



Planning & Transportation Commission Action Agenda: August 9, 2023

Council Chambers & Virtual
6:00 PM

Call to Order / Roll Call

6:01 pm

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

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 their comments with the Commission on items not on the Agenda.

Ms. Veronica Dao, Administrative Associate, announced there were no speakers for oral communications.

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 there were no changes from Staff.

City Official Reports

1. Directors Report, Meeting Schedule and Assignments

Ms. Amy French, Chief Planning Official, mentioned there were no items for the August 30, 2023 Planning and Transportation Commission (PTC) meeting and proposed the meeting be canceled. The Municipal Code updates were to be rescheduled for the meeting of September 27, 2023 PTC meeting.

Commissioner Hechtman recommended the Commission consider canceling the meeting at the end of the meeting just in case any of the items on the Agenda are continued.

Ms. French shared City Council resumed their meetings on August 7, 2023 after taking a summer break and heard the Castilleja School Traffic Demand Management (TDM) Plan. The

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1 item was continued to a date uncertain. Chair Summa was to be the PTC liaison to the City
2 Council for August and in September Commissioner Hechtman was to be the liaison.

3 Mr. Rafael Rius, Senior Engineer, reiterated that the Charleston/Arastradero project was still
4 underway with single work happening in the upcoming weeks.

5 Commissioner Hechtman mentioned the Ming's Restaurant building was demolished and
6 recalled during its review, the Commission expressed concerns about a row of trees that would
7 conflict with a multi-modal path. He asked what decision the Council made with respect to
8 exploring a narrower path to retain the trees.

9 Mr. Rius confessed he did not know the final decision of the project, but for multi-modal
10 paths, 10-foot wide was the minimum.

11 Commissioner Reckdahl requested an update on the repaving project for El Camino Real.

12 Mr. Rius reported the work was being conducted by Caltrans and he could not provide an
13 update. He mentioned the City's Utilities Department was coordinating with Caltrans to
14 conduct utility replacements before the paving.

15 **Action Items**

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

18 2. PUBLIC HEARING / QUASI-JUDICIAL. 575 Los Trancos Road [21PLN-00196] Request for
19 Major Site and Design Review to Allow the Construction of a new 7,110 sf single-
20 family residence with a new 895 sf Accessory Dwelling Unit and Associated Site
21 Improvements, Including a Swimming Pool, on a 5.38-acre Site. Environmental
22 Assessment: A Mitigated Negative Declaration has been prepared for the proposed
23 project. Zoning District: OS (Open Space). For More Information Contact the Project
24 Planner Emily Kallas at Emily.Kallas@CityofPaloAlto.org.

25 Ms. Amy French, Chief Planning Official, introduced Planner Emily Kallas who presented the
26 item to the Commission.

27 Ms. Emily Kallas, Planner, remarked the item before the Commission was a Major Site and
28 Design Review. The project was located in the Open Space Zoning District adjacent to Los
29 Trancos Creek. The design process considered negative aesthetics, excessive noise and
30 increased traffic or other disruptions to ensure that the use would be harmonious with other
31 uses in the vicinity and be compliant with the Comprehensive Plan. The project was to be
32 located on a 5.38-acre vacant parcel. The proposal was to construct a 7,110 square foot house
33 with an 895 square foot ADU. The PTC previously reviewed the project in August of 2022 and

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1 Council reviewed it in January of 2023. At their meeting, the Council recommended the house
2 be moved at least 50-feet away from the creek. The applicant complied and moved the walls of
3 the house 50-feet away from the top of bank, but there were portions where the roof overhang
4 was less than 50-feet away. The pool remained in its previously proposed location which varied
5 between 28 to 45 feet from the top of bank. Council proposed the project include bird safety
6 glazing treatment of all glass surfaces to achieve the American Bird Conservatory Threat Factor
7 (CTF) rating of 15. The applicant reduced the number of windows facing the creek to one on the
8 main floor and non-egress windows on the second floor were equipped with decorative wood
9 slat screens. The change also complied with the Council's recommendation to minimize
10 nighttime lighting along the riparian corridor. Lighting fixtures were also moved away from the
11 windows to reduce nighttime light exposure as well as automatic shades were to be drawn in
12 the evening. Additionally, a light shield wall was incorporated into the plans to reduce headlight
13 pollution from cars on the driveway. Council recommended, and the applicant complied, that
14 there be no fencing and the pool would have an automatic safety cover that met the Swimming
15 Pool Safety Act. The Arborist Report has been updated, per Council recommendation. She
16 shared images of the old and new site plans and elevations. With respect to environmental
17 review, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and circulated.
18 After the comment period concluded, a Response to Comments was prepared and then
19 updated to accommodate the revised plans. Staff recommended the PTC approve the proposed
20 Site and Design Review to the City Council based on the objectives and Open Space Design
21 Criteria, subject to conditions of approval.

22 Chair Summa invited the applicant to share their presentation.

23 Mr. Leonard Ng, LNAI Architecture, reiterated that the project had been in process for 2 ½ years
24 and first presented the project to PTC in August of 2022 where the PTC approved the project on
25 a 4-1 vote. In January, at the City Council meeting, the Council had more concerns about the
26 City's own internal policies rather than the project itself but had recommended that the home
27 be setback further away from the creek. The project aimed to preserve the natural context of
28 the land and placed the new home in a natural clearing on the site to minimize environmental
29 impact. The site currently was surrounded by a large single-family home and a cluster of homes
30 on one side located in the Town of Portola Valley. The site had many constraints including the
31 Tree Protection Zones (TPZ) of the existing oaks and Matadero Creek. The new home utilized
32 low, flat terraced roof forms, a natural color palette and materials to blend the home in with its
33 surroundings. With respect to trees, there were approximately 82 trees in the vicinity of the
34 home and all were proposed to remain except two protected trees that were dead. The new
35 landscaping included local and California native plants. He noted he had not received any
36 oppositional comments from the surrounding neighbors about the project. With respect to
37 Matadero Creek, he explained the top of the back was essentially a grade break and the creek
38 was another 15 to 20-feet away from top of bank. As revised, the home was now 50-feet away
39 from the grade break and 65 to 70 feet from the creek. Staff and himself visited the site after a

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1 three-day continuous storm and the level of the creek never reached the top of bank. The
2 project's windows were reduced on the west elevation facing the creek to reduce light
3 pollution. Slate screens were used throughout the entire home to create a safer building for
4 birds while being aesthetically pleasing. In conclusion, the project had been revised by the
5 suggestions of Staff, City Council and the Planning Commission while still meeting all
6 requirements.

7 Chair Summa invited the Commission to ask questions of Staff.

8 Commissioner Hechtman asked Staff to explain the CTF 15 recommendation.

9 Ms. Kallas explained a lower number was less of a threat and the recommendation of 15 came
10 from a letter written by a member of the public. In order to meet that requirement, every
11 window would have to have a screen with openings that were no larger than 2 inches by 2
12 inches. Staff believed with the new improvements to the project, the risk factor had been
13 reduced when compared to the prior submittals. Staff believed the standard of 15 was
14 disproportionate to the project.

15 Commissioner Hechtman inquired if the application was comfortable with that requirement.

16 Mr. Ng mentioned for Code and obvious reasons, a certain amount of glazing is a requirement.
17 Before resorting to coatings on the glass that only birds can see, the goal was to integrate the
18 bird safety measures more jointly into the design. The purpose of the slate screens was to
19 improve bird safety while bringing an architectural element to the facades. The project also
20 included larger roof overhangs and trellises to reduce reflection.

21 Commissioner Hechtman inquired if Staff believed what was being proposed would meet the
22 CTF 15 threshold.

23 Ms. Kallas mentioned in Staff's research, that most commercially available products had a
24 rating of 20 to 25 and it was very difficult to get a rating of 15.

25 Commissioner Hechtman asked what elements were on the west elevation.

26 Mr. Ng concurred it was hard to perceive depth in the elevation drawings. The space that
27 appeared to have glazing was set way back from the protruding portion.

