



CITY OF
**PALO
ALTO**

Planning & Transportation Commission Action Agenda: August 9, 2023

Council Chambers & Virtual
6:00 PM

Call to Order / Roll Call

6:01 pm

Chair Summa: Good evening, everyone. Welcome to the Planning and Transportation Commission regular meeting of Wednesday, August 9th and Ms. Dao, could you take the roll call?

VOTE

Ms. Veronica Dao, Administrative Associate: Chair Summa?

Chair Summa: Here.

Ms. Dao: Vice-Chair Chang?

Vice-Chair Chang: Here.

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1 Ms. Dao: Commissioner Akin?

2

3 Commissioner Akin: Here.

4

5 Ms. Dao: Commissioner Hechtman?

6

7 Commissioner Hechtman: Present.

8

9 Ms. Dao: Commissioner Lu?

10

11 Commissioner Lu: Here.

12

13 Ms. Dao: Commissioner Reckdahl?

14

15 Commissioner Reckdahl: Here.

16

17 Ms. Dao: And Commissioner Templeton is absent, we have quorum.

18

19 Chair Summa: Thank you so much and at this time I'm wondering if there's any members of the

20 public that would like to speak to items that are not on the Agenda?

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1 **Oral Communications**

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

3 Ms. Veronica Dao, Administrative Associate: I have not received any speaker cards or raised
4 hands.

5

6 Chair Summa: Okay, thank you.

7

8 **Agenda Changes, Additions and Deletions**

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

10 Chair Summa: Then we'll move onto, Staff are there any Agenda changes, additions or
11 deletions?

12

13 Ms. Amy French, Chief Planning Official: Not for tonight's Agenda, no.

14

15 Chair Summa: Thank you so much and then if you want to do the City Report, that would be
16 great.

17 **City Official Reports**

18 1. Directors Report, Meeting Schedule and Assignments

19 Ms. Amy French, Chief Planning Official: Yes, good evening. Amy French, Chief Planning Official.

20 So, we are talking about the upcoming Planning and Transportation Commission Agendas which
21 we do publish in your report. Though we had noted an upcoming meeting on August 30th. We

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1 planned for some updates to our Municipal Code. It's a process that we are not completed and
2 we want to makes sure that we have a good product to bring forward and in a timely manner.
3 So, we are going to put that item off until September the... September 27th. And with that, I am
4 suggesting that we consider canceling the August 30th meeting and so if there's a comments on
5 that I would entertain those.

6

7 Chair Summa: You don't need a vote from us at, all do you?

8

9 Ms. French: No.

10

11 Chair Summa: Okay, did anyone want to comment on canceling? Go ahead.

12

13 Commissioner Hechtman: I would... I think Ms. French what you're saying is without that item
14 on the Agenda, we right now don't have anything on the Agenda, correct?

15

16 Ms. French: Correct.

17

18 Commissioner Hechtman: So, I guess we have three items on tonight's Agenda and I'm
19 wondering if we just wait till the end of this evening to make sure none of them get pushed
20 over to August 30th rather than decide now that it's off and have to (interrupted)

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Ms. French: Sure.

Commissioner Hechtman: Put it back on at the end of the meeting, so that's what... but I've got no objection. If none of these items we're dealing with tonight get pushed to August 30th then I'm fine.

Chair Summa: Okay, thank you for that.

Ms. French: And then as far as just a recap, we did have our first Council meeting back for this session now starting up again on Monday night, August 7th. Some of you may have followed the Castilleja TDM Program which many of you were involved in reviewing when that came through Planning and Transportation Commission. That went to the Council, it was continued to a date uncertain for additional work and there probably was something else on the Agenda but that's what I was paying attention to.

So, and then let's see, we do have a change over for who's representing in August for the Planning and Transportation Commission. That's Chair Summa and then in September we'll have the Board Member... Commissioner Hechtman, thank you, represent.

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1 Chair Summa: Great, do we have anyone else from Staff who wants to report any... report out?

2 I don't know if... it doesn't look like it but...?

3

4 Ms. French: Rafael is present if he wanted to say any comments.

5

6 Ms. Rafael Rius, Senior Transportation Engineer: Hi, Rafael Rius, Senior Engineer with the Office
7 of Transportation. I don't have any major updates. The Charleston/Arastradero corridor project
8 is still underway but some signal work will be coming up in the next couple of weeks. So, there
9 may be intermitted traffic control going on with that project as it gets closer to completion. But
10 other than that, I don't have to many or any other project updates.

11

12 Chair Summa: That sounds... thank you for that and sounds like it concludes our report and... do
13 any of my colleagues have questions for Staff?

14

15 Commissioner Hechtman: Yes, thank you Chair, so I don't know if any of you have noticed but in
16 the last couple of days, they have taken down the Ming's restaurant building and those of you
17 who were on the Commission will remember that path along the frontage road. And there was
18 an issue of concern to the Planning Commission about a row of... a lovely row of trees that are
19 there and would be inconsistent with a 10-foot bike path, multiple use path, bike and
20 pedestrian. And I don't... I'm not certain of our motion but I thought it was to investigate

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1 perhaps a somewhat more narrow shared path that could accommodate retaining those trees.
2 And so, I'm just wondering, you know we have transportation here, if anybody happens to
3 know how that ultimately played out with the City Council. What the final width of that was and
4 really whether the trees were able to be retained.

5
6 Mr. Rius: You know.... Rafael Rius again, I don't know what the outcome of the and the final
7 decision for the project was, but I do know for a two-way kind of mixed-use path, 10-feet is
8 generally the minimum. Anything less than that you would have a wide sidewalk essentially so,
9 but specific to the project I'm not sure the outcome myself but we can get back to you on it.

10

11 Commissioner Hechtman: Thank you.

12

13 Chair Summa: Commissioner Reckdahl.

14

15 Commissioner Reckdahl: I had a question about the El Camino repaving. I was on it today and it
16 was really bad and I'm worried that... you know, getting middle to summer we're going to have
17 rain soon hopefully. And it's going to be really ugly if they don't... can't fix the potholes before
18 fall so do you have a status update on the repaving?

19

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1 Mr. Rius: I don't, that's being done by Caltrans but I do know that our Utilities Department,
2 they're also trying to squeeze in some underground utility replacements ahead of the repaving
3 also. So, it's kind of a tight sit, you know trying to coordinate.

4

5 Commissioner Reckdahl: Okay, keep us in the loop though.

6

7 Mr. Rius: Okay.

8

9 Chair Summa: Anything else from my colleagues? Okay, then we will get down to our first
10 action item which is a public hearing/quasi-judicial on 575 Los Trancos Road.

11

12 **Action Items**

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

15

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

23 Chair Summa: Which is a request for Major Site and Design Review to allow for the construction
24 of a new 7,000 single-family home with an Accessory Dwelling Unit and other associated site
25 improvements. So, Staff, do you have a report for us?

26

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1 Ms. Amy French, Chief Planning Official: Yes, introducing, although she’s been here before,
2 Emily and her last name she will say herself.

