



Planning & Transportation Commission

Action Agenda: July 26, 2023

Council Chambers & Virtual
6:00 PM

Call to Order / Roll Call

6:04 pm

Chair Summa called the meeting to order.

Ms. Veronica Dao, Administrative Associate, conducted the roll call and announced all Commissioners were present with the exception of Commissioner Lu.

Oral Communications

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

Chair Summa invited members of the public to share comments they had with the Commission for items not on the Agenda.

Ms. Veronica Dao, Administrative Associate, announced there were no public speakers

Agenda Changes, Additions and Deletions

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

Ms. Amy French, Chief Planning Official, announced Staff had no Agenda changes.

[The Commission moved to Action Item 2]

City Official Reports

1. Directors Report, Meeting Schedule and Assignments

Ms. Amy French, Chief Planning Official, noted in the Packet was a list of items for the upcoming meetings. The item titled Implementation of Housing Element Programs was to be removed from the August 30, 2023 agenda and moved to September. Council was to return to session on August 7, 2023 where they would discuss the Castilleja School final Traffic Demand Management (TDM) Plan.

Rafael Rius, Senior Transportation Engineer, shared that the Bicycle and Pedestrian Transportation Plan Update was underway and the Planning and Transportation Commission

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1 (PTC) was to be a key stakeholder in the process. Staff anticipated the project would take
2 between 18 to 24 months. With respect to the Alma/Churchill Intersection and Railroad
3 Crossing Improvement Project, the project was moved to Public Works which would soon begin
4 construction of the project.

5 [The Commission continued Action Item 2]

6 **Action Items**

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

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

22 Chair Summa informed that Commissioner Hechtman would be leaving the meeting for a brief
23 time but would return. She invited the Commissioners to share any disclosures they had.

24 Commissioner Templeton, Vice-Chair Chang, Chair Summa and Commissioner Akin had no
25 disclosures.

26 Commissioner Hechtman shared he watched the video of the July 12, 2023 meeting.

27 Commissioner Reckdahl echoed he also watched the video.

28 [The Commission moved up to Item 1, Director's reports]

29 Chair Summa indicated no public hearing would be held because of the hearing of a
30 continuation. She invited Commissioners to ask clarifying questions of Staff.

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1 Commissioner Reckdahl noticed the Tolling Agreement indicated that Concept 3 for
2 naturalization of the creek may not be possible. He inquired why the parking prevented the
3 naturalization of the creek.

4 Mr. Albert Yang, City Attorney, answered the applicant felt the parking spaces were necessary
5 to properly park the structure because the parking across the creek was not a reasonable
6 feasible use.

7 Commissioner Reckdahl asked if Concept 3 for the nebulization went outside of the easement.

8 Mr. Yang confessed he was not familiar with the details of the various concepts.

9 Commissioner Reckdahl asked if the Audi building could be used for mixed-use and if so, would
10 the Planned Community (PC) have to be reopened.

11 Ms. Claire Raybould, Planner, believed the applicant would have to submit an updated plan for
12 the ordinance.

13 Mr. Yang concurred each PC incorporated the Development Plan and any changes would
14 require a change to the PC.

15 Commissioner Reckdahl understood the process the PC would come to the PTC, Architectural
16 Review Board (ARB) and the Council.

17 Mr. Yang clarified minor changes would not go through the whole process but major changes
18 would go before the PTC, ARB, back to PTC and then the Council.

19 Ms. Raybould noted that multi-family residential was an allowed use for the Audi site.

20 Commissioner Reckdahl asked who decided if a structure should be on the State or Federal
21 Register of Historic Resources and what was the pros and cons of being on the list.

22 Ms. JulieAnn Murphy, historical consultant, explained the California Register of Historic
23 Resources and the National Register of Historic Places. If a property is selected to be placed on
24 the National Register, that structure would automatically be listed in the California Register. If
25 found appropriate, a nomination would be prepared. That would then be reviewed and
26 approved by a State body.

27 Commissioner Reckdahl asked where the pros and cons of being on the list.

28 Ms. Murphy mentioned the registers were largely honorific, but the control came from the local
29 level. The local government may require additional review but also local benefits such as being
30 able to use the Historical Building Code.

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1 Ms. Raybould added that a substantial renovation or demolition of a historic structure would
2 have to follow a similar process as the proposed project. A potentially eligible and designated
3 property would be protected under the California Environmental Quality Act (CEQA) and
4 Council would have to make findings for Overriding Consideration.

5 Commissioner Reckdahl stated the step that had the biggest impact on a property owner of a
6 historic structure would be a local designation because that controlled the zoning.

7 Ms. Raybould clarified it came down to the local level in terms of what was in the Zoning Code
8 about what resources are protected.

9 Ms. Amy French, Chief Planning Official, mentioned Title 16.49, the Building Code, addressed
10 any Category 1 or 2 local historic inventory that was outside of the downtown area.

11 Commissioner Reckdahl queried how many historic buildings Palo Alto had.

12 Ms. French approximated that over 160 were labeled as eligible resources with many listed as
13 historical on the local registry.

14 Chair Summa clarified what was controlled by the historic designation was the exterior of a
15 structure. It did not prevent any changes to the interior.

16 Ms. French noted that was true for single-family homes, but that did not apply to public
17 buildings.

18 Chair Summa asked if regulation over the interior applied to many buildings or if was it for
19 special cases.

20 Ms. Raybould commented there were character-defining features on the interior of the
21 Cannery building. The Secretary of the Interior's Standards addressed the elements of a building
22 as a whole and not as individual pieces.