28 Commissioner Hechtman asked if the windows on the west elevation were located near the
29 outdoor patio.

30 Mr. Ng confirmed that was correct.

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1 Commissioner Hechtman understood the small area closest to the creek was the portion with a
2 small window.

3 Mr. Ng confirmed that was correct.

4 Commissioner Akin remarked there was a lot of glazing on the first floor and asked what bird
5 safety treatment was proposed for those windows.

6 Mr. Ng answered the slate screens were used more on the second floor with the understanding
7 that birds would impact the second floor more than the first floor. On the first floor, the entire
8 area along the great room had a large trellis that extended off the back of the house.

9 Commissioner Akin shared his home has a glass wall with a trellis and he still had birds
10 impacting the glass. With respect to the glazing on the west elevation, he asked if those had
11 automated shades.

12 Mr. Ng answered yes.

13 Commissioner Akin asked if there were any qualitative standards that the project sought to
14 meet for the intensity of light emissions towards the creek.

15 Mr. Ng restated that the focus for the west side was to minimize the glazing and remove any
16 lights on that side.

17 Commissioner Akin appreciated the light shield wall but asked if the car's headlights would
18 shine into the creek as they made the hairpin turn towards the house.

19 Mr. Ng explained there was a lot of vegetation on that side of the house and in that area, the
20 creek turned away from the driveway and followed the property line.

21 Vice-Chair Chang thanked Staff for providing the drawings showing the changes made to the
22 projects. She confessed she has a hard time reading plans and requested that Staff or the
23 applicant go through the different elevations and explain what bird safety measures were being
24 imposed.

25 Mr. Ng explained the west elevation had slate screens, large roof overhangs and a large trellis.
26 The north side did not have many windows and included the garage. On the east side, the
27 glazing was to be obscured by landscaping and smaller punch windows with roof overhangs on
28 the south side.

29 Vice-Chair Chang asked about the second story on the west elevation.

30 Mr. Ng remarked those were clear-story windows with roof overhangs and a trellis below.

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1 Vice-Chair Chang required further explanation for the south elevation on the second floor.

2 Mr. Ng noted there were slate screens on the first and second floors. The deck on the second
3 floor was recessed and included a large roof overhang.

4 Ms. Kallas suggested Vice-Chair Chang review Sheet A 2.5 of the plans to understand the
5 recessed area on the south elevation.

6 Vice-Chair Chang asked for an explanation about the east elevation.

7 Mr. Ng explained the Accessory Dwelling Unit (ADU) was mostly opaque with a roof overhang.
8 The main house includes small windows, clear-story windows, landscaping and slate screens.

9 Vice-Chair Chang moved to the north elevation and asked if there was a tree in front of the
10 house.

11 Mr. Ng confirmed that was correct.

12 Vice-Chair Chang confirmed that Staff was correct that many of the commercial bird-safe glass
13 products were rated 20 to 30 CTF.

14 Commissioner Reckdahl inquired if there were any cases where the windows were on opposite
15 sides of each other and you could see through the house.

16 Mr. Ng recalled there may be that in the great room but the landscaping shielded the windows.

17 Commissioner Reckdahl mentioned if one side had slate screens, that made him more
18 comfortable.

19 Chair Summa shared her home has clear story windows that often were struck by birds in the
20 day. She encouraged the applicant to double-check for any other scenarios where a bird could
21 see through the house.

22 Vice-Chair Chang asked if the Swimming Pool Safety Act was a human requirement.

23 Mr. Ng confirmed that was correct and was in place to prevent human-sized entities from
24 accidentally drowning.

25 Vice-Chair Chang stated the soil from the pool excavation was going to be distributed around
26 the site and she asked where exactly that would be.

27 Mr. Ng shared that the soil would be used to level the base for the home.

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1 Vice-Chair Chang recalled there was no mention of sudden oak death in any of the Mitigation
2 Measures.

3 Ms. Kallas confirmed that was correct and there was no mention of it in the Arborist Report.

4 Vice-Chair Chang asked with respect to fire prevention, was the swimming considered a
5 structure and did vegetation need to be cleared 30-feet back from the swimming pool?

6 Ms. Kallas could not provide an answer but noted that would be addressed during the Building
7 Permit process.

8 Vice-Chair Chang requested Staff explore that during the meeting and provide a firmer answer.
9 She explained during the Council meeting, an inconsistency in the Code had been discovered in
10 that vegetation was not to be disturbed within 20-feet of the creek but all vegetation must be
11 cleared within 30-feet of a structure. That inconsistency conflicted with the location of the pool.

12 Ms. Kallas mentioned she did confer with Fire Prevent Staff that any green living plants are not
13 considered flammable and the City did require maintenance of existing landscaping.

14 Mr. Ng agreed it was combustible items that must be cleared and the pool provided a natural
15 fire break. The structure holding the water was made of concrete and buried deep in the
16 ground.

17 Vice-Chair Chang agreed from a common sense perspective the pool was a benefit in terms of
18 fire safety but per the Code, the definition of a structure could apply to the pool. With that said,
19 she wanted a clear answer to understand that the vegetation near the creek would not be clear
20 enough to meet a requirement in the Code.

21 Chair Summa opened it up for public comment.

22 Mr. Michael Ferreira found the Council meeting very interesting as well as the PTC meeting. He
23 appreciated the Council and the Commission encouraging the applicant to provide a larger
24 setback from the creek. His main concern pertained to the pool and drainage. He asked where
25 would the pool water be pumped to during storms and/or maintenance. He wished to have
26 seen the pool moved further away from the creek.

27 Chair Summa invited the applicant to provide rebuttal comments while the Commission waited
28 for the other public speaker, who had technical difficulties, to call in.

29 Mr. Ng noted the site had a sewer connection and the pool would drain into the sewer system.
30 Any overflow from storms would be taken care of by the pool's recirculation and drain-down
31 systems.

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1 Chair Summa invited Ms. Kleinhaus to share her comments with the Commission.

2 Ms. Shani Kleinhaus, an advocate for the Santa Clara Valley Audubon Society, shared that while
3 she is a Park and Recreation Commissioner, she was not speaking on behalf of the Commission.
4 She appreciated the changes the applicant made with respect to bird safety and lighting. Her
5 main concern was with the location of the pool. City Council recommended the project be
6 setback 50-feet from the top of the bank and the pool was part of the project. The pool
7 remained within the 50-foot setback. Staff recommended the pool be covered and fenced in a
8 way that prevented the drowning of small animals. The Staff Report was not clear about how
9 that recommendation was being fulfilled. The letter from Mid Pen outlined strict protocols on
10 how to treat equipment coming onto the site to decrease the spread of sudden oak death. She
11 encouraged those recommendations to be included in the PTC's motion to Council.

12 Chair Summa invited Mr. Ng to provide any rebuttal comments.

13 Mr. Ng believed the 50-foot setback applied to the building, not the pool. The current setback
14 in the Code was 20-feet from the top of the bank and the pool was 37 to 40-feet from top of
15 bank, 50 to 60-feet from the actual creek. He noted many folks would keep the pool cover on
16 for energy savings and that provided a nice safety catch without having to install a fence. The
17 PTC and Council were not in favor of having a fence around the pool.

18 Chair Summa brought the item back to the Commission for discussion.

19 Commissioner Lu referenced Packet Page 21 and asked if it was normal practice to have a
20 follow-up on the trees after 5-years.

21 Ms. Kallas confirmed it was a standard requirement for projects located in the Open Space
22 District.

23 Mr. Peter Gollinger, Urban Forestry Manager, confirmed those plans are reviewed at the 5-year
24 mark and checked for compliance.

25 Commissioner Hechtman understood the arborist's follow-up was to make sure that all
26 required plantings survived. He asked if the proposed landscape plan was a requirement or an
27 addition to the project.

28 Ms. Kallas remarked the arborist follow-up pertained to protected trees identified in the
29 Conditions of Approval. She suggested the Commission identify trees that may be impacted by
30 construction and highlight those to be checked instead of trees located further away on the
31 site.