3
4 Ms. Emily Kallas, Planner: Hi, good evening, I’m Emily Kallas, I’m the Staff Planner for 575 Los
5 Trancos. This is a Major Site and Design Review project and I will go over the process, although
6 this project has been before the PTC previously. So, this is the process for review and approval
7 of development in an environmental sensitive area. In this case, the Open Space Zoning District
8 adjacent to Los Trancos Creek and so this design process is to take into account any negative
9 aesthetics, factors, excessive noise, increased traffic or other disruptions in order to assure that
10 the use and development will be harmonious with other uses in the vicinity and be compatible
11 with our objectives in the Palo Alto Comprehensive Plan. In addition to being reviewed by the
12 PTC you will be recommended to give a recommendation to City Council for their approval.

13
14 This site is a 5.38 acre vacant property, again adjacent to Los Trancos Creek but also adjacent to
15 the Town of Portola Valley. As you can see in the image on the right, it is more or less on our
16 City limits. The proposed project includes a 7,110-square foot house, an 895-square foot ADU.
17 The Zoning is Open Space District and it was previously reviewed by the PTC in August of last
18 year and January earlier this year. At that time, Council provided a recommendation that the
19 house be moved further away from the creek and then it was returned to you here tonight.

20

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1 The next couple of slides will summarize Council's comments and how they were addressed in
2 the most recent resubmittal. The first was to move the house further from the creek, 150-feet
3 was discussed as there is a Comprehensive Plan policy suggesting that we reevaluate our
4 mandatory setback from the creek which right now is 20-feet. And so, 50-feet was the
5 recommendation that Council settled on for the distance between the creek and the house and
6 so the wall so of the house have been moved to be at least 50-feet from the top of bank.
7 Although there are some corners of the building where the roof overhang is less than 50 feet
8 away. In order to accomplish this, the other all size of the house was reduced slightly and the
9 portion that was allocated to the second-floor was increased. Additionally, the pool remains in
10 approximately it's same proposed location.

11

12 Another part of the Council motion was to add bird safe glazing treatment as recommended by
13 one of the comment letters re received on the CEQA document and so the façade facing the
14 creek has been reduced in terms of glazing. There's only one small window and other non-
15 egress windows on the second floor now have decorative wood slate screens which will
16 decrease the likelihood of bird strikes. Additionally, with the wildlife and the open space in
17 mind, there was a Council recommendation to minimize night time lighting along the creek and
18 minimize lighting in other locations as well as using a warmer light temperature and not
19 allowing light after 11:00 pm. And so, windows facing the creek, as I previously mentioned,
20 were reduced. Lighting fixtures have been moved away from windows on the interior and the

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1 windows will be required to have shades that automatically come down in the evenings. And
2 so, Conditions of approval number eight has been updated to include this and also to include
3 the color temperature and night time shut off. Additionally, a light shield wall has been added
4 to the driveway to prevent light from car head lights from shining into the creek.

5
6 Next was the comment to eliminate fencing that could impede wildlife movement and so
7 fencing has been reduced. No fencing is proposed for most of the property. The swimming pool
8 will use an automatic safety cover to meet the safety requirements rather than a fence and as
9 mentioned earlier, similar to a fence is the wall that will block headlights along the driveway.

10
11 The next comment was to update the Arborist Report which has been done. I believe in one of
12 the prior meetings there was some inconsistency with how many trees where on the site versus
13 shown in the plans and so the site currently has 82 trees. Again, this is a five acre site so there is
14 a lot of space for trees. 37 trees are protected species and they're being protected in place and
15 one protected tree is dead and proposed for removal. The rest of the trees are not protected
16 species but will be remaining on the site.

17
18 This slide shows the old site plan on the left and the new site plan on the right. I tried to get
19 them as close to the same size as possible but I did have to eyeball it a little bit. So, I apologize if
20 the scale isn't exactly the same. Additionally, on the site plan on the right it shows the outline

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1 where the prior approval was. So, it is showing that the walls are not at least 50-feet away from
2 the creek. Likewise, this slides shows the... can see there is now increased second floor relative
3 to the first floor, but overall the height and silhouette of the house is fairly similar along as well
4 as other materials. And this shows the south and west elevations. The set elevation is the one
5 facing the creek and so you can see that there is now only one second floor window with most
6 of the glazing being on the other sides.

7

8 In terms of environmental review, an Initial Study/Mitigated Negative Declaration was prepared
9 and circulated around the same time as the prior Planning Commission meeting last year. After
10 that comment period, a Response to Comments was prepared and it has also been updated
11 taking into account the changes that were made to the plans. However, no additional
12 significant impact or mitigations were identified as a result of these plan changes. Of course,
13 now that the house is slightly further away from the creek, there is less of a concern of
14 environmental impact.

15

16 And so, our recommendation is to recommend approval of the proposed Site and Design
17 Review to the City Council based on the objectives, Open Space Design Criteria, and Conditions
18 of Approval. This concludes my presentation. In terms of any questions for Staff, we have the
19 CEQA consultant available and the applicant is also here to give a presentation. Thank you.

20

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1 Chair Summa: Thank you, Ms. Kallas. Does the applicant have a presentation? Okay.

2

3 Mr. Leonard Ng: Do I have to share screen?

4

5 Chair Summa: Just remind us of your name and make sure (interrupted)

6

7 Mr. Ng: Oh, sure.

8

9 Chair Summa: And make sure you speak into the microphone so we can hear you.

10

11 Mr. Ng: Oh yes, okay thank you. Hello? Okay. Let me share screen first. Hi, my name is Leonard,
12 I'm with LNAI Architecture and we're the architects for this project. I just wanted to, on behalf
13 of the owner and myself, I wanted to thank you so much for giving us the opportunity to
14 represent our single-family home on Los Trancos this evening.

15

16 As you probably know, and as Emily described, our team has been working on this for more
17 than 2 ½ years now. Starting late 2020 and so we from the very beginning we've tried to
18 collaborate very closely with the City, the fire department, the planning department, from the
19 very beginning meeting all the requirements. As Emily mentioned, we actually came before the
20 PTC about a year ago in August and we worked closely with the City and the PTC. We received

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1 Planning Staff Report and I think a 4-1 approval back then from PTC for the project. This past
2 January, we presented to City Council as Emily mentioned and the discussion actually moved
3 towards general concerns with the City's own internal policies with regards to creek setbacks
4 and I believe the future Master Plan. And so, the conclusion was they asked us, I suppose as a
5 subset of that framework and discussion, to redesign our home and apply a significantly deeper
6 setback than the current 20-foot requirement in the OS District which we complied with last
7 time. So, given that the site is actually extremely constrained, this required us to really take
8 some time to redevelop and redesign and rework the entire northern portion of the home. And
9 so again, we're thankful that the opportunity to represent and thought it might be helpful to
10 just recap briefly how we are complying with the Open Space criteria as well as the changes
11 that [note – video skipped] 5-acres.

12
13 Los Trancos is really a beautiful enclave sight as shown here, shielded by lush vegetation and
14 dense mature trees all around. Differential to the overall surroundings, our new home really
15 from the beginning we try to preserve this natural and beautify context. And so, we tried to
16 carefully place the home in this blue, I don't know if it's visible, but in this natural clearing right
17 here to minimize environmental impact and disturbance. Not only to all the wonderful oaks
18 around but also to the creek obviously. The surrounding area is not unoccupied. There's a large
19 home, a neighbor to our north and then a lot of homes on the other side of the creek over in

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1 Portola Valley. And so, the overall fabric is, it's OS District but residential fabric over all with
2 surrounding homes all around.

