not a portion of a page where those goals and policies are performed and analyzed by Staff in a  
4 way that they can come to a collusion that says these policies are furthered. These are  
5 hindered, but based on that analysis. When they go through the mandatory seven elements,  
6 which in the Comprehensive Plan are combined, I think there's five. They then come to a  
7 conclusion of consistency. Mr. Yang is right in one portion of his consistency analysis where he  
8 says there's no requirement that it's required to be consistent with all elements. That's why this  
9 balancing standard that I referenced in one of a multitude of cases is how that's accomplished.  
10 Once again, respectfully, and I understand... you know and again, I think this is reflective of an  
11 institutional bias of the Planning Department. It's very clear what a General Plan analysis is. You  
12 go through and you pick the relevant policies of the mandatory element of the Comprehensive  
13 Plan. Say are they furthered or hindered by this development proposal, this PC Amendment?  
14 Once again, respectfully, that's not present, thanks.

15

16 Chair Summa: Any other questions?

17

18 Commissioner Lu: I realize asking legal questions is dangerous. I would like Albert's  
19 recommendation on how we actually move forward. So, we have all the facts on the ground.

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1 The legal arguments I have no expertise or ability to comment on. Should... does anything bad  
2 happen if we just make our recommendation and then the legal issues are sorted out offline?

3

4 Mr. Yang: Our opinion is you have sufficient material before you to provide a recommendation  
5 to Council.

6

7 Commissioner Lu: Thank you.

8

9 Chair Summa: Thank you. Commissioner Akin?

10

11 Commissioner Akin: I have two question. The first perhaps is for the Office of Transportation, if  
12 not then for Mr. Zhu [note – not sure who he's referring to]. Are we pursued that the widening  
13 and other changes at the entrance to Ellsworth from Middlefield will improve safety over what  
14 exists today?

15

16 Ms. French: Hi, this is Amy French, Chief Planning Official. I don't know if we have... okay, she...  
17 and I can... Sylvia, I can put up Slide 12 if that will help tell the story.

18

19 Chair Summa: So, Ms. Star-Lack is here to answer your question I believe.

20

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1 Commissioner Akin: Okay, great. Shall I repeat?

2

3 Ms. Sylvia Star-Lack, : No, no I think I have it, thank you. Good evening, Commissioners, this is  
4 Sylvia Star-Lack, Transportation Planning Manager for the City. Shrupath... my Transportation  
5 Planner Shrupath Patel and I visited the site on Monday, July 3<sup>rd</sup>. We spoke with residents,  
6 Shrupath and I did a simulation of car... of his car. He was driving his car out of Ellsworth Place  
7 and our recommendation is reflected in what you see on this slide which is to pull back the  
8 fence... yeah shorten the fence next to the creek if possible. Yeah, to 3-feet, pull back the fence  
9 to 4-feet behind the sidewalk, the back of the sidewalk because when cars have to come to a  
10 stop before the sidewalk. They need to be able to see people on the sidewalk before they can  
11 cross the sidewalk. We've also reached out to Valley Water to eliminate the vegetation that is  
12 overgrown at the corner of the... of their site at the creek and I think... oh and the driveway  
13 widening will allow for an easier turn for vehicles when another car is... when is a car is at the  
14 exit. Transportation Staff feel that these adjustments will be... will improve visibility and the  
15 ability for people to get in and out easier.

16

17 Commissioner Akin: Okay, so this, in Office of Transportation's opinion, this is an improvement  
18 in safety at that entrance.

19

20 Ms. Star-Lack: Yes.

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1

2 Commissioner Akin: Second question is possibly for Mr. Hayes, possibly for Mr. Dewey, I'm not

3 sure or Mr. Zhu [note – not sure who he's referring to]. For me, the two key transportation

4 concerns here are safety at the entrance and also the ability to circulate along the length... the

5 initial length of Ellsworth. And given that we're taking width away from Ellsworth, it seemed to

6 me that perhaps the only way to restore that functionality was to increase the width. The

7 applicants have proposed to do that to some extent and the question is did you consider

8 increasing the width by undertaking other changes? For example, as I walked the site, it

9 seemed to me that removing or relocating the power pole next to the one that's closest to

10 Middlefield on Ellsworth Place could buy you as much as a 9-foot width increase. You're using

11 much of that already in your current proposal for but perhaps there's room for more. Was this

12 considered and if so, what was the rationale for not pursuing it?

13

14 Mr. Hayes: So, we looked at the power pole quite closely. We tried to get a hold of Palo Alto

15 Utilities probably, I don't know, I probably have a half dozen emails to them with no response

16 but that pole is sort of the end pole. It has guy wires that come down that help kind of rack the

17 forces of the line of power that strings entirely down Ellsworth. So, based on that, it's... we just

18 figured... it's not going to be possible or within the means of the project. However, we are

19 having to relocate a cable utility box and we don't really know what the implications of that are

20 at this point because we've not been able to get the cable folks out there to tell us what's in

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1 that box but here we are agreeing to widening the street on that sort of Ellsworth Place on that  
2 side by 30-inches.

3

4 I believe Hexagon's original... well, I know Hexagon's original report... review states that  
5 Ellsworth Place is, in their mind, wide enough as it is to allow two cars to pass. Now I know we  
6 have testimony from those that live there that say that it's not an so we're trying to work with  
7 their concerns and provide a wider width. And so, we're going as far as we can go to guy wires  
8 on our side but Mr. Handa is continuing the 18-inches on his side to the his... to where his  
9 walkway intersects Ellsworth Place. Does that answer your question?

10

11 Commissioner Akin: Mostly, yes, I really do appreciate the flexibility that has been shown here.  
12 Particularly, the recent change from Mr. Handa's perspective is significant. Yeah, I also looked  
13 at that pole. There's an underground service entrance there so it would have to be rerouted  
14 underground as well as (interrupted)

15

16 Mr. Hayes: That's right, I didn't mention that.

17

18 Commissioner Akin: Yeah, as well as the guy wires for supporting the pole string.

19

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1 Ms. Camas Steinmetz, legal counsel: And if I may? I'm Camas Steinmetz, legal counsel to the  
2 2901 Middlefield applicant. Just to correct for the record, I think you mentioned there would be  
3 a reduction in the width of Ellsworth Place and just for the record that the width is 20-feet.  
4 There will be an increase in the width, a proposed increase and the apparent extra width is a  
5 private parcel. That's private property and not part of the Ellsworth Place  
6 [unintelligible](interrupted)

7

8 Commissioner Akin: Right, I apologize, that wasn't my intent.

9

10 Ms. Steinmetz: Okay, thank you.

11

12 Commissioner Akin: Simply that people do... people were using the parking lot for passing and  
13 circulation purpose so I'm interested in being convinced that we're doing no harm here.

14

15 Ms. Steinmetz: Okay and we do have testimony from our property manager that's been on the  
16 site for 6-years or more that he has not seen any use of that space for circulation or passing and  
17 that's in our letter that we submitted in the record, thank you.

18

19 Commissioner Akin: That's it for the moment, thank you.

20

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1 Chair Summa: Thank you. Commissioner Chang [**note – Vice-Chair Chang**].

2

3 Vice-Chair Chang: Thank you, Chair. I had a follow on question for transportation, for Ms. Star-  
4 Lack. Is she there?

5

6 Chair Summa: Ms. Star-Lack, are you still with us?

7

8 Ms. Star-Lack: Yes, I'm here.

9

10 Vice-Chair Chang: Hello.

11

12 Chair Summa: Thank you.

13

14 Vice-Chair Chang: So, you had mentioned in response to Commissioner Akin that you believe  
15 that there is an improvement in safety and so I wanted to ask you an improvement in safety  
16 over what baseline? Over the current state where there's a parking lot or over the current plan  
17 prior to your adjustment of moving the fence and contacting Valley Water and...?

18

19 Ms. Star-Lack: Over the current plan.

20

- 
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1 Vice-Chair Chang: Okay and what's your assessment in safety relative to the current state;  
2 status quo if nothing were done?

3

4 Ms. Star-Lack: The... currently the visible... just speaking about the visibility, right now it could  
5 be improved. What's existing could be improved because the vegetation, because of how the  
6 incline is and how a car is screened from any kind of vegetation once a car is up on the... is  
7 approaching the driveway, approaching Ellsworth Place. The Valley Water vegetation and the  
8 vegetation that currently exists on the site and in the planter stripe actually screen an existing  
9 vehicle so that needs to be improved.

10

11 Vice-Chair Chang: Great, thanks. Then I have another question about the site triangle and  
12 speeds of the road and this is a little bit of a follow on question to one that was asked by, I can't  
13 remember which Commissioner, at the last PTC meeting when this item was discussed. When  
14 somebody had asked, you know the site triangle, the 35-foot site triangle is designed for certain  
15 speeds and also it's designed assuming that the grade of the intersection is all the same. And  
16 this particular situation is a little bit unique because Ellsworth slopes down from Middlefield as  
17 well as Middlefield itself is sloping at that (interrupted)

18

19 Ms. Star-Lack: Exactly.

20

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1 Vice-Chair Chang: Or very close that intersection and then in addition, when I did my own site  
2 visit there. The City has installed those little radar meters, whatever, telling people to slow  
3 down because that section of Middlefield has people... drivers traveling very quickly. So, you  
4 know, it blinks slow down, slow down at you and then flashes what speed. So, as I stood there  
5 for five minutes, I watched numerous cars travel at 40 miles an hour and so I guess I wanted to  
6 ask you with respect to... really what implication does that have for what the site triangle  
7 should be if cars are traveling at 40 miles an hour sometimes and also if there's this... the  
8 intersection is not necessarily at grade.

9

10 Ms. Star-Lack: So, those signs are called speed feedback signs.

11

12 Vice-Chair Chang: Okay, that's a... sorry, thank you for the technical term.

13

14 Ms. Star-Lack: Speed feedback signs and that condition that you're... the condition of cars  
15 speeding and driveways on that road exists up and down Middlefield so it's not unique to this  
16 location. The speed... the site triangles, that analysis does assume that everybody's at the  
17 right... at the same grade and that was why going to the site and seeing it for ourselves was  
18 important. There's always an element of engineering discretion and context sensitivity when  
19 you do something like this. So, that is why our recommendation or our suggestion was to adjust  
20 the fence height and location as is indicated in the drawing.

- 
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Vice-Chair Chang: Thank you.

Chair Summa: Commissioner Templeton.

Commissioner Templeton: Thank you, so first of all, thank you Ms. Star-Lack for being present to answer our questions today. It's very helpful to hear from you. I had an experience this weekend where I went to a friend's property that was outside of Palo Alto and had a very long driveway off of a major road. And as I was pulling up to pick up my daughter, I saw a delivery vehicle there and so I was of course thinking about this project and watched what they did and they didn't go onto the private property. They parked in front of but alongside what would be the equivalent here of Middlefield and as we talk about the delivery process here I definitely don't want that. We don't want the delivery trucks blocking Middlefield but also we heard from people last meeting that were describing a number of small children that play at that intersection; for better, for worse. What they should or shouldn't is not for me to say but if we do have delivery vehicles circulating there and our proposal is that we have them pull in and then pull back out for turning around purposes. I'm wondering if... yeah, if you could bring that up that would be great, thank you, Ms. French. I'm wondering if this is optimal given that isn't that possible to drive thru to Sutter. Instead of turning around, if they turned in to where you have the green space on the design is that possible to go through?

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Ms. French: I guess depends on the truck size. I'll bring up the other slide that shows the site at 2901 Middlefield.

Commissioner Templeton: Well, nonetheless, just while you bring that up, the person was able... the delivery person was able to traverse the length of the driveways that's longer than this road and drop off the package. So, I think... yes, I would be hopeful that we could find a positive forward direction. Most delivery vehicles prefer that just for safety reasons, rather than requiring them to back up. That's a side note, it's not a deal breaker here for me but that is what I'm, as far as safety is concerned, recommending for you guys. So, to have a circulation that's forward.

Regarding the safety improvements at Ellsworth and Middlefield, I'm satisfied with what has been proposed here. I've driven the area, I don't find that the slope is... then again, I grew up in a hillier place but I'm not too worried about the slope... the slopes intersecting there. I felt safe pulling in and pulling out of Ellsworth Place. So, I think you've done a good job of answering the questions.

The issue of whether or not it's private, it looks like it's been settled from the City's perspective so I'm not going to get into that. I'm interested in reading the letters more thoroughly before

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1 making more comments on the zoning question, but as far as the feedback that we had for you  
2 last time. I really appreciate you putting together these responses, thank you.

3

4 Chair Summa: Commissioner Chang [**note – Vice-Chair Chang**].

5

6 Vice-Chair Chang: Thanks again, I had one more questions for Counselor Yang. So, I had read in  
7 some of the public comments but didn't actually manage to find the old PC to which PC... to  
8 which the more current PC refers to but had read that the current PC says that the old PC stays  
9 in effect. Except for whatever the current PC overrides and that the old PC had intended  
10 originally to widen Ellsworth. So, I wanted to ask what's the City's... and yet, we the City seem  
11 to have forgotten that this PC existed. So, what is the City's obligation to do what the PC... what  
12 we said we would do in the PC, or to I guess hold the PC to task if my question (interrupted)

13

14 Mr. Yang: Yeah, so that older PC is PC 1810 (interrupted)

15

16 Vice-Chair Chang: Yes.

17

18 Mr. Yang: And it actually... it doesn't say very much. It shows that the land shown in the  
19 development plan attached tier two is rezoned as PC and the development plan is approved  
20 subject to the condition that the driveway to Middlefield Road be modified. So, then you would

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1 look at the development plan that's attached to see well, how did that driveway look and  
2 unfortunately it's illegible at this point. We have a scanned document where you just cannot  
3 really see anything.

4

5 Vice-Chair Chang: So, we don't know (interrupted)

6

7 Mr. Yang: Yeah.

8

9 Vice-Chair Chang: Is the answer, okay thanks.

10

11 Chair Summa: Commissioner Lu.

12

13 Commissioner Lu: I had just a couple more questions about the intersection for Ms. Star-Lack.  
14 So, you mentioned the site visibility was 35-feet, was that before the modifications in the latest  
15 proposal since we saw this last time?

16

17 Ms. Star-Lack: I might need your help Shrupath for this. I mean I think the analysis was done but  
18 I'm not... but I don't think it was done in... on site.

19

- 
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1 Mr. Shrupath Patel, Associate Transportation Planner: Good evening, Commissioners. Shrupath  
2 here from Office of Transportation, so 35 site visibility is also has to more do with the fence  
3 height I think. So, but I would note that in general, if there was no greater than a normal  
4 scenario we allow a fence which are less than 3-foot in height. So, that's what Office of  
5 Transportation recommended in the previous plans also and the fence was proposed 3-feet in  
6 height on Middlefield frontage and also 35-feet on Ellsworth Place. But because of this grade  
7 then there was... there's additional recommendation from Office of Transportation to put the  
8 fence 4-feet back. So, that way stop sign will be stop... the fence will be 4-feet back from  
9 basically from the stop line. So, that will increase the visibility for Middlefield vehicles and also  
10 Ellsworth Place. That fence won't be... won't fall on that visibility triangle and the traffic I think  
11 going northbound on Middlefield will be able to the car or the vehicles easily because the fence  
12 is already 4-feet back from the stop line.

13  
14 Commissioner Lu: Okay got it, so basically the site line was 35-feet. Then to... but the incline in  
15 practice makes it a little bit less but then the moving the fence makes it a little bit more again.  
16 So, on balance, we're still in a reasonable ballpark, okay. Is it possible to also give any context  
17 on whether 35-feet is good? What would we normally require along Middlefield or El Camino?

18  
19 Mr. Patel: So, as I said earlier, 35-foot is more about like driveway entrance but based on other  
20 site distance called stopping site distance. So, I think in the draft transportation study done by

- 
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1 Hexagon they have also mentioned that is based on the speed on the main street and basically  
2 based on the street. I think [unintelligible] design [unintelligible] have more guidelines than  
3 the... if there's no grade in the discussion then based on the speeds, stopping site distance  
4 could be anywhere between 100-feet to 250-feet. So, that provides major street traffic to make  
5 required actions if they see the cars coming out of the crossing street or for making right or left.  
6 So, but as I said earlier, now with the fence its already back from the stop... 4-feet back from  
7 the stop sign. Vehicles exiting on Ellsworth Place are required to stop before they make left or  
8 right and then after they see that Middlefield Road is clear. And then... and the driver should  
9 make call to move a little bit forward and they can go on their sidewalk or driveway  
10 [unintelligible]. And then after that, once they check back on the Middlefield Road and then  
11 they should make left or right. That's how the driver behavior when they're crossing major  
12 street.

13

14 Commissioner Lu: Thank you.

15

16 Chair Summa: Thank you. I really want to sincerely thank everybody who came here today.  
17 Especially the speakers and I think we have a difficult situation in evaluating Ms... Mr. Ross's  
18 opinions because it is opposed to our City typically does things. So, and... so I don't think we can  
19 resolve all of that today. Would... I would like us to resolve is to move forward with a

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1 compromise that serves everybody's interest and that means all 13 properties on Ellsworth  
2 Street plus Mr. Dewey and Mr. Handa.

3

4 I will note that it seems... there's so many unknowns and I think that's just an aspect of loss  
5 memory and records in the City and nobody's followed... just what happens over time. But I did  
6 want to mention a couple things that I have heard from the representatives of Ellsworth  
7 residents and that is that they all have easements to traverse already. They... and I've heard  
8 them say this more than one time so I don't think that suppling that is a benefit. It's great that  
9 everybody has them because that's not a problem then.

10

11 And I also wanted to say that I don't think... I don't know that we know when the mistake was  
12 made on the Zoning Maps which are updated constantly and so I don't know if we can assume  
13 it was all 56 years. The first time I ever heard about this project was because of neighborhood  
14 association that I sometimes attend the meetings of, and I was able on that very day to locate  
15 and I'm probably more familiar with using the City website than everybody, both 18.10 and the  
16 1967. I don't mean the year 18.10, I mean the earlier and the ladder ordinances and they were  
17 available. I mean older ordinances like that don't have all the detail in them that we have now,  
18 so sometimes we have to kind of assume what the intention was I believe.

19

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1 So, I'm not sure we're going to solve... I'm pretty sure we're not going to solve all the legal  
2 issues tonight and I'm... I don't... I also think if we keep it a PC the private street issue becomes  
3 irrelative because we can control the setbacks and those other issues since everyone's  
4 easements are intact. So, I don't think we need to worry about that because we can control  
5 those details and I just... we got a lot of emails very late today, this afternoon and we didn't get  
6 a chance to read them as Ms. French mentioned. Would my colleagues like to take 10 minutes  
7 to read them or would you just like to proceed?

8

9 Vice-Chair Chang: [off mic] I would like to read them.

10

11 Chair Summa: Okay, is 10 minutes good or? Okay, so we are going to take a 10 minute break so  
12 we can give your hard work the thoughtful review it deserves, or at least a quick 10 minute  
13 review and we will be back.

14

15 [The Commission took a 10 minute break]

16

17 Chair Summa: Thank you everyone, we're back from our little read and we will carry on with  
18 our deliberation. So, do I have questions, thoughts? I have an additional question for Staff. Is  
19 the Streamside Corridor Protection review area the same as the Streamside Setback and that  
20 would be 18.41.40?

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Ms. French: We'll have to give it a minute.

Chair Summa: Okay, we'll take a minute and think about that. Any other questions? Anybody want to make a motion?

[note – unknown female Commissioner:] [off mic] [unintelligible] comments.

Chair Summa: Comments? Oh yeah, of course, go ahead. Sorry, Commissioner Chang [note – Vice-Chair Chang]

Vice-Chair Chang: I'll start with comments, so I should just say that I wasn't here at the last meeting but I did spend 5 hours watching the video. So, I'm fully up to speed and I spent even longer reading everything and I just wanted to say a couple of things.