32 Commissioner Hechtman stated that made sense.

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1 Chair Summa understood the highlighted 82 trees were located within the building area.

2 Mr. Ng answered yes.

3 Chair Summa asked if there was any protection for the trees on the rest of the site. She
4 commented tree protection was unnecessary for the entire 5.38 acres, but she did not want to
5 see soil being placed on the drip lines of those trees.

6 Commissioner Akin inquired if there were Objective Standards used to determine whether the
7 impact of light emission was significant.

8 Mr. Abe Leider, Rincon, recalled the IS/MND did not consider foot candles but invited Mr. Hunt
9 to explain it further.

10 Mr. Alex Hunt, Ricon, Senior Biologist, explained the report assessed it in a qualitative sense
11 with respect to how light would affect protected species and those impacts did not rise to a
12 level of significance.

13 Vice-Chair Chang asked if sudden oak death was a concern and why it was not identified in the
14 environmental document.

15 Mr. Hunt answered sudden oak death, or Phytophthora was a problem throughout the entire
16 state. It could be spread by contaminated equipment, soils or contaminated plants that come
17 from nurseries. It was not something that was evaluated under the California Environmental
18 Quality Act (CEQA).

19 Mr. Gollinger stated it was a good idea to require disinfection protocols for equipment and that
20 contaminated soils not be disturbed throughout the site.

21 Ms. Kallas mentioned the fire prevention expert answered that the pool as proposed was not
22 considered to be a structure for the purposes of defensible space.

23 Vice-Chair Chang appreciated the answer but remained concerned that the pool was part of the
24 project and its location was not in compliance with the Council's direction. She mentioned that
25 a section of the driveway also came within the 50-foot setback. She explained at the last
26 meeting there was confusion as to the Code saying the setback was 20-feet but the
27 Comprehensive Plan stated it should be a 150-foot setback from the creek. With that said, the
28 setback for the project was discretionary because it was located within the Open Space District.
29 Her main concerns were the pool, the excavation of the pool and the drowning of small
30 creatures as well as the distribution of the soil. The soil should not be placed in an area where
31 the soil could erode back into the stream. Also, there were very clear guidelines regarding
32 sudden oak death and it made sense to require the project to follow those guidelines.

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1 Commissioner Reckdahl stated the house was beautiful and his appreciation for the
2 modifications that had been made. With that said, he was concerned about the location of the
3 pool. Council's direction was to move the entire project away from the creek and include the
4 pool to reduce the impacts to the wildlife. The excavation of the pool could destabilize the bank
5 and Valley Water had experienced it before. The parcel was large and he predicted another
6 space could be found to house the pool.

7 Commissioner Hechtman agreed that the home was very beautiful and found it to be a great
8 asset to the City. With that said, he voiced frustration about the length of time it took the
9 project to go through the process and encouraged the City to continue to streamline its
10 processes. With respect to the creek setback, the PTC did not have the privilege of having Ms.
11 Kleinhaus's letter at its first hearing. Council did though and thus the Council decided that the
12 City's Code was not sufficient with the setback and they decided to have a larger setback. He
13 encouraged Audubon and Sierra Club to share their knowledge sooner in the process for
14 projects they are following. He mentioned he was very concerned that the CTF 15 would be
15 infeasible and recommended that the threshold be increased to a reasonably feasible number.
16 With respect to the pool, he acknowledged that Council was not clear in their direction, that
17 the applicant did not understand that Council meant the pool and Staff did not understand that
18 Council meant the pool should be moved. He could not support a motion that required the
19 applicant to go back and move the pool. Doing so would delay the project and the project had
20 already been in the planning process for over two years. He encouraged the Commission not to
21 mention terms like destabilizing banks unless it is stated in a report. With respect to soil
22 erosion, he believed that would be covered in the Building Permit process and the applicant
23 indicated it would be used to level the main house. With respect to the sudden oak death, he
24 stated it was a City-wide issue and extra requirements should not be placed on one project. The
25 City should consider best practices on a City-wide basis. Also, it was not identified as an impact
26 of the project in the IS/MND. With that said, he stated he could support a motion that moved
27 the Staff recommendation with a change to the CTF 15 requirement.

28 Commissioner Lu echoed Commissioner Hechtman's comments. He mentioned on Packet Page
29 68 that there were summaries of several reports that stated a range between 33 and 100-feet
30 from a riparian was sufficient. The pool's location was within that range and so he did not have
31 a concern about the pool's location.

32 Chair Summa confessed she forgot to do disclosures.

33 Mr. Albert Yang, City Attorney, agreed the Commission should do disclosures now.

34 There were no disclosures.

35 Chair Summa mentioned though she was not at the PTC meeting when the project was
36 discussed, she wanted to the meeting and the Council's meeting. She believed the Council was

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1 very clear about the 50-foot setback and that it applied to both the pool and the house. She
2 stated the project had greatly improved from its first iteration and believed that was why it
3 took so long for the project to return to the Commission. She found the pool cover to be a good
4 solution and it helped keep it safe without having a fence. She asked if in-pool lighting was
5 examined. She believed the pool could be moved if the “swoop” of the driveway was
6 minimized. With respect to sudden oak death, the City’s Urban Forester recommended that the
7 PTC require the project to follow disinfecting protocols and not spread contaminated soils. She
8 recommended that be in the motion as well that none of the soils be distributed outside of the
9 construction area. She recalled there being a letter from Ms. Kleinhaus at its first hearing the
10 PTC reviewed the project.

11 Commissioner Hechtman suggested the Commission make one motion regarding the pool and
12 then a separate motion on the remaining items.

13 Chair Summa agreed.

14 Commissioner Akin concurred.

15 MOTION #1

16 Commissioner Hechtman moved move that the PTC recommend to the Council on this item not
17 include a recommendation that the pool be relocated to a location that is 50-feet or more away
18 from the top of the bank.

19 Chair Summa understood the Commission had to make a recommendation on the location of
20 the pool.

21 Commissioner Hechtman explained his motion was to leave the pool in its location as proposed.
22 His motion on the floor was to get a sense of how many Commissioners wanted the pool to be
23 moved.

24 Vice-Chair Chang remarked she was unsure how she felt about the pool’s location at this time.

25 MOTION #1 WITHDRAWN

26 MOTION #2

27 Commissioner Hechtman withdrew his motion and moved that the PTC, having considered the
28 final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan,
29 recommend to the City Council approval of the proposed project based on the findings and
30 subject to the Conditions of Approval set forth in the Staff Packet with the following
31 modification. That the requirement to satisfy the CTF 15 standard be modified by Staff to

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1 include a reasonable feasibility concept. So, it would be CTF 15 or as protective as that factor as
2 is reasonably feasible in the marketplace.

3 SECOND

4 Commissioner Akin seconded.

5 Commissioner Lu inquired if the motion directed Staff to return with an overall policy
6 recommendation on CTF standards.

7 Commissioner Hechtman explained Staff would explore it and add language to the plan as the
8 project moved to Council.

9 Commissioner Lu thanked Commissioner Hechtman for the explanation and stated he could
10 support the motion.

11 Commissioner Hechtman predicted the CTF standard was in the Mitigation Measures.

12 Ms. Kallas answered it was not in the Mitigation Measures, nor the Conditions of Approval. It
13 was a recommendation Council made based on a comment provided by the public.

14 Commissioner Hechtman predicted Staff did not include the requirement in their
15 recommendation because it may not be reasonably feasible.

16 Ms. Kallas confirmed that was correct.

17 MOTION #2 MODIFIED

18 Commissioner Hechtman modified the motion to strike the language regarding CTF Factor 15.

19 Commissioner Akin accepted the modification.

20 Vice-Chair Chang wanted to make a motion to move the pool. She asked if the motion on the
21 floor could be postponed and that she be allowed to make that motion.