3

4 And so, I think in terms of design, even from the beginning and also continuing now. We really
5 tried to focus on the Open Space Design Criteria and working with this highly constrained site.

6 Even though the overall site is very large, where we're operating is actually very, very small.

7 And so just generally, speaking we have the TPZs and the existing oaks on the east side that
8 really carve out this irregular shape clearing here and then we have the creek to the west. And

9 so, we focused on cluster development, localizing all our... the home right here, minimizing
10 grading in the natural clearing. The site, as you can see, is well shielded as beautiful, natural

11 greenery that shields it from all sides for great privacy both looking in and looking out. This is
12 our new design as Emily showed and we continue to try to decompose the plan into much

13 smaller volumes and more intimate outdoor spaces to break down massing and kind of be in
14 character with the surroundings.

15

16 I think in elevation, we really tried to tear... use low flat roof forms, low terraced roof forms,
17 that step down gracefully. The blue line is actually the elevation of the street, Los Trancos and

18 so where our elevation of our house is actually already a full story below the street level. And I
19 suppose that means the second-story would appear more like a single... a one-story above the

20 street level, so we're paying attention to the natural topography as well.

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1

2 In terms of materials, we really love the character of the surrounding oaks and so we're really
3 trying to create a very natural and quiet, soft spoken material palette that picks up the natural
4 tones of the oak groves. A dark wood, an earth colored plaster and darker tones to kind of not...
5 be more soft spoken within this context. And also, as Emily mentioned we... yeah, the material
6 palette kind of using softer materials, natural materials to blend in with the wood.

7

8 From a tree standpoint, there are 82... 80 plus trees in the vicinity of our... of the clearing and
9 we're keeping almost all of them. The only... we're removing two dead trees and removing
10 some three... I believed three non-native species that are not protected and so we're keeping
11 almost all of the trees that we can around the site. We're working with a wonderful landscape
12 architect, [unintelligible] Design, who's really creating a wonderful light touch landscape with a
13 lot of permeability and really only using California and local native plantings as well.

14

15 The immediate neighbors all seem very supportive and we have a support letter from our
16 closest neighbor to the north. And so, I think for this last portion, I just wanted to focus on the
17 changes that have happened since the last time we came before PTC. This is our proposed plan
18 and I think most of the focus was the setback to the creek and so as Emily already mentioned,
19 as you can see hopefully here. It's kind of light. The orange line is where we use to be and even
20 back then we complied with the zoning criteria. We were 20-feet from the top of bank, which is

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1 a little bit deceptive because it's really a grade break. It's a... it is a top of bank but I think, which
2 is this dark blue line here, but if you consider that the actual creek is another 15 to 20-feet. I
3 think that's something to consider as well and so the green edge, hopefully it's visible, is how
4 we've reduced the building significantly. And so, we're 50-feet now from the top of the grade
5 break and probably 65 to 70-feet from the actual creek. And Emily and I actually met on site
6 during the torrential downpours we had this past winter in January and right after a three day
7 continuous storm and we went and looked at the creek. And that's a 150-year storm or
8 something and the level of the creek is still around the bottom of the valley so it... I guess what
9 we're calling the top of bank, the creek never reaches that, ever. It's really kind of staying along
10 the property line around the 515 topo. So, I thought there was a little bit of confusion I think in
11 the Council meeting on that, so I thought that was helpful to just clarify. And so, with the 5-foot
12 setback to the top of the grade break, we're really like 65, 70-feet from the actual creek so
13 obviously, I think we all think that's an improvement in terms of having a light touch on that
14 side.

15

16 Some other things that were mentioned obviously is... oops... is night time lighting. As Emily
17 mentioned, we worked hard to get rid of as many windows as we can. It's mostly a blank façade
18 on this side. We have a slate screen here that shields traffic light and just general glare from the
19 creek and but it's not a piece meal design. We really wanted to reintegrate that into the
20 architecture of the home and so these kind of slate screens we're also using as you can see in

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1 this view. We're using that as architectural element throughout, to run the screens, as some
2 tactility, go over the glass. Better protection for the birds and hopefully create still a wonderful
3 architecture even though we're trying to work with all these constraints. And so, coupled with
4 these screens and more subtle strategies; a roof overhand, trellises, articulated building
5 geometry. We're essentially coming up with a multifaceted approach in terms of the bird safety
6 and so in conclusion, I think all along and at every step of the way. We've tried to everything by
7 the book and tried to work carefully with the City, the zoning codes, the planning, the fire and
8 the Council recommendations. We still think and hope our project will be really wonderful,
9 differential to the overall beauty and context along Los Trancos. Carefully situated to be
10 respectful to all the surrounding trees and oaks that we're keeping as well as to the seasonal
11 creek to the east. And so, we continued to envision a soft spoken home, a carefully crafted
12 home in character with the surrounding homes. Nestled into the site and in keeping with the
13 beautiful, natural setting of Los Trancos. Thank you.

14

15 Chair Summa: Thank you so much for that presentation and so I'm going to go to my colleagues
16 and see if there are any clarifying questions either for the applicant or Staff before we go to the
17 public. Go ahead, Commissioner Hechtman.

18

19 Commissioner Hechtman: Thank you, Chair, so just a could of quick questions. One of the new
20 requirements is that the glazing meet the American Bird Conservancy Threat Factor Rating of 15

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1 and that's new terminology for me and so for example, I don't know if 16 is better or worse. So
2 maybe just a little bit of an explanation to help me understand what it is and why 15 is the
3 sweet spot.

4

5 Ms. Kallas: So, let me pull up that, okay right. The way that the American Bird Conservancy
6 Threat Factor works is a lower number is less of a threat and a higher number is a higher threat.
7 The recommendation of 15 did come from a comment we received on the Initial
8 Study/Mitigated Negative Declaration but it is very, very high. In order to meet this, you would
9 have to have like a screen in front of a window with openings that are no more than 2-inches by
10 2-inches. We think that there has been a significant improvement and that the risk factor has
11 been reduced compared to the prior submittals, but that the specific rating of 15 would be a
12 standard that may be disproportionate to this type of project.

13

14 Commissioner Hechtman: And then on that same topic, I'd like to ask the applicant's
15 representative. That's the standard that is being proposed and is the applicant comfortable
16 abiding by that?

17

18 Mr. Ng: I think our general approach is I think from a glazing standpoint, I think that's the last
19 resort. We really tried to take a more bigger picture approach to the overall bird safety and so
20 obviously a wall would be the best, right? Like it's clearly not glazing but for Code, obvious

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1 reasons light and ventilation, comfort of interior occupancy, especially for residents. We have
2 to have a certain amount of glazing and so what we really tried to do is before we even go to
3 that last resort of just relying on these invisible technology coatings that the glass has where
4 only the birds can see. Although it's still visible to humans at certain angles, we wanted to
5 integrate our bird safety measures more... hopefully more jointly to the design and use is as a
6 catalyst for these wood slate screens that have benefits for light, benefits for tactility, benefits
7 for blending in the building into the surrounding oak fabric. And so, we really used the slate
8 screens and with the slate screens running in front of the glass. We think that's even better
9 than just a topical film because there's still probably a chance at certain angles that it wouldn't
10 work. and so, we tried to take that to heart.