There was a public commenter who said two wrongs don't make a right and that really sat... that sat with me. In other words, the City... that there was an error on a map and the map says don't rely on this to make your decisions and that being said I feel very badly for the applicant because they find themselves in a bit of a pickle. But even though that's the case, there's a lot

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1 of reasons that the neighborhoods very unhappy with this. So, I'm hoping that there's a way to  
2 find a compromise here.

3

4 At the same time, we as a Commission are tasked with making sure that a PC shall be  
5 compatible with existing and potential uses. So, there's the current use is an existing use and so  
6 we need to be cognizant of whatever the existing use is. That's something that our Code says in  
7 PCs.

8

9 And we also often say up here on the dais that safety is paramount and so I want to make sure  
10 that we walk the talk. Particularly, because there's a school across the street, the Winter Lodge  
11 is right next store, there's a yoga studio on the other side, Kim Grant Tennis is there. I've biked  
12 there, it's harrowing to bike there which is why you see people biking on the sidewalk there.  
13 When I did my site visit, two people biked by me. People drive quickly there, as I said it was 40  
14 miles per hour repeatedly. There was also some very respectful people who drove 25 miles an  
15 hour but many people blew by at 40 miles an hour. And then 2 years ago a friend of mine, her  
16 child had a concussion not two blocks away. He was crossing Middlefield in the crosswalk on  
17 the green and somebody ran the light because the sun was in their eyes. So, this is just a  
18 harrowing stretch of road that is heavily, heavily used and in our Comp Plan, we say that we  
19 want to really make this like a pedestrian and biker-friendly area because mid-town Palo Alto is  
20 an area that we want to make like a vibrant CN neighborhood. So, I just really want to be... if

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1 Palo Alto grows as we want it to with all the additional housing. There's going to be more  
2 pedestrian, more bikes, more car traffic, more everything there. So, we just need to be careful  
3 about what we're doing.

4  
5 I'm also concerned... I heard a number of Commissioners last time raise the issue of what  
6 happens to this parcel if we follow the Staff recommendation and make it a stand-alone R-1  
7 parcel. And then we lose control over it in the future and it's such a weird spot where prior City  
8 Councils had said we don't think this parcel is actually an appropriate place to develop a  
9 residence. And granted, times have changed and maybe now with all of our desires to have  
10 housing. We would love to see housing there but I'm also not sure given all the safety concerns  
11 that we want to lose control of it.

12  
13 So, where I'm leaning right now is towards an alternate... one of the alternate Staff... one of the  
14 alternate choices in the Staff Report which is to keep it within the PC but to allow a residential  
15 use within the PC and so that's my comment for now.

16  
17 Chair Summa: Commissioner Templeton.

18  
19 Commissioner Templeton: Thank you. I have a lot of maybe mixed thoughts on this property  
20 and what we've been asked to do. I will start by agreeing with my colleague here that

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1 Middlefield is still too dangerous for our walkable, bikeable, family-oriented community vision  
2 and we have to do something about it. I'm not sure how much that weighs in on this property  
3 when we speak about it in the safety of Middlefield in general and I do think that the proposed  
4 improvements for safety will make it better than it currently is so we have that positive.

5

6 I also agree that this communication error is really unfortunate, but I also think that that knife  
7 cuts both ways. So, if you are saying... if we are saying on the one hand it's unfortunate that  
8 there was this mix-up and that this is affecting the buyer of the property. We have to also say  
9 that for the other neighbors which I think is really hard to say. You know, these were previously  
10 parts of other parcels and this was subdivided and the entrance to their homes is through a  
11 right of way. An access that has been granted through dependency on your neighbors and it's  
12 so complex that it makes it really difficult for us to single out any person's individual interest  
13 here and come to solution that will satisfy everybody. I think that's really the challenge that  
14 we're dealing with.

15

16 So, I am concerns about the proximity to the creek. However, I don't believe that's what we're  
17 being asked. I would like to know the answers to the question that was raised about making  
18 sure that we have proper setbacks and won't be degrading the creek in any way by the  
19 construction or the structure.

20

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1 How I'm leaning, my leaning at this point is I think a lot of compromises and concessions have  
2 been offered by the applicant that meet the needs of the residents of Ellsworth. That will  
3 improve the safety of their street and their community and will provide an opportunity to bring  
4 another unit online. So, how do we do that? Do we do that through breaking out the R-1 out of  
5 the PC, or do we keep it included? I feel confident that any concerns we could have about this  
6 property, we could have about any other R-1 properties that were nearby. If we don't feel the  
7 need to control those or put the whole neighborhood on a PC. Then I'm not sure why we would  
8 want to do it for this particular property. So, those are some thoughts from me at this point,  
9 thank you.

10

11 Chair Summa: Mr. Yang?

12

13 Mr. Yang: I just wanted to address an issue that had come up in Vice-Chair Chang and  
14 Commissioner Templeton's comments on the idea of losing control if this is zoned as R-1. One  
15 mechanism we could use is to require a deed restriction be recorded on this property that  
16 includes the conditions that we would be interested in preserving. Like the fence location, then  
17 fence height and keeping the vegetation clear as well as the expended pavement width. So,  
18 that is one tool we could use that could be paired with an R-1 zoning if that's the direction the  
19 Commission wanted to go. I just wanted to mention that because this idea of losing control had  
20 been mentioned a few times.

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Commissioner Templeton: Very helpful, thank you.

Chair Summa: Thank you, then I will go to Commissioner Akin.

Commissioner Akin: That’s a good segue on the loss of control issue. Yeah, I was also concerned about what might happen to future owners of the property and if I understand the PC process correctly. One significant advantage of sticking with PC, in this case, would be that we have a set of plans which we believe are acceptable to all the parties that have a stake in the decision. And rather than have to innumerate a set of restrictions that may yet turn out to be inadequate. We have a plan that we can deem adequate today. So, my inclination is to lean towards retaining the PC designation and amend it.

On a general issue, this is taking place in the context of changes in State policy that reduce the viability of private vehicles in almost all context and so far, haven’t provided adequate alternatives. So, this kind of problem is going to come before us again and again as parking disappears for example. I think of the folks who live on Sutter who are going to deal with the spillover from at least guest parking, if not delivery parking because we’ve made it more difficult for those things to happen on Ellsworth. Repeat this enough times and you have a serious cumulative impact.

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Nevertheless, for me, I think this proposal had cross the line from something I was not willing to accept to a compromise that I could. So, that's what I'm feeling at the moment.

Chair Summa: Thank you. Commissioner Lu?

Commissioner Lu: A quick question for Albert, is there... what are the practical differences between a deed restriction and a PC Zoning? Just for whatever motion we make tonight.

Mr. Yang: Practically, I don't think that there's very much. They're both... they'd both be fairly difficult to change. A PC might actually be a little bit easier to change than amending a deed restriction, but it's probably about the same. In both cases, the property owner would need to come to the City and seek the City's approval.

Commissioner Lu: Cool, thank you.

Chair Summa: Ms. French, did you have the answer to the streamside setback, or do you need more time?

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1 Ms. French: Yes, so it was... there was a little bit of confusion as to whether you had said  
2 Streamside Protection Corridor, which is the title of a section of the Code versus the other  
3 which is the Streamside...what is it called? Streamside Review Area, so I mean the protection  
4 area is not 50-feet if that was the intent of your question. I don't know if it was.

5

6 Chair Summa: I was looking for the setback which I thought was 20-feet from either the toe of  
7 the bank or some calculation of (interrupted)

8

9 Ms. French: Yes, top or toe of the bank (interrupted)

10

11 Chair Summa: Angle (interrupted)

12

13 Ms. French: Depending and the channelized creek is not as much of a concern because this is a  
14 channelized creek.

15

16 Chair Summa: Yes.

17

18 Ms. French: So, it is... there is some discretion given to the Public Works Director on these  
19 matters.

20

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1 Chair Summa: I see Mr. Sauls, maybe he had something to add.

2

3 Mr. Garret Sauls, Planner: I'm just popping in. I'm turning my camera on and off, don't worry  
4 about me.

5

6 Ms. French: It relates to the Geotechnical Slope Stability Analysis.

7

8 Mr. Sauls: What Ms. French is identifying is correct. There are possibilities for individuals to still  
9 develop within those Streamside Protection Areas provided there's a Geotechnical Analysis that  
10 demonstrates the impact won't impact to that Slope Stability Protection Area and with  
11 channelized creeks that's certainly less of a concern. We typically will review projects with the  
12 Santa Clara Valley Water District and many of their concerns are focused on any sort of  
13 outward forces impacting the stability of their channelized... you know concrete wall. So, that  
14 would... that's typically what they'll be looking for.

15

16 Chair Summa: So, has there been any investigation into the soils and what would be required in  
17 this case of a setback from the channelized streams is what I'm looking for I guess.

18

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1 Ms. French: So, the City rejected the Building Permit application what would have provided  
2 the... because it wasn't R-1 zoned. So, that kind of thing would be reviewed that the Building  
3 Permit application phase for constructing a home.

4  
5 Chair Summa: Okay, so that comes later in the process is what you're saying. Okay, thank you  
6 and then piling onto what Commissioner Akin just said. Was there any evaluation of potential  
7 impacts on Sutter or was that just not looked at, at all? I don't believe I remember seeing it in  
8 the traffic analysis.

9  
10 Ms. French: So, the... so impacts, I mean circulation would be an environmental impact as  
11 possible to parking, parking is not reviewed. Are you think CEQA wise or what are you thinking?

12  
13 Chair Summa: Either way, CEQA I guess is circulation or parking.

14  
15 Ms. French: Well, and Albert might want to weigh in on that, but my understanding of CEQA is  
16 that circulation is the factor that's reviewed as opposed to parking being it parking is not  
17 considered an environmental impact.

18  
19 Chair Summa: No, but outside of CEQA it is a potential impact for the neighbors, but anyway we  
20 feel that it will be fully parked at this time and in a future... in the future with the four

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1 additional. And then so one of my biggest concerns about this was not having property setbacks  
2 on 702 and that restriction can certainly be lifted if we have a smaller footprint and go to a two-  
3 story house; which I see is more desirable for everybody on Ellsworth getting along and still  
4 having a sense of not being closed in. And what they had experienced in the past was of course  
5 sort of more emptiness there because of the parking lot and they had a situation where they  
6 had a functional 25-foot street. And they only have a 20-foot street and our minimum street...  
7 private street width in Palo Alto is 26-feet. That is the width that is supposed to serve I think up  
8 to four houses. The maximum is 32 and that's the number of houses it would be served would  
9 require that but I have heard the Ellsworth people say that they would be satisfied with 26-feet.  
10 And that would be... we would be able to achieve that now just in the first 100-feet between  
11 2901 Middlefield and 702 Ellsworth. So, I would be interested in seeing that done at this time  
12 and that in addition to the standard type of turning ratio or flare, whatever it's called that the  
13 traffic engineer feel is appropriate. I think would really increase the safety at the point at which  
14 it's dangerous which is at the intersection and you really can't... people... I was there too in my  
15 car. Well, the first time I went I parked on Sutter because it sounded dicey but it's not scary or  
16 anything but you can't really pull in and out. You can't have one person pulling out and one  
17 person pulling in. There just isn't going to be enough room, so what I heard from the residents  
18 was that would improve the situation enough for them and I think it's a compromise because it  
19 is less than our standard.

20

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1 So, and I would like to also establish setbacks for the house that allow the house to go up or  
2 down if appropriate but not be such a big footprint. And the Ellsworth setback for 702 is kind of  
3 a mystery to me because it's not... it cannot be the regular corner lot situation in Palo Alto  
4 because it would take up too much of the lot. And that's one of the advantages of a PC in this  
5 situation is because we have an ability to, without going through a Variance process, just set  
6 that. But I don't know what it should be and some of the houses on Ellsworth I don't think  
7 there's a standard. Some are close and some are further but I would almost think that the 24-  
8 foot setback for required special setback from Middlefield, a 20-foot setback from the stream if  
9 in fact the toe or the angle of that is required. The regular 6-foot side setback since Ellsworth is  
10 the front from 705 and I almost don't know what to say about the Ellsworth setback. I certainly  
11 think it's not going to be consistent with any standard we have and it might want to be  
12 somewhat flexible I think because I think it depends a little bit on the person building the  
13 property there, how close they want to be. I think that would... I think those are kind of my  
14 interests but the PC does allow us to have more control over those things for what I still... I  
15 believe is a substandard lot.

16

17 So, but we don't have to solve all those issues, whether it's a substandard lot or whether it's a  
18 private road if we're keeping it all a PC and trying to find a really good solution that works for  
19 everyone so those are my thoughts. I'm not sure who was next.

20

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1 Vice-Chair Chang: [off mic] I was.

2

3 Chair Summa: Oh okay, Commissioner Chang [note – Vice-Chair Chang].

4

5 Vice-Chair Chang: I actually liked a lot of your thoughts Chair Summa. I did have a question for  
6 Counselor Yang about... so since the stream stability component is usually done... so I have a  
7 question about how we do a PC because usually a PC is done with a specific set of plans as I  
8 understand it, or at least that's what I gathered from watching the last PTC meeting recording.  
9 But it sounds like we don't know about the stream bank's stability, soil stability, I'm not using  
10 the right technical terms here. So, it's possible that that set of plans wouldn't work anyways, so  
11 how would we proceed in this situation?

12

13 Mr. Yang: Well, there's... you know one way is to have the set of plans that's before us be the  
14 development plan but have it conditioned that it will... if necessary it will be modified to  
15 accommodate whatever stream slope stability analysis that's performed.

16

17 Vice-Chair Chang: Okay.

18

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1 Mr. Yang: And then I guess it would depend on who you wanted to review that, [unintelligible]  
2 that change. It could be the Planning Director, it could be a subcommittee of the PTC or  
3 something like that.

4

5 Vice-Chair Chang: Is it possible... I mean where I'm landing with this is I'm more interested... I'm  
6 less interested in being prescriptive about the residence because I don't... I'm interested in the  
7 safety. I'm not interested in prescribing what somebody's house looks like. That's up to the  
8 resident, but I think that the... what the applicant's have already been flexible with. You know,  
9 we want to preserve some of that as well as some of the additional concerns of the neighbors.  
10 We want to preserve those things as well as some of what Chair Summa mentioned about the...  
11 you know as a City we prescribe that the minimum width of a private street serving more than  
12 four residences is 26-feet. It's actually supposed to be 32 I think is the minimum but we can go  
13 with the Director's discretion we can go down to 26 I believe. So, that all makes sense to me  
14 but then doing so would require some significant rejiggering of plans. And I've heard from other  
15 Commissioners that a basement or a second story might make sense here; whether it's up or  
16 down and I don't know what makes sense and we don't know what the soils. So, I would rather  
17 be prescriptive about the intersection and the street than about the house. And so, can... could  
18 I try and... well, I don't want to... I know the (interrupted)

19

20 Chair Summa: [unintelligible -off mic]

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Vice-Chair Chang: Right, I know there's other lights but I have a motion that I think I could try and throw out there.

Commissioner Templeton: [off mic] Can it wait?

Vice-Chair Chang: Yes, I will wait, yes.

Chair Summa: Thank you, we'll go to Commissioner Templeton and then Commissioner Lu.

Commissioner Lu: [unintelligible – off mic]

Chair Summa: Oh okay.

Commissioner Templeton: Oh, thank you so much, I appreciate your flexibility. So, Mr. Yang, can you please speak to this 26-foot thread we have going on because that's surprising and I want to make sure I understand exactly what it is from your perspective.

Mr. Yang: We're talking about the street width?

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1 Commissioner Templeton: Do street... do private streets need to be 26-feet wide?

2

3 Mr. Yang: So, newly established private streets in a subdivision generally have to be 32-feet  
4 wide unless an Exception is granted. That doesn't apply here because we're not creating a new  
5 private street. It's... there's an existing 20-foot wide private street and there's not really a  
6 reasonable way of making it 32-feet or 26.

7

8 Commissioner Templeton: Okay, thank you and I read someone in a Packet or a letter, I'm sorry  
9 I don't recall, that this is being... the width that's being used is appropriate for a driveway, is  
10 that correct? Is that where the 20-feet comes from? That that's (interrupted)

11

12 Mr. Yang: That's not something I can answer.

13

14 Ms. French: Yeah, I believe that multiple-family residential apartment buildings and such can do  
15 a 20-foot driveway. I believe that was an Office of Transportation Staff comment.

16

17 Commissioner Templeton: Thank you, I appreciate (interrupted)

18

19 Mr. Sauls: [unintelligible] minimum dimension for a two-way driveway is 20-feet.

20

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1 Commissioner Templeton: That is very helpful, so now we understand where the numbers are  
2 coming from and why it's not the same as the road or street numbers. Personally, just to... I'm...  
3 I don't know why we would make the road width so different at this property without also  
4 requiring all the other properties to expand. It feels very unfair and that it's targeting a single  
5 property whereas this street abuts many properties, so I feel that's unfair.

6  
7 That said, we have talked... it looks like the proposal here is 24-feet. So, I think that is a  
8 compromise between 20 and 26 if they're offering 24. I feel that that is enough, however, if the  
9 whole street wants to get together and agree to expand it to 26. That's fine but that's a  
10 separate issue. So (interrupted)

11

12 Chair Summa: May I offer (interrupted)

13

14 Commissioner Templeton: Sure.

15

16 Chair Summa: An observation on that?

17

18 Commissioner Templeton: Yeah.

19

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1 Chair Summa: So, we have a concept of grandfathering that is broadly across our Municipal  
2 Code and (interrupted)

3

4 Commissioner Templeton: I'm familiar with it.

5

6 Chair Summa: It is because and we don't require people to come up to Code or change things  
7 until they have an applicant or a demolition or they're going to rebuild something and I think  
8 that's the reason why. And it may be kicking the can down the road a little but we have an  
9 opportunity here and we have two properties, 2901 and 702, that have... are going to have  
10 substantial benefits from allowing this PC change; financially and maybe in other ways. You  
11 know, I don't know what's... I can't... I don't know what's in their head about it but certainly  
12 financially and so I think it's reasonable. Unless it is absolutely 100 percent impossible and I  
13 know that utilities can be relocated and I just think it's an opportunity... I think it's a great  
14 opportunity for 702 also to have a more spacious situation. I think it benefits them and that's  
15 why we want to be flexible with that front Ellsworth setback because I think they should have a  
16 great say in it.

17

18 Commissioner Templeton: And that's absolutely fine, we may disagree on this. We're talking  
19 about one foot on either side so it's not a major disagreement. And my perspective is informed  
20 by that this is being treated as not a new road and historically as a driveway. And I know that's

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1 not how it's been used but that's where the numbers have come from. So, I'm satisfied with the  
2 current proposal because I think it comes very close to the desired width and is improving what  
3 is currently very narrow.

4  
5 So, I don't... I agree with Commissioner Chang... Vice-Chair Chang that I'm not exactly sure  
6 about the soil condition and what's going to be possible there. I'm nervous because it's on a  
7 creek side that is this even going to be something that can have a basement at all, right? Or  
8 certain serve the foundation of a two-story home and I would like to not prescribe that as well.

9  
10 As for what other areas of compromise, I think I'm very satisfied with what has been offered  
11 because I think that's going to really improve the safety of the residents and their children and  
12 people who use the sidewalk because it will be expanded as well so I'm very hopeful.

13  
14 Again, with a PC versus R-1, PC is an option. I'm... I still feel uncomfortable given that this was  
15 stated as an R-1 by the City and has neighbors who are R-1 and I just I hate to tie this property  
16 in perpetuity to the property across the street. I'd like to sever it because that's what the  
17 applicant's seem to want. Thank you very much.