22 Chair Summa suggested Vice-Chair Chang offer a friendly amendment.

23 Commissioner Hechtman recalled there was a process to make a substitute motion and that
24 motion would supersede his motion on the floor.

25 Chair Summa announced the Commission does not allow substitute motions.

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1 Mr. Yang confirmed that was correct. He suggested that Vice-Chair Chang make a motion to
2 amend to include in the motion her suggestion.

3 FRIENDLY AMENDMENT

4 Vice-Chair Chang proposed an amendment that the pool be moved such that it is 50-feet away
5 from top of bank.

6 FRIENDLY AMENDMENT DECLINED BY THE MAKER

7 Commissioner Hechtman declined the amendment.

8 Vice-Chair Chang asked if there was a second to her amendment.

9 SECOND TO THE AMENDMENT

10 Commissioner Reckdahl seconded.

11 Vice-Chair Chang believed Council's direction was clear, but the applicant did not provide an
12 alternative to the pool's location. While there was no light pollution concern, the riparian
13 corridor was a fauna-rich area and her concern was that smaller creatures would drown in the
14 pool. Also, the excavation of the pool would disrupt the geological and ecological elements of
15 the site.

16 Mr. Ng clarified the pool was proposed to be roughly 4-feet deep. The team did explore
17 relocating the pool but because of all the constraints of the site, it was found infeasible.

18 Commissioner Akin supported the pool being moved but he could not make a compelling case
19 to move the pool. He suggested that the decision be left to Council.

20 Chair Summa agreed with Vice-Chair Chang that Council was clear that the PTC should consider
21 a project that provided a 50-foot setback from top of bank. She believed that the project
22 included the pool.

23 Commissioner Akin mentioned Council debated on the 50-foot setback for a great deal of time
24 and even the maker of Council's motion was not clear on it.

25 Commissioner Reckdahl added Council stated that the riparian corridor was the highest priority
26 and because the parcel was large, there was room to move the pool. Even if that meant losing a
27 tree or two.

28 Ms. Kallas reported the pool was proposed to be no deeper than 8-feet.

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1 VOTE ON THE AMENDMENT

2 Ms. Veronica Dao, Administrative Associate, conducted a roll call vote and announced the
3 amendment failed 3-3-1.

4 AMENDMENT FAILS 3(Chang, Reckdahl, Summa) -3(Hechtman, Akin, Lu) -1(Templeton absent)

5 AMENDMENTS #2 and #3

6 Chair Summa proposed the motion include the recommendation made by the City's Urban
7 Forester that best practices be used to not spread sudden oak death and include a regulation to
8 disinfect tools and to not spread infected soils. Her second amendment was that no soils from
9 the excavation shall be relocated to portions of the parcel that are not part of the construction
10 area.

11 AMENDMENTS #2 and #3 SECONDED

12 Vice-Chair Chang seconded the proposed amendments. She asked if the amendment included
13 removing soil from heavy equipment before entering the site.

14 Mr. Gollinger clarified he meant to include in his recommendation that soils be removed from
15 equipment before entering the site to prevent the spread of sudden oak death. He believed
16 that was a normal best practice for construction sites.

17 AMENDMENTS #2 and #3 RESTATED

18 Chair Summa restated the amendments are that best practices are used to prevent sudden oak
19 death; that tools be disinfected; and that tools and equipment be cleaned prior to coming onto
20 the site. The second amendment was that soils excavated during construction not end up
21 anywhere else on the site that was not part of the construction area.

22 Commissioner Hechtman requested that the amendment be voted on separately.

23 Chair Summa agreed.

24 Vice-Chair Chang reaffirmed her second. She suggested the amendment include language that
25 any infant oaks be grown from seedlings or acorns sourced from within the watershed rather
26 than nursery stock.

27 Mr. Gollinger stated that was a great suggestion but was concerned about the practicality of it.

28 Vice-Chair Chang agreed with Mr. Gollinger.

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1 Mr. Gollinger suggested it be recommended but not required.

2 Vice-Chair Chang supported that recommendation.

3 Ms. Kallas commented it was PTC's decision whether that should be included in the
4 recommendation.

5 After considering it, Vice-Chair Chang recommended it be left out of the amendment.

6 Commissioner Hechtman could not support the amendment regarding sudden oak death
7 because the requirement should be applied City-wide. With respect to the soil amendment, he
8 understood applications must have a grading plan and the grading plan identifies where soil will
9 be distributed.

10 Ms. Kallas confirmed that was correct and that happened at the Building Permit phase.

11 Commissioner Hechtman could not support the soil amendment because it was redundant.

12 Chair Summa remarked the public does not get to participate in the Building Permit phase and
13 the amendment gave direction that it was very important that soils not leave the construction
14 area. Also, implementing best practices now in Open Space Districts to protect trees was a
15 great process to begin and continue with.

16 Commissioner Reckdahl asked if the relocation of soil was to address sudden oak death or
17 erosion.

18 Chair Summa answered neither, it was to make sure that soils not needed for the leveling of the
19 land did not end up elsewhere on the parcel.

20 Commissioner Reckdahl asked who approved the grading plan.

21 Ms. French answered Public Works.

22 Commissioner Reckdahl asked who was involved in that approval.

23 Ms. French answered engineers. She asked if the amendment was to not haul the soil but
24 rather the soil remain in the construction area.

25 Commissioner Reckdahl answered the soil would remain on the site but asked who decided
26 where it would be placed.

27 Chair Summa reiterated the applicant planned to use it to level the land for the house.

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1 Commissioner Reckdahl understood the amendment was consistent with the current plan.

2 Chair Summa agreed but it emphasized that no soil should end up elsewhere on the parcel.

3 Vice-Chair Chang commented the soil amendment was to emphasize that soils should not be
4 placed in a temporary place and cause damage to trees or the creek. With respect to both
5 amendments, she did not believe it made sense to have legislation for all Open Space because
6 the City did not want to encourage development in Open Space. She found it better to consider
7 each site on a case-by-case basis. She asked if Chair Summa would be amendable to adding
8 language that the soils be setback 50-feet from the top of bank for erosion reasons.

9 Chair Summa asked if the City had a general provision about soil storage and construction
10 materials in riparian setbacks.

11 Ms. Kallas confirmed the project would not be allowed to let the soil run into the creek as a
12 result of the grading.

13 AMENDMENT #3 MODIFIED

14 Chair Summa amended the amendment to say “that no storage in the riparian setback” be
15 added after “for any reason”.

16 VOTE ON AMENDMENT #2 (Sudden Oak Death)

17 Ms. Dao conducted a roll call vote and announced the amendment passed 4-1-1.

18 MOTION PASSED 4(Akin, Chang, Reckdahl, Summa) -1 (Hechtman) -1(Lu abstain) -1(Templeton
19 absent)

20 VOTE ON AMENDMENT #3 (Excavated Soils)

21 Ms. Dao conducted a roll call vote and announced the amendment passed 4-1-1.

22 MOTION PASSED 4(Akin, Chang, Reckdahl, Summa) -1 (Hechtman) -1(Lu abstain) -1(Templeton
23 absent)

24 VOTE ON MAIN MOTION #2

25 Ms. Dao conducted a roll call vote and announced the motion failed 3-3-1.

26 Chair Summa shared she voted no because the motion to move the pool failed.

27 Vice-Chair Chang voted no because the motion to move the pool failed.

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1 MOTION FAILED 3(Hechtman, Lu, Akin) -3(Chang, Reckdahl, Summa) -1(Templeton absent)

2 MOTION #3

3 Commissioner Hechtman moved the Staff recommendation, with the amendments as stated for
4 Motion #2 and a statement that the PTC had no recommendation for the location of the pool.

5 SECOND

6 Commissioner Lu seconded.

7 VOTE ON MOTION #3

8 Ms. Dao conducted the roll call vote and announced the motion passed 5-1-1.

9 MOTION PASSED 5(Akin, Chang, Hechtman, Lu, Reckdahl) -1 (Summa) -1(Templeton absent)

10 Chair Summa could not support the motion because the location of the pool was a large
11 concern of many of the Commissioners.