11

12 I think we also... I think this is probably harder to read but we're taking some more subtle
13 strategies where if we extent the roof hang over the glazing. It cuts the reflect and so if it's not
14 reflective then the bird won't think it is three dimensional space to continue into. And so, we
15 have extensive roof over hangs and trellis that cover that. So, I think between those different
16 measures, we're really trying to attack it even before it gets to the point of glazing.

17

18 Commissioner Hechtman: So, then the follow up on that, so Staff has looked at the slats and the
19 roof overhang and we have a design that's been submitted that we're looking to make
20 recommendations on. Is Staff satisfied that the design will meet this 15 factor as designed? You

-
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1 know, what I want to avoid is some bad surprise on the back end where you think you're in
2 compliance and it turns out you have to go order a different product. So, I'm trying to get a
3 commitment from the City that what you've done is right and works or if it doesn't, lets get that
4 on the table so you know it up front.

5

6 Ms. Kallas: In our research for this, we did find that most commercially available, even with
7 what is typically... yeah, fritted glass something that's intrinsic to the glass. A lot of what's
8 commercially available is rated 20 or 25. It is very difficult to get a rating of 15, but Council was
9 incorporating what was recommended in a letter from the public.

10

11 Commissioner Hechtman: Okay, so let me end my questions on that. Now, I think I'll want to
12 talk about it when we come back for comments later. My other question, in the Staff Report
13 and it's been mentioned here, that... and I think it's the west facing elevation. There's only one
14 small window and I'd like an understanding and maybe if we could pull up that elevation. So, I
15 could understand where that window is (interrupted)

16

17 Mr. Ng: Sure.

18

19 Commissioner Hechtman: And basically, what else is on that façade that's not glass.

20

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1 Mr. Ng: Right here, right? Is it still... can you still see my screen?

2

3 Commissioner Hechtman: Yes.

4

5 Ms. Kallas: Yeah, if you can zoom in, please.

6

7 Mr. Ng: I'm just zooming in. This is the west... oh, this is the west elevation right here and the
8 elevation drawing is kind of hard to perceive depth. Especially in the digital age because we
9 don't have line weights but I think these areas... sorry, I'm having problems with my mouse.
10 These areas are recessed way back so the kind of west elevation under discussion really is this
11 portion right here. If you can see... I don't know if you can see my cursor.

12

13 Commissioner Hechtman: That's that protrusion that you maybe showed in an earlier slide, if I
14 can call it that.

15

16 Mr. Ng: Well, previously it was protrusion, now it's even way back.

17

18 Commissioner Hechtman: Right, but still (interrupted)

19

20 Mr. Ng: Exactly at that area, that area.

-
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Commissioner Hechtman: Okay and so everything else if farther back (interrupted)

Mr. Ng: Yeah, everything else... the 2-D drawings are tough because there's so much depth to the relief of the building.

Commissioner Hechtman: So, where your cursor is now, I think is behind there's a yard, right?

Mr. Ng: Yeah, yeah, yeah, so this is probably another 50 to 70-feet back from this elevation.

Commissioner Hechtman: Okay and then what material is along that face that's behind the yard... that the yard is between, that face and the creek?

Mr. Ng: I'll go to the plan really quick, hopefully that would help. So, what we were just talking about I believe is... the rectangle that I circled is this portion (interrupted)

Commissioner Hechtman: Yeah.

Mr. Ng: And then the portion I think you're asking about is back here, yeah.

-
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1 Commissioner Hechtman: Correct, so yeah are there... so where the main house meets the
2 outdoor patio. What is that... are there windows there?

3

4 Mr. Ng: Yeah, yeah, this is a slide door... glass... sliding door.

5

6 Commissioner Hechtman: Okay, so the... I was frankly concerned initially that you could only
7 have... you had one small window facing any part of the creek but now I'm understanding that
8 it's this small area that is closest to the creek.

9

10 Mr. Ng: Yeah.

11

12 Commissioner Hechtman: That where we just (interrupted)

13

14 Mr. Ng: Where it's... which we're now probably 65-70-feet from the creek proper and then the
15 home... I mean that's the closest point, right? The rest of the home would be substantially
16 more, at least 100-feet, 120-feet back from that.

17

18 Commissioner Hechtman: Thank you, those are my questions Chair.

19

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1 Chair Summa: Thank you. Commissioner Akin and then Commissioner Chang [note – Vice-Chair
2 Chang].

3
4 Commissioner Akin: Thank you, Chair. So, in fact, you zeroed in on some of the things that were
5 of concerns to me as well. There's an awful lot of glazing on the first floor and I was curious as
6 to what bird safety treatment was used there. So, am I correct in understanding that mostly its
7 physical disposition of the glass behind other architectural elements that should inform the
8 birds that a surface is approaching?

9
10 Mr. Ng: Yes, I think the... we have... obviously we have different approaches. In some cases,
11 usually I think on the second floor where I think the risk is greater. I mean we're no... we're a
12 single-family home so it's not like a commercial building where they have vast expanses, like a
13 skyscraper, of glass. Right, we're talking about... I mean compared to a commercial project,
14 relatively smaller expansion of glass, but in general we intentionally try to use the slate screens
15 more on the second floor and the first floor where there's a lower risk we have other strategies.
16 That entire great room area with outdoor patio has a significant trellis that extends over it and
17 so just if you're imagining just contextually. A bird will know that that's not open space because
18 the trellis is above, it's clearly coming into this cavernous area. The trellis, because it shades the
19 glass, the glass cuts the reflection and so that phenomenon of reflections as 3-D space is dealt
20 with in that way.

-
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Commissioner Akin: I have some personal experience with this as I have a house with a glass wall and an expanded metal trellis above. I still get bird strikes on the first floor so it's... I hope in your case with a more extensive trellis system that will be less of a problem.

The glazing particularly on the west side, are there shades for the sliding doors?

Mr. Ng: Yes, yes.

Commissioner Akin: And just out of curiosity are... is the operation of those automated?

Mr. Ng: That's the plan is to have it automated, as easy as... I mean just manually it would be quite a chore I think so that's always the plan, yeah.

Commissioner Akin: And this segues into my second set of questions which are about light emission. Where there any qualitative standards that you sought to meet for emission, particularly towards the creek side?

Mr. Ng: I'm sorry, could you say that again?

-
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1 Commissioner Akin: Where there any qualitative standards that you sought to meet for
2 intensity of light emission towards the creek from the sliding glass area?

3

4 Mr. Ng: Oh, I see. I think with lighting I think what's usually most effective is to minimizing the
5 glazing. So, that's what we really focused on with the shade strategy as Emily mentioned. We're
6 not locating any of the lights near and so if that single window on the second floor where it's
7 closest. Hopefully that should have minimal impact and then in terms of the portion of the
8 building that's much farther. The light decay would obviously be much better from that
9 distance.