18

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1 Chair Summa: I am not seeing any other lights. Do I have any other comments? Commissioner  
2 Chang [note – Vice-Chair Chang] indicated that she wanted to make a motion so why don't we  
3 go ahead to the motion?

4  
5 MOTION

6  
7 Vice-Chair Chang: I will make a motion and we can work with it from there. I'd like to move that  
8 the PTC recommend that City Council amend PC 2343 to add single-family residential use to the  
9 list of Conditionally Permitted Uses of the PC Zone and that A) the width of Ellsworth Place  
10 easement running between 702 Ellsworth and 2901 Middlefield be widened to 26-feet for the  
11 entire length of the easement; B) the easement shall be given to the City of Palo Alto to settle  
12 any debate on who has right to access the street; C) that the curb cut approach at  
13 Ellsworth/Middlefield shall be widened by 4-feet to a total of 28 at the street... 28-feet at the  
14 street flare; D) that the 35-foot site triangle for the Ellsworth/Middlefield intersection must not  
15 be obstructed by vegetation, fences or other objects with heights greater than 1-foot; E) that  
16 four additional parking spaces shall be provided on 2901 Middlefield; F) that a temporary  
17 loading zone for delivery trucks shall be provided at 2901 Middlefield; G) that green waste  
18 garbage enclosure and pickup for 2901 Middlefield shall be moved of Ellsworth and that 2901  
19 Middlefield trash pickup shall be moved from Ellsworth to Sutter; and H) regarding setbacks,  
20 that the... first the 24-foot special setback on Middlefield shall be observed; 2) that the creek

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1 setback will be observed according to stability requirements; 3) that the front setback from  
2 Ellsworth is determined based on safety requirements as reviewed by the Planning Director;  
3 and 4) that the standard 6-foot side setback is observed from 705 Ellsworth.

4  
5 And so that's my motion and I felt pretty strongly about keeping the parcel within the PC  
6 because this was a PC. I know it... just to... sorry? Okay, I will wait for it to be seconded, sorry.

7  
8 Chair Summa: Do we have a (interrupted)

9  
10 Mr. Sauls: Point to clarify? Ms. Dao, were you able to capture all of those? I think there was A  
11 through H items and then three or four subitems within H. So that maybe we could share it on  
12 the screen and everyone can be sure to respond.

13  
14 Ms. French: Yeah, there's one point that was mentioned. I want to make sure that what you  
15 said was 26-feet as opposed to the 24-feet because when it's widened from 24-feet it gets to  
16 28-feet at the curb. So, do you mean 26-feet?

17  
18 Vice-Chair Chang: So, maybe it should be 26 to 30 at the curb then I guess. I don't know what  
19 the right (interrupted)

20

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1 Ms. French: That's what it would be if following the City standards.

2

3 Vice-Chair Chang: Yes, then 30 at the curb.

4

5 Commissioner Lu: Can I? As part of this motion, do we need to specify details like the asphalt  
6 or moving the cable boxes or anything else like that?

7

8 Vice-Chair Chang: I don't know.

9

10 Commissioner Templeton: I was going to ask if first of all, is this motion correct? It looks like  
11 there's a blank line. Is there something missing?

12

13 Vice-Chair Chang: I think there are things that are missing so.

14

15 Commissioner Templeton: Yeah, so if you can correct the motion and then I would ask Staff to  
16 highlight the ones that are not part of the Staff proposal. So, we know the delta between what  
17 you were proposing and what she's proposing.

18

19 Vice-Chair Chang: So, A, the width of the Ellsworth easement to be widen to 26-feet.

20

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1 Ms. French: It's not specific to the length of that. Did you mean within that 35-foot site triangle?

2

3 Vice-Chair Chang: For the full 100-feet. I don't know if the parcel's exactly 100-feet but for the  
4 full length.

5

6 Ms. French: It is.

7

8 Vice-Chair Chang: Yeah, so then the curb cut would be 30-feet at the street flare I think, right?

9

10 Ms. French: I think that B we... it says easement be given to the City of Palo Alto. I think what  
11 was said was City of Palo Alto has a right to determine who has access. Is that... did I hear that  
12 right?

13

14 Vice-Chair Chang: Sure.

15

16 Ms. French: Somehow.

17

18 Vice-Chair Chang: I think the easement should be given to the City of Palo Alto to settle on any  
19 debate on who has right to access the street.

20

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1 Commissioner Templeton: For just this property or for all properties on Ellsworth Place?

2

3 Vice-Chair Chang: For all properties on Ellsworth. I mean I don't know what the right issue is but  
4 all of the houses on Ellsworth Place need to be able to access this. I think there... I'm copying  
5 from some language that was in somewhere in the Packet.

6

7 Commissioner Templeton: But for the length of the entire road.

8

9 Vice-Chair Chang: Yes.

10

11 Mr. Yang: I'm sorry (interrupted)

12

13 Commissioner Templeton: [unintelligible]

14

15 Mr. Yang: We can't... the entire roads not before us. It's just... we're only talking about the...  
16 that first 100-feet of that parcel.

17

18 [note - unknown female speaker:] See, it's not necessary.

19

20 Vice-Chair Chang: Well, then maybe it's not necessary but (interrupted)

- 
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Commissioner Templeton: The whole point?

Vice-Chair Chang: The easement needs to be given to somebody.

Commissioner Templeton: The easements have already been given.

Vice-Chair Chang: If it's widened.

Chair Summa: Oh, perhaps you want to... I don't know but perhaps you want to change the language to say the new widen of this easement for the first 100-feet from Middlefield shall be recorded with the City. Something like that but (interrupted)

Vice-Chair Chang: Yes, that; the new width of the easement for the first 100-feet shall be recorded with the City, sure.

Mr. Yang: So, we would actually recommend that it be granted to all the neighbors on Ellsworth just because right now... you know that would basically have... the City has a right to these little strips along the edges and the City also has... Staff has said that we do not have an interest in having a Public Access Easement or public right of way.

- 
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Mr. Yang: Great, thank you, Mr. Yang. Let me check the other ones, curb cut (interrupted)

Commissioner Lu: In the Staff proposal the road was 20-feet, then I guess it wasn't an easement. It was adding 30-inches on Sutter and taking or sorry, okay.

Commissioner Akin: Yeah, we're starting with 20-feet and then we're adding 4 in two separate chunks and (interrupted)

Commissioner Lu: Oh okay, right, right because of the PC because it's a PC [unintelligible] (interrupted)

Commissioner Akin: While I'm all in favor of making it wider, I think we had the discussion with the applicants and it may be very difficult to make it wider and that's not what's being proposed by the applicant. So, I just wanted to be clear that that's what we are proposing.

Vice-Chair Chang: That's what I'm proposing because I'm... I mean I'll speak to it in a second and we can go backwards and we can play with this but. Then for D, that the site triangle not be obstructed by plants or fences or any other objects taller than 1-foot. And then for E, that four additional parking spaces shall be provided on 2901 Middlefield. F is that a temporary loading

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1 zone for delivery vehicles be provided at 2901 Middlefield. G is that garbage pickup and  
2 enclosure for 2901 specifically be moved from Ellsworth to Sutter which is already... so E, F and  
3 G already been agreed to. H is regarding a number of items regarding setbacks, so the first one  
4 is 24-foot special setback observed for Middlefield. Creek setback observed according to... yep,  
5 stability requirements. The next one is that the front setback from Ellsworth be determined  
6 based on safety as reviewed by the Planning Director because I don't know how to make that  
7 determination.

8

9 Ms. French: It might be clearer if you don't say front because that would not be the front in our  
10 Code.

11

12 Vice-Chair Chang: Okay, so... sure, setback from Ellsworth, whichever the side of the lot we call  
13 that and then that the standard 6-foot side setback from 705 Ellsworth. So, it's four different  
14 setbacks, four sides of the lot.

15

16 Commissioner Templeton: And can you, or Staff, compare these proposed numbers to what's  
17 on the diagram on Slide 12?

18

19 Ms. French: Sure, I'll show that.

20

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1 Commissioner Templeton: Because I think it's mostly the same.

2

3 Vice-Chair Chang: I think it's mostly the same too. We just didn't have evaluation of the creek  
4 side.

5

6 Ms. French: So, this is why I think it's important to talk about... am I sharing? This is important  
7 to talk about, so this is the property line of Mr. Handa's property. So, this is a 30-foot setback  
8 right now from the property line to the house that is shown. So, what you're saying is a setback  
9 from Ellsworth for safety, so if it's from this edge of the roadway to the house, that's 10-feet as  
10 shown here. Right now, on this side, we're showing a 24-foot... the special setback from the  
11 property line which is correct to meet the special setback on what we would call the front of  
12 the property here because it's the shortest of the four lines. This is then the side facing the  
13 creek, that's a side property line, the 6. This would be then what you said was based on  
14 stability. This is... would be the rear and that's to the neighbor here showing that they have  
15 observed the 20-foot setback as in R-1 Code with an encroachment into the setback which is  
16 allow for R-1 properties to a 14-foot setback here with the garage in the rear setback as allowed  
17 in the R-1 Zone.

18

19 Chair Summa: It's substantially similar.

20

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1 Commissioner Templeton: Right, I just want to highlight the differences so that I can decide if to  
2 support it.

3  
4 Chair Summa: Yeah and I think one of the differences is it might be a little bit less on... it might  
5 be a little greater, the setback, on Ellsworth because of the widening. I was wondering if we are  
6 capturing what needs to be captured with regards to easements. And if I could ask myself if I  
7 can ask one of the members of Ellsworth to answer... to approach the microphone and answer  
8 that because I want to make sure we're capturing what is correct here.

9  
10 Commissioner Templeton: What do you mean?

11  
12 Chair Summa: Regarding the easements.

13  
14 Commissioner Templeton: Would Mr. Yang know that? Like are you asking a legal question of a  
15 neighbor?

16  
17 Chair Summa: No, no, I'm just asking if they're... to make sure that they're comfortable with the  
18 way the easement was... is stated... issue is stated in the motion.

19  
20 Mr. Nitin Handa: So, I don't know, can I speak? I'm the applicant.

- 
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Chair Summa: Yes.

Mr. Yang: So, actually Chair, have we had a second to the motion?

Ms. French: We have not.

SECOND

Chair Summa: Okay, I can do that first. Do we have a second? Okay, I will second the motion.

Thank you and Mr. Handa, did you want to speak?

Mr. Handa: Yes, so you know, Item E said that you are proposing widening Ellsworth 26-feet. Our proposal was 24-feet in the first 35-foot area, so are you proposing something different from what we proposed? And then my second question is on the setback on the left side of this house, it's 14-feet. I saw something saying 6-feet or something like that. It's 14-feet and also with a garage, I think it's only 1-foot or something, whatever the Code requires it to be or I don't know if it is on the property line. So, I need clarification on that proposal regarding these two items.

- 
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1 Chair Summa: So, I think there's a little confusion about what the front of the house is. So, I'm...  
2 so if we're still going to call the front, I don't understand why it's not a Middlefield address  
3 then.

4  
5 Ms. French: The... if I may, the Code is not specific to where you put the property numbers.  
6 It's... our Code, for at least R-1 lots and many other zones, the shortest line of the four... if it's  
7 four property lines, that's abutting the street on a... if it were a corner lot. That shortest line is  
8 the front lot line and then opposite that is the rear.

9  
10 Chair Summa: That's right, that's right.

11  
12 Ms. French: Then the sides are the sides.

13  
14 Chair Summa: Thank you for reminding me. Okay, so it... but Mr. Handa's... would... it... the 6-  
15 foot is not more restrictive. I mean he's not required to take it the 6-feet, so I think that there's  
16 a little confusion there but as to asking the neighbors if the easement situation was recorded  
17 accurately. It's because it seems a little confusing but if other... so I would like to get an answer  
18 to that. Is that okay, Mr. Yang?

19

- 
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1 Mr. Yang: Yes, and I would just add now that we have the motion seconded and it does deviate  
2 from the proposal. We should hear from both the applicants as well.

3

4 Chair Summa: Thank you for that.

5

6 Ms. Kristen Van Fleet: I would like to understand your question better. If you're asking how our  
7 easements work on our deeds?

8

9 Chair Summa: I was just double-checking to make sure that the way this easement... the new  
10 easement is being proposed to be recorded which is just increasing width. If that should  
11 happen, is sufficient from your point of view because (interrupted)

12

13 Ms. Van Fleet: I... sorry.

14

15 Chair Summa: Go ahead.

16

17 Ms. Van Fleet: I believe it would be sufficient now in terms of that's what our deeds say. There  
18 is still some unknown... while the City says it's a private road and we're going to go with that for  
19 now. That's the 26-foot wide, that's where that came from. Santa Clara County still says this is  
20 public and that has not been established and so we're talking about maps being... R-1, he gets

- 
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1 an R-1 because the City map said it. Do we get a public road because the County maps say it  
2 and so is that what we're starting with here? I know that this is not extending to the full length  
3 of Ellsworth, and maybe that needs to come back for a separate session, but we have a section  
4 of road that's actually abandoned after this 100-foot strip that use to attached to it. And all of  
5 our easements go over that and so this is sufficient for that but it still doesn't establish road  
6 ownership. And so, when Amy is saying that it's 30-feet of his road, that road use to be a flag lot  
7 and when I asked Garrett this question about the 741 property. He said that they would not get  
8 the same benefits that Handa is getting, even though they own the road to across from their  
9 property.

10

11 So, there's a lot of ambiguity about the street itself and the ownership and that was why in the  
12 letters we said we need to establish that but if we want to move past that. I believe that the 20-  
13 foot easement or 26-foot easement would be sufficient over the 100-feet to start from for now  
14 and then we can establish road ownership for the rest of Ellsworth Place later because it is an  
15 issue.

16

17 Chair Summa: Yes, and I understand that the neighbors are very concerned about that but that  
18 is not agendized and can't (interrupted)

19

20 Ms. Van Fleet: I understand.

- 
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Chair Summa: Even really be discussed tonight. What is up for... what is agendized and up for discussion is their PC Amendment so thank you so much.

Commissioner Templeton: Ok, hold on, hold on. You only asked if 26 is sufficient, is 24 sufficient?

Chair Summa: I didn't ask but is 24 sufficient?

Ms. Van Fleet: We believe that is not sufficient based on where the fence... the temporary fence was pushed back and it was at about the 24-foot line. And it kept getting hit by trucks and you can see on the photos where it was dented in in the center and that was being pushed back a foot to two. Right now, we have over the parking lot, if a car is parked there, we have between 25 and 26-feet behind the cars is what we're use to. So, that's why I was looking at the Codes and saying okay, that's the minimum, just using a Code. It's not me making this up that get to 26 and I think you'll have that circulation because that's what would be on a private street for four houses according to what was already established. Does that answer? I think 24 is too narrow.

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1 Commissioner Templeton: It doesn't quite answer because some of the property hasn't been  
2 paved yet so that's why it's confusing. So, you're talking about the current status, not the  
3 proposed status, but thank you. I got it, thank you.

4

5 Ms. Van Fleet: Okay, thank you.

6

7 Chair Summa: Thank you.

8

9 [note – unknown male speaker:] [unintelligible]

10

11 Chair Summa: I'm sorry, you just can't come and speak. You have to be called.

12

13 [note – unknown male speaker:] Because there's a wide bigger safety issue... public safety issue  
14 over there because on the [unintelligible].

15

16 Chair Summa: Thank you very much, thank you. I think we were going to let Mr. Handa and Mr.  
17 Dewey speak to this.

18

19 Mr. Handa: So, I don't know Richard, do you want to go first or can I go first?

20

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1 Mr. Hayes: Yeah, go ahead and this is Ken.

2

3 Mr. Handa: Okay, [unintelligible]. You know, I think Amy, if you can share the map once again.

4 That slide that shows what we were proposing there. So, I just come back to that, that we did

5 propose a 24-feet. Now that is despite the fact that the seat... the street is deemed as safe as is,

6 the way it is 20-feet. All of the neighbors have 20-feet only but we still gave... agreed to do 24-

7 feet by giving up about 18-inch on my side and 2 1/2 -feet on Mr. Dewey's side as whatever

8 restriction or whatever we might call it as. We were willing to do that thing and 24 was a big

9 compromise for the... and you know, we only proposed it for the first I don't know, wherever

10 this red line is. That's the proposal from our side.

11

12 Now, I didn't... where I'm trying to get clarification is, is the Planning Commission proposing to

13 make it all 26-feet and what does that mean? Does that mean that I need to give more land

14 through the street? That's one clarification I'm trying to seek and secondly, the most important

15 thing, 26-feet which is probably coming from the idea of the street has to be minimum of 26-

16 feet in some Codes like Albert mentioned earlier. That's for the new street, not for the existing

17 streets. It's if a new subdivision is being proposed and once again, I want to reiterate the fact

18 that even at 20-feet it was deemed safe and Ms. Star-Lack can jump in here. Even at 20-feet it

19 was deemed safe but we really being very generous here offering that extra 4-feet in the first, I

20 don't know, 40-feet of the street to help with the vehicle maneuvering.

- 
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Chair Summa: Thank you.

Mr. Hayes: Great, so Mr. Handa makes a good point and we concur with that. That 24-foot is... seems to be sufficient, but any wider than that might not be possible. The City power pole and we looked at it. Let's say you got rid of the power pole that's about 35-feet in from Ellsworth, maybe it's 40-feet in, I'm sorry, from Middlefield on Mr. Dewey's side of the property. The... that power line that runs down Ellsworth needs a counteracting force to keep that line and that line of poles erect and right now, that last pole has the guy wires that come down. If that pole is removed, where does that counteracting force come from because the physics don't change and then if you have to install guy wires at the next pole in. That's going to obliterate where the loading zone is and any possibility of providing a place for the trucks to turn around. So, it's complicated, I don't think it's doable, I leave it there.

The other thing about making the roadway wider is that it becomes an access easement I believe and I know that access easements are deducted from the site area. Just like we've already deducted the 2,000-square foot, 20 by 100-foot Ellsworth Place access easement from Mr. Handa's site area, which reduces the size of the house that he can construct there. So, if that is extended 3-feet on his side, 3-foot on our side, whatever to get to 26-feet. He's not going to build the house that he's proposed and it's only a 1,690-square foot house.

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The last point I wanted to make was I think there needs to be a clarification also in our motion. I believe I heard you say no obstructions within the site triangle more than 12-inchs high. Does that mean we don't have the fence? So, you don't have a yard? So, somebody can walk off of Middlefield into my backyard and take my barbeque, take my kid's ball or his tricycle or whatever? Alright, that doesn't quite make sense, thank you.

Chair Summa: Is your light on Commissioner Templeton?

Commissioner Templeton: I want to hear Vice-Chair Chang speak to her motion.

Chair Summa: Okay.

Vice-Chair Chang: So, the reason I started at the point I did was because this... so, if we start from what should have happened. What should have happened is this R-1... this proposed R-1 parcel should have never been sold off separately. We should have... the neighbors have been saying for a very long time that this... that there are safety issues here and the City had... there's a PC in place. We would have had control over a parking lot and we could have easily at that point widened the street and so that's what should have been done. There wouldn't have been the issue of a... of the need to build an R... of the need to build a house there. There's still some

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1 question actually as to whether a house can actually be built there because we're not sure what  
2 the soil stability is. So, that's why I started with 26, looking at safety. There's a reason why our  
3 Code says that a new private street has to be in fact 32-feet serving this number of residences.  
4 It's suppose... like 26 is a bare minimum and only in several circumstances which this street  
5 does not meet with the Director's discretion.

6  
7 And even though you can technically... even though a number of people have said this is safe.  
8 There's... in the record there have been complaints from the neighbors long before this  
9 property was sold complaining about safety issues here. So, that is why I started with the 26  
10 because that would boulevard the ideal doable. We can't make it 32 here, so that would be the  
11 ideal situation that's doable here. Now, I don't know if it is actually doable given the power pole  
12 on that one side but maybe it is on the other. So, I don't know enough about the... I mean it's  
13 not all in the drawings. I'm not familiar enough with it all but that's why I started there.