12 [The Commission took a short break]

13 **Commission Action:** Motion by Hechtman, seconded by Akin. Failed 3-3 (Akin, Hechtman, Lu
14 no; Templeton absent)

15 **Commission Action:** Amendment by Summa, seconded by Chang. Passed 4-1-1 (Hechtman no,
16 Lu abstain, Templeton absent)

17 **Commission Action:** Amendment by Summa, seconded by Chang. Passed 4-1-1 (Hechtman no,
18 Lu abstain; Templeton absent)

19 **Commission Action:** Motion by Hechtman, seconded by Akin. Failed 3-3 (Summa, Chang,
20 Reckdahl no; Templeton absent)

21 **Commission Action:** Motion by Hechtman, seconded by Lu. Passed 5-1 (Summa, Chang,
22 Reckdahl no; Templeton absent)

23 3. LEGISLATIVE: 2901-2905 Middlefield Road and 702 Ellsworth Place: Review of
24 Demonstration Structures Following the July 12, 2023 PTC Hearing and
25 Recommendation on Rezoning to Amend Planned Community 2343 (PC 2343) and
26 Create a New PC Zone for 702 Ellsworth Place to Enable the Development of a Single-
27 Story, Single-Family Residence. Environmental Analysis: Categorically Exempt.

28 Chair Summa asked if the Commission wanted to postpone Item 4.

29 Commissioner Akin wanted to attempt to complete all the items.

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1 Commissioner Hechtman asked if there were members of the public who wanted to speak on
2 Item 4.

3 Ms. Amy French, Chief Planning Official, mentioned consultants were present for Item 4. For
4 Item 3, the City had a translator for a member of the public.

5 Commissioner Hechtman understood the translator was for Item 3.

6 Chair Summa confirmed that was correct.

7 Commissioner Hechtman explained the Commission was discussing whether to differ Item 4.

8 Ms. French requested that the Commission not differ the item. She suggested the Commission
9 revisit the item in an hour.

10 Chair Summa agreed and introduced Item 3. She invited Commissioners to share any
11 disclosures they have.

12 Commissioner Hechtman reported he was not at the last meeting but had watched the
13 recording, read the minutes and reviewed the Staff Report from the meeting.

14 Commissioner Reckdahl echoed Commissioner Hechtman's comments.

15 Commissioner Akin announced he visited the site, had remeasured everything and tracked high
16 and low voltage lines.

17 Commissioner Lu visited the site again.

18 Chair Summa reported Vice-Chair Chang accompanied her to the site and measured as well.

19 Mr. Albert Yang, City Attorney, asked if the Commissioner's measurements were different than
20 what was in the Staff Report.

21 Commissioner Akin reported there was no substantial difference.

22 Chair Summa agreed.

23 Ms. French reiterated the Commission discussed the project at its June 28th and July 12th
24 meetings. She shared a diagram of the proposed delivery space on the 2901-2905 Middlefield
25 PC plan and the four proposed parking spaces. The applicant of the parcel was proposing a
26 width increase of Ellsworth place to be 24-feet and PTC recommended a width of 26-feet. For
27 702 Ellsworth Place, the PTC recommended the parcel be a separate Planned Community (PC)
28 Zone with specific setbacks. On Packet Page 94 was a drawing showing the proposed mock-up

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1 installations. With respect to the sight triangle, she clarified that not everything had to be
2 removed within the sight triangle. Trees had to be limbed up to 9-feet above grade and bushes
3 could not be taller than 3-feet. Currently located in the sight triangle were a stop sign, a fire
4 hydrant and utility boxes. She shared photos of the sight triangle mocked up at the location.
5 Also, photos showed a 3-foot tall fence on 702 Ellsworth Place that was 4-feet back from the
6 sidewalk. The fence proposed was to be a slat fence with 3-inch gaps between the slats. Per the
7 City's Fence Code, corner lots were allowed a 3-foot tall fence.

8 Mr. Ken Hayes, the representative for the applicant of 2901 Middlefield Road, remarked his
9 comments echoed the comments written in his letter that was submitted to the Commission.
10 He shared they were not in agreement with the Commission's recommendation regarding the
11 width of Ellsworth Place being 26-feet with a 30-foot curb cut. The existing width was 20-feet
12 and the applicant's transportation consultant, Hexagon, found the street sufficient and safe.
13 The City's private street requirements were not triggered by the proposal because it was not a
14 subdivision. The proposed 24-feet required the relocation of the utility box. An increase to 26-
15 feet would require relocating an underground utility vault and relocation of the fire hydrant. If
16 widened to the proposed 24-feet, the fire hydrant would not need to be relocated per Public
17 Works. The Fire Department felt that 24-feet was too close to the hydrant and 26-feet was not
18 acceptable. He emphasized widening the street to 26-feet was infeasible but 24-feet was
19 feasible. With respect to the draft ordinance for 2901 Middlefield Road, the special setback was
20 25-feet for 2901 and 24-feet for 702 Ellsworth Place. The access easement in G (ii) should be
21 the same as the draft Development Plan for 2901 Middlefield Road. For the 702 draft
22 ordinance, the special setback should be changed and the access easement should mimic the
23 draft Development Plan.

24 Chair Summa invited the Commission to ask clarifying questions.

25 Commissioner Akin asked if Staff heard from Utility Staff regarding moving the utility pole.

26 Ms. French answered no.

27 Commissioner Akin mentioned there was a reference to having one of the braces removed to
28 make room for the parking space.

29 Ms. French confirmed that was discussed. She concurred that 24-feet was the special setback
30 for 702 Ellsworth Place.

31 Vice-Chair Chang invited Staff to provide comments on the feasibility of widening the flange of
32 the road.

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1 Ms. French disclosed that there was no fire or utility Staff present. Public Work Staff had
2 confirmed that the distance from the road to the fire hydrant was acceptable if the road was
3 widened to 26-feet. The standard distance for a new fire hydrant was 10-feet.

4 Vice-Chair Chang mentioned that in current conditions the fire hydrant was not 10-feet from
5 the curb.

6 Ms. French confirmed that was correct.

7 Commissioner Hechtman understood that a preliminary title report the applicant had did not
8 show an easement for the 13 properties down Ellsworth, but as a part of the project, an
9 easement would be granted. A neighbor indicated that on their title report, they had an
10 easement. He asked if 702 Ellsworth was or was not subject to an easement that served the
11 other parcels on Ellsworth Place.

12 Ms. Camas Steinmetz, Jorgenson, Siegel, McClure & Flegel, answered their title company,
13 Chicago Title, concurred that there was an easement over 702 Ellsworth Place that served the
14 other 13 residents. Also, in that letter was concurrence that Ellsworth Place was a private way
15 that connected to Middlefield, a public street.

16 Commissioner Hechtman stated there was no longer a question that there was an existing 20-
17 foot easement across 702 Ellsworth. He asked if the proposed widening strips for both
18 properties would be drivable or if an easement would be granted for the 13 property owners
19 on Ellsworth that would fold into their existing 20-foot easement.

20 Ms. Steinmetz explained the proposal was to improve the surface to match the existing street.
21 If it was approved to remove 702 Ellsworth and change the zoning to R-1. Then the additional
22 width would be documented in an easement and the remaining PC for 2901 Middlefield would
23 govern the additional width and the PC would document that width.

24 Commissioner Hechtman understood the applicant for 702 Ellsworth was proposing 3-inch gaps
25 between the slats of the fence.

26 Mr. Nitin Handa confirmed that was correct.

27 Commissioner Hechtman asked what was the proposal for the gap between the first 35-feet of
28 pavement and the proposed pavers.

29 Mr. Handa clarified the proposal was to have pavement for the first 42-feet.

30 Commissioner Hechtman inquired if the proposed pavers were a drivable surface.

31 Ms. Handa answered yes.

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1 Chair Summa invited members of the public to share their comments.