10

11 Commissioner Akin: I appreciated the description about the light shield wall for the entry court
12 area. As an entering vehicle makes the hairpin turn on the driveway to turn towards the house.
13 It looks like there's a stretch where a car's headlights would also shine directly into the creek.
14 Did you consider a light shield there and if (interrupted)

15

16 Mr. Ng: Are you talking (interrupted)

17

18 Commissioner Akin: So... yeah, you're... directly below your cursor now. So, I'm curious, given
19 the topography there it looked like that might still result in some exposure. Did you decide that
20 wasn't needed and if so, what was the rationale?

-
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1

2 Mr. Ng: Actually, I mean as you probably know, the survey only surveyed the larger diameter
3 trees and so obviously there's a lot of vegetation on the site that I don't think is actually on a
4 drawing basis is reflected. And so, there's quite a bit of vegetation and shielding here, at least
5 when we went to the site and so we didn't think that was necessarily an issue. I also believe,
6 the creek generally follows the... it's very thick actually over there, so I believe the creek
7 generally follows the property line and so based on our site walk I think the creek also starts to
8 diverge away from that area. So, I think that coupled with the significant brush and vegetation
9 there it wasn't an opening as the drawing would suggest but it's much more closed.

10

11 Commissioner Akin: Thank you. Let's see, that's all I have for the moment, thank you very
12 much.

13

14 Mr. Ng: Thank you.

15

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

17

18 Vice-Chair Chang: Thank you to Commissioners Hechtman and Akin for answering or for asking
19 many of my questions. To follow on regarding the bird safe glazing, could Mr. Ng or Ms. Kallas
20 please... actually I found... Ms. Kallas, thank you so much for providing those before and after

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1 side by sides of the elevations and of the site plan. I found that tremendously helpful and really
2 appreciated the effort you took to put that together. And so, I guess I'm asking if you could... if
3 either of you could pull up the elevations and then kind of walk through the glazing. And for the
4 portions that... if you could show us for all sides of the house because I appreciate that the
5 applicant has tried to minimize glazing on the second floor but bird strikes happen everywhere.
6 You know, first floor and second floor, so if you could kind of go through the different areas and
7 describe because I'm very bad at reading plans. Describe for us [note – video skipped] as well.

8
9 Mr. Ng: Sure, thank you and so I think we have some extensive areas, let's see if I can do a
10 better job here.

11
12 Vice-Chair Chang: And it might be helpful also for you to toggle back and forth between the
13 overhead because then we can see the contextual where the building is jutting out versus going
14 in (interrupted)

15
16 Mr. Ng: Oh yes.

17
18 Vice-Chair Chang: As well as the elevation because I think like you said. It's very hard to see the
19 3-D element of it.

20

-
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1 Mr. Ng: Sure, sure. The traditional elevation doesn't tell the whole story because it's so flat.

2 [unintelligible](interrupted)

3

4 Vice-Chair Chang: Right, right, right.

5

6 Mr. Ng: Let me see if I can get there. Am I going the right way? May I can use this one.

7

8 Vice-Chair Chang: Okay, so I think I understood on that side with the side facing the creek. That

9 the... there's one portion that kind of juts out and then in the court yard with the lawn. Those

10 windows are actually really far back but then I think I can't tell how far is that trellis extending

11 out? And how much are you relying on the trellis (interrupted)

12

13 Mr. Ng: I see.

14

15 Vice-Chair Chang: Because there's a lot of glazing.

16

17 Mr. Ng: Okay, let me see if I can do a kind of workmen like manner.

18

19 Vice-Chair Chang: Thank you.

20

-
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1 Mr. Ng: The portion that's closest to the creek, we're very obviously very in tune with that and
2 try to use as much opaque wall as possible. Okay and then let's kind of go counter clockwise.
3 We have slate screens that run across this area... can you see my cursor?

4

5 [note – many Commissioners spoke at once off mic]

6

7 Vice-Chair Chang: Yes, we can.

8

9 Mr. Ng: Sorry, I'm not (interrupted)

10

11 Vice-Chair Chang: Yes, we can see your cursor.

12

13 Mr. Ng: Sorry, I'm not sure what you can see or not see.

14

15 Vice-Chair Chang: We can see your cursor.

16

17 Mr. Ng: Okay so there's a slate screen running across here. There's overhang and this is
18 indented with planting, etc. So, it would be very difficult to come through here because there's
19 just building all around. So, this is kind of a cove with lots of interference, so I don't think that
20 would be a likely area.

-
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1

2 Vice-Chair Chang: Right.

3

4 Mr. Ng: This is the great room of course and this one has a significant overhang (interrupted)

5

6 Vice-Chair Chang: Okay.

7

8 Mr. Ng: Which I believe is like 10 to 12-feet deep. It's quite large... quite deep.

9

10 Vice-Chair Chang: It's quite large, okay.

11

12 Mr. Ng: Yeah, it's not a mini one, it's a big one and so I think similarly the second unit. I'm not
13 sure if that's part of... the ADU I'm not sure how it works in terms of review but we similarly we
14 have a very, very broad overhang. The roof overhand is extremely broad here and so that also
15 covers a lot of the first floor windows over here. Not much window on this side at all. This is a
16 garage, not much. There's some glazing here, but we have new landscaping here that's going to
17 create a nice level of interference and then these are mainly just punch windows. Just smaller
18 punch windows underneath a second floor overhang and so that cancels out reflection on this
19 side. So, it's really when we go through the project, I mean we don't want to just... we want to
20 be specific to each instance and really try to come up with a customize strategy while

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1 integrating it with the architectural design and the interior experience and all that. So, we're
2 really trying to integrate it with different approaches if that makes sense.

3

4 Vice-Chair Chang: Okay so then if you go back to the elevation on that slide because I think
5 when I looked at it, at the elevation. My reaction was that's a lot of glazing for the great room
6 but now I understand that there's the trellis over it and then there's another section that
7 looked like a lot of glazing.

8

9 Mr. Ng: Oh, is it... yes (interrupted)

10

11 Vice-Chair Chang: I think we're looking for the west elevation. I think it's the ADU (interrupted)

12

13 Mr. Ng: So, right here... oh, oh, yeah, exactly so here we have that really large trellis over here.

14

15 Vice-Chair Chang: Yes, yes.

16

17 Mr. Ng: And this looks like a lot of glazing but we have a really large roof overhang on this side
18 as well and so it really cancels out the reflections from that side.

19

20 Vice-Chair Chang: And it's similarly deep? Is it also kind of a (interrupted)

-
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2 Mr. Ng: It's very deep.

3

4 Vice-Chair Chang: 10, 12-feet kind of (interrupted)

5

6 Mr. Ng: Yeah, I think it's like... it ranges from... I can't remember off the top of my head. I think
7 it's some where between 8-feet to 14-feet, in that range. I mean it varies on one side to the
8 other.

9

10 Vice-Chair Chang: And what about on the second-floor where you can see the little bit of the
11 glazing peeking up above, behind?