14  
15 We do have a PC, if I start at... again, two wrongs don't make a right simply because there was...  
16 the... simply because the math didn't properly reflect the ordinance. Doesn't mean that we  
17 then need to change our PC. There's just still an application process that needs to be followed,  
18 so that's why I started with this.

19

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1 Now, whether this is doable, I mean maybe we need to modify some things and you're... and I  
2 hear what was said about okay if we really want an R-1 house. Do we need to allow for a fence  
3 and I would be interested to hear what my fellow Commissioners say about whether moving  
4 the fence 4-feet back and keeping it at 3-feet is sufficient. I'm concerned because I've tried  
5 making turns around fences and it's difficult but I haven't seen what it looks like in this  
6 particular situation. So, I can't be the judge here but it sounds like transportation has said that  
7 that should be sufficient there. I... you know but other... I don't know, I think transportation also  
8 said that 20-feet was sufficient and the neighbors have said that that isn't sufficient. So, I... it's  
9 just hard for me to be the judge of that.

10

11 Chair Summa: Yeah and my second, I wanted to have more time to discuss this and hear about  
12 it. And I think... I mean I don't know, not everybody has a fence in their front yard anyway right  
13 on the sidewalk, or as close to the sidewalk as you can legally put it. I don't really... I don't but I  
14 mean so... but I have a weird corner lot situation with a private road so anyway.

15

16 I... we were trying to find a compromise here because something is actually being taken from  
17 the people who have use this street for since almost 60-years and it's... since somebody else  
18 purchased it but when it was all part of the PC. It... since somebody else purchased it but when  
19 it was all part of the PC it was... it didn't come up. I came up because of this purchase which  
20 may or may not have been a mistake. I'm sure there was no intention on anyone's part

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1 deliberately to do something but I think it's an issue that should be addressed and if the  
2 applicants would like to take... should this motion pass as a suggestion to figure out if they  
3 could do it this way. I think that's a reasonable approach but until we rule that out. I feel like...  
4 and we're not able to deal with the issues that Mr. Ross brought up because they're not issues  
5 that our legal department sees the same way but another attorney has represented them as  
6 unfair to these people also. So, I can't do anything about that and so maybe what we can do is  
7 change the motion and I would like to add at this time. There's another thing that we didn't  
8 opine on and that was the new configuration of the four spots that Ms. French provided. It  
9 wasn't in the motion but I wanted... we can bring it up separately after this because we didn't  
10 discuss that.

11

12 So, I see that I have another light, Commissioner Lu.

13

14 Commissioner Lu: Sorry, me or Cari [note - Commissioner Templeton]?

15

16 Chair Summa: You can go.

17

18 Commissioner Lu: Okay. Personally, I just feel like it is sufficient and simpler to take the Staff  
19 recommendation. It's very hard for me to visualize or I think it's hard for everyone to interpret  
20 what exactly that 26-foot easement would mean in practice to the plans. I don't truly know

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1 what that would actually mean for the utility pole or the additional asphalt that would be  
2 needed instead of pavers.

3

4 To me, it feels like it introduces complexity and I would personally prefer a motion that is  
5 aligned with Slide 12 in the Staff Report.

6

7 Chair Summa: Commissioner Templeton.

8

9 Commissioner Templeton: Thank you and thank you for this detailed motion and giving us a  
10 chance to have something to react to. I know it's hard to go first and hats off to you.

11

12 I also share the Chair's intention of finding a compromise. What I'm struggling with is I don't  
13 feel like the compromise that has been proposed has been viewed that way. We keep moving  
14 the starting line for them because these are some proposed changes and I think it's good to  
15 see. And 24-foot is much closer to 26 than 20-foot was, so I think that's a huge win for the  
16 neighbors.

17

18 As far as something being taken away from the neighbors, I'm struggling with getting on board  
19 with that concept because the uses that they're claiming a right to are not authorized uses of  
20 that property. So, they were using it, yes, but I'm taking in my mind taken back to my friend

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1 who lived between two empty lots and was able to play on those lots and spend time with her  
2 family on both of those lots. One of them was sold and turned into a home and while that did  
3 take away “her ability to enjoy that space”. It wasn’t her space to begin with and the owners  
4 had a right to do with it. She learned she bought the other lot and... on the other side of her  
5 house and now it’s a beautiful garden. But I think about that in terms of the use of a space that  
6 wasn’t theirs in a way that was allowed or intended but had been indulged and that should be  
7 held against the new property owner. I’m really struggling with, so those are some comments in  
8 response to our discussion.

9

10 I would love to see this comply more with Slide 12 as well and for the similar reasons that  
11 Commissioner Lu mentioned. I feel very uncomfortable extending into the utility right of way  
12 which is even more complicated than these driveway right of way. I promise it really is difficult  
13 to move those things and sometimes not wise and that’s what we’re hearing right now from  
14 the engineers who studied it. So, I am not supportive of this motion as is and if we want to get  
15 into a discussion of how we can adjust it together and come to something we can agree with.  
16 I’m totally supportive of that, thank you.

17

18 Chair Summa: Just a couple responses, I was not suggesting they park on there as a matter...  
19 the Ellsworth neighbors don’t use it as parking. What it created was a more viable, functional  
20 street because it was parking spots and not built on. So, it just... that’s what they’ve had... that’s

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1 what they've used for nearly 60-years. I'm not an attorney so I'm not going to go into it. I would  
2 be... I would like to know whether the maker of the motion would like any amendments or  
3 would you like to call the vote because I think it's time to.

4  
5 Vice-Chair Chang: I would just like to make one more comment and I appreciate your analogy  
6 about the neighbor who had a house between two empty lots. And this situation is a little bit  
7 different because while the other Ellsworth property owners don't own the PC land. The PC is a  
8 PC which is suppose to have a public benefit and even though the public benefit wasn't  
9 specifically to make... to improve the circulation of Ellsworth. It did do that and there was... that  
10 was part of the public benefit. You know, maybe not the 100 percent stated public benefit. It  
11 did become the public benefit and that was the use over the last many years. And so, the PC  
12 has a public benefit and in changing a PC we need to also be creating a public benefit and we're  
13 losing a public benefit in this situation and so, that's what I'm trying to address.

14  
15 I would be open to amendments if somebody has a better suggestion, taking into account what  
16 I'm trying to do here but I don't know if anybody has anything.

17  
18 Commissioner Lu: Not to the core point, though I definitely agree in general with your analysis  
19 of taking things away or maybe halfway between you and Cari... and Commissioner Templeton,  
20 I'm sorry.

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On the site triangle not to be obstructed by plants, fences or objects taller than 1-foot. We could change that to allow it to be taller of the... if the Planning Director approves though. I think that gives more flexibility or it can be no more than 3 but the Planning Director can set the height later based on whatever the final safety analysis is.

Chair Summa: Commissioner Akin.

Commissioner Akin: Thank you, Chair. I'm, as you know, I'm always reluctant to dive into designing on the fly. So, let me elaborate on the utility pole just a little longer so you can see what we're getting into. So, that is the final utility pole in the string and it is braced as Mr. Hayes described and it also... the line dives into an underground service access point at the bottom of that pole. It's actually braced in a couple of different ways. Now, while it's physically possible to move that pole, to relocate that pole so that it's further down along the same line and then guyed out in much the same way that it is now simply farther away. You then have to trench to get back to the underground service entrance and relative to the complexities that we could get into. Chair Summa mentioned we haven't looked at the proposed new parking places. Doing all of those changes that I just described eliminates one of those places. Right, so there's an interaction there that it's hard to characterize in the scope of just one attempt.

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1 I don't mean to say that I'm opposed to this extra width. In fact, I think it's doable and I would  
2 prefer that it be wider. However, what has been proposed is a good compromise. So, given the  
3 interaction with the other elements that are part of this proposal, I don't know what to do.

4  
5 Vice-Chair Chang: Well, so that wasn't exactly an amendment but what I'd like to see... I mean  
6 part of my concern also with this is that the 24-feet that was proposed was I think 35-feet deep.  
7 So, not very deep if I... if... Ms. French, could you pull up the diagram? Yeah, and there was  
8 another... at some point, somebody had shown a photo of how far deep it is and it just isn't  
9 very.

10  
11 Ms. French: I'm sharing my screen.

12  
13 Vice-Chair Chang: Far (interrupted)

14  
15 Ms. French: Can you see the distances? Beyond 35-feet the... I can toggle back and forth  
16 (interrupted)

17  
18 Vice-Chair Chang: Yeah because right now if you visit the site the entire length is the eight-car  
19 widths of parking, correct?

20

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1 Ms. French: No, if I... I'll go to that screen. The parking doesn't start for some distance. The  
2 parking... sorry, the parking starts beyond that first 35-feet. The 35-foot site triangle starts from  
3 the curb of Middlefield. So, it's some like here, the 35-feet, so the parking spaces don't start for  
4 some (interrupted)

5

6 Vice-Chair Chang: Right so the 35-feet isn't very far at all and I think that was my concern. So, I  
7 guess my question is how far back does the parking... does that power pole go and how far back  
8 can we go? So, if not the full 100-feet (interrupted)

9

10 Ms. French: So, I'm going to (interrupted)

11

12 Commissioner Templeton: And can you (interrupted)

13

14 Ms. French: I'm going to share the screen that shows, so the 35-foot site triangles stop about  
15 right here. It's drawn to the curb of Middlefield.

16

17 Vice-Chair Chang: No, but then the width of the... 24-foot width was proposed to go further  
18 back than the site triangle I think.

19

20 Ms. French: Yes.

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[note – several folks started talking at once]

Ms. French: To here (interrupted)

Vice-Chair Chang: Yes.

Ms. French: And then the guy wires and the pole are up here. So, this is why on Dewey's property this was the terminus of that width extension.

Vice-Chair Chang: Because of the guy wire.

Ms. French: Because of the guy wire and the pole and then this is where the proposed space was going to go to avoid being a tandem space.

Commissioner Templeton: And Vice-Chair Chang, where you asking on Slide 12 how deep that red block is?

Vice-Chair Chang: I think it's 35-feet if I understood correctly.

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1 Commissioner Templeton: She said it's more than 35-feet, much more.

2

3 Ms. French: This here?

4

5 Commissioner Templeton: No, please go to Slide 12, the red block.

6

7 Ms. French: This is yeah, much deeper than... because the 35 (interrupted)

8

9 Vice-Chair Chang: Yes, how deep is that?

10

11 Ms. French: Stops about right here between Middlefield and here is where it stops.

12

13 Vice-Chair Chang: Okay so how deep is it from the front of the property line?

14

15 Ms. French: Well, the property line is right here.

16

17 Vice-Chair Chang: Right.

18

19 Ms. French: So, that's going to be... I would ask the architect to state (interrupted)

20

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1 Vice-Chair Chang: It's about 50 or 40-feet or something like that.

2

3 Ms. French: I think it's more than 50.

4

5 Vice-Chair Chang: Well, if the whole thing is 100 so it's less than half.

6

7 Ms. French: Oh okay, so (interrupted)

8

9 Vice-Chair Chang: Yeah, 40-feet or something like that.

10

11 Ms. French: Okay so this is shifty, about right here so just the red thing is probably... and of  
12 course, I drew the red thing to go all the way to the sidewalk, back of sidewalk. So, it stops...  
13 here's the property line, here's the property line, but the 35 is from here to about here.

14

15 Commissioner Templeton: But it's not as deep on the other side. It's a few feet short on the  
16 other sides because of the pole.

17

18 Ms. French: Yes, I'll go back to this diagram that shows.

19

- 
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1 Vice-Chair Chang: Yeah, I mean I still remain concerned though about that front section about it  
2 just not being wide enough. Especially given the neighbor's concerns about where the fence  
3 was so I don't know what to do about that.

4

5 Commissioner Templeton: It's currently wide enough like they use it. They've been using it for  
6 60-years at the current width, right?

7

8 Vice-Chair Chang: And then when the fence was put in there were dings in the fence.

9

10 Commissioner Templeton: Because they don't have this paved extra part. We're talking about  
11 adding 4-feet.

12

13 Vice-Chair Chang: You mean the other side?

14

15 Commissioner Templeton: We're talking about adding 4-feet.

16

17 Vice-Chair Chang: I'm not sure I understand. I think we're talking about adding the feet on the  
18 other side.

19

20 Commissioner Templeton: [off mic] It's both sides, it's on both sides.

- 
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Vice-Chair Chang: If I understood correctly, when you add... when the fence was there it was 24-feet.

Commissioner Templeton: They said they moved it a few feet so I don't know.

Chair Summa: [unintelligible – off mic]

Vice-Chair Chang: Can you ask them in the mic?

Chair Summa: So, can you clarify that the sort of reddish brown lines that proceed sort of those?

Ms. French: Yes.

Chair Summa: Those are the new proposed widths.

Ms. French: Correct, this is 30-inches wide (interrupted)

Chair Summa: Right.

- 
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Ms. French: Until you get to the guy wire. This is 18 inches wide until you get to the walkway.

Chair Summa: Would it be an advantage... I mean we're talking about a foot on each side. Would it be an advantage to increase the width to 26 from 24 just in the area that's ready being increased to 24?

Vice-Chair Chang: Yes, it would. I mean I know it sounds... I know that the 2-foot sounds ridiculous but as my architect told me in a remodel and the architects in the audience can see if they say this to their clients. But you know, 2 out of 26 is something like less than 10 percent which is significant, right so it's as a percentage of what is there and it is significant and particularly right at the mouth. That is where it's a significant amount so maybe that's what we need to do.

Chair Summa: May I make a suggestion (interrupted)

Vice-Chair Chang: Sure.

FRIENDLY AMENDMENT

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1 Chair Summa: In a form of an amendment that we amend it to read, to increase the width to 26  
2 in the distances that are being... currently being proposed in an increase in 2 and that we have  
3 story poles put up for a described number of weeks, whatever is the standard and also, to  
4 represent this stuff. So, people on Ellsworth, everybody, can experience it and see how it's  
5 going to work. We don't use these kinds of things often enough and I think the illegal fence  
6 wasn't really providing that sort of information. So, I think we might be able to resolve some of  
7 these issues if people could see what it felt like by using a story pole type of thing. And also, we  
8 could mark the site triangles and the 3-foot requested fence. Leave that up for 6-weeks or  
9 whatever is standard Ms. French and then have the... have everyone comment on it. It might be  
10 quicker than resolving it in a motion this evening.

11

12 Ms. French: With a... if I may, with qualification I don't think we want to put story poles to block  
13 the triangles. I think that would want to be tape or something (interrupted)

14

15 Chair Summa: Well, yeah.

16

17 Ms. French: At the ground level.

18

19 Chair Summa: Yeah, just [unintelligible](interrupted)

20

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1 Ms. French: So as not to cause (interrupted)

2

3 Chair Summa: Just open poles with, not solid but with you know tape so everybody can see  
4 what it's going to look like and see if it serves the role of the best compromise we can make.  
5 Would that be...?

6

7 FRIENDLY AMENDMENT

8

9 Vice-Chair Chang: Yeah, I think that's a great idea, accepted.

10

11 Chair Summa: Accepted, okay.

12

13 Vice-Chair Chang: And so, we're reintroducing the fence as suggested, 4-foot setback as Ms.  
14 Star-Lack had suggested too. So, we're not going to say... we'll keep the plants no taller than 1-  
15 foot but we can reintroduce the fence at 3-foot height, right?

16

17 Chair Summa: Yes, in a form of temporary visual aide so people can experience. Story poles is  
18 just the word I knew. It may not be the right term. Temporary visual aid so people can  
19 experience what this is going to be like in actual use and I think that would help Commissioner  
20 Lu also.

- 
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Ms. French: So, we're mocking up a fence, a 3-foot fence? Is that part of the (interrupted)

Chair Summa: And a 26-foot wide distance.

Ms. French: Okay.

Chair Summa: And I would also indicate where the site triangles are. I mean it's not a complicated thing to do and I think it might elevate a lot of concerns and I don't know how typically... how long you typically have to leave that up to ensure that people will experience it.

Commissioner Templeton: I have my hand up, Chair.

Chair Summa: Yes, go ahead.

Commissioner Templeton: So, I do love the idea of rabbit prototyping it. I still not sold on why it needs to be 26-feet there and I'm very uncomfortable at the idea of even suggesting that they couldn't have a fence around their property when they're adjacent to a major street like Middlefield. I mean you want to talk about safety, that's not very unsafe. So (interrupted)

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1 Chair Summa: Wasn't suggest that they couldn't have a fence, it was to say that if it interfered  
2 with the site (interrupted)

3

4 Commissioner Templeton: I'm... sorry, I was talking about the original motion and she was  
5 (interrupted)

6

7 Chair Summa: Oh, okay sorry.

8

9 Commissioner Templeton: Suggesting no fence, so I... we're still not there as far as if I would  
10 support this motion because they need to be able to have a fence for sure. And if the story  
11 poles are going to go up we should do it at 24-feet because that's what the compromise offered  
12 by the applicant and when then we'd see whether that works or not. And then they would have  
13 a better case for making if they need 26-feet or not, so those are some feedback on the  
14 changes.

15

16 Ms. Star-Lack: Chair Summa?

17

18 Chair Summa: Yes.

19

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1 Ms. Star-Lack: Hi, sorry I just... Sylvia Star-Lack, Transportation Planning Manager, I just... sorry,  
2 just wanted to note that the story poles, adding those so that folks will be able to experience a  
3 different width, is a little bit of a misnomer because the stop signs exist in the current location  
4 within the area that you're discussing. As does the cable box I believe that the applicant talked  
5 about having to relocate. So, I just want to make sure that everyone understands there's some  
6 existing things in that zone.

7

8 Chair Summa: Yeah, but I think that the people that use this road all the time can kind of see...  
9 can kind of see around those things.

10

11 Ms. Star-Lack: Okay, I just wanted to make sure everyone is aware it's not going to be an actual  
12 simulation of the actual width. There's stuff in the way, thank you.

13

14 Chair Summa: Okay, thank you for that.

15

16 Commissioner Lu: So [unintelligible – off mic], oh so just so I understand how the motion is  
17 going to work. We're going to have placeholder numbers as... well, not placeholder but default  
18 numbers, this 26 and 1-foot and then do the poles. So, that when this gets to Council they can  
19 decide or like how would that work? Like when do we make [unintelligible](interrupted)

20

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1 Chair Summa: I think it has to come back to us. If you are happy with the motion we should call  
2 the vote.

3

4 Vice-Chair Chang: I'm happy with the motion as it is.

5

6 Chair Summa: Okay, Ms. Dao, will you conduct the vote, please?

7

8 Commissioner Lu: Oh, there's a hand from the applicant.

9

10 Chair Summa: Oh.

11

12 Ms. Handa: Hey, can I speak?

13

14 Chair Summa: Yes, please.

15

16 Ms. Handa: I just want to be sure, number one the PC Amendment you are suggesting, which  
17 basically tells me that my lot will also be a PC, that's the recommendation. I presume it's going  
18 to be a separate PC, it's not going to be within the same PC that exists today which means I am  
19 [unintelligible] the whole thing with Mr. Dewey. It's going to be separate independent PC for  
20 me. That's the amendment being suggested, is that correct?

- 
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[Note - unknown female speaker:] No.

Chair Summa: What the Staff alternate recommendation was to keep it all one PC as we discussed on June 28<sup>th</sup>.

Vice-Chair Chang: It's one PC but two parcels.

Ms. French: In fact, yes the Staff Report said an alternative is to keep it a PC and add the single-family use but I believe also at some point, there was a statement that there's options for that alternate recommendation that include an individual PC for Mr. Handa's parcel.