23 Chair Summa believed that applied to the ARB's discussion of wanting more visibility to the
24 trusses and the monitor roof.

25 Vice-Chair Chang understood a registered historic structure could use the Historical Building
26 Code.

27 Ms. French confirmed that was correct.

28 Vice-Chair Chang recalled the proposed project was included as a Housing Element Pipeline
29 Project with 91 townhomes. She asked what penalties were there if those 91 housing units

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1 (units) were not built during the 8-year timeframe. She acknowledged that the project had
2 been reduced and the Development Agreement included 74 units.

3 Ms. Raybould shared that the Housing Element only claimed 74 units in the pipeline because
4 there were two projects, the proposed and the original Senate Bill (SB) 330 project, at the same
5 time.

6 Ms. French added generally, if units are not constructed then the City would use the buffer
7 units listed in the Housing Element.

8 Ms. Raybould clarified the Housing Element claimed 59 units as an opportunity site for the
9 dedicated affordable housing sites, but the Environmental Impact Report (EIR) did analyze up to
10 75 units.

11 Commissioner Reckdahl commented that the Housing Element covered the whole City but any
12 underdeveloped property listed in the Housing Element would require the City to transfer in
13 units from the buffer. There were no penalties for doing that.

14 Mr. Yang echoed Commissioner Reckdahl and Ms. French's comments.

15 Chair Summa commented the site being discussed was labeled as 91 units in the pipeline
16 category on the interactive map.

17 Mr. Yang said the map had stopped being updated 6 months ago and the adopted Housing
18 Element had 74 units.

19 Commissioner Akin recalled there were constraints on the site that had to be rolled over to a
20 future Housing Element.

21 Mr. Yang clarified a site identified for lower-income housing that was being proposed to be
22 reused for lower-income housing. The site would have to be rezoned to permit that type of
23 housing by right at specific minimum densities.

24 Chair Summa stated by right meant no local Development Standards but that only applied to
25 affordable housing projects.

26 Mr. Yang believed it applied to projects that provided a specific percentage of lower-income
27 housing. By right did not mean there were no local Development Standards but rather there
28 was no Conditional Use Permit (CUP) requirement.

29 Chair Summa requested Staff provide additional clarity on that subject either during the
30 meeting or offline. She acknowledged the process was usual because a Development
31 Agreement was already in place and it was drafted in closed session with the City Council Ad

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1 Hoc. That agreement was causing doubt on whether what was being proposed was the
2 absolute best use of the site. With that said, she shared she struggle with the amount of
3 housing being proposed and that it could have been more. With respect to the EIR, the
4 reasoning behind allowing residential units inside the Cannery building was not adequate
5 because the EIR considered 231 units which were not reasonable. She liked the idea mentioned
6 by the public about using the portion of the Cannery building proposed to be demolished to be
7 used for parking. That would eliminate the need for the proposed above-ground garage, which
8 the Comprehensive Plan did not prefer, and have less impact on the building. This idea was
9 dismissed because alterations would have to be made to the outside of the building, but the
10 Development Agreement proposed to demolish that portion anyway. Another point was the CS
11 (Service Commercial) Land Use was not appropriate for the site because it did not allow the site
12 to be restored to a neighborhood configuration; as envisioned by the community and the North
13 Ventura Coordinated Area Plan (NVCAP). She felt CN (Neighborhood Serving Commercial)
14 zoning could be more compatible with what was envisioned. The Development Agreement
15 acknowledged that market conditions would determine if the development of the townhomes
16 would come to fruition. With that said, if the Cannery were demolished, there would be plenty
17 of surface parking. She asked if the construction of the above-ground garage could be
18 postponed until the townhomes are built. She mentioned she had concerns about the project
19 being not in sync with the Regional Housing Needs Allocation (RHNA) Cycle. She wanted to
20 better understand the rationale behind the ratios for office and retail square footage. Lastly,
21 she requested that the project use bird-safe glass.

22 Commissioner Akin supported the majority of Chair Summa's comments and announced his
23 support of the recommendations made by the ARB and the Historic Resources Board (HRB). He
24 emphasized the community's vision for the area was mixed-use and recommended a clear
25 statement of intent be drafted to guide future development in the area. The Staff Report
26 indicated that intention could be memorialized without impacting the proposed project.

27 Commissioner Reckdahl invited Staff to describe the ramifications between CN and CS.

28 Ms. Raybould explained the existing surrounding zoning was primarily CS and that zoning it
29 such would not create an island effect. CN was mainly used for areas along El Camino that had
30 retail as well as small commercial shopping centers. It intended to facilitate more
31 neighborhood-serving offices and it did not speak to research and development uses.

32 Commissioner Reckdahl questioned if it mattered what the underlying land use was if the
33 zoning was PC.

34 Ms. Raybould stated the underlying land use must be consistent with the zoning and the
35 existing Multi-Family Land Use designation did not comply with research and development and
36 office uses.

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1 Vice-Chair Chang understood that because the site was being redeveloped, everything must be
2 brought into conformance.

3 Ms. Raybould said if the proposal was trying to legalize it through the Development Agreement
4 then the new legal complying use must align with the zoning in the Comprehensive Plan.

5 Vice-Chair Chang asked if there was a way to leave it as a legal nonconforming use.

6 Mr. Yang believed that was possible in theory but believed the applicant would not be
7 supportive of that. The reason the City and the applicant discussed and drafted a Development
8 Agreement was because of the uncertainty around the legal non-conforming status of the
9 property. One reason to make them conforming uses was to eliminate the constraints placed
10 on non-conforming uses.