2 Mr. Kristen Van Fleet spoke on behalf of Carolyn Garbarino, Chuck Effinger, Jessica Sheldon,
3 and Mimi Wolf. She said that the neighborhood had five days with the mock-up because the
4 City installed them wrong the first time and had to come out and change them. The neighbors
5 wanted 702 Ellsworth to remain a PC Zone to ensure enforceability. The proposed project was
6 not providing any public benefits to the neighbors and ownership of the road must be
7 determined before the project can move forward. The parking lot had been used for road
8 circulation for the past 50 years and the proposed improvements only made road circulation
9 worse. The neighborhood was used to the road being 26-feet wide with the parking lot and the
10 proposal was to reduce that to 20-feet. If the parking lot is removed, the neighborhood may no
11 longer receive deliveries. The residents wanted to see the road widened and paved the full
12 frontage of 702 Ellsworth instead of pavers. She mentioned it was not neighborly to drive over
13 someone else's pavers. To provide a public benefit she proposed the utility pole be removed, a
14 drivable width increase of 3 ½-feet and 2 ½-feet be added and extended the full first 100 feet of
15 Ellsworth Place; or leave the utility pole and box but add 6-feet for the first 100-feet of
16 Ellsworth Place on the creek side and the house be built 10 feet back from the 20-foot road.
17 The goal was to increase safety on Ellsworth Place, not prevent Mr. Handa from building a
18 house. Ingress and egress at Ellsworth needed to be improved on the creek side. If the fence
19 proposed for 702 Ellsworth was moved back a car width from the sidewalk, that would improve
20 visibility. If an asphalt approach was installed, that would bring awareness to cars and
21 pedestrians that Ellsworth Place is a street.

22 Ms. Susan Light believed ownership of the street had to be solved and she urged the City to
23 formally label it as a City street.

24 Mr. Bill Ross remarked in the Board, Commission and Committee's Handbook there was a
25 requirement that Staff Reports and Packets be released seven days prior to a meeting. That was
26 not followed. He felt the PC Ordinance was not being complied with due to the lack of a
27 consistency analysis of the Comprehensive Plan. With respect to CEQA, on Page 239 Staff tried
28 to add mitigation to an exemption and that was not allowed. Under CEQA Guidelines 15300.2,
29 there was substantial evidence by the neighbors raising issues about access, transportation,
30 and visual clarity based on safety and those could be examined in an Initial Study. Due to the
31 Commission having to make an evidence-based decision, he noted that counsel and Staff
32 should be physically present at the meeting.

33 Chair Summa invited the applicants to provide their rebuttal comments.

34 Mr. Hayes stated the project was getting blown out of proportion. The reason the project was
35 before the Commission was because there was an inaccurate City record that created
36 problems. The proposal was to fix that mistake with a series of improvements to the street and

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1 provide a single-family home to the City's inventory. He did not understand how the proposed
2 project was creating the safety issues raised by the neighbors. The proposal would remove
3 eight cars traversing Ellsworth, trash pick up had been moved off Ellsworth and a delivery space
4 was being provided on private property. Legally the road was 20-feet and that was to be
5 widened by 1 ½-feet on 702 Ellsworth. He emphasized that he was told he could not
6 underground or move utilities and the ownership of the road was not pertinent to the project.

7 Chair Summa brought the item back to the Commission for discussion.

8 Commissioner Hechtman understood the applicant's proposal used a 6-foot setback from the
9 creek property. He asked if there was a standard setback from the creek property, absent from
10 a soil stability analysis.

11 Ms. French commented that the 6-foot setback applied to the interior side setback. The side
12 facing Middlefield Road was considered the front of the property.

13 Commissioner Hechtman recalled Mr. Garrett Sauls mentioned at the prior meeting that a
14 structure could not be built close to the creek because the weight may shift the soils into the
15 creek. Matadero Creek was a channelized concrete culvert and that made him question
16 whether a slope stability analysis was warranted, but was not opposed to it. He recommended
17 that the condition approved in the PTC's prior motion be changed to say "the setback be 6-feet
18 unless the slope stability analysis says a larger setback is needed". He was concerned not being
19 specific would result in a slope analysis not identifying what the setback should be.

20 Mr. Garrett Sauls, Planner, affirmed that Commissioner Hechtman was correct.

21 Chair Summa agreed with Mr. Hayes that there were errors in the draft ordinances. She
22 emphasized that the Commission was not proposing that trees be removed from the sight
23 triangles and agreed that turning left out of Ellsworth Place was the problem. She was
24 saddened to find out that Staff had not provided clear information on whether the utilities
25 could be removed. She expressed strong concerns about the ordinances did not mention that
26 the widening of the street be guaranteed in perpetuity.

27 Mr. Yang confirmed that the paved area would be incorporated into the PC Development Plan
28 for each site, but he understood that planters could be placed on top. He suggested some type
29 of language be included in the Conditions of Approval that the widened strips remain clear.

30 Chair Summa agreed that it should be made in perpetuity in the PCs or that an additional
31 easement be created.

32 Commissioner Reckdahl found it awkward that the easement would remain with the PC as a
33 Condition of Approval.

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1 Chair Summa answered it was guaranteed as written. Her other concern was the proposed
2 fence along Middlefield Road and that it was too high. She recommended it be reduced in
3 height and setback further from the road. She mentioned not everyone has a front fence, but if
4 the applicant wanted a fence he should have a fence.

5 Commissioner Akin agreed that the 3-foot fence still interfered with visibility and a short fence
6 may solve the problem. He believed a sound wall may be a better option in that it would
7 provide security and help buffer traffic noise. With respect to a widening of the street to 24-
8 feet or 26-feet, he still supported it being 26-feet wide because it added value at the
9 intersection with Middlefield Road. He could accept 24-feet if the bottleneck could be widened
10 by removing the utility pole and he believed that was doable since the pole did not contain
11 high-voltage lines.

12 Vice-Chair Chang recalled her motion was that the wider easement be granted to all of the
13 neighbors and that should be revised and reflected in the PCs. She concurred that the proposed
14 3-feet hindered visibility and suggested that the fence be moved out of the sight triangle along
15 the full frontage of Middlefield Road. She supported Ms. Van Fleet's suggestion regarding the
16 fence and believed it would create a nicer front yard.

17 Commissioner Lu agreed the language on the easement should be made clear in the
18 ordinances. When visiting the site, he did not notice a large qualitative difference between the
19 street being 24-feet wide versus 26-feet wide but found that a wider flare would improve. He
20 found the framing around the sight triangle odd and understood why neighbors pulled up onto
21 the sidewalk to have better visibility. Doing such an action put the car past where the proposed
22 fence was located and that made it difficult for him to determine if the fence was causing an
23 issue or not. He believed there was a reasonable case to make 702 Ellsworth Place an R-1 with
24 deed restrictions and it felt like the more generous thing to do.

25 Commissioner Reckdahl requested Staff share Slide 3 and commented his biggest concern was
26 visibility when exiting Ellsworth Place. He recommended the approach be flatter, more parallel
27 to Middlefield, to protect folks exiting from bicycles and pedestrians. He asked if other private
28 streets in the City were treated like driveways or streets.

29 Ms. Sylvia Star-Lack, Transportation Planning Manager, could not speak for all of the private
30 streets. Ellsworth Place was built like a driveway and it should be treated as such by drivers. The
31 proper maneuver for leaving Ellsworth was to stop before the sidewalk, check to see if the
32 sidewalk was clear, then move forward onto the sidewalk, stop before Middlefield and check
33 for cars.

34 Commissioner Reckdahl rephrased if other private streets were like driveways.

35 Ms. Star-Lack reiterated she did not know and that it depended on the street.

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1 Commissioner Hechtman acknowledged that many Commissioners were concerned about the
2 fence. He asked if the City prohibited folks from using rod iron for their fence.