Commissioner Templeton: Or an individual R-1 with lot restriction or property restrictions of some sort.

Ms. French: Right, that's the other approach so.

Ms. Handa: Yeah exactly, you know having it as an independent lot for me is very important. You know, if it is part of the same PC and same piece of land that Mr. Dewey has, it's basically very complicate in terms of selling it or in terms of having clear ownership. So, having it as an

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1 independent lot for me, preferably as R-1 lot because that's what the City told me. It is R-1,  
2 preferably R-1 lot with the restrictions we are proposing through some deed restriction,  
3 whatever way Mr. Yang might suggest. That could be an approach, you know okay with that but  
4 having it as part of same PC as Mr. Dewey has today and not having it as an independent lot  
5 doesn't serve the purpose.

6  
7 Chair Summa: Thank you. Commissioner Templeton, do you have your light on again? No, okay  
8 thank you. So, okay, I think we need to talk to Mr. Yang at this point because I think we can do  
9 one thing tonight. We can amend Mr. Dewey's PC and then come back with a separate hearing,  
10 is that possible still to decide what to do exactly on 702 or is that not possible at this time?

11  
12 Mr. Yang: You could do that. You could have a motion that applies to the 2901 parcel and then  
13 continue the 702 Ellsworth piece, but I guess just looking at the motion on the board right now  
14 this mostly relates to 702.

15  
16 Chair Summa: The motion on the board right now basically is to mock up a situation so  
17 everyone can experience it and it's... it can be limited to that. If that gets us... I'm a little  
18 concerned about our schedule and keeping everybody here for this kind of circular  
19 conversation so.

20

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1 Vice-Chair Chang: And I don't think I understand enough... because it wasn't in our Staff Report  
2 about detailing sort of the pros and cons and differences between a PC versus an R-1 with  
3 restrictions and the various intricacies and differences between those two and the implications.  
4 So, I don't feel like I can on the fly right now make a motion that distinguishes between... I  
5 understand from Mr. Handa's perspective that there's definitely a benefit for one over the  
6 other but I don't know what I'm trading off, if anything.

7

8 Mr. Yang: [unintelligible]

9

10 Vice-Chair Chang: So, I just don't have enough information.

11

12 Mr. Yang: I think from Staff's perspective there's not an appreciable difference between the  
13 various forms that this could take. So, having one PC versus two PCs doesn't change how the  
14 City would be able to enforce any of these items and I think we do... I do appreciate the desire  
15 not to have these two separate property owners governed by on PC because then if one of  
16 them wants to make an amends. They have to coordinate with the other and the application  
17 process for that is sort of unnecessarily complicated.

18

19 FRIENDLY AMENDMENT #2

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1 Chair Summa: So, then the zone... the motion would have to be amended to say, amend PC  
2 2343 to add single-family residential... no, amend PC 2343 to remove blah blah blah portion  
3 from it and do the following to 2343. And then we would have to end this motion, create a  
4 separate PC for 702 and the first step of that would start with this mockup situation so we  
5 could all experience it.

6

7 Vice-Chair Chang: Can... is that a suggested amendment Chair?

8

9 Chair Summa: Yes.

10

11 Vice-Chair Chang: I accept that amendment.

12 MOTION RESTATED

13

14 Vice-Chair Chang: So, we are... so what we are doing is amending PC 2343 and adding whatever  
15 PC it will be for 702. We are proposing the parking changes for 2343 and we are suggesting a  
16 mock-up for changes that are being asked for at 702.

17

18 Commissioner Templeton: So, point two goes at the top, Veronica. I think you've got them  
19 (interrupted)

20

- 
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1 Ms. French: So, on the very first sentence we would say, amend PC 2343 to remove 702  
2 Ellsworth from PC 2343 and, and then we would have a one and a two each governing each PC  
3 and we'll have to move those things so this could take a while. Thank you, Veronica.

4  
5 Chair Summa: If everybody understands the intent of that which is to amend PC 2343 by  
6 removing 702 from it and to create a new PC for 702 and the requirements on 2343, which is  
7 basically four new parking spots only. And then we would like PC... the new PC to come back to  
8 us after this trial has happened. If everyone's clear about that I think we can vote, except I see  
9 that Mr. Handa has a hand up.

10  
11 Commissioner Templeton: I have a comment as well.

12  
13 Ms. Handa: Yeah sorry, you know the most important thing on Item A where you are suggesting  
14 the width of Ellsworth Place to be widened to 26-feet. Amy, just show the map once again, that  
15 slide so that we are sure where exactly it is getting widened.

16  
17 Ms. French: Yes, one moment. Oops, gosh, sorry. There we go, is this what we want shown, Mr.  
18 Handa?

19

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1 Ms. Handa: Yeah, I mean so it says that it's going to be widened in the area which was shown as  
2 24 which I believe cut somewhere because of the guy wire. It cut somewhere 1... 2/3 part of  
3 that red area, right?

4  
5 Ms. French: I'm going to share this slide that's in tonight's deck that shows the brown around  
6 yours, Mr. Handa, goes all the way up to your walkway whereas Mr. Dewey's is short because  
7 of the guy wire.

8  
9 Mr. Handa: And the 24-feet which we were proposing was up to where Mr. Dewey's guy wires  
10 are located, right? That's the area you are suggesting to widen to 26 total.

11  
12 Ms. French: Mr. Handa is asking if the area to the left that goes to the guy wire is the limit of  
13 the 26-foot width that's being proposed with this motion. Would it be equal on both sides of  
14 the street? If I understand you correctly Mr. Handa.

15  
16 Mr. Handa: Yeah, yeah.

17  
18 Chair Summa: It could be. I think what we should... well, I want to hear from my colleagues but  
19 it could be that. I don't know what the difference is in feet because this view doesn't show it  
20 but it could be if that's what agreeable to everyone, but I want to call on Commissioner Akin.

- 
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Commissioner Akin: I differ to my colleague.

Commissioner Templeton: I'm sorry, I definitely want to hear from you and I just wanted to check the motion that she has written doesn't sound anything like what you guys just said and I'm a little concerned we're not on the same page. So (interrupted)

[note – someone spoke off mic]

Commissioner Templeton: Veronica.

Ms. French: Back to you, Veronica.

Commissioner Templeton: Sorry and I know it's really hard, that's no dis on you. Veronica is amazing everybody. It's just we changed a lot and it doesn't... I was going to propose when we said we were going to vote either... it's changed a lot since then. Do you want to (interrupted)

Vice-Chair Chang: [off mic] Restate it?

- 
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1 Commissioner Templeton: Restate it, withdraw it, change it. Like I don't know where we are but  
2 I'm... I would not... I'm not ready to vote for this, what's written.

3

4 Chair Summa: No, I think we did restate the motion and I think (interrupted)

5

6 Commissioner Templeton: It's not written (interrupted)

7

8 Chair Summa: Staff is writing it up. I don't think they're done with it (interrupted)

9

10 Commissioner Templeton: Okay.

11

12 Chair Summa: And it's a very simple motion that creates two PCs.

13

14 Commissioner Templeton: It is not simple.

15

16 Chair Summa: It's pretty simple. It creates two PCs, 2343... PC 2343 has 702 removed from it

17 and has to provide four additional parking spots.

18

19 Commissioner Templeton: It has 12 bullets, it's like complicated, but I want to just throw that

20 out there that as stated I can't support it and I would propose the Staff motion if we go forward

- 
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1 with this. But I would love to change it to what you guys described but we don't have that yet.

2 Thanks.

3

4 Chair Summa: No, we're working on it with Staff's help. Commissioner Akin.

5

6 Commissioner Akin: Right, just to clarify, there's a lot more that has to go into 2343 than just  
7 the four parking spaces because the extended width is part of the equation for 2343 too. So,  
8 how you manage the tradeoffs between the two separate PCs is a very interesting and  
9 complicated question in its own right. That was the advantage of keeping it as one PC, there's  
10 one decision to be made.

11

12 Chair Summa: I agree, I had assumed that's what the Staff... I thought that's what we were  
13 talking about in... on June 28<sup>th</sup> but. Commissioner Lu.

14

15 Commissioner Lu: Personally, I feel... yeah, this just gets really complicated and very difficult for  
16 me to image what the 26-feet looks like. Very just in terms of like in this would we actually need  
17 to specify how many feet come off from each side? I would personally be comfortable just  
18 advancing Slide 12 as is, just kind of full stop, but otherwise, I would suggest amending this  
19 motion to change the defaults to be 24-feet and 3-feet. Simply so we can (interrupted)

20

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1 Vice-Chair Chang: I think we got there, I think we were there. In other words, so we had to  
2 change it to 26-feet in the distances that are currently proposed as 24-feet by increasing by 1  
3 foot on each side; that describes how.

4

5 Commissioner Templeton: But he said 24 and I'm also at 24 just to let you know.

6

7 Vice-Chair Chang: I understand that but that's... but that would help visualize it and that would  
8 not make it complicated to visualize then so.

9

10 Commissioner Lu: [off mic] It's the utility pole for me. That [unintelligible](interrupted)

11

12 Vice-Chair Chang: But no, we won't... we're not reaching the utility pole anymore. Right, so  
13 we're just... we're solving my problem which is (interrupted)

14

15 Commissioner Lu: Got it.

16

17 Vice-Chair Chang: Which is upfront, I don't think it's wide enough according to what the  
18 neighbors are saying. So, upfront where there's no utility pole and there is space to widen. We  
19 widen by 1-foot on either side.

20

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1 Commissioner Lu: Okay, sorry things totally make sense to me now I believe.

2

3 Vice-Chair Chang: Okay, okay.

4

5 Commissioner Lu: I would still believe 24-feet is a reasonable number given that the current  
6 choke point is 20-feet.

7

8 Vice-Chair Chang: Right.

9

10 Commissioner Lu: And yeah, but (interrupted)

11

12 Vice-Chair Chang: So, we can agree to disagree there.

13

14 Commissioner Lu: That's just [unintelligible].

15

16 Chair Summa: Okay, let's clean up this motion and vote on it really quickly now because we're  
17 really behind schedule also. So, let's vote on a motion that amended PC 2343 to remove 702  
18 Ellsworth and to require the garbage pick-up enclosure, so G would stay with it. H would stay  
19 with it, that would be for both. I mean... whoops. It went bye-bye.

20

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1 Commissioner Templeton: And we don't want the other property to be R-1, do we? So, we got  
2 to change that first bullet.

3

4 Vice-Chair Chang: [off mic] It's not suppose to be R-1, it's suppose to have a second PC.

5

6 Chair Summa: I would remove B, I think it's unnecessary because we're not going to do that  
7 that way. The curb cut at Middlefield applies to both. So, we can identify the standards that  
8 apply to both sides right now and achieve the (interrupted)

9

10 Mr. Yang: Sorry, if you just wait for one minute. Veronica, [unintelligible] this point this  
11 updated.

12

13 Chair Summa: Yeah.

14

15 Mr. Yang: Sorry.

16

17 Chair Summa: Okay.

18

19 Chair Summa: Curb...

20

- 
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1 Mr. Yang: So, the one clarification that I have is the idea of coming back to the PTC. Just looking  
2 at the motion for 702, everything is very well defined in a way that wouldn't need to return to  
3 the PTC.

4  
5 Chair Summa: I think it looks good and I don't... I think it is a very minor deviation from what  
6 Mr. Dewey and Mr. Handa wanted. And I think it might be the best we're going to get now and  
7 I'm very sorry but I think the Ellsworth people are going to have to pursue some of the issues  
8 by... in a different way; whether it's with the City or in another manner. So, I would say, if  
9 everybody is comfortable with this as written, that we vote on it. Ms. Dao?

10  
11 VOTE

12  
13 Ms. Dao: Commissioner Akin?

14  
15 Commissioner Akin: Yes.

16  
17 Ms. Dao: Commissioner Lu?

18  
19 Commissioner Lu: No.

20

- 
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1 Ms. Dao: Vice-Chair Chang?

2

3 Vice-Chair Chang: Yes.

4

5 Ms. Dao: Chair Summa?

6

7 Chair Summa: Yes.

8

9 Ms. Dao: Commissioner Templeton?

10

11 Commissioner Templeton: No.

12

13 Ms. Dao: Motion carries 3-2.

14

15 MOTION PASSED 3(Akin, Chang, Summa) – 2(Summa, Templeton) -0 -2(Hechtman, Reckdahl  
16 absent)

17

18 Chair Summa: Thank you very much. Thank you to everyone who came here this evening. Oh,  
19 would you like to speak to your no-motion? Commissioner Templeton.

20

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1 Commissioner Templeton: Yes, I don't support this because I don't think it needs to come back  
2 to the PTC. I don't think it needs to have this level of control and I specifically am opposed to  
3 the 26-feet. I think 24-feet is a compromise that was offered in good faith by the applicants and  
4 I think feel that it is surprising that the... that there are people that want more because that is a  
5 tremendous improvement over the street already. And that would be taking away property  
6 from the applicant whereas nothing has been taken away but instead given to the  
7 neighborhood by the compromised proposal... proposed compromise I mean.

8  
9 I also think that we have made a lot of improvements. We've seen a lot of improvements from  
10 the applicant for safety at Middlefield as well and I think that obviously, we need to have a  
11 fence available for the property owner. So, I totally object to Point 2 (d) in every way, thank  
12 you.

13  
14 Chair Summa: Commissioner Lu?

15  
16 Commissioner Lu: I think I could ultimately live with the 26-feet but I generally agree with Cari  
17 [note – Commissioner Templeton] and don't think... sorry, Commissioner Templeton and don't  
18 think... I don't think we can productively understand 24 versus 26-feet any better next time and  
19 would be very comfortable advancing 24-feet as is, so that's my take.

20

- 
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1 Chair Summa: Thank you very much for that and thank you to everyone in the room. I think  
2 we'll take a little itsy-bitsy short mini-break but come back as quickly as you can, please.

3

4 [The Commission took a short break]

5

6 **Commission Action:** Motion by Chang, seconded by Summa. Passed 3-2-2 (Hechtman, Reckdahl  
7 absent)

8 3. 3200 Park Boulevard/340 Portage [22PLN-00287 and 22PLN-00288]:  
9 Recommendation on Applicant's Request for Approval of a Development Agreement,  
10 Comprehensive Plan Amendment, Rezoning to Planned Community Zones, and a  
11 Vesting Tentative Map with Exceptions to the Private Street Width to Allow  
12 Redevelopment of a 14.65-acre site at 200-404 Portage Avenue, 3040-3250 Park  
13 Boulevard, 3201-3225 Ash Street and 278 Lambert. Environmental Assessment: A  
14 Draft EIR for the 200 Portage Townhome Development Project was Circulated  
15 September 16, 2022 through November 15, 2022; the Final EIR was Made Available  
16 for Public Review on May 15, 2023. A Revised Final EIR was Made Available for Public  
17 Review on June 2, 2023. The Proposed Development Agreement and Associated  
18 Actions is Evaluated as Alternative 3 in the Draft EIR. Zoning District: RM-30 (Multi-  
19 Family Residential) and GM (General Manufacturing). For More Information Contact  
20 the Project Planner, Claire Raybould at [Claire.Raybould@Cityofpaloalto.org](mailto:Claire.Raybould@Cityofpaloalto.org).

21 Chair Summa: We're back and ready to move onto our next item which is 3200 Park Boulevard,  
22 340 Portage, recommendation on applicant's request for approval of Development Agreement,  
23 Comprehensive Plan Amendment, rezoning to Planned Community Zones, Vesting Tentative  
24 Map, Exceptions to the private street and the rest here. Popularly known as the Fry's site, so I  
25 do not... I guess we do have to do disclosures because this is a quasi-judicial item. So, I will go  
26 down the line starting with Commissioner Templeton.

27

- 
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1 Commissioner Templeton: No disclosures.

2

3 Vice-Chair Chang: No disclosures.

4

5 Chair Summa: No disclosures.

6

7 Commissioner Lu: I live I'm not exactly sure the exact distance away from the property but  
8 relatively close and Mr. Yang verified through the State that there would be no conflict.

9

10 Commissioner Akin: No disclosures.

11

12 Chair Summa: Great, then I think what we can do right away is go to the Staff Report, Ms.  
13 Raybould.

14

15 Ms. Claire Raybould, Planner: Thank you, good evening Commissioners, Chair Summa. As you  
16 noted the project before you today is 3200 Park which also is under the address 340 Portage  
17 which is the more commonly known address associated with the Cannery building. So, I just  
18 wanted to point that out. The project includes a Development Agreement, Comprehensive Plan  
19 Amendment, Planned Community rezoning and a Vesting Tentative Map with Exceptions.

20

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1 Just want to start with a very brief overview of the project, again to reorient everybody. Project  
2 is located in the North Ventura Coordinated Area Plan Area and... or proposed plan area and  
3 the... it's bounded by Park Boulevard, the intersection of Portage and Ash Street, and Acacia.  
4 Yeah, sorry, Portege and Ash Street and it's a 14.65-acre parcel. It's 11 parcels that will become  
5 five parcels and some brief background on the project.

6  
7 So, back in June 2022, Council held a closed session supporting the concept being presented by  
8 the Ad Hoc Committee, Council Ad Hoc Committee, which spent a year looking at different  
9 alternatives for this site and ultimately presented those to Council. Council directed them to do  
10 a Council study session discussing the key terms of the Development Agreement to kick off the  
11 development review application process and that was held in August 2022. There were  
12 numerous study sessions and hearings since that date as listed on this. We had multiple  
13 hearings and study sessions with the Planning and Transportation Commission. We've also met  
14 with PABAC several times, the Palo Alto Bicycle Advisory Committee. The Architectural Review  
15 Board had four study sessions and hearings. Public Art Commission met three times on this  
16 project and ultimately the HRB made a recommendation, I just realized it's not noted on here,  
17 but the HRB make a recommendation on May 25<sup>th</sup> and the ARB made a recommendation on  
18 June 15<sup>th</sup>. So, just a summary of kind of where we're at in the process. We're right towards the  
19 end so the Planning Commission is the last step before Council. And then there is, in terms of

- 
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1 upcoming hearings, since City Council is tentatively scheduled for the first reading on August  
2 21<sup>st</sup>, which would be followed by a second reading presumably in September.

3

4 I just wanted to highlight a few key revisions to the Development Agreement since the Planning  
5 Commission last saw it. There's some refined language regarding requirements for the  
6 maintenance of the remaining Cannery building, clarifications with respect to the use of the  
7 retail space in the event that it is unoccupied and details on detailing requirements for public  
8 access to the area. More clarification on the timing for the Audi conversion which was a topic of  
9 discussion at the last hearing and terms related to hazardous materials on the City dedication  
10 parcel is still... there's still a placeholder for that. There's some ongoing discussions related  
11 Phase One and Phase Two work on the site.

12

13 So, starting with just the Comprehensive Plan Amendment, the existing land use designation on  
14 the site is primarily multi-family residential. I did want to highlight that there are some small  
15 areas of different land use designations which I've highlighted in red. There's a small area that  
16 has a light industrial designation, a small area that has a single-family designation and a small  
17 area that has a service commercial designation. So, the project proposes to re-designate all of  
18 these parcels so that everything aligns under a single designation on each of the resulting  
19 parcels. Retention of the commercial uses across the site requires a Comprehensive Plan Land

- 
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1 Use Map Amendment because the commercial uses do not align with the multi-family  
2 residential land use.

3

4 The project also proposes to revise the text of the Comprehensive Plan to read to add the  
5 wording of “generally range up to 0.4 but may exceed this threshold in a Planned Community  
6 Zone”. And this language would allow for the Cannery building as it’s proposed to remain to  
7 exceed that Floor Area Ratio from the lot that would be created. And I just want to highlight the  
8 fact that the... there was some concerns when we were last at the Planning Commission about  
9 the revisions to the language. This language “but may exceed this threshold in a Planned  
10 Community Zone” was added to make it more restrictive. So, that anything that wanted to  
11 exceed that would have to be a PC Zone and would have to come back through a process to be  
12 able to do that. That would need to be approved by Council.