12

13 Mr. Ng: Yeah, so this is clear story window which is important to bring light in and so the nature
14 of this is it's a lower expanse. There's a little bit of roof overhang. There's obviously the... again,
15 there's the big trellis right here. So, I would say compared to like a commercial or a skyscraper
16 building where you have a beautiful glazed curtain wall but you know, there's no context at all
17 for a bird to know that that's not three dimensional space. I think here we have a lot of stuff
18 going on. We have the roof over here, we have the trellis over here, we have the building mass
19 over here, and so they'd really have to wedge in between these two horizontal planes. They
20 would see these horizontal planes and they would know that something doesn't... I would

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1 imagine, I'm not a bird, but I would think that it's enough warning and danger proximity to
2 know that that's not open space as opposed to like a curtain wall façade on a larger building
3 which I... more like skyscraper glazing and that kind of thing.

4

5 Vice-Chair Chang: Can we take a look at the south elevation too?

6

7 Mr. Ng: Sure.

8

9 Vice-Chair Chang: If I... there was something (interrupted)

10

11 Mr. Ng: South.

12

13 Vice-Chair Chang: That concerned on that side and so I just want the detail and the explanation.

14

15 Mr. Ng: [unintelligible](interrupted)

16

17 Vice-Chair Chang: So, on the south on the second floor (interrupted)

18

19 Mr. Ng: Yes?

20

-
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1 Vice-Chair Chang: It looks like a lot of glazing to me but maybe I'm not understanding what's
2 going on there.

3

4 Mr. Ng: So, this is... we're using... we're utilizing slate screens here, we're utilizing slate screens
5 here. Again, sorry for the 2-D elevations but this area is actually recessed in, so this is a deck
6 and a roof overhang. So, this is essentially a deep alcove that carves into the building and so
7 because of that I... and all the interference all around. We think it kind of minimizes mistaking it
8 for sky, pure sky, because of the shadow cancelation and all the interference around. And then
9 this, it's hard to read in the 2-D but this is actually a very deep recess into the building. So,
10 they'd have to go into this cavernous tunnel like space and with all the shadow cancelation
11 from the building itself shading itself. It just won't be a highly reflective area we believe.

12

13 Ms. Kallas: To interrupt a tad, sorry. The area that Lenard is currently describing might be best
14 shown on the floor plan on Sheet A 2.5.

15

16 Mr. Ng: Okay, or even on the site plan here if it's this indent right here.

17

18 Vice-Chair Chang: Oh okay, I understand now.

19

20 Mr. Ng: Yeah.

-
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Ms. Kallas: The...Sheet A 2 (interrupted)

Vice-Chair Chang: Okay, thank you. Like I said, I'm not very good at reading these plans but when I looked at it, it kind of gave me pause with all the windows. Okay, now I understand.

Mr. Ng: No, I'm old school too, I'm like printed plans are... some [unintelligible] better than the PDF because you can't see line weight very well.

Vice-Chair Chang: Okay and then, sorry, going back to the... so I think that helps me understand the south elevation and then can we quickly look at the east elevation?

Mr. Ng: Sure.

Vice-Chair Chang: I'm sorry to go through this but I just... I'm wanting to be responsive (interrupted)

Mr. Ng: Oh, no.

Vice-Chair Chang: To the feedback and make sure that we understand what's going on.

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Mr. Ng: No problem, so this is the (interrupted)

Vice-Chair Chang: Yes.

Mr. Ng: East elevation, so the ADU is mostly opaque with roof overhang. Small windows, clear story window. We don't show it fully here but this is kind of like a landscaped garden area. So, our hope is that this will have a lot of new trees and planting here creating interference in addition to this being fully recessed. Indented into the building again with roof overhangs.

Obviously this area is mostly solid and with over hang and then this is an entire area where we're also adding the screen to cover over the second floor windows. Alternating with solid

[note – video skipped]

Vice-Chair Chang: Bottom section being the landscaped area is very helpful, thank you very much for that and then finally on the north elevation.

Mr. Ng: Yes, yes.

Vice-Chair Chang: There's those bit tall windows. I think there's a tree in front of it.

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1 Mr. Ng: Yeah and so this is, I think again we're using a multi-faceted strategy for... as you can
2 see the big expanses I think we're trying to use our slat screen strategy at the second floor. On
3 the first floor we have smaller punch windows and significant overhangs that will shield. This
4 area is recessed way in and kind of carved in much farther along. This is kind of a stair window
5 and there are trees in front as well. This is a blank façade and then these are smaller windows
6 towards the back as well that we're probably with the shades and with the shadowing with the
7 building. It should be pretty cutting the reflection down in that regard.

8
9 Vice-Chair Chang: So, for the stair windows, like the tree that you're showing there. There's an
10 actual tree there? It's not an artistic rendering of (interrupted)

11
12 Mr. Ng: Oh yeah, no there's existing... that's one of the big trees I believe.

13
14 Vice-Chair Chang: Okay, I appreciate it, thank you so much for (interrupted)

15
16 Mr. Ng: Thank you.

17
18 Vice-Chair Chang: Taking the time to go through that. I mean it makes me feel a lot better about
19 the... I did quickly Google what Bird Safety Factor 15 was and did see that kind of most of the
20 references were 20, 25, 30 rather than 15. So, I also saw the same thing that Ms. Kallas said.

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I will... I spent a lot of time. I do have more questions but I'll yield so that if other people have questions they can ask them.

Chair Summa: Thank you. Commissioner Reckdahl.

Commissioner Reckdahl: I had a follow up of those elevation, so we do have a lot of windows here. Are there any cases where the windows are on opposite sides and a bird can see through the house?

Mr. Ng: I'm sorry, could you say that... the bird can see through the house?

Commissioner Reckdahl: Yeah, are there any windows where a bird flying could see through the house? See... so it's line of sight would go in one window, through the house and out another window? Like in that great room it looked like there was windows on both sides.

Mr. Ng: There are windows on both sides but I don't think... I think with the new landscaping on that side I don't think that would be the effect. I don't think they would want to fly through. I actually think glass in the daytime is surprisingly opaque as you guys probably know and so I think it's really trying to cut the reflection of the... the ambient reflect on the surface of the

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1 glass. I think it's the mirror like quality of the glass that makes it seem like there's depth that
2 the bird would try to fly through in the daytime because the glass is really not that transparent
3 in the daytime with the low-e coding and the nature of reflection and stuff like that.

4

5 Commissioner Reckdahl: But... so are you saying there aren't cases where they can see through
6 or not?

7

8 Mr. Ng: Well I... I mean I'm just thinking off the top of my head. I think one would be the great
9 room as you pointed out but we have a garden space there. So, it's not like they would fly
10 through to sky. I think there's a lot... there would be a lot of interference. The other, just off the
11 top of my head, the other place that I can think of where you have windows opposite directly
12 would be at the second floor here. But that's why we put the slate screens, so that it's clear
13 that it's shield.

14

15 Commissioner Reckdahl: If at least side has a slate screen, then I'm more comfortable with that.

16

17 Mr. Ng: Yeah so that... and especially at the second floor that's what we tried to do. We tried to
18 shield that portion so there's no see through effect like that.