11 Commissioner Reckdahl stated he still did not understand the differences between CS and CN
12 and believed they both applied to the project.

13 Ms. Raybould remarked Staff could explore it further but the CN Land Use was less clear about
14 having research and development uses that were not neighborhood serving. Also, it was not
15 undesirable to have an island of one zone surrounded by a different zone.

16 Ms. French added that traditionally CN was associated with lower-density residential whereas
17 CS had higher density.

18 Chair Summa noted CS had Development Standards that were significantly more impactful and
19 CN zoning was more compatible to abut R-1 zones as well as it was more aligned with the goals
20 of the NVCAP. The overarching goal of the NVCAP was to produce a neighborhood with
21 neighborhood-serving businesses and provide housing. If zoned CN, future development
22 projects would align more with what was envisioned by the NVCAP than the CS zone.

23 Ms. Raybould corrected there was a difference between land use designation and zoning.

24 Chair Summa apologized and clarified that the CN Land Use Designation would provide a better
25 reflection of what was envisioned for the area.

26 Vice-Chair Chang echoed Commissioner Akin and Chair Summa's comments regarding that land
27 use designation. She stated this was the biggest concern she had because for more than three
28 decades the community had voiced they wanted to see the area turned into multi-family
29 residential. Based on the Comprehensive Plan definition of CS, the land use was not consistent
30 with what was envisioned for the site. She acknowledged that the site abuts other CS zones, but
31 she did not believe the City should continue to extend the zoning into a neighborhood. Staff
32 indicated that they also considered the Mixed-Use Land Designation and the Mixed-Use

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1 definition in the Comprehensive Plan to fit perfectly with the NVCAP vision. She asked why that
2 land use designation was not being recommended. If the rationale was due to Floor Area Ratio
3 (FAR), she invited Staff to explain that further because based on her calculation there was no
4 inconsistency. She stated the Mixed-Use Land Use was more aligned because of how the
5 Mixed-Use Land Use was used elsewhere in Palo Alto and its description.

6 Ms. Raybould concurred Staff considered Mixed-Use, but decided CS was more appropriate
7 because it aligned with the surrounding land use designations. Also, the Mixed-Use may apply
8 to the totality of the site, each parcel was being subdivided and would have different uses.

9 Vice-Chair Chang recalled the public park would have a different land use as well as the
10 townhome parcel.

11 Ms. Raybould confirmed that was correct, which bolstered the argument that mixed-use was
12 not happening on individual parcels.

13 Vice-Chair Chang stated because the Comprehensive Plan was a long-term planning document,
14 she wanted to see the land use align more with the vision of the NVCAP. The Development
15 Agreement was to sunset after 10 years and then the City could decide not to have an office on
16 the site. So, land use should align with the long-term planning vision instead of the short-term
17 vision.

18 Ms. Raybould reminded the whole neighbors were subject to be rezoned as part of the NVCAP
19 process. If after 10 years there was a different use proposed, a legislative action would have to
20 be submitted to change the PC zoning. In parallel a land use amendment could be submitted to
21 align that future project with the land use.

22 Vice-Chair Chang noted because memories are short and for over 30 years the citizens of Palo
23 Alto wanted to see the site developed into housing. Now was the time to codify a land use that
24 memorialized the vision of having more housing on the site.

25 Chair Summa reminded that Staff proposed to amend the Comprehensive Plan by adding “but
26 may exceed this threshold in a Planned Community zoned” and that same language was in the
27 CN Zone definition.

28 Commissioner Akin echoed Vice-Chair Chang’s comments. He referenced Packet Page 16 and
29 stated that the rationale to use CS designation because it aligned with the surrounding
30 designations was not the intention that the NVCAP or the Community had wanted.

31 Commissioner Templeton appreciated the discussion and appreciated that the Commission
32 wanted to be more in alignment with the NVCAP. She acknowledged that the NVCAP process
33 was fraught and there was no universal agreement. That may be the reason why Staff was not

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1 trying to fully align with the NVCAP. She encouraged Staff to explain their rationale behind not
2 proposing to use the Mixed-Use Land Use Designation. The Commission was seeking a proposal
3 that made sense now and in the future. She also requested that Staff explain the NVCAP
4 timeline and how it correlated with the proposed project.

5 Ms. Raybould explained if the Development Agreement is approved, the NVCAP would have to
6 be realigned to accommodate the Development Agreement and its proposals. The
7 Development Agreement prohibited the City from changing the land use and the zoning for any
8 properties listed in the Development Agreement for 10 years.

9 Commissioner Templeton reiterated that the properties in question would remain in status for
10 10 years regardless of what is in the NVCAP.

11 Ms. Raybould confirmed that is correct but the City could rezone after the sunset of the
12 Development Agreement. If the City rezoned, the uses would become non-conforming and the
13 City would then have to begin an amortization process.

14 Commissioner Templeton asked why the Development Agreement was being proposed
15 separately from the NVCAP. She predicted the Development Agreement was already being
16 discussed and drafted before the NVCAP was considered.