13

14 The rezoning for the site, as I noted, the project includes merging and subdividing 11 existing  
15 parcels to create five new parcels. The Planned... those Planned Community rezoning proposed  
16 for each of the resulting parcels. No physical improvements are proposed on three of the  
17 remaining parcels. The Audi building parcel here would remain the same, the office building on  
18 Ash Street would remain the same and the City dedication parcel does not currently have any  
19 proposed improvements as part of this project, but the CEQA analysis does allow for the  
20 development of a public park and evaluated up to 75 units on this parcel of affordable housing.

- 
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1

2 The project also includes a Vesting Tentative Map with Exception. A Tentative Map is required  
3 for the merging and subdivision of the existing parcels to create those five new parcels as well  
4 as for the condominium subdivision, the 74 townhomes on this parcel. An Exception is required  
5 for the private street width to be less than 32-feet clear to above. The Staff Report details three  
6 possible options that the applicant states would be feasible. So, the originally proposal, when  
7 we came to the Planning Commission last time, was to provide 32-feet on the ground floor and  
8 26 clear to above. The ARB asked to reduce the ground floor to 29-feet and have it be 23-feet  
9 clear to above in order to allow for a 6-foot wider paseo. So, what was provided in the plans is  
10 kind of three options. The base option that was originally proposed to the Planning  
11 Commission, an option that was half of what the ARB was looking for and an option that was  
12 the provided 6 additional feet that they were looking for.

13

14 So, the City published a Draft EIR, the Draft EIR was... the proposed project in the Draft EIR was  
15 for the 200 Portage Avenue townhome project and realizing there's a couple of new  
16 Commissioners here tonight that were not on the Commission last time this came before you.  
17 But there was a 91-unit townhome project that was proposed separate from the proposed  
18 application and so the Draft EIR evaluated that and then evaluated the proposed Development  
19 Agreement project as an alternative in the Environmental Impact Report so it's evaluated as  
20 Alternative Three. A Final EIR was published in May, the City did issue a revised Final EIR which

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1 what was provided to you. We inadvertently left off the applicant's comment letter and  
2 responses and so the revised Final EIR includes the applicant's comment letter and responses to  
3 those.

4

5 And I just want to make sure I highlight, so the reason that we did an EIR for this project was  
6 Page and Turnbull evaluated the project site and determined that the Cannery building and  
7 office building at 3201... Cannery building as well as the office building as 3201 Ash Street are  
8 eligible for the California Register of Historic Resources under Criterion 1, events. And so,  
9 because the Development Agreement would require partial demolition of the Cannery building.

10 It was identified as a significant and unavoidable impact in the Draft EIR for the loss of that  
11 eligible resource. So, that's the case for all of the build alternatives in the EIR, the findings in the  
12 EIR. I just want to highlight as well that mitigation measures were identified and reduced  
13 impacts on other resources to a less than significant level. Those includes biological resources,  
14 hazardous materials, noise and traffic and transportation. And just wanted to highlight, as  
15 noted in the Staff Report, with respect to traffic and transportation, the identified impact was  
16 related to inconsistency with an adopted plan. Specifically, the City's Bicycle Pedestrian  
17 Transportation Plan and the County-wide Trails Plan which... both of which identified a bike  
18 connection between Park and Portage and Ash. And so, the project provides a new bike path  
19 across as well as public access across... easement across that to provide that connection.

20

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1 And Staff recommends that the Planning and Transportation Commission recommend that  
2 Council approve the Development Agreement in Attachment B, the Resolution amending the  
3 Comprehensive Plan and Comprehensive Plan Land Use Map in Attachment C, the ordinances  
4 amending the zone districts from RM-30, General Manufacturing, Community Services and  
5 Single-family Residential to Planned Community zone districts. All of which are provided in  
6 Attachment D and the Record of Land Use Action in Attachment E which also includes the  
7 Architectural Review Findings and the Vesting Tentative Map with Exceptions and the  
8 Conditions of Approval of the proposed project. And with that, I will turn it back to you and  
9 recommend that you hear from the applicant who is here tonight.

10

11 Chair Summa: Thank you so much. Is the applicant here to make a presentation?

12

13 Mr. Evan Sockalosky: Yes.

14

15 Chair Summa: Good evening.

16

17 Mr. Sockalosky: Good evening, just a moment. Let me get my camera on.

18

19 Chair Summa: Okay.

20

- 
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1 Mr. Sockalosky: Good evening Chair, Commissioners. My name's Evan Sockalosky with Arc Tech,  
2 S-O-C-K-A-L-O-S-K-Y. We're very pleased to be back in front of you tonight with our project.  
3 With me tonight from the design team are Matt Davis with Architectural Resources Group,  
4 David Burton with KTGy will speak to the townhomes and Jennifer Easton, our art consultant,  
5 who will be presenting. In addition, we have Morgan Burke with the Guzzardo Partnership, our  
6 landscape architect; Nektarios Matheou with Kier + Wright Right, civil engineer; Olly Zhu with  
7 Hexagon, our traffic engineer; and Tim Steele and Robert Tersini with Sobrato. All of whom are  
8 available if there are specific questions, but since in our presentations we have yet to complete  
9 it in time. I'm just going to try and jump right in so let me share my screen.

10

11 So, Claire does a good presentation so I don't need to hit too much on this. Suffice to say it's  
12 been a long process to get here. We actually started the process back in 2011 when Sobrato  
13 started... purchased the site and started discussions with the City. So, we're really excited to be  
14 at this stage after many meetings, inputs, hearings, improvements to the design and votes to be  
15 here tonight to discuss the project.

16

17 Just quick references Claire showed, there are five parcels involved. Our presentation tonight  
18 primarily focuses on Parcel One of the townhomes and Parcel Three, 240, 280 Portage, also  
19 known as the Cannery building. So, the project here before you tonight has gone through some  
20 significant evolution in the design since its inception. We do have Matt here from ARG,

- 
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1 developed a historic guidelines which we used as... to direct the project and worked with ARG  
2 throughout the process in responses as we went. We feel that the project's final design has  
3 benefited greatly from input from we received along the ways. Especially from the HRB and the  
4 ARB. Some of the refinements that you will see in our presentation tonight include depressing  
5 of the parking garage to maintain the dock condition as well as reduce the impact on the  
6 neighboring residential homes. Refining the Cannery building to maintain the historic integrity.  
7 Adjustments included window adjustments, the materials as well as the articulation. Really  
8 focusing on celebrating the monitor building itself and its unique forms. Working on landscape  
9 adjustments throughout the site, articulating the townhomes and enhancing the materials and  
10 as Claire mentioned, the option to widen to paseos to provide a more comfortable space for  
11 the residents. In addition, we've been able to develop a bike path which we think is very  
12 important. It connects Portage all the way to Park and worked with numerous groups, including  
13 feedback from PABAC. And on a project of this scale, an importance, we are already starting the  
14 process of integrating art into the project and we have Jennifer Easton who will speak to that.

15

16 So, with that, I will turn it over to Matt to discuss the historic guidelines.

17

18 Mr. Matt Davis: Thank you, Evan. Good evening Commissioners, I'm Matt Davis and I'm an  
19 architectural historian and principal with Architectural Resources Group. As Evan mentioned,  
20 we've been working with Sobrato and the design team since mid-2022 to develop a series of

- 
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1 preservation design guidelines that are specifically focused on the portion of the Cannery  
2 building that's being retained. Those guidelines address most of every physical aspect of that  
3 part of the project. Including height and bulk, roof forms, cladding and fenestrations  
4 recommendations, entry and canopy treatments as well as the preservation of the building  
5 interior. But focus throughout was on honoring and maintaining the historic character of the  
6 cannery building through repairing where feasible and replacing in kind where necessary. So,  
7 I'm available tonight to drill down on any of these guidelines in greater detail if the Commission  
8 so desires as well as being available for any other historic-related questions you may have.  
9 Thank you and with that I'll hand it off to Jennifer Easton.

10

11 Ms. Jennifer Easton: Good evening, Commissioner. Jennifer Easton, E-A-S-T-O-N, are consultant  
12 to the project. I'd like to introduce you to our project artist Kyungmi Shin. We were very excited  
13 to find an artist who would walk a line between the cultural historic and community nature of  
14 this project. We've already started our historic research on the project. We've met with the  
15 family of Thomas Foon Chew and we will soon meet with the community on the project to think  
16 about thoughtful and engaging way to bring art to the site. That follows the guidelines of the  
17 Arts Commission private [unintelligible] for our program as well as some of the historic and  
18 cultural interests that's existing from the community and the site. I'm here to answer any  
19 further questions, thank you.

20

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1 Mr. Sockalosky: Thank you. This slides just highlights the specific portions of the site that we're  
2 focused on. As you can see the 380 and 340 Portage, the parking structure to the top that's  
3 been depressed, the townhomes and of course, the bike lane along the bottom of the image  
4 connecting Portage to Park.

5

6 This first image actually shows our proposed entry to the monitor building. As you can see,  
7 there's actually steps that take you up to the building itself and that is a function of the  
8 depressed parking that we discussed to lower the garage. It also creates a nice features  
9 reminiscent of the loading dock but also creates a presence of the building. The view also  
10 highlights some of the changes that were incorporated included the window forms as well as  
11 the panes and the size of the window mullions to reduce the scale being more appropriate for  
12 the historic rehabilitation.

13

14 Another very important focus we had as we developed a design was the façade with the retail  
15 element which is our single-story element here. The retail portion of this project was very  
16 important from its inception as well as direction we received from the NVCAP. And we  
17 developed a design that allows us the identity of a retail while still celebrating the forms of the  
18 monitor building beyond and maintaining the large open windows that allow views into the  
19 space itself while providing a plaza in front.

20

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1 This is the plaza and you can see in red the retail space highlighted. We developed a significant  
2 plaza to allow some flexibility as well as activity out in front of the retail with some nice planting  
3 and seating areas along that. That are directly across from the future City park that will be  
4 developed on Parcel Two. This is also the area where we have begun discussions with the artist  
5 that Jennifer mention as a location, whether it's in the plaza or along the right side wall, where  
6 art will likely be incorporated. Just another view from this side, you can see the seating areas as  
7 well as the landscape and in front of the retail.

8

9 This view again is from the opposite side. Our main entry into the R&D office building of the  
10 monitor but it also shows some of the articulation of the parking garage. Bringing in some of  
11 the colors that are incorporated into the townhomes with some of the comments we had.

12

13 This view is along the elevated dock portion looking towards the amenity space which connects  
14 the building and is the space between our R&D office building and the parking garage. And this  
15 view itself is further into that but what this begins to highlight is you can see the parking garage  
16 in the background. One of the changes we made in depressing the garage, not only did it create  
17 this space but it made the profile of the garage much lower. It's aligned with our roof and it also  
18 responds to the neighbors adjacent. Creating a much stronger Daylight Plane and reducing the  
19 impact of the garage on the neighbors.

20

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1 One of the other elements we took into account as we developed this is the importance of the  
2 space beyond and the monitor roof forms and structure that are unique to the project. In the  
3 evolution, we added these skylights and that creates nice views from the retail space. And in  
4 fact, doubled the amount of area of skylights while still being able to provide a viable retail  
5 space that will function for a future tenant to occupy the space.

6

7 And with that, I'll turn it over to David to speak to you about the townhomes.

8

9 Ms. David Burton: Thanks, Evan. David Burton, B-U-R-T-O-N, associate principal with KTG  
10 Group, the architects for the townhouse project... part of the portion of the project. On this  
11 slide just wanted to highlight very quickly the townhouses on the left-hand portion of the site.  
12 To emphasize that the building layout and design are intended to create maximum engagement  
13 with the street, Park Boulevard, and create an active and attractive streetscape. And then also,  
14 create interface and interaction between the townhouses and the Cannery building.

15

16 All of the buildings have at least one if not two or three, elevations that face out onto streets  
17 and all six... and the six buildings at the center of the site then face onto a landscape paseo that  
18 connects between Street [unintelligible] and Street B. The buildings are designed with front  
19 doors facing onto all of the street and elevations are articulated to read as fronts with an equal  
20 level of articulation and details on all sides of the buildings. The building designs give expression

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1 to individual units through projecting bays that give a rhythm to the street frontage and I'll get  
2 into that a little bit more in a minute. The primary exterior materials are stucco, a wood looked  
3 stained siding, tongue and groove fiber cement siding and standing seam metal. Each of the  
4 architectural styles that we've chosen for the building use different canopy elements to  
5 highlight front doors and the doors of individual units were painted in a variety of bold colors to  
6 add a bit of lightheartedness to the elevations. And on Park Boulevard each of the residents has  
7 a stoop that adds interest to the streetscape and introduces a space for casual meetings and  
8 conversations; next slide.

9

10 Here you can see some of those elements highlighted. Our initial design for the townhomes  
11 that you would have seen back when we were before for a study session had one building style  
12 with multiple color schemes and that was similar to what you can see as Style B on the middle of  
13 the right portion of the page. The Architectural Review Board asked that we introduce more  
14 stylistic variation and in response, we develop the Style A and the Style C and made some  
15 modification to Style B so that we have distinct building styles on the site. There's a  
16 commonality in the schemes and the rhythm of the bays that are expressing those individual  
17 units, but the bays all have different and distinct differences that give them unique expression.  
18 Those differences include different parapet or rooflines to give each unit a unique silhouette  
19 against the sky. The two new styles have more kind of asymmetrical compositions to them that  
20 differentiate them from the more symmetrical bays than the original scheme. And each

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1 building has a unique way of meeting the ground to give each building a different look and feel  
2 at that pedestrian level when you're walking along the street. Each building has unique  
3 expressions to the front doors and the entry canopies. Again, to give a different expression to  
4 the buildings and create pedestrian interest and then different materials were employed on  
5 each style to make the three styles more distinct.

6

7 But while we're trying to make them distinct, we also want them to kind of live together on the  
8 site very comfortably and with that in mind we've purposely taken select materials and colors  
9 and carried them through each of the styles to create a bit of harmony within the overall site.

10 That includes similar colors, some use of metal elements on the... on each of the buildings and  
11 the wood-look stain siding that we have to kind of bring a warmth to each of the... into the  
12 designs; next slide.

13

14 Another important modification we had made to the design was at along Olive Avenue. The  
15 ARB Members expressed concern about a lack of visual variety of the buildings as they faced  
16 out towards Olive Avenue and how visible those buildings were. And in response to that we've  
17 revised the site elevations which you can see at the bottom. We've added color and material  
18 varieties so they're different tones of stucco ranging from off-whites to kind of darker blues and  
19 things like that. We've introduced more of the wood-look siding than we had originally on this  
20 elevation and we've added some more windows to these sides. And then in addition to the

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1 articulation of the building, our landscape architect has added a significant number of trees and  
2 has placed them strategically such that the trees, as they mature, will really screen those  
3 buildings pretty effectively as they're viewed from Olive Avenue; next slide.

4  
5 And then lastly wanted to touch on what's been touched on a bit by Claire and her presentation  
6 which was the central paseo. The ARB asked us to study a widening of that paseo to provide  
7 more room for landscaping, little better privacy between the units and such. And so, as  
8 discussed in the Staff Report and Claire's presentation, we've proposed decreasing the distance  
9 between the buildings on the private streets but on the backsides of the buildings in order to  
10 increase the width of the paseo by 6-feet. We believe that the option that increase... that does  
11 that increase achieve the goal that was established by the ARB while still providing adequate  
12 separation between the buildings at those private streets. It could be used as adequate backup  
13 space for the cars exiting garages, adequate space for collection of trash and such like that.  
14 With the resulting dimensions on those private drives of 29-foot garage door to garage door,  
15 the 22-foot drive aisle width and 3 ½-foot drive aprons between the drive aisle and the garage  
16 doors. And then up at the second and third floors we still have 23-feet clear to the sky building  
17 to building. Consistent with dimensions that we've used on projects up and down the peninsula  
18 and all throughout the Bay Area. And this also allows for increased landscaping than in the  
19 paseos and an increase level of privacy between the residences.

20

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1 That's just a real quick overview of the townhouses. I'm certainly available to answer any  
2 questions you might have and provide additional detail, thank you.

3

4 Chair Summa: Thank you, does that conclude... yeah, I guess that concludes your presentation. I  
5 am going to suggest to my colleagues that we take public comment first because... and then do  
6 questions later. We may want to continue the bulk of our discussion this evening since we got a  
7 late start from other item. So, that being said, I think we'll move to public comment.

8

9 Ms. Veronica Dao, Administrative Assistant: Yes, we have two in-person and a couple on Zoom.  
10 First is Yugen Lockhart.

11

12 Mr. Yugen Lockhart: [off mic] My father Peter left us.

13

14 Ms. Dao: Oh.

15

16 Mr. Lockheart: [unintelligible – off mic] I don't think I need it but okay, hello everybody.

17

18 Chair Summa: Hi there.

19

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1 Mr. Lockhart: My names Yugen Lockheart, Y-U-G-E-N L-O-C-K-H-A-R-T, I'm an Olive Avenue  
2 resident. We have six houses on Olive Avenue. Mostly starting towards the El Camino end of  
3 the parking garage that you've seen in this presentation. My father started... he purchased the  
4 house I'm in about 50-years ago and I'm just about 45 years old and I've was born in the house.  
5 So, needless to say, I know the neighborhood and as it... the biggest thing I guess I'm here to  
6 talk about is a present and accounted for. We've been watching this project as well as all of the  
7 other projects in which there are many and a big... the whole neighborhood, a big thing is we're  
8 just getting inodiated in this one isolated neighborhood. Is it good, is it bad, that's up to the  
9 general public but it is... I want it to be noted that we're feeling a big squeeze as it applies to the  
10 transportation side.

11

12 Olive Avenue is a major cut-through road for El Camino onto Page Mill and actually opposite  
13 directions too. People are circumnavigating that whole area, so I guess a big request to the  
14 Transportation Department, not necessarily on this project per se but to put an aggressive look  
15 at the circulation of traffic within this Ventura neighborhood as it applies to not just this project  
16 but the several other large scale projects that are all popping up at the same time. Plus, there's  
17 actually more things like Claire mentioned. The gifted portions of the Fry's parking lot, that will  
18 be probably another large project later.

19

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1 So, anyways, please, please address the global traffic issue within the whole area. I know El  
2 Caminos State run and it easy to pass the buck and say it's not our job but it seriously, a right  
3 turn lane onto Page Mill would elevate a lot of our cut through by my suggestion is purely  
4 cutting off the right lane making it a dedicated right turn lane. It helps the buses that need to  
5 get across the street anyways. It helps public transit so that's a suggestion, but please notice all  
6 the alleyways like Ash between Acacia and Portage. That's a little driveway but it still gets used  
7 a fair amount and it will probably get used more so by again the large quantity of these parking  
8 garage, plus the townhouses of this particular project. So, that's just a summary overview, I  
9 know I'm out of time but anyways, appreciate your time and requesting it.

10

11 Chair Summa: You actually have two minutes left.

12

13 Mr. Lockhart: Oh okay, I thought it was going backward, I usually run out. I probably covered  
14 most of it anyways though, so I appreciate your looking at this. Overall, it's probably a perfectly  
15 adequate project. As a community I think we probably actually would have preferred a... it  
16 could have even been bigger if it was more cohesive and thoughtful. We feel it's a little hodge  
17 podge of all of these micro projects all popping up with different themes and stuff. We have  
18 another one not tonight but Dividend is going to be townhouses that are more behind us as my  
19 portion of the block.