3 Ms. French answered no.

4 Commissioner Hechtman requested the Commission, and the applicants, to consider a rod iron
5 fence which would solve the visibility concerns as well as allow the fence to remain at its
6 proposed location. He supported having 702 Ellsworth and 2901-2905 Middlefield be separate
7 PCs. He concurred the PC Zone was built to be flexible and he felt more comfortable using that
8 for 702 Ellsworth. He acknowledged there was a natural inclination to improve the surrounding
9 area of a project when a project is submitted and sometimes that resulted in bodies
10 overreaching. The City did not have the right to exact rights from property owners unless there
11 was an identified impact, but the Commission was recommending such an action in its motion
12 from the last hearing. The project provided a beneficial traffic impact when compared to the
13 existing conditions. The back section of the Ellsworth had been 20-feet wide for over 50 years
14 and many residents in the back had some kind of obstruction that kept the road narrow, such
15 as a fence or vegetation. Also, several of the neighbors had paved in front of their homes and
16 they parked on those pavers. That conflicted with what a member of the public said that you
17 cannot park on pavers. The neighbors had not expressed that they were willing to give up a
18 section of their property to increase the width of the road to 26-feet, but rather requested that
19 the applicants provide that amenity at the ingress/egress of Ellsworth. That was a public
20 benefit, to widen the street to 24-feet at the front and then bow out to 28-feet on City
21 property. That was the applicant's proposal and he believed the proposed modification
22 provided clear traffic safety improvements in the most critical area. While the applicants were
23 not proposing to grant an easement in perpetuity, the easement was to be part of the
24 Development Plan for 2901 Middlefield and that could only be changed through a public
25 process.

26 Vice-Chair Chang remarked she agreed with many of Commissioner Hechtman's comments, but
27 noted the original proposal was to amend a PC and grant a property owner additional rights to
28 build a single-family home where one was not allowed. In exchange for that right, the City was
29 looking to increase the safety of the street for everyone who traversed the ingress/egress of
30 Ellsworth Place. She agreed with Commissioner Hechtman that the front of the street was the
31 section that needed to be improved and the reason she moved to widen the street to 26-feet
32 was that the City's bare minimum for new private streets was 26-feet.

33 Commissioner Akin acknowledged the comments regarding the difficulty of delivery vehicles
34 traversing Ellsworth Place. The applicants were willing to provide a delivery space on private
35 property for a delivery truck that served all of Ellsworth Place. Also, while many folks were
36 concerned that the improvements were not accessible to all the residents of Ellsworth Place,

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1 the City could only come up with solutions that were located on the parcels in question. There
2 was just not enough space for everything that was needed and wanted.

3 Chair Summa paused the discussion and asked if the Commission wanted to differ Item 4 to the
4 next meeting since it was 10:30.

5 Commissioner Lu was willing to stay late but was sensitive to Staff waiting.

6 Ms. French mentioned there were two Staff members and consultants present.

7 Commissioner Hechtman remarked he could go either way.

8 Chair Summa recommended continuing the discussion. She commented that while she
9 respected Commissioner Hechtman, he was not a City Attorney and she found his comments
10 unusual with respect to property rights. She echoed that a PC would provide Mr. Handa more
11 flexibility than an R-1 property and a PC would provide more control to the City. She agreed
12 with Commissioner Akin that there was just not enough space to do what needed to be done
13 and so a compromise must be struck. She believed there was overreach but the City did not
14 allow that with respect to the determination of ownership of the street. She believed widening
15 the street to 26-feet was a compromise because it allowed both applicants to move forward
16 with their proposals while improving the safety of the street for the neighbors.

17 Mr. Yang stated that many of the principles that Commissioner Hechtman laid out were correct
18 and there were limitations on the City's ability to exact more than what the applicant was
19 offering with respect to 24-feet versus 26-feet. He requested more time to explore that further.

20 Chair Summa requested that anybody considering the project be provided with the true cost of
21 undergrounding or removing utility poles.

22 Commissioner Reckdahl asked if the street had met the threshold for a prescriptive easement.

23 Mr. Yang could not comment on that but predicted it was unlikely.

24 Commissioner Hechtman concurred that the applicant had come to the City to ask permission
25 to do something that was not allowed, but that was every project that came to the City. He
26 found the concept of changing the apron to asphalt an interesting idea and asked Staff if that
27 was discussed.

28 Ms. French mentioned any change or step-down would have to be Americans with Disabilities
29 Act (ADA) compliant.

30 Commissioner Hechtman concurred it would mimic every other street entrance in the City.

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1 Ms. French mentioned it was not discussed and it would have to be explored further.

2 MOTION #1

3 Commissioner Hechtman prefaced his motion by stating that the bleed-over language in the PC
4 Ordinances should be revised by Staff. That was brought to counsel's attention already and his
5 motion was subject to those substantive changes that Staff makes. He moved that the PTC
6 recommend to the Council adoption of the attached draft PC 2343 Amendment Ordinance,
7 Attachment A, for the existing 12 unit apartment building at 2901 to 2905 Middlefield Road; to
8 remove the parcel at 702 Ellsworth Place, expand the width of the roadway onto the property
9 at 2901 to 2905 Middlefield as proposed by the applicant; provide one on-site delivery truck
10 space to serve Ellsworth Place frontage properties and four on-site uncovered parking spaces;
11 and relocate appurtenance to enable the Ellsworth Place road widening. B) 702 Ellsworth Place
12 PC Ordinance, Attachment B, to able the removal of the apartment guest parking lot previously
13 required with PC 2343 and the development of a single-family residence shown in the
14 Development Plan with indicated specific minimum setbacks. Including a 6-foot setback on the
15 creek side unless a greater setback was determined through a soil stability analysis; the
16 expansion of the width of Ellsworth Place roadway by 18-inches for approximately 42-feet as
17 proposed by the applicant; and the restrictions on the front yard height and landscaping with a
18 suggestion that the applicant considers utilizing a 3-foot rod iron fence in place of a wood fence
19 with 3-inch wide slats between.

20 SECOND

21 Commissioner Lu seconded.

22 Commissioner Hechtman believed his motion was the right approach and he wanted to give
23 City Council a recommendation that they ideally would adopt. He was concerned the
24 Commissions' credibility will diminish if an alternative is moved.

25 Commissioner Lu believed urban infill was how the City should build, the concessions from the
26 applicants were reasonable, the safety issues were largely preexisting and while there were
27 many problems that needed to be solved. He could not identify how the proposed project
28 made those problems worse.

29 Chair Summa believed the Council would find the small difference between 24-feet and 26-feet
30 creditable as well as the proposed fence setback further or built with different materials. She
31 emphasized what was missing from the motion was a new easement or a Condition of Approval
32 for the PC that gave certainty that the extra width would be available for everyone to use.

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1 Vice-Chair Chang announced as written she could not support the motion because the motion
2 did not support the widening of the street to 26-feet, nor did it include language that an
3 easement be granted to the residents. The other provisions she could support.

4 Commissioner Lu agreed the language about the easement should be made explicit in the
5 recommendation.

6 MOTION AMENDED BY THE MAKER

7 Commissioner Hechtman reiterated that Mr. Yang had stated earlier in the meeting that
8 language would be included in the ordinance that the widened area proposed by the applicants
9 would be kept clear of impediments to traffic travel. He amended his motion so that that
10 language would be included in the motion, but felt uncomfortable including easement language
11 because any change to the PC would have to go through a public process.

12 Commissioner Lu expressed he was reconsidering his second.

13 Chair Summa supported language that granted an easement because the meaning of a PC may
14 be lost over time. She predicted a motion that provided Council a range between 24-feet and
15 26-feet may be more successful.

16 Commissioner Hechtman could not support that because his motion was premised on the most
17 that could be asked for was on what the applicants were offering. If Commissioner Lu was
18 uncomfortable with that, he supported him withdrawing his second and a new motion be
19 presented.

20 Commissioner Lu asked if the question could be posed to the applicants on if they were
21 comfortable granting an easement.

22 Commissioner Hechtman agreed with Commissioner Lu.

23 Mr. Hayes spoke on behalf of 2901 Middlefield Road and answered they were willing to make
24 an easement as part of the PC for the 30-inch portion.