17 Mr. Yang confirmed that was correct and the Development Agreement did not need to conform
18 to the NVCAP.

19 Commissioner Hechtman found the conversation odd in the context of the meeting. The
20 Commission was to consider a project that had been refined through many public hearings with
21 many Boards and Commissions. The conversation being held was a discussion about how to
22 align the parcels to the NVCAP in 10 years after the Development Agreement concludes. He
23 reminded the Commission that the NVCAP being considered by Council was not the plan the
24 Commission recommended to City Council a year and a half ago. Once the Development
25 Agreement concludes, the PC zoning will remain and if changed then there will again be legal
26 non-conforming uses on the parcels. He invited Mr. Yang to explain the amortization process
27 because it was not an easy solution to put into motion. After the conclusion of the
28 Development Agreement, the applicant will have a substantial investment in the properties and
29 may not want to change them. He believed now was the time to consider what future projects
30 and future scenarios there may be and align the land uses with those instead of the proposed
31 project. With that said, he encouraged the Commission to focus on the project before them and
32 consider how it will improve the area for the foreseeable future.

33 Ms. Raybould reminded the Commission that the NVCAP had not been adopted yet and the
34 project, nor the City, did not have the benefit of it for the majority of the deliberations of the
35 project.

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1 Commissioner Hechtman announced he was leaving the meeting and left at 7:15 p.m.

2 Commissioner Templeton commented she understands Staff's responses to Vice-Chair Chang's
3 questions regarding land use. She found it frustrating but understood why Staff was looking at
4 the area parcel by parcel instead of as a whole. She encouraged Staff to consider future
5 planning for large areas as a whole instead of on a parcel-by-parcel basis. Planning on a parcel-
6 by-parcel basis did not reflect the objectives and goals of what the community wanted to see
7 for an area as a whole. With respect to El Camino, she considered the proposed project to be in
8 proximity to El Camino Real and she invited Staff to provide more detail on why they believed
9 the land use should follow the land use of the surrounding sites.

10 Ms. Raybould explained Staff feels the Service Commercial Land Use Designation was where a
11 lot of the City's mixed-use is located. The Comprehensive Plan referenced the South of Forest
12 Area (SOFA) area as being Mixed-Use but in fact, it was not designated as Mixed-Use and only a
13 handful of parcels in the City had the Mixed-Use designation. Ultimately, many of the existing
14 Mixed-Use designation areas were located in CS areas. The City wanted the CS designation to
15 be associated with higher-density housing with retail components. Lastly, the CS designation
16 spoke to the proposed uses on three of the parcels and the other land use designations being
17 discussed did not speak to the research and development or office use. She agreed the
18 definition for CS included car-oriented references and that aligned with folks who would have
19 to commute to the office or research and development uses. That did not preclude the City
20 from requiring a Traffic Demand Management (TDM) plan or that the parcels be transit-
21 oriented.

22 Commissioner Templeton recalled the area in question was divided when Oregon Expressway
23 was redeveloped and a large parking structure was built off of California Avenue. For the area in
24 question, there was no parking structure open for general use and the proposed garage was
25 located in a less-than-desirable area. There were many places where a parking garage could be
26 built that would not require the Cannery building to be demolished. She asked Staff to
27 elaborate on why a parking garage is needed and why was it being proposed in the place it was
28 being proposed.

29 Ms. Raybould explained the City has parking requirements but those are flexible because of the
30 PC zoning. The developer has an interest in parking their site and that the parking be adequate
31 for their projects to reduce impacts to the residents. The site was underparked but was
32 consistent with parking requirements when Fry's Electronics was using the space.

33 Commissioner Templeton noted the existing parking is not where the proposed parking garage
34 is to be built.

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1 Ms. Raybould agreed and explained the parking was being moved from the City's parcel that
2 will be turned into a park to the proposed location. If that did not happen then the parcel
3 would be significantly under-parked for commercial and retail uses.

4 Commissioner Templeton summarized the discussion as whether the parking should be placed
5 in a location where a park was proposed to be, or should a historical building be demolished to
6 accommodate it.

7 Ms. Raybould commented those were the current options. Council expressed they wanted to
8 see as much of the building retained and that the remaining portions align with the Secretary of
9 the Interior's Standards. Staff completed that analysis, but the analysis was irrelevant in terms
10 of CEQA because any major structural change would result in the analysis deeming the building
11 as non-conforming to the standards. With that said, the analysis did conclude that the parking
12 structure would not be inconsistent with the standards.

13 Commissioner Templeton appreciated the explanation and noted that Staff usually had a
14 perspective on elements that were not touched in the Packet. She asked if Staff and the
15 applicant discussed having an underground parking structure with a parking on top of it.

16 Ms. Raybould answered that was not discussed but for various reasons. Council had discussed
17 naturalizing the area and that was still being explored. The site is located within the California
18 Olive/Emerson Plumb which would cause the construction of a below-grade parking garage
19 very expensive.

20 Vice-Chair Chang pressed if Staff had found the FARs for the site.

21 Ms. Raybould shared that the Cannery had a FAR of .54 and that aligned with the Mixed-Use
22 FAR allowances.

23 Commissioner Hechtman returned to the meeting at 7:31 pm.

24 Vice-Chair Chang commented the reason to explore the land use of the area was because it was
25 included in the proposal and the Development Agreement. It was the Commission's purview to
26 consider those pieces and discover the long-range implications. Though she could not speak to
27 the Development Agreement components, she wanted to ensure that unavoidable
28 consequences would not come to light in the future with respect to land use. She shared that in
29 premeeting she asked if the applicant had any perspective on what the land use should be and
30 Staff shared they did not have a specific perspective on the matter. The land use was something
31 that the community could decide on.

32 Chair Summa mentioned both CN and CS land uses included mixed-use, all commercial or all
33 residential but with different Development Standards. With that said, she did not see using a

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1 CN Land Use Designation as being inconsistent because the land use was mixed along El Camino
2 Real.