20

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1 But again, the circulation of all the traffic is critical for you to... I would appreciate if you could  
2 apply a team to actually go and re-evaluate it if it's already been evaluated because it needs  
3 more. And with thousands of new people, even if it doesn't affect our street, it's still thousands  
4 of new people within a very small area; Ventura, the greater Ventura area.

5  
6 And then one last note is across the street at the Palo Alto Square they have the movie theater  
7 that shut down recently. We're trying to crusade with all of the developers in particular to  
8 maybe write notes but I'd like to put it to this Council too that anybody that has a way of  
9 helping out and figuring out how to get that reactivated with those thousands of new people  
10 moving into the area. It seems like it would be beneficial and my personal comment is having  
11 two Indy films for two months at a time. All 12 people that wanted to see it, saw it. They can  
12 easily claim that they had bad attendance. Well, of course, so find a new manager. So, personal  
13 comment, personal crusade from our family but please help us out with that too. Thank you.

14

15 Chair Summa: Thank you very much.

16

17 Ms. Dao: Next is Jeff Levinsky.

18

19 Mr. Jeff Levinsky: Good evening Commissioners. As the night wears on, you might wonder why  
20 you are here these long hours and asked to go through so many reports and presentations and

- 
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1 documents. I don't think it's just so that you can turn every page and then say yes. I think it's  
2 for those critical times when new thinking, bold ideas, long-term visions and a passion for the  
3 community can lead to something better than what was put before you. That's the case  
4 tonight.

5  
6 The Cannery building is not just a usual roofline, it's not just square footage to be bulldozed as  
7 needed. It's an incredible part of history right in our backyard that inspire current generations  
8 and those yet to come. It shows how greatness can arise under extreme adversity. It shows how  
9 far one individual can go. Its immensity is part of its story. You can't demolish a huge portion of  
10 it and then claim you've preserved it. A plaque or a street name is no substitute. Neither it  
11 telling people to stand at a certain spot to see a few preserved beams. The entire building, its  
12 magnitude, its grand scale is part of what makes it important.

13  
14 We need to shift this project back to the right and true. As the historic review found, the  
15 Cannery building is of great significance. Saving it should be a top priority. There are many ways  
16 to preserve it and still provide considerable economic and public benefits. There is a perception  
17 that our City has no choice, perhaps due to the threat of lawsuit from the property owner or  
18 new State laws. I asked about this and the answers on Pages 66 and 67 of the revised Final EIR  
19 indicate that the City does have choices. The proposed mix of uses do not comply with our  
20 Zoning Laws and would also require lot line changes which are discretionary. If a proposed use

- 
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1 is not legal or requires a discretionary change, the City does not have to agree to it at all. Given  
2 that, our City is not obliged in any way to approve the current project. There are enormous  
3 opportunities for you to suggest creative ways to preserve the entire Cannery and improve the  
4 overall site.

5

6 I outlined just one approach on Page 64 of the FEIR. Instead of building a new garage north of  
7 the Cannery. Park those cars inside the 40 percent of the Cannery that was to be demolished.  
8 Where the new garage was to be built, put more condominiums so that you can replace the  
9 ones that would have been over the demolished part of the Cannery. So, you end up with about  
10 the same number of condominiums, same amount of parking but the Cannery building remains  
11 100 percent intact. The FEIR dismissed this in one sentence saying “modifying the Cannery  
12 building to convert it to a parking use could not be done without modifying the character-  
13 defining features of the building”. Really? Only part of the building would be for parking, the  
14 only external change needed is to turn the current ramped entrance area on Park, which isn’t  
15 original anyway, into a garage opening. No other doors or windows would need to change.  
16 Nothing... neither would the roof line, so it very much preserved the entire building, avoid the  
17 considerable environmental negatives and cost of constructing a giant new garage, move some  
18 homes away from the train noise and still allow for the same amount of housing and that’s just  
19 one possibility.

20

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1 What if the commercial parking were instead undergrounded which is frankly what our  
2 commercial... I'm sorry, our Comprehensive Plan advocates even. You could then use the entire  
3 Cannery building for R&D and other purposes and still have room for the condominiums. Again,  
4 because the garage wouldn't need to be built.

5  
6 Let me ask you to offer your own ideas. Consider how other cities have preserved buildings like  
7 this. We have an incredible, one-of-a-kind amazing piece of history right in the midst of our  
8 town. You have an opportunity to tell the City Council and the public that we should preserve it.

9 Thank you.

10

11 Chair Summa: Thank you, so I think we have some people online.

12

13 Ms. Dao: Yes, we have two but one is short. A group Terry Holzemer speaking on behalf of Scott  
14 Van Duyne, Karen Holman, Carol Kiparski and Ian Irwin. If you can unmute yourself, I believe  
15 you have 10 minutes.

16

17 Chair Summa: Oh, I'm going to give Mr. Holzemer 15 minutes because I gave him the  
18 information when he asked me based on an error I made at our last meeting. So, since he was  
19 planning on 15 I don't think it'll hurt to give him that.

20

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1 Ms. Dao: Okay, 15.

2

3 Mr. Terry Holzemer: Okay, can you hear me?

4

5 Chair Summa: Yes, we can.

6

7 Mr. Holzemer: First of all, I'd like to thank you and thank the Staff for their presentation and  
8 Sobrato for their presentation as well and the PTC for your comments. I am reading these  
9 comments tonight, which were prepared by our former Mayor Karen Holman, who cannot be  
10 here this evening, but whose comments reflect the five of us who have decided to speak or  
11 represent and talk tonight to the PTC and also to recognize the significance of the Cannery site.

12

13 What is proposed to happen at the Cannery building is a nearly 40 percent demolition California  
14 eligible historic resource that really truly eliminates its [unintelligible] if the demolition  
15 proceeds. I focus on the word resource. I ask that you all consider what we ought to do with  
16 any of our resources. Is it really to demolish and remove and disregard things?

17

18 At the ARB... I mean at the HRB review, they did not say that it was okay to demo the Cannery.  
19 They're motion focused on what should happen. Should a demolition proceed and that they  
20 were presuming would happen? The public and the Council rely on the PTC's comments, their

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1 own analysis and their own recommendations as part of the total package of Staff's analysis  
2 and the applicant's information. That is essential to your role to do. The noted architect critic  
3 Louis Huxtable said... once said, "and we will probably be judged not by the moments we build  
4 but by those that we have destroyed".

5  
6 I suggest to you that this building and site is a monument to the accomplishments of Thomas  
7 Foon Chew. A Chinese-American entrepreneur who was honored by over 25,000 people,  
8 including elected officials, when he passed away during the 1930s. His lifetime, which was...  
9 which wasn't long was in the early 20<sup>th</sup> century when a lot of Chinese Americans were  
10 discriminated against. That's what makes his accomplishments even more remarkable.

11  
12 It is said that the California Registry for Historic Structures has serious criteria for buildings to  
13 measure up to that level. First of all, and first and more important, that the structures must be  
14 the first, last only or most significant of its type in the state, or within a large geographic region.  
15 The second criteria is associated with an individual or group having profound influence on the  
16 history of California and finally the third criteria, a prototype of or outstanding example of a  
17 period style architectural movement or of surviving... best-surviving work of a... in the region of  
18 a pioneer architect, designer or master builder. We believe that this site and this building  
19 satisfies that criteria.

20

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1 The EF... no, the FEIR, the Final Environmental Impact Report, contains several conflicting  
2 conclusions and statements. I'll give you just a couple examples. Under response 3.8, which is  
3 the adaptive reuse of the Cannery building, it states that not every possible alternative can be  
4 considered to eliminate a significant impact but a feasible one must be evaluated. Surely, you  
5 will agree it is not offered in this report. While the Development Agreement proposes 75  
6 housing units, the alternatives supposedly the City is looking at put 281 units in the Cannery  
7 building. 281? Why is it, not the 91 or the 75 units that the applicant is proposing for a  
8 reasonable alternative now? Burdening the Cannery building with 281 units is to my mind a  
9 different project. Not an alternative that also creates 91 or 75 units of housing. How do other  
10 cities make use of their industrial buildings without destroying them? There are numerous  
11 creative examples for a whole variety of uses. Consider that this building was once an R&D and  
12 retail space for Fry's Electronics for decades. In towns like Petaluma and other towns like  
13 Sebastopol, there are industrial buildings that have been turned into wonderful areas for  
14 community use. In no other response in the FEIR is this more infeasible because the applicant's  
15 own architect was asked to conceive an adaptive reuse of the Cannery building, again imposing  
16 the 281 units.

17

18 Numerous times at and by the NVCAP meetings there were requests by the City to conduct a  
19 feasibility study, presumably independent, for reuse of the building. There is no evidence at this

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1 time from this writer that this has ever occurred. Please ask the City Council to conduct a true  
2 feasibility study for the benefit of everyone, including Sobrato.

3

4 The City will have to make a Statement of Overriding Considerations to find the adequacy of the  
5 FEIR in order to advance the project. To support the Council in making such a statement, I  
6 suggest that you all think about what such a statement would say... would... could say absent of  
7 the following. Absent of any reasonable, feasible preservation alternative, absent of without an  
8 independent feasibility study of the Cannery which was requested many times by the NVCAP  
9 group which included myself. Absent of the FEIR responses that address questions that were  
10 raised which reference the [unintelligible] in this paper and separate from the FEIR, what can  
11 you recommend to the Council now knowing there's an absence of any known financial analysis  
12 for long and short-term benefits to both the City and Sobrato. Absent of any identified future  
13 for the site given PC Zoning. Absent of a Comp Plan designation consistent with the purpose of  
14 the designation. Nothing the service commercial is for auto-dependent uses along El Camino.  
15 This site is near a Caltrain station and does not have primary vehicle access and finally, absent  
16 of any plan for developing a park or affordable housing.

17

18 I would like to mention in the FEIR the response to the regional cumulative impact which we  
19 strongly agree... disagree with. The building itself, I'm talking about 340 Portage, is a very rare,  
20 surviving example of not only Palo Alto's past but a Santa Clara County and the State of

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1 California's architectural past. If you look at [unintelligible] 45 in the Turnbull report,  
2 [unintelligible] of information on why this is so important. This Staff response does not address  
3 CEQA's cumulative regional impact. Considering the Cannery's rarity as a remaining structure  
4 that represents the Valley of Hearts period that was a really major business in our area long  
5 before anyone knew of Silicon Valley. The Hearts... the Valley of Hearts was here.

6  
7 I'd like to mention that also in Section 4.2 of the FEIR, there is the proposal and I'll quote it. It  
8 says "The proposed demolition would result in the substantial removal and significant and  
9 unavoidable impact. Analysis of whether the other elements of the project align with the  
10 Secretary of Interior Standards is unnecessary because this conformance to the standards  
11 would be rendered inapplicable due to materials impairment of the historical resource". In very  
12 simple terms, that means that because the building, the remaining monitor roof building, will  
13 be modified severely. Its historical value, according to the Secretary of Interior Standards,  
14 would disappear. It would not be historic any longer, alright? Why does this matter? Well, the  
15 Council at its August 1<sup>st</sup>, 2022 meeting included a statement that the remaining building would  
16 be treated according to the Secretary of Interior Standards and asked that the remaining  
17 [unintelligible] building, the monitor roof part, might be added to local [unintelligible].  
18 Degrading the remaining part, that's the monitor roof building, is central to whether there is  
19 any rationale at all for adding it to the inventory. Well, perhaps an EIR matter information like  
20 this should nevertheless be provided to understand the potential impacts. I [unintelligible]...

- 
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1 repairing and restoring according to the Secretary of Interior priorities. What this means is that  
2 it simply will be nothing of the original material left, but rather rebuild portions of the building.

3  
4 Complying historical information as the HRB recommends, while is desirable, is not, repeat not,  
5 a mitigation because there is no mitigation for the loss of a historical resource. Neither is a  
6 statute or a map or a marker. While calling mitigations in CEQA documents, they are not and  
7 CEQA confirms there is no mitigation, no mitigation for loss of a cultural resource because  
8 historical structures cannot be replaced once gone.

9  
10 I will conclude by saying the following. We take a lot about displacement these days and for  
11 good reason. We want to make sure we not displacing people or peoples who have long been  
12 some place for the sake of adding more and new opportunities. I suggest to you that we are  
13 displacing our culture, our legacies, our [unintelligible] histories as a community and beyond  
14 when we erase the past. The very significant past that exists on this site. I hope that you will  
15 assess your... will assert your opinion about the proposal consistent with your charge on the  
16 PTC. The Development Agreement is deem or has been revised and we now understand there is  
17 latitude to make changes. We hope Sobrato will take seriously the concerns and care of our  
18 community has about the current proposal and consider changes. We are all volunteers and we  
19 believe that there is a better way to accomplish that goal of the Development Agreement while

- 
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1 also respecting history by giving its rightful place in the future. Developing a better and more  
2 cohesive land use plan. Thank you.

3

4 Chair Summa: Thank you, Mr. Holzemer. Do we have some more speakers?

5

6 Ms. Dao: Yes, just one more, Becky Sanders, you have 5 minutes.

7

8 Ms. Becky Sanders: Thank you. Good evening Chair Summa and Commissioners. For my  
9 comments tonight, I will read part of a letter that Palo Alto resident Gloria Hom, the  
10 granddaughter of Thomas Foon Chew, wrote to the North Ventura Coordinated Area Plan  
11 Working Group in July of 2020.

12

13 Gloria is an educator, economist, a civil leader, a civic leader and recipient of a Lifetime  
14 Achievement Award by Avenidas. And I quote, it's... this I Gloria's words "It's critically important  
15 to recognize that these buildings are not just another series of old industrial structures that are  
16 not unneeded and torn down. In fact, these buildings have played a major significant role in not  
17 only Palo Alto history but California and our country as well. Largely forgotten by current  
18 residents" and I Becky am going to say and unknown to many of our newcomers. "Santa Clara  
19 Valley, known as Silicon Valley today, was once called the nations Valley of the Hearts Delight.  
20 Long before there was silicon chips the valley was known as one of the most important fruit-

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1 growing areas in our nation. The land that now contains our largest corporations Google and  
2 Apple was once the best and most fertile area for growing fruits and vegetables in California”  
3 and in the world actually. “So, as part of that important past, the Bayside Cannery, which  
4 became the third largest Cannery company in the world and built a fruit cannery operation in  
5 the early 1900s. Established by my grandfather”, Gloria’s grandfather, “Thomas Foon Chew. The  
6 Mayfield Cannery focused on canning fruits, apricots, peaches and tomatoes. In addition, even  
7 after his death in 1931, the Cannery continued to be a major supplier of canned foods to the US  
8 military during World War II. Millions of cans of fruit and vegetables were canned and produced  
9 at the Mayfield facility for our service people and for the nation at war. I, Gloria”, and of course  
10 Becky, “here encourage you to recognize the significance of these buildings in our own  
11 backyard and how they could be adaptively reused to serve future generations to come. These  
12 structures tell an important story that all future California and Palo Alto generations can benefit  
13 from. I support the efforts to retain and reuse the 340 Portage buildings as part of our history.”

14

15 And speaking for myself, now this is Becky, that’s the end of Gloria’s letter, a total class act by  
16 the way. I’d like... this is me, I’d like to remind you that TFC, Thomas Foon Chew, was the  
17 asparagus king. He invented the first way ever to pack [unintelligible] asparagus for canning and  
18 then get them to market. He was brilliant to be able to parley his genius into building a fortune  
19 at a time when the Chinese Exclusion Act was running rampant. He hired a Chinese engineer,  
20 graduate of Stanford when the man could not get a job anywhere else due to racial perjurious.

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1 He provided housing for the employees who came from all around the globe knowing well that  
2 their options for finding housing in the market [unintelligible] were practically null. He was a  
3 practical man, didn't spend a lot of time wallowing in anything or waiting for others to change it  
4 up. He changed it up. His kids were the first Chinese Americans to graduate from Los Gatos High  
5 School. He was a different type of American pioneer.

6  
7 Now, we all becoming quite familiar with these terms like erasure, preparation and cultural  
8 amnesia. Well, here we have a chance to do more than just pop a plaque and be done. What  
9 the feather and the caps of this development team of component people that we have heard  
10 from tonight who are representing the applicant working hard, for them to be part of a big  
11 thing and apply their brilliance to preserving this historical resource while meeting the goals of  
12 the property owners. They are not mutually exclusive. I mean we just have not seen any real  
13 data or evidence that something can't be done with that building. Other than knock down a  
14 third of it and then of course, knocking down a third of it means that eventually we can knock  
15 down the whole thing because once you knock down any part of a building that is historical. It  
16 take it right off of the protected species list and so it could be open season later. That's my  
17 understanding.

18  
19 So, will of these in mind, there's just no way that we cannot find a solution to make the  
20 applicant meet their goals, their financial goals and to have this amazing, Chinese-American

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1 historical cultural resource be a flagship part of the North Ventura Coordinated Area Plan. I  
2 mean we get people coming there. You know, there could be all kinds of activities that the art  
3 group could work on. I mean it boggles my mind that there isn't more excitement around this  
4 so maybe it's because so many people actually just still don't know about it. So, please help us  
5 take steps to protect and exploit, in a good way, this rich, cultural and historic landmark. Thank  
6 you PTC Commissioners for your service.

7

8 Chair Summa: Thank you very much and if we have no other speakers I'll go to the applicant to  
9 see if they want to make any rebuttal comments. Would the applicant like to make any  
10 comments at this time?

11

12 Mr. Sockalosky: No, at this time we don't have anything to say.

13

14 Chair Summa: Thank you for that, bringing it back to the Commission. Given the hour, I don't  
15 know if we would be doing our best job on this for the applicant. Would you like to continue  
16 this and if so, we can get a motion and a second and vote on it. Or would you like to start asking  
17 some clarifying questions or? Do you want to stay?

18

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1 Commissioner Templeton: Chair, I'd like to hear from Commissioners who weren't on the  
2 NVCAP or intimately familiar with it that may have questions now. For me, I think I don't but  
3 they might.

4  
5 Chair Summa: Okay, we can stay and get... do the clarifying questions and then reevaluate. So,  
6 if people have questions, light up my board. Commissioner Akin.

7  
8 Commissioner Akin: Let's see, where to begin. So, I like this design a lot and of course, the  
9 housing is much needed and the particular type of housing is much needed, the larger units.  
10 Nevertheless, there is a question of whether we're really getting enough return for the loss of  
11 the building and the loss of the area. We could for example have significantly higher... at least  
12 some part of the home development be significantly higher density and the ARB has suggested  
13 that. We could... the ARB, so we could consider whether we would like to formally support that.  
14 I'd like to have some discussion about that later and there's also the question of whether we're  
15 committing for a significant period of time.

16  
17 So, the first question I have of Staff is about the terms of the Development Agreement. There's  
18 a 10-year term limit in which we're not allowed to modify zoning or approved uses and I'm  
19 curious as to the origin of that term. Do we know who originally requested that and why?

20

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1 Ms. Raybould: Albert, do you want to answer that question?

2

3 Mr. Albert Yang, City Attorney: Sorry, which term was it again?

4

5 Commissioner Akin: This was... well, there are several questions related to the term of the  
6 Development Agreement. The first is just what's the origin of the 10-year term.

7

8 Mr. Yang: Yeah, that was proposed by the applicant.

9

10 Commissioner Akin: I don't know whether I can ask the applicant if they're willing to speak to  
11 that but if so, it would be interesting to know.

12

13 Related to that, the construction of the townhomes is on a schedule as dictated by market.  
14 Although, it is also affected by the expiration of the 10-year term. So, we're counting on these  
15 units in our Housing Element. They're in the pipeline units if I remember correctly, so we will be  
16 subject to penalties from the State if we fall short on our production. So, an interesting  
17 question for me was does it make sense for the expiration date for townhome construction to  
18 fall outside the current RHNA cycle?