25 Mr. Handa preferred to have his parcel be zoned R-1 and then he was comfortable granting an
26 easement. If that was not acceptable to the Commission and the only way forward was to grant
27 an easement with a PC Zone. He could accept that to move the project forward.

28 MOTION AMENDED BY THE MAKER

29 Commissioner Hechtman amended the motion with the specified paved strip, 30-inches by 37-
30 feet on Middlefield and 18-inches by 42, be the subject of an easement granted respectively by

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1 each of those two owners, to the owners of the existing 20-foot wide easement for Ellsworth
2 Place and that was voluntarily offered by each of those two property owners.

3 Ms. French mentioned the paved width was currently beyond the 20-foot easement.

4 Commissioner Hechtman corrected the motion to read after the 18-inches “from the edge of
5 the 20-foot easement”. Also, in Part A of the motion and stated it should read “by 30-inches
6 from the property line for the first 37-foot length” after “2901 -2905 Middlefield”. He noted the
7 concept that the area must be kept clear of impediments should be removed. He thanked both
8 the applicants for being flexible.

9 Commissioner Lu reaffirmed his second.

10 Chair Summa thanked the applicants for being flexible.

11 Mr. Sauls asked if Commissioner Hechtman wanted to suggest a specific location or setback for
12 the fence.

13 Commissioner Hechtman wanted the fence to be located as shown on the plans submitted for
14 702 Ellsworth.

15 VOTE

16 Ms. Veronica Dao, Administrative Associate, conducted a roll call vote and announced the
17 motion failed 3-3.

18 MOTION FAILED 3(Akin, Lu, Hechtman) -3(Chang, Reckdahl, Summa) -1 (Templeton absent)

19 Vice-Chair Chang wanted the road to be widened to 26-feet because at the sidewalk it was very
20 important for safety.

21 Commissioner Reckdahl echoed that and he did not want to see any objects in the sight triangle
22 taller than 1-foot.

23 Chair Summa agreed with Vice-Chair Chang and Commissioner Reckdahl. She paused the
24 discussion and asked if the Commission wanted to differ Item 4 to the next meeting.

25 Ms. French shared that any Building Code questions could not be fully answered because the
26 Chief Building Official left.

27 Commissioner Reckdahl agreed the item should be differed.

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1 Commissioner Hechtman agreed but asked if the September 13, 2023 meeting had a full
2 Agenda.

3 Ms. French confirmed the September 13 meeting had a full Agenda.

4 Commissioner Hechtman supported moving Item 4 to the August 30th meeting.

5 Ms. French noted there was pressure to bring the item to Council, but Staff was available to
6 hold a meeting on August 30th.

7 Mr. Yang recommended the current item finish and then make a motion for continuation for
8 Item 4.

9 Commissioner Hechtman understood the Commissioners who voted no wanted to see the road
10 widened to 26-feet. He asked how the additional 2-feet were to be distributed between the
11 two parcels. Also, a change to Item B of his motion had to be changed to address the site
12 triangle and the fence. He recalled the PTC at its prior meeting was seeking an easement that
13 was for the full 100-feet.

14 Chair Summa clarified that the provision was modified to accommodate both applicants. She
15 recalled the additional 2-feet were not evenly distributed.

16 Vice-Chair Chang interjected that it was an additional foot on each side.

17 Commissioner Akin mentioned on Packet Page 80 it stated that there would be an additional
18 foot on each property.

19 Ms. French read it was 3-foot 6-inch wide asphalt for 2901 Middlefield Road and 30-inchs for
20 702 Ellsworth Place.

21 Commissioner Hechtman noted it was listed on Packet Page 89 in the draft resolution.

22 MOTION #2

23 Chair Summa proposed those changes be made to both A and B of Commissioner Hechtman's
24 motion but left the rest of his language in the motion.

25 Commissioner Reckdahl asked if the term "sight triangle" was well defined.

26 Mr. Saul confirmed it was clearly defined in the Fence Code handout.

27 Commissioner Reckdahl remarked flatter was better but was happy with the standard 45
28 degrees.

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1 Commissioner Hechtman recommended the language “as proposed by the applicant” be
2 removed from the motion for both A and B. Then remove in C “which has been voluntarily
3 offered to the residents on Ellsworth by both applicants respectively”.

4 Chair Summa mentioned the language about the fence had to be changed.

5 Commissioner Reckdahl proposed at the end of B, to delete everything after “and restrictions
6 on the front yard fence” and add “the sight triangle on the south side of Ellsworth shall not be
7 obstructed by plants, fences or other objects taller than 1-foot”.

8 Ms. French reiterated that there were existing objects that were taller than 1-foot.

9 Chair Summa suggested Commissioner Reckdahl’s language be specific to the fence.

10 Commissioner Reckdahl stated he did not care where the fence was located as long as it was
11 not in the sight triangle. He was comfortable having a 1-foot fence in the sight triangle.

12 Chair Summa proposed the language read “shall not be obstructed by new impediments,
13 including a fence”.

14 Commissioner Reckdahl agreed.

15 Commissioner Hechtman suggested C of the motion include the language “to an easement
16 granted to the parcels on Ellsworth”.

17 SECOND

18 Commissioner Akin seconded and believed the motion was a better compromise.

19 VOTE

20 Ms. Dao conducted a roll call vote and announced the motion passed 4-2-1.

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

22 Commissioner Hechtman could not support the motion because it required the applicant to
23 grant rights of their property to other private property owners.

24 Commissioner Lu found the sight triangle language to be uncertain.

25 **Commission Action:** Motion by Hechtman, seconded by Lu. Failed 3-3 (Chang, Reckdahl,
26 Summa no; Templeton absent)

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1 **Commission Action:** Motion by Summa, seconded by Akin. Passed 4-2 (Hechtman, Lu no;
2 Templeton absent)

3 4. LEGISLATIVE: Recommendation to City Council Regarding Proposed Amendments to
4 Palo Alto Municipal Code (PAMC) Title 18 (Zoning) and Title 9 (Public Peace, Morals
5 and Safety), Chapter 9.10 (Noise) to Facilitate the Installation of Electrification
6 Equipment for Residential Development

7 MOTION

8 Commissioner Hechtman moved the PTC to continue Action Item Number Four, Legislative
9 recommendation to City Council regarding proposed amendments to Palo Alto Municipal Code
10 Title 18 and Title 9, Chapter 9.10 to Facilitate the Installation of Electrification Equipment for
11 Residential Development, to a date certain of August 30th, 2023.

12 SECOND

13 Vice-Chair Chang seconded.

14 VOTE

15 Ms. Veronica Dao, Administrative Associate, conducted the roll call vote and announced the
16 motion passed 6-0-1.

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

18 **Commission Action:** Motion by Hechtman, seconded by Chang. Passed 6-0 (Templeton absent)

19 **Approval of Minutes**

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

21 5. Approval of Planning & Transportation Commission Draft Verbatim Minutes of July
22 12, 2023

23 MOTION

24 Commissioner Akin moved approval of the minutes.

25 SECOND

26 Commissioner Lu seconded.

27 VOTE

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1 Ms. Veronica Dao, Administrative Associate, conducted the roll call vote and announced the
2 motion passed 6-0-1.

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

4 **Commission Action:** Motion by Akin, seconded by Lu. Pass 4-0-2 (Hechtman, Reckdahl abstain;
5 Templeton absent)

6 **Committee Items**

7 None

8 **Commissioner Questions, Comments or Announcements**

9 Commissioner Lu acknowledged that the City's Housing Element was not approved by the
10 California Department of Housing and Community Development (HCD). He asked if Staff had
11 any preliminary reactions on the matter and when the Housing Element would return to the
12 PTC.

13 Ms. Amy French, Chief Planning Official, remarked Staff would return, as previously planned, to
14 make the appropriate changes to the Zoning Code. Staff had not other comments on the
15 Housing Element at this time.

16 **Adjournment**

17 11:39 pm

18

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