3 Vice-Chair Chang understood there could be different zones on top of land use.

4 Mr. Yang confirmed that was correct and that was what was being proposed because each of
5 the parcels would have a PC Zone.

6 Vice-Chair Chang agreed with Commissioner Hechtman that the applicant would be making a
7 financial investment into the property but the Playground Global portion would be not changed
8 as well as the Audi and Ash building.

9 Ms. Raybould confirmed that was correct.

10 Vice-Chair Chang predicted the bulk of their investment would be in the townhomes and the
11 parking structure.

12 Ms. Raybould added the applicant was also dedicating a parcel to the City and providing \$5
13 million.

14 Mr. Tim Steele, Applicant, shared that the approximate amount for the first phase was \$40
15 million and another \$40 million for the townhomes. That did not include the values of the park
16 parcel dedication or the \$5 million.

17 Chair Summa asked if the applicant had considered not building the garage until the
18 townhomes were built.

19 Mr. Steele answered the bulk of the Cannery was on one parcel and the Development
20 Agreement allowed the parcel to be subdivided into one parcel. Property lines had to have no
21 structures on them. Phase one included rehabilitating the Cannery, constructing the parking
22 structure and undergrounding the overhead high-voltage line. Once completed, a portion of the
23 Cannery building could be demolished and a Parcel Map would be recorded that creates the
24 dedication parcel for the City and the townhome parcel.

25 Commissioner Hechtman restated the Development Agreement did not include a mandate that
26 the townhomes be built which projected an assumption that they would not be built. He invited
27 the applicant to explain why that flexibility was needed.

28 Mr. Steele explained the land dedication is required to take place first before beginning
29 construction on the townhomes. That was a significant investment upfront and delayed the
30 construction of the townhomes for 2 years. Townhomes was a product that were in high

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1 demand in any economy whereas apartments were very sensitive to the fluctuation of the
2 market. He could not comment on what the demand would be in 2 years.

3 Commissioner Hechtman inquired if Mr. Steele had seen a market that was not conducive to
4 residential development in 8 years.

5 Mr. Steele concurred he had not seen that. He predicted a group of townhomes would be built
6 to see how the market responded to them but the Development Agreement allowed all the
7 townhomes to be built within the 10 years.

8 Commissioner Reckdahl wanted to understand the demand for condominiums and/or flats.

9 Mr. Steele answered on an ownership basis developers had been avoiding products with higher
10 densities because of their litigious nature and resale value. The rental market was more
11 sensitive to interest rates and the cost of construction.

12 Commissioner Reckdahl mentioned the ARB suggested higher density instead of townhomes
13 and it appealed to have higher density due to the proximity to the train station.

14 Mr. Steele restated discussion about what should be built and how to build it had begun with
15 the City in 2011. Sobrato entitled the Mike's Bike's for rental but once the entitlement process
16 was complete, the rental market disintegrated and Sobrato was forced to seek out other
17 alternatives.

18 Commissioner Reckdahl asked even with four or five stories of apartments it was more
19 profitable to have townhouses.

20 Mr. Steele stated it was profitable versus not being profitable.

21 Commissioner Reckdahl asked if there was any consideration to having the neighborhood-
22 serving retail at the Audi building site.

23 Mr. Steele answered there was no support for retail services in the area of any scale. With
24 respect to parking, the parking was reduced to a size that Sobrato felt could accommodate the
25 various uses proposed but the existing parking was located within the Santa Clara Valley Water
26 District's easement. He recalled the creek restoration scenarios pertained more to the Portage
27 side of the creek.

28 Commissioner Reckdahl believed that was correct. He reiterated that Sobrato was not
29 considering neighborhood businesses at the Audi building site.

30 Mr. Steele answered no. He noted the building was fairly new and there was no desire to tear it
31 down to accommodate residential on the top floors.

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1 Commissioner Reckdahl asked if Sobrato was worried about rents or vacancies for
2 neighborhoods serving commercial uses.

3 Mr. Steele answered vacancies were the number one concern, but ultimately both.

4 Commissioner Hechtman asked if the Development Agreement could be amended to allow
5 more density if the market was amendable.

6 Mr. Yang answered the Development Agreement could be amended anytime.

7 Vice-Chair Chang referenced Page 17 of the Staff Report and noted Staff predicated the
8 monetary value of the public benefits was \$27 million. She asked if the current Palo Alto
9 Development Impact Fees were labeled August 22, 2022.

10 Mr. Yang confirmed that was what was in effect now.

11 Vice-Chair Chang asked if the SB 330 project would have been subject to those same Impact Fee
12 amounts.

13 Mr. Yang believed that was correct.

14 Vice-Chair Chang estimated it would have been a monetary value of \$36 million without the
15 below-market-rate units. Sobrato would have to pay \$10 million in housing if they paid in lieu
16 fees based on square footage and approximately \$3.4 to \$4 million in the park in lieu fees.
17 Subtract that out of the \$36 million and the City would receive \$22 million over and above the
18 fees Sobrato would have had to pay in a development. The City had a choice between the SB
19 330 project that provided 91 townhomes, 15 moderate affordability units, \$4 million in park
20 fees and whether the research and development use would have been allowed to continue; or
21 the current Development Agreement with an additional \$22 million. She acknowledged it was
22 hard to determine what the value was for allowing the continued use of research and
23 development and the value of 160,000 square feet of office.