19

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1 So, I think those are enough to get going on but there are plenty of other things that mention  
2 here that I like. I noted that because the townhomes are fully parked, the members of the  
3 Homeowners Association are prohibited from participating in Residential Preferential Parking  
4 programs and that's a provision I'd like to see used more thoroughly in new developments  
5 throughout the City. So, that's it for the moment, thank you.

6

7 Chair Summa: Did you want anymore of an answer to your questions?

8

9 Commissioner Akin: I assumed that Ms. Raybould would either be able to answer or the  
10 applicant would be willing to speak to those.

11

12 Chair Summa: Okay.

13

14 Mr. Yang: So, I can provide an answer on the timing of the townhome development. There isn't  
15 much that we can do in terms of requiring them to be actually built because if the market  
16 doesn't support construction of housing and we believe that the townhomes are the most likely  
17 to be successful in this area. They're not going to be built at a loss, but we do expect them to be  
18 built and we have done what we think is the next best thing to requiring them to be built which  
19 is having an incentive in the Development Agreement. If they are not built within the DA term  
20 then the \$5 million payment, which was otherwise tied to those townhomes being built, is still

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1 due to the City. So, you know, that is a public benefit payment that is... we would like as sort of  
2 being used to offset some of the impacts of that townhome development, that market-rate  
3 development. It would used to offset the BMR impacts but we would still be receiving that  
4 payment even though those impacts weren't experienced by the City. So, that's the incentive  
5 structure that's in place.

6

7 Commissioner Templeton: Commissioner Akin, can I just follow-up for clarification with Mr.  
8 Yang for you... for that question? Okay, Mr. Yang, when does it count towards a RHNA cycle?  
9 When it's approved?

10

11 Ms. Raybould: Building Permit.

12

13 Commissioner Templeton: Or when someone moves in or? Yes, sure, maybe Claire can answer.

14

15 Ms. Raybould: A Building Permit, when the Building Permit is issued it counts towards the  
16 RHNA.

17

18 Commissioner Templeton: Is that after... on your chart of the green path we're on, where is  
19 that? Is that at the end of the chart or is it past that?

20

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1 Ms. Raybould: It's pasted that.

2

3 Commissioner Templeton: Okay, thanks.

4

5 Commissioner Akin: Yeah, [unintelligible] interested (interrupted)

6

7 Mr. Tim Steele: Chair? Chair, this is Tim Steele, if I may also answer?

8

9 Chair Summa: Yes, I was just going to ask Mr. Akin if he wanted to respond but if you can please  
10 go ahead.

11

12 Mr. Steele: I just wanted to add one more thing to what Albert said as far as houses deal was  
13 structured. It's in multiple phases but even before the townhomes, I'm in a position to move  
14 forward with a permit. We will also be donating the land for the affordable housing and for the  
15 park. So, and then at the end of the 10-years, if... even after making those donations to the City,  
16 the development of the residential townhomes doesn't occur as Albert pointed out. We would  
17 also be making a \$5 million payment, so the City would have land for a park and affordable  
18 housing in their position. So, they could do an RFP and move forward with a development of  
19 that. Even before the 10-year period is up and even before the permit is pulled for the  
20 townhomes the way the current structure... the DA is anticipating. Thank you.

- 
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Chair Summa: Thank you for that. Mr. Akin... Commissioner Akin, do you have more questions?

Commissioner Akin: Yeah, I was just going to respond to Commissioner Templeton. An interesting aspect of this is that the construction happens with third-party builders rather than Sobrato. So, there's... there are other parties who are also involved in this.

Chair Summa: Mr. Lu... Commissioner Lu.

Commissioner Lu: One quick comment and then hopefully some quick questions. As a comment, I wonder if we could change the penalties or incentive structure if the Cannery is demolished but the townhomes are not built. That would be a uniquely bad special case but is plausible. I think Google recently demolished some buildings in San Jose, planning to redevelop them but then temporarily paused those redevelopments. So, that's a comment, there may be something more aggressive or clear that we could write there.

I had really just two questions on the NVCAP. So, on the NVCAP on Portage, there's supposed to be this woonerf. That's not really reflected in these plans and I think the retail actually intrudes onto the woonerfs. So, is that just no longer feasible part of the NVCAP and we've considered that?

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1

2 Ms. Raybould: Yes, yeah so the project does not fully align with the NVCAP. We did not have a  
3 draft plan when this project started and we still don't have an approved plan. So, there aspects  
4 of this project that don't fully align and so what we were really evaluating is just the key goals  
5 of the plan and how well this project aligned with the key goals that we were hoping to move  
6 forward. We feel that the project does move forward the key goals in a very important way  
7 with respect to bicycle and ped connections. Because it does provide something that we really  
8 wouldn't get out of most other projects which is that public access easement and improved  
9 bicycle path that provides a separate bicycle path for the project so.

10

11 Commissioner Lu: Got it, that makes sense. One more question just kind of about the history of  
12 discussions. Have we considered being more ambitious on 3250 Park or the Audi building? It  
13 seems like they're parking lot abuts right into the park, prevents some of the naturalization of  
14 the creek and in general, seems to me like one of the least ambitious and also least discussed  
15 parts of this project. Have we negotiated with Sobrato about doing anything there?

16

17 Ms. Raybould: Can maybe let Albert speak a little bit more but I know that the Audi building  
18 was a key piece of the negotiations with the Ad Hoc Committee which I was not a part of. But  
19 the... I know that the building is under-parked as it and so my understanding is that Sobrato  
20 doesn't have an interest in reducing the parking because that will become its own separate

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1 parcel. And so, they kind of want to park it to the extent that they feel like they need to, to  
2 provide for the use that's going to be on that site. And so, I think it's under-parked by a couple  
3 of spaces right now and they've expressed that they're not interested in... yeah.

4  
5 Mr. Yang: So, to add to that, there was some discussion around whether there was a way to  
6 reconfigure the parking there, but it was sort of... the discussion was sort of limited to that. I  
7 think I understand your question to be did we discuss redevelopment of that site for some  
8 more intense improvement and the answer is no. That wasn't discussed in part because the  
9 applicant didn't express an interest in that. I think they feel the building is in good shape and  
10 has a lot of useable life and the City also didn't express an interest in sort of intensifying that  
11 area.

12  
13 Commissioner Lu: Okay, that's helpful. I can think more about this offline and I hope or imagine  
14 there's some way to upzone it and maybe upzone it significantly for housing or mixed-use  
15 where we could justify underground parking. And also, some green space instead of abutting  
16 straight into the creek and into the park so yeah.

17  
18 Chair Summa: Any other questions at this time? Go ahead, Commissioner Chang [**note – Vice-**  
19 **Chair Chang**]

20

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1 Vice-Chair Chang: So, I know that we've talked about the CS... oh gosh it's late. The service  
2 commercial and I'm just wondering why service commercial as opposed to CN because with  
3 the... if I look at the Comp Plan. The description of CS versus CN, the description of CS just  
4 doesn't really fit necessarily for an area that isn't supposed to be super traffic intensive. And so,  
5 from a planning perspective what was Staff's thought there or was there a desire from the  
6 applicant to have it as CS instead of CN?

7

8 Ms. Raybould: I'm just looking up the... that language for a second to remind myself, but my  
9 recollection is that we consider that but it didn't really align with the uses but one second. So,  
10 just for the benefit of everyone, neighborhood commercial includes shopping centers with off-  
11 street parking or a cluster of street-front stores that serve the imminent neighborhood.  
12 Examples include Charleston Center, Edgewood Center in Mid-Town. Typical uses include  
13 supermarkets, bakeries, drug stores, variety stores, barbershops, restaurants, self-service  
14 laundry, dry cleaners and hardwood stores in locations along El Camino Real and Alma Street.  
15 Residential and mixed-use projects may also locate in this category. Non-residential FARs will  
16 range up to 0.4 consistent with the Comprehensive Plans encouragement of housing near  
17 transit centers. Higher mixed-use density housing maybe be allowed in specific locations. So,  
18 this is something that we've used for shopping center, so essentially some of our small  
19 shopping centers around the City and what's being proposed really isn't a shopping center so.

20

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1 Vice-Chair Chang: Which makes sense but neither is it... when you read the CS description, it  
2 doesn't fit super well either and CS is described as you know where everybody travels there by  
3 car and... like if you could read the CS description it doesn't fit either. And so, the way this feels  
4 to me is as I was talking to someone about this earlier today and noodling on this. It feels like  
5 we're approaching this backwards, like land use planning you're suppose to say, okay this is our  
6 city, this how we want to use this area and therefore it's going to be this land use. We're saying,  
7 this is what we want to do with this and now we have to find a land use that fits it. And so,  
8 we're going to look at the land uses that we have and try to find one that fits it. And so, these  
9 are the ones that we have and which one of these fits it. And so, we're just finding one that will  
10 kind of fit in order to make this plan work and as I look at that menu there's multiple ones that  
11 will kind of fit. And the description for CS say something about where everybody will arrive by  
12 car and doesn't say anything about it being near transit. This is near transit, this is supposed to  
13 be a lot of residential and at least if I think about where the City originally wanted this to be.  
14 We wanted it originally to be RM-30, upzoned RM-40, so then at least in spirit, it was supposed  
15 to be sort of a more neighborhood-serving thing. And so, if really everything else is kind of  
16 equal, to me it seems like we should, at least in spirit, be doing the right thing. It's not a major  
17 point but I wonder why we would say oh, we want it to be a place where everybody arrives by  
18 car. When that's kind of antithetical to what we want as a City and what one of our public  
19 commenters was highlighting about our transportation issues in the area.

20

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1 Ms. Raybould: May I comment on that? So, I see your point, I... so there were a couple reasons.  
2 So, one we're looking at the uses that are existing at the site and yes, looking at how... what do  
3 those align with, but also looking at what are the land uses that we have in this area already  
4 and how would the project fit in with those? And when we look at that, the service commercial  
5 is already primarily surrounding this area and the area that's already RM-30 zoning would  
6 remain or sorry, mixed-use zoning designation would remain that. So, when we were looking at  
7 it, we felt like it was an alignment of what's already existing in that area to make it work with  
8 the proposed uses which are the existing uses.

9

10 Vice-Chair Chang: Okay, I disagree but alright, I mean I can see. I just wanted to understand so  
11 thank you.

12

13 Commissioner Templeton: If we're ready, I'm happy to make a motion to continue until our  
14 next meeting to a date certain.

15

16 Chair Summa: Okay, before you do that I'd like to thank everyone who spoke and thank the  
17 applicant team. All of them for coming in tonight and I think we'll be... next time you see us  
18 we'll be fresh so go ahead.

19

20 MOTION

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Commissioner Templeton: 100 percent agree, yes. Okay, in that case, I'd like to move that we continue this meeting or this item until a date certain which is our next PTC meeting, that's the 26<sup>th</sup>.

Ms. Raybould: Correct.

SECOND

Vice-Chair Chang: Second.

Chair Summa: Any comments or maybe we conduct the vote?

Commissioner Lu: I sadly won't be there next meeting but I agree.

Chair Summa: Okay, if we could conduct the vote, please?

VOTE

Ms. Dao: Chair Summa?

- 
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1

2 Chair Summa: Yes.

3

4 Ms. Dao: Vice-Chair Chang?

5

6 Vice-Chair Chang: Yes.

7

8 Ms. Dao: Commissioner Akin?

9

10 Commissioner Akin: Yes.

11

12 Ms. Dao: Commissioner Lu?

13

14 Commissioner Lu: Yes.

15

16 Ms. Dao: Commissioner Templeton?

17

18 Commissioner Templeton: Yes.

19

20 Ms. Dao: Motion carries 5-0.

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MOTION PASSED 5(Akin, Chang, Lu, Summa, Templeton) -0 -2(Hechtman, Reckdahl absent)

Chair Summa: Thank you so very much and we do have some minutes to approve so don't get all excited yet.

Ms. Raybould: Thank you.

**Commission Action:** Motion by Templeton, seconded by Chang. Pass 5-0-2 (Hechtman, Reckdahl absent)

**Approval of Minutes**

Public Comment is Permitted. Five (5) minutes per speaker.<sup>1,3</sup>

4. Approval of Planning & Transportation Commission Draft Verbatim & Summary Minutes of June 14, 2023

MOTION

Chair Summa: Its approval of Planning and Transportation Commission draft verbatim and summary minutes of June 14<sup>th</sup>. So, I need a motion and a seconder, please. I'll make the motion, I haven't been anywhere.

SECOND

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1 Commissioner Templeton: [off mic] I'll second.

2

3 Chair Summa: Okay, we have a motioner and a seconder and can we call the vote, please?

4

5 VOTE

6

7 Ms. Veronica Dao, Administrative Assistant: Commissioner Templeton?

8

9 Commissioner Templeton: Yes.

10

11 Ms. Dao: Chair Summa?

12

13 Chair Summa: Yep.

14

15 Ms. Dao: Vice-Chair Chang?

16

17 Vice-Chair Chang: Yes.

18

19 Ms. Dao: Commissioner Lu?

20

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1 Commissioner Lu: Yes.

2

3 Ms. Dao: Commissioner Akin?

4

5 Commissioner Akin: Yes.

6

7 Ms. Dao: Motion carries 5-0.

8

9 MOTION PASSED 5(Akin, Chang, Lu, Summa, Templeton) -0 -2(Hechtman, Reckdahl absent)

10

11 Chair Summa: Thank you so much.

12

13 **Commission Action**: Motion by Summa, seconded by Templeton. Pass 5-0-2 (Hechtman,  
14 Reckdahl absent)

## 15 **Committee Items**

16 None.

## 17 **Commissioner Questions, Comments or Announcements**

18 Chair Summa: Are there any Commissioner questions, comments, announcements or anything

19 like that that anybody has to share? I want to share one quick thing. It's very quick and because

20 I was looking at it for a different reason. I noticed that the BCC Handbook that was adopted not

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1 so long ago, I forget when exactly, by Council. Last year or something. Actually, on Page 19  
2 stipulates for all Boards and Commissions and Committees that our Staff Reports are available a  
3 week, seven days, ahead of time. So, I don't know if we need to agendize that to look at it and  
4 talk about that but we've been out of compliance since it was passed with that. And we never...  
5 it was typically, since I've been on here, that we would get those by Thursday but I'm  
6 wondering if we should be thinking about that and if so, if it has to be agendized for discussion  
7 sometimes on a... when we have time and not something like Fry's. Just a thought.

8  
9 Ms. Amy French, Chief Planning Official: So, the BCC Handbook is conflicting with our Bylaws for  
10 the Planning and Transportation Commission?

11  
12 Chair Summa: Yeah and I think it... and I see that our attorney is here so maybe he wants to say  
13 something else. It does stipulate for all BCCs Staff Reports come out seven days ahead of each  
14 meeting.

15  
16 Mr. Albert Yang, City Attorney: I was just going to say I don't think it needs to be specifically  
17 agendized. It can be a part of this last item which is Commissioner comments and etc.

18  
19 Chair Summa: Okay, okay, thank you for that. I don't know that we want to... oh Commissioner  
20 Templeton.

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1

2 Commissioner Templeton: Well, I want to go after this closes, whatever you want to say.

3

4 Chair Summa: I don't know that we want to discuss it right now but it's something to think  
5 about, trying to be compliant with. Commissioner Templeton.

6

7 Commissioner Templeton: I agree Chair and we should talk about it maybe in a different day.

8 Also, just wanted to check, you know if have... if we wanted to discuss norms about when we

9 do attend and when we chose not to attend. Is that something that we need to agendize as

10 well, Mr. Yang? For example, let's say for health reasons, a person doesn't know whether they

11 should come to the Commission and we wanted to discuss that with our peers here about what

12 our norms should be. Is that an agendized item or is that something we can discuss here at this

13 time?

14

15 Mr. Yang: Yeah, I think that is also appropriate for this sort of end-of-meeting discussion.

16

17 Commissioner Templeton: Great, thank you. While we're here I think it'll be a quick discussion

18 but do we want to update our norms? For example, in... I work for a government agency and we

19 test of Covid twice a week and if we have it we don't come in or do wear a mask. Things like

20 that. Those kinds of issues are happening pretty frequently in our office and I watch the sewer

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1 monitors and we have times when Covid surges here in Palo Alto. We might want to be  
2 prepared in advance for a norm in how we might expect to be courteous to our other  
3 Commissioners. Do you guys have any thoughts on that?

4

5 Chair Summa: Go ahead.

6

7 Vice-Chair Chang: Well frankly, I mean I think it's most courteous if we not feeling well to not  
8 come. That's what I... that's how I personally feel. I think if we have permission I believe in  
9 terms of our rules for us to be... if we are sick we are allowed to attend remotely without  
10 (interrupted)

11

12 Commissioner Templeton: What if we're feeling well but contagious?

13

14 Vice-Chair Chang: Well, then I think we should test if that's what it... but I mean if we're... if we  
15 know that we're not well. Even if we're feeling well but if we know that we're not well I think  
16 we shouldn't come. We have permission according to our... those rules. Whatever, the ones  
17 that we went over about attendance that if it's for health reasons. We cannot attend and it  
18 doesn't count against our absences, correct? We can attend remotely.

19

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1 Ms. French: I think that would be called just cause. That you have an emergency which is you're  
2 sick.

3  
4 Vice-Chair Chang: Correct, so then that would be a reasonable norm and we wouldn't be  
5 penalized. It wouldn't count against... we could still participate via Zoom. We're all really good  
6 at that now. So, that at least... if we know... that at least handles the case. I think that would be  
7 good. I'd want to hear what my fellow Commissioners think but that would handle the situation  
8 where we know we're not well. There is the other situation that I think also merits some  
9 discussion.

10

11 Chair Summa: Commissioner Lu.

12

13 Commissioner Lu: I think if there's any doubt that you're not feeling well or any doubt that you  
14 may be contagious. You should just stay home and dial in. To that end, maybe we need a  
15 different rule change on how quorums work because that was one issue from the previous  
16 meeting where it was not clear if people who dialed in remotely would count for the quorum;  
17 or it seemed like they would not and that would mean we would have skip the meeting. I think  
18 that's just a weird rule. Is this something that we can just change or?

19

20 Ms. French: I think, I don't know if Albert (interrupted)

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Mr. Yang: That's unfortunately a feature of State Law.

Ms. French: Yeah, four people present physically right?

Commissioner Templeton: Lobby your State Senator.

Chair Summa: I mean I think we're talking about Covid because Covid has kind of a unique... because we're all... we all went through it and it has a unique ability to... you can infectious and people... and spread the disease when you don't have any symptoms. So, I don't know, I feel like maybe we should have this discussion when all seven of us are here but it is kind of an awkward situation I will agree.

Commissioner Templeton: I think there's an issue around disclosures as well. We're not required to disclose in anyway if the State Law, the City norms and we should just think about that as well. If it's not agendized, I think you can tell someone so you know, maybe we can at least notify each other if we're ill. I mean that would be a start and then people can protect themselves.

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1 Chair Summa: I mean if I'm really sick I'm going to be staying home, but if I think I have Covid  
2 and I test positive. I wouldn't come to a public meeting or any other group thing.

3

4 Commissioner Templeton: How do we turn it into a norm, like that's the question? How do it  
5 where we all agree to what our minimal...?

6

7 Chair Summa: I don't think... since the State Law... emergency law ended, I don't think we can  
8 require it. I think we can amongst ourselves agree to it.

9

10 Commissioner Templeton: Norms are not laws.

11

12 Chair Summa: Yeah.

13

14 Commissioner Templeton: It's just how we agree with each other. Well, it's something to think  
15 about. We don't have to decide today, like the Chair said we can revisit this when we have  
16 everybody here but you're invited to disclose if you wish to disclose.

17

18 Chair Summa: Well, thank you for bringing that up though. Anything else? Okay, meeting  
19 adjourned.

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1 **Adjournment**

2 10:37 pm

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