19

20 Commissioner Reckdahl: Okay, thank you.

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Chair Summa: Thanks, my questions have all been asked and answered by my colleagues but I am... I also have clear story windows that get bird strikes in the day. So, that is concerning to me and maybe double-check. It sounds like you weren't... the applicant was not quite sure if there were places that the birds could see from outside in through one window and out the other. Maybe double-check [note – video skipped]

Commissioner Hechtman: [unintelligible – off mic]

Chair Summa: Commissioner... Vice-Chair Chang.

Vice-Chair Chang: Sorry, I do since everybody... I do have more questions, of course I do. So, I wanted to ask about the swimming pool safety item. There's a comment in the Packet on Packet Page 12 that there's going to be this cover and that it meets the requirements of the Swimming Pool Safety Act. What does the Swimming Pool Safety Act refer to? Is that a human requirement or a (interrupted)

Mr. Ng: That's a human safety requirement, yes. It's a Building Code... well it's a safety act and tied into the California Residential Code but it's essentially protecting kids and adults and people from drowning in a pool accidentally.

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Vice-Chair Chang: Okay, so it's... it will prevent against large animal drowning hopefully but not necessarily (interrupted)

Mr. Ng: Yeah, if it covers... it covers human sized (interrupted)

Vice-Chair Chang: Right, right.

Mr. Ng: Mammals.

Vice-Chair Chang: Okay, understood, or very large reptiles maybe.

Mr. Ng: Yeah, I guess so.

Vice-Chair Chang: Crocodiles. Okay and then question about the soil that will be removed from the swimming pool. I saw that it's going to be distributed all over the property. Do you know where it's going to be distributed by any chance?

Mr. Ng: So, I think that's a good question. We've sited the building in the clearing obviously. It's pretty flat but obviously nothing is perfectly flat in the world and so there's actually a gradual

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1 slope I think in this direction. Probably in the range of 3 to 4-feet across this large area. So, over
2 this large area it's not that perceptible but there is a 3 to 4-inch... foot delta and so we've
3 elevated or we purposely tried to set the finish floor of the building to balance the cut and fill.
4 So, on this side we're just cutting just gently, maybe a foot maybe into the side of the
5 topography here and then we're filling on this side of the property. And so, I think that could
6 easily be absorbed where we need some to raise just a hair on this side of the home.

7

8 Vice-Chair Chang: Thank you and then unfortunately I did not get to review the... my bad, I
9 didn't review the MND carefully but was there any... I don't think there was mention of sudden
10 oak death in any mitigation measures for that in the MND. Is that correct Staff?

11

12 Ms. Kallas: I believe that's correct. Yes, additionally there is no mention of sudden oak death in
13 the Arborist Report.

14

15 Vice-Chair Chang: Alright, thank you and then a question about our Code. So, with respect to
16 fire and clearing of vegetation. Is the swimming pool considered a structure? Does vegetation...
17 flammable vegetation need to be cleared from with 30-feet of the swimming pool?

18

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1 Ms. Kallas: That is a good question. I do not know the answer to that immediately, but that is
2 something that through the Building Permit process would be required to meet our Code
3 standards.

4
5 Vice-Chair Chang: Is that something that we can get resolution on tonight during our meeting
6 and the reason I ask is because when I went back through what City Council's direction was?
7 When City Council mentioned the approximately 50-feet, there was some logic there with
8 respect to 20 plus 50. The idea being that we have pieces of our legislation that were sort of in
9 conflict with each other. Meaning we're not suppose to disturb anything within 20 but then
10 we're suppose to keep all flammable vegetation within 30-feet removed. And so, this just has
11 implications given the placement of the swimming pool and so (interrupted)

12
13 Ms. Kallas: Yeah.

14
15 Mr. Ng: Maybe I could speak to that?

16
17 Ms. Kallas: Or I can also clarify that as a part of this review I did confirm with our fire prevent
18 reviewing Staff that any green living plants are not considered flammable. It is only kind of
19 route maintenance of anything that may have died and becomes more combustible. And so, I
20 don't know if there's anything currently in the Conditions of Approval but we typically require

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1 or I know that we do require maintenance of existing landscaping. And so, I think in that type of
2 situation it's more of a maintenance thing than worrying about the landscaping that there
3 that's currently healthy which would be protected.

4
5 Mr. Ng: And maybe, if I may? I can chime in on that as well, just from my experience and
6 dealing a lot with wildland interface. My understanding is it's really combustible items that's a
7 great alarm and so the pool is actually a wonderful benefit because it's a natural fire break. The
8 pool structure itself is in the ground, it's not something that's combustible that can create
9 ladder effects or jump from tree to house so to speak. I mean it's a body of water but if we
10 imagine the water not there. The entire swimming pool construction is non-combustible. It's a
11 concrete finite shell, tile, usually stone or concrete coping and so all of that is considered, from
12 the Building Code side, non-combustible. And so, I think it would help in terms of fire break
13 aspect of the fire department.

14
15 Vice-Chair Chang: Right, I understand that. I just wanted to make sure that we weren't creating
16 a situation inadvertently. I understand from a common sense perspective that it should be an
17 additional benefit in terms of fire safety, but because our Code says that combustible
18 (interrupted)

19
20 Mr. Ng: Oh, like the definition of a structure. I see... yeah, I see what you're saying.

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Vice-Chair Chang: Right, the definition of a structure says that things that are... it says, shall all times maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30-feet of such buildings or structures. And so, I just didn't know if a pool is a structure? [unintelligible] within 30-feet of a structure and so because the riparian areas is suppose to be protected. We don't actually want to remove anything. Anything at all, even if it dead because it provides habitat for the flora, I mean for the fauna. I just wanted to make sure that we're not creating a situation by which in order to meet Fire Code we need to damage the riparian habitat and so that's why I'm hoping we can get an answer to that question. Yeah, so that's just my request if possible, I don't know if it's possible. That's it for me, thanks.

Chair Summa: Anything else from my colleagues? If not we will go to the public. Ms. Dao, I saw one person but I'm not sure if there's anyone else now.

Ms. Veronica Dao, Administrative Associate: Yes, two or no? Yes.

Chair Summa: Just one? Two.

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1 Ms. Dao: Two. I don't know, Michael keeps raising, lowering his hand. First is Shani Kleinhaus,
2 you have 5-minute if you can unmute yourself.

3

4 Chair Summa: Thank you. Ms. Kleinhaus, you can go ahead. I'm not sure Ms. Kleinhaus if you're
5 speaking but we can't hear you. So, you're either muted or something else is going on. We
6 could move onto the second speaker and then come back to Ms. Kleinhaus.

7

8 Chair Summa: Yes, next Michael Ferreira.

9

10 Chair Summa: Thank you.

11

12 Mr. Michael Ferreira: Good evening Chair and Doria and Council... and Commissioner Members.
13 Michael Ferreira is my name. I did attend the Council meeting, I found that very, very
14 interesting and I found this meeting also very, very interesting. And I'm appreciative of the fact
15 that the building had been modified so that there's a better setback from the creek. I do have
16 to say I'm a bit of a skeptic to put it mildly about swimming pools. I just pumped mine out and
17 I'm checking around to see what can I do to get rid of it. They bring a lot of problems. I was very
18 surprised during the storms how quickly the water level rose and of course had to get the
19 pumps going which sort of kind of leads me to a question on this. You know, we don't want the
20 water to overflow and take chlorinated water, even if it's diluted, to the creek and so I'm

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1 wondering where does this water get pumped to? I didn't get an understanding of the system
2 or draining this pool which would have to happen from time to time and I'm going to assume
3 that would not be to a septic system because it wouldn't have the capacity. So, but it also
4 seems... I don't really know if your sewer system runs out that far so that you could pump it to
5 the sewer. Just a... sorry for the... that level of question. If it was in a report, I missed it and
6 would like to have a better understanding of that in case we get some of our storms again like
7 we had this past year.