24 Commissioner Hechtman remarked the Commission, the City Council and the residents were in
25 an unusual posture because of the idea that if the proposed Development Agreement project is
26 not approved. Sobrato will move forward with the more undesired SB 330 project. He found
27 that the process the Development Agreement project had gone through with the various
28 Boards and Commissions had done a good job of exploring how far the applicant was willing to
29 go before reverting to the SB 330 project. He commended the applicant for being flexible in the
30 process and incorporating the recommendations made by the various Boards and Commissions.
31 He acknowledged the frustration that the Development Agreement was drafted in closed
32 session but explained the purpose of the close session was to maximize the City's leverage and
33 that was to the benefit of all parties involved. While he appreciated the letters from the public,

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1 he confessed he would have appreciated the public understanding that the City was
2 constrained. He supported the applicant's proposal for the Cannery buildings and he supported
3 forwarding the Staff recommendation.

4 Chair Summa appreciated the process as well as Sobrato's donation of land to the City. From
5 her understanding, the public was frustrated that the land use was not discussed in a public
6 hearing. She reiterated that there was not enough exploration on reusing the Cannery building
7 as a whole and that fell on the Environmental Impact Report (EIR). The Cannery building was
8 not only a historic resource but a cultural resource. She was hopeful that the Council would
9 continue to refine the Development Agreement during their discussion.

10 Vice-Chair Chang agreed that the EIR was inadequate in that it did not do an apples-to-apples
11 comparison between adaptive reuse for the Cannery that included housing and the 91 or 74
12 townhomes; or retail, office, or parking adaptive reuse that did not demolish the building. She
13 recommended that Staff bolster the EIR to cover all the bases. With respect to the land use
14 designation, she supported Mixed-Use or CN.

15 Commissioner Hechtman announced he was ready to make a motion.

16 Commissioner Akin suggested the Commission have two motions, one for land use and one for
17 the remaining elements.

18 Commissioner Hechtman was amendable to that suggestion. He requested Staff clarify land use
19 designation and zoning.

20 Chair Summa confirmed there were both CN and CS Land Use Designations and CN and CS
21 zones.

22 Mr. Yang clarified when Commissioners are talking about land use, they are referring to the
23 Comprehensive Plan land use designations.

24 Chair Summa added the zoning proposed was PC and Multi-Family Residential.

25 Commissioner Hechtman asked if there was based zoning under the PC zoning.

26 Mr. Yang answered no, the Commission was tasked to determine what land use designation
27 listed in the Comprehensive Plan should be used for the site.

28 Commissioner Hechtman inquired if that issue was incorporated in all four bullets of the Staff
29 recommendation.

30 Mr. Yang believed the land use designation could be separated.

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1 Commissioner Hechtman recommended the land use designation be determined first.

2 MOTION #1

3 Vice-Chair Chang moved that instead of the CS Land Use, use a Mixed-Use Land Designation as
4 specified on Page 33 of the current Comprehensive Plan, but modify the language of the
5 description of Mixed-Use such that it said “FARs between 0.15 and 1.5 may be used for
6 residential purposes” be changed to say “that up to 100 percent of FAR may be used for
7 residential purposes in a Planned Community Zone”. That would allow flexibility in a PC to limit
8 it to PCs.

9 Chair Summa inquired if Vice-Chair Chang wanted the motion to be limited to Mixed-Use and
10 not include CN.

11 Vice-Chair Chang confirmed that was correct. She inquired if Staff had any concerns with the
12 FAR limitations.

13 Ms. Raybould noted the townhome developed exceeded the FAR.

14 Vice-Chair Chang remarked that was not a problem because FAR above 1.15 could be used for
15 residential purposes.

16 Commissioner Templeton commented the motion was confusing when read out of context of
17 the entire definition of Mixed-Use.

18 MOTION #1 AMENDED

19 Vice-Chair Chang amended the motion to say instead of the CS Land Use, use a Mixed-Use Land
20 Designation as specified on Page 33 of the current Comprehensive Plan, but modify the
21 language of the description of Mixed-Use such that were it says “FARs between 0.15 and 1.5
22 may be used for residential purposes” be changed to “that up to 100 percent of FAR may be
23 used for residential purposes in a Planned Community Zone” and all other texts remain the
24 same. She also included in the motion that the sentence “as of the adoption of this Comp Plan,
25 the Mixed-Use Designation is currently only applied to the South of Forest Avenue Area” be
26 struck.

27 Ms. Raybould recommended CS be changed to Service Commercial Land Use.

28 Vice-Chair Chang agreed.

29 SECOND

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1 Commissioner Reckdahl seconded.

2 Chair Summa noted with the proposed land use designation, FARs could range between 2.0 to
3 3.0 if near transit corridors or multi-modal centers. She asked if the location in question was
4 considered to be located along a transit corridor or near multi-modal centers.

5 Ms. Raybould answered yes.

6 Vice-Chair Chang recognized that was a high density but noted it was zoned PC. Any changes to
7 the development envelope would have to go through a City process.

8 Ms. Raybould confirmed that was correct.

9 Commissioner Reckdahl asked why Chair Summa wanted to have a CN Land Use Designation.

10 Chair Summa answered CN was a mixed-use designation that was the most neighborhood-
11 friendly land use and believed that was a more appropriate designation for an interior site.

12 Vice-Chair Chang commented she had no objections to CN. The definition of Mixed-Use, in her
13 opinion, captured the vision of the NVCAP and was more aligned with what the community
14 wanted.

15 FRIENDLY AMENDMENT

16 Chair Summa suggested the motion be amended to include both CN and Mixed-Use.

17 Vice-Chair Chang accepted the amendment.

18 Ms. Raybould mentioned the CN zoning only allowed multi-family as a mixed-use development
19 and it did not allow research and development uses. The CN zoning aligned with the CN Land
20 Use Designation which was why the land use designation did not address office and research
21 and development uses.

22 Chair Summa mentioned the City historically did not enforce the distinction between research
23 and development and office.

24 Vice-Chair Chang supported letting Council decide which land use designation should be
25 between the two.

26 Commissioner Reckdahl accepted the friendly amendment but asked how the rest of the
27 language would change because it was tailored to the Mixed-Use Land Use Designation.

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1 Mr. Yang suggested the Commission allow Staff to modify the language of the motion offline
2 instead of doing it on the fly.

3 Vice-Chair Chang agreed.

4 Commissioner Hechtman supported allowing Staff to modify the language of the motion for
5 both CN and Mixed-Use. With that said, he could not support the motion because he was not
6 comfortable moving a motion that did not have a strong recommendation to Council with
7 respect to land use. He announced he could support a motion with just Mixed-Use.

8 Commissioner Reckdahl agreed with Commissioner Hechtman.

9 FRIENDLY AMENDMENT FAILED DUE TO LACK OF SUPPORT FROM THE MAKER

10 Vice-Chair Chang decided not to accept the friendly amendment made by Chair Summa and
11 reverted to the original motion. She emphasized the reason to use Mixed-Use was to
12 accommodate the development while memorizing the vision of the area that had been
13 expressed by the community through the NVCAP process.

14 Commissioner Reckdahl believed CN and Mixed-Use would result in the same outcome.

15 Ms. Raybould asked if Vice-Chair Chang was moving the original motion with the specific
16 language she recommended.

17 Vice-Chair Chang confirmed that was correct.

18 FRIENDLY AMENDMENT

19 Commissioner Hechtman recommended including the following language: "To further modify
20 the language as appropriate to ensure consistency of the project defined in the Development
21 Agreement with the Comprehensive Plan".

22 FRIENDLY AMENDMENT ACCEPTED

23 Vice-Chair Chang accepted the friendly amendment.

24 Commissioner Reckdahl accepted the friendly amendment.

25 Commissioner Hechtman believed the motion should start with "Having considered the EIR and
26 EIR Mitigation Measures in Attachment M" and then proceed with the motion.

27 Chair Summa asked if Commissioner Hechtman intended to show that the motion was
28 consistent with the EIR.

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1 Commissioner Hechtman answered no, the EIR must be considered before a recommendation
2 could be made and that was what the language was saying.

3 VOTE

4 Ms. Veronica Dao, Administrative Associate, conducted a roll call vote and the motion passed 6-
5 0 with Commissioner Lu absent.

6 MOTION PASSED 6 (Akin, Chang, Hechtman, Summa, Templeton) -0 -1(Lu absent)

7 MOTION #2

8 Commissioner Hechtman moved that having considered the Environmental Impact Report and
9 EIR Mitigation Measures in Attachment M, the PTC recommends that the Council approve the
10 Development Agreement in Attachment B; the resolution amending the Comprehensive Plan
11 and Comprehensive Plan Land Use Map in Attachment C; the ordinance amending the zoning
12 district from RM-30, General Manufacturing, Commercial Services and Single-Family Residential
13 to Planned Community zoning district in Attachment D; and the Record of Land Use Action in
14 Attachment E including findings for architectural review and for a Vesting Tentative Map with
15 Exceptions and Conditions of Approval of the proposed project. All of which are modified to the
16 extent applicable by Motion #1 and further subject to any minor typographical errors and other
17 fill-in-the-blank corrections that Staff finds in their final processing of these documents as they
18 move to Council.

19 SECOND

20 Commissioner Reckdahl seconded.

21 Vice-Chair Chang asked when should she make a motion that Council not certify the EIR.

22 Mr. Yang recommended that the motion be made offer the current motion on the floor has
23 been voted on.

24 Vice-Chair Chang reiterated the Development Agreement was Council's effort to preserve the
25 historic resource. Since those discussions, it was discovered that the Cannery building was
26 beyond repair and Council had not discussed that. Also, many Commissioners wanted to see
27 more housing. She encouraged the maker to include language in the motion that the Council
28 considers exploration of those components for the historical resource and housing.

29 Chair Summa suggested Vice-Chair Chang propose an amendment.

30 Vice-Chair Chang declined to propose an amendment.

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1 Commissioner Templeton believed Vice-Chair Chang’s concept was out of scope and may push
2 the applicant to move forward with the less preferred SB 330 project.

3 Commissioner Hechtman suggested Vice-Chair Chang vote no and if the motion fails, to put
4 forth her concept in another motion.

5 VOTE

6 Ms. Dao conducted a roll call vote and announced the motion passed 5-2 with Commissioner Lu
7 absent.

8 MOTION PASSED 5(Akin, Chang, Hechtman, Reckdahl, Templeton) -1(Summa no) – 1(Lu absent)

9 Chair Summa stated she could not resolve many of the concerns she mentioned during the
10 discussion.

11 MOTION #3

12 Vice-Chair Chang moved that the PTC recommend that the City Council not certify the EIR
13 because it did not provide alternatives that satisfied the requirement of CEQA to void or
14 substantially lessen the significant effect of the project which was namely the unavoidable
15 impact on the historic building.

16 SECOND

17 Chair Summa seconded.

18 Vice-Chair Chang believed the EIR did not consider options for the Cannery building like parking,
19 office, or other adaptive reuses.

20 Chair Summa agreed and noted that the housing option explored for the Cannery was
21 significantly denser than the SB 330 project or the Development Agreement project.

22 Commissioner Templeton appreciated the intent of the motion but could not support it
23 because all of the feasible and practical alternatives were considered. Based on her personal
24 experience, the buildings were not suitable for any uses mentioned by Vice-Chair Chang.

25 Vice-Chair Chang believed the EIR should be bolstered because the EIR could be contested and
26 that would hold up the process.

27 Mr. Abe Leider, CEQA Consultant, confirmed the EIR did not need to consider every conceivable
28 alternative, but there had to be a reasonable range. The alternatives considered were limited to
29 alternatives that met the project’s objectives, where feasible and reduced impacts. While

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1 Alternative Two reduced the impact, any adaptive reuse for residential would require changes
2 to the building that would render it ineligible.

3 Ms. Raybould confirmed many of the uses mentioned by Vice-Chair Chang did not meet the
4 project objectives.

5 Commissioner Reckdahl inquired if there was a risk the EIR could be challenged.

6 Ms. Raybould answered any EIR could be challenged and that was a risk for all projects.

7 Commissioner Reckdahl asked if that risk could be minimized.

8 Mr. Yang commented Staff would explore it, but Staff feels the EIR meets the requirements of
9 CEQA.

10 Commissioner Reckdahl asked when the item would be presented to Council.

11 Ms. Raybould answered on August 21, 2023.

12 Commissioner Hechtman mentioned when an EIR is bolstered, a threshold may be exceeded
13 and then the EIR is required to be circulated for another round of comments. He could not
14 support the motion.

15 Commissioner Templeton agreed with Commissioner Hechtman. She encouraged Vice-Chair
16 Chang to share her comments about it but withdraw her motion.

17 VOTE

18 Ms. Dao conducted a roll call vote and announced the motion failed 2-4 with Commissioner Lu
19 absent.

20 MOTION FAILED 2(Chang, Summa) -4 (Akin, Hechtman, Reckdahl, Templeton) -1 (Lu absent)

21 **Commission Action:** Motion by Chang, seconded by Reckdahl. Pass 6-0-1 (Lu absent)
22 **Commission Action:** Motion by Hechtman, seconded by Reckdahl. Pass 5-1 (Summa no, Lu
23 absent)
24 **Commission Action:** Motion by Chang, seconded by Summa. Fail 2-4 (Akin, Hechtman, Reckdahl
25 Templeton no, Lu absent)

26 3. LEGISLATIVE: Recommendation to City Council Regarding Proposed Amendment to
27 Palo Alto Municipal Code (PAMC) Title 18 (Zoning) and Title 9 (Public Peace, Morals
28 and Safety), Chapter 9.10 (Noise) to Facilitated the Installation of Electrification
29 Equipment for Non-ADU Residential Development.

-
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1 Item Postponed to August 9, 2023

2 **Approval of Minutes**

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

4 4. Approval of Planning & Transportation Commission Draft Verbatim & Summary
5 Minutes of June 28, 2023

6 MOTION

7 Commissioner Hechtman moved approval as revised by Ms. French, at least as to the verbatim
8 version, and himself as to both.

9 SECOND

10 Commissioner Akin seconded.

11 VOTE

12 Ms. Veronica Dao, Administrative Associate, conducted a roll call vote and announced the
13 motion passed 4-0-2 with Commissioner Lu absent.

14 MOTION PASSED 4(Akin, Hechtman, Summa, Templeton) -0- 2(Reckdahl, Chang abstain) -1 (Lu
15 absent)

16 **Commission Action:** Motion by Hechtman, seconded by Akin. Pass 4-0-2-1 (Chang, Reckdahl
17 abstain, Lu absent)

18 **Committee Items**

19 None

20 **Commissioner Questions, Comments or Announcements**

21 Chair Summa asked if the Commission was still seeking to cancel the first meeting in August for
22 a summer break.

23 Commissioner Hechtman mentioned he had no preference on the matter but recommended
24 this type of discussion be held more in advance to allow folks to plan vacations and provide
25 awareness to Staff.

26 Commissioner Templeton agreed but believed having a short break during the year would
27 reduce burnout.

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1 Commissioner Akin had no preference on the matter but did not feel there needed to be a
2 scheduled break.

3 Vice-Chair Chang mentioned she would be out of town for the August 30, 2023 meeting but
4 planned to attend virtually. Also, she would not be in attendance for the September 27, 2023
5 meeting.

6 Commissioner Templeton asked if 2024 the Commission discuss early taking a break.

7 Chair Summa commented taking a break was not an interest of hers but could go either way.

8 Commissioner Reckdahl suggested the Staff Report be released earlier to allow for
9 Commissioners to have two weekends to study the material.

10 Chair Summa recalled that the Boards, Commissions and Committees Handbook called for all
11 groups to have their Staff Reports come out a week before the meeting.

12 Commissioner Reckdahl commented having an earlier release date did not change the
13 workload.

14 Chair Summa agreed.

15 Commissioner Hechtman believed it could change the workload because of more time between
16 the lease of the Packet and the meeting. More correspondence can be submitted after the
17 release and Staff has to handle that. A release date of 5 days before the meeting was a typical
18 practice.

19 Chair Summa noticed in the Bylaws that group speakers are supposed to receive 10 minutes,
20 not 15 minutes. With that said, she adjourned the meeting.

21 **Adjournment**

22 9:15 pm

23

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