8
9 It would have been nice if the pool could have been as far from the creek as the house. I
10 understand some of the things that are problematic but right now, most of my problems are
11 related to the infrastructure surrounding the pool. And thank you for all the good questions
12 that I heard from the Commissioners, very enlightening meeting and thanks again.

13
14 Chair Summa: Thank you. Can we get Ms. Kleinhaus back?

15
16 Ms. Dao: Yes. Shani Kleinhaus, if... this shows you're unmute but we don't hear anything.

17
18 Chair Summa: Ms. Kleinhaus, you might be muted on your end or something doesn't appear to
19 be going correctly so we would love to hear your comments. Maybe you can call back from a
20 telephone and in the meantime, do we have other...?

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Ms. Dao: No, just Michael and Shani.

Chair Summa: Okay, let's see if Ms. Kleinhaus... let's go on with the meeting but see if Ms. Kleinhaus can call in, we'll take her comment. Thank you so much. Okay, so back to the Commission unless the applicant would like to comment on the commenters, a rebuttal.

Mr. Ng: Sure, in terms of Mr. Ferreira's question on the pool. Yes, we have a sewer connection out here and so there's no septic. Nothing like that, it has full utilities and so the pool is chlorinated so obviously it defiantly cannot just surface drain or anything like that. Its going to be draining directly into the sewer system and we have Leon Braze [note – video skipped]

Chair Summa: Thank you for answering that. Any chance we have or did you want to continue with other comments, sorry.

Mr. Ng: I believe that was Mr. Ferreira's questions so yeah, it's draining into the sewer. I don't think there's any (interrupted)

Chair Summa: He also asked about overflow if there was heavy rain. I don't know if you wanted address that.

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Mr. Ng: Well, the normal recirc system of the pool would address that and there's also drain down systems of the pool. So, if you had to drain the entire pool, there's drains at the bottom of the pool that you can do so, but the normal recirc system of the pool would prevent it from overflowing with current pool technologies, etc.

Chair Summa: Okay.

Mr. Ng: Yeah, thanks.

Chair Summa: Thank you for that. Now Ms. Dao, do you think we can get (interrupted)

Ms. Dao: Yes, she's on the phone.

Chair Summa: Great.

Ms. Shani Kleinhaus: Hello, can you hear me?

Ms. Dao: Yes.

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1 Chair Summa: Yes, now we can, thank you. Go ahead.

2

3 Ms. Kleinhaus: Thank you. This is Shani Kleinhaus, I am a resident of Palo Alto. I'm the
4 Environmental Action Committee advocate for the Santa Clara Valley Audubon Society and I'm
5 also a Parks Commissioner in Palo Alto but I do not speak for the Park and Recreation
6 Commission. I really thank the applicant for making such changes. The project seems a lot
7 better in terms of the lighting and bird safety. Although, I still have some concerns about see
8 through situation, but mostly my concerns are about the swimming pool.

9

10 The action minutes and recording of City Council essentially say evaluate a project design that
11 provides approximately 50-foot setback from the top of the bank and it talks about the project.
12 Not the home, so the pool is part of the project and yet that has not been moved. And so that is
13 of great concern because of the proximity of the pool to the riparian corridor. And also, the
14 direction from Staff with the pool should be covered and fence in a way that ensure that small
15 animals such as amphibians and reptiles cannot enter the swimming pool. And it's not clear
16 how that would be when there's only a cover that a resident or a home... the people in the
17 house either deploy or not. So, that leaves a lot of potential for the little critters to crawl into
18 the pool.

19

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1 One other comment I have is the letter from the Mid Pen suggested treating any kind of
2 vegetation that comes into the site for... it has a very elaborate system to prevent sudden oak
3 death from coming in. And maybe it's not part of CEQA but still I hope that the Planning
4 Commission recommends that all those recommendations from Mid Pen be incorporated into
5 the Conditions of Approval or something.

6

7 But again, the main concern that remains for me is the swimming pool location and the
8 swimming pool is part of the project. It's not just the home that Council directed should be 50-
9 feet or so from the top of the bank. So, thank you for all the good questions and again, thank
10 the applicant for making some good changes and beautiful house. Though I always prefer to
11 keep those areas without houses. Anyway, thank you so much.

12

13 Chair Summa: Thank you and is that the end of our speakers?

14

15 Ms. Dao: Yes.

16

17 Chair Summa: Okay and I'll give the applicant, since we had our... a chance to respond to that
18 statement also since we had it broken up if he would like to.

19

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1 Mr. Ng: Sure, yes thanks for the comments. The pool is part of the project, as you mentioned,
2 but I think the nature of a pool is very different from the building. And our take away from the
3 Council was that the 50-foot was really the discussion focused on the building in that regard
4 and less of the pool. I think the current Open Space District is a 20-foot from top of bank
5 setback and so the pool right now I think on average is 37 to 40-feet from the top of bank or I
6 should say the top of grade break and probably about 50 to 60-feet from the actual creek. And
7 so, I think given that it's relatively low impact in the ground, it's not a structure that rises above
8 with light pollution. We would humbly submit that the standard for a pool is a little bit different
9 from an actual building, but still the pool is probably 37 to 40-feet on average away from the
10 top of the grade break and probably 50 to 60-feet by our estimate to the actual creek on that
11 side.

12
13 I think in terms of barriers, I think there was some interesting discussion and its kind of a rock
14 and a hard place I think because I think on the one hand the pool cover seemed to actually be
15 the sweet spot because most people would want the pool cover on for heating reasons, saving
16 energy, electricity, etc. So, if it's not in use, most people would want to have a pool cover on for
17 just other reasons. So, I think that provides a nice safety catch in terms of humans and animals,
18 but in terms of adding fencing. It kind of one solution causes another problem because we also
19 had the take away from the Commission that we shouldn't be putting a lot of barriers and
20 fencing because that could be an impediment for other terrestrial animals from crossing the

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1 clearing and crossing over to the riparian edge. And we didn't want to be like a highway
2 necessarily to cut off between one ecosystem and the other. And so, we were also told to
3 minimize fencing and barriers to allow for land based animals to cross freely through the site.

4

5 Chair Summa: Is that all Mr. Leonard or...?

6

7 Mr. Ng: I'm sorry if I think those were the question that I caught from Ms. Kleinhaus. I wasn't
8 sure if I missed something. If she had another question that I missed. I mean I think the pool
9 and then the fencing I think was what I jotted down. Thanks.

10

11 Chair Summa: Thank you so much, so with that we'll bring it back to the Commission. So, I'm
12 wondering who would like to start the conversation? Commissioner Lu.

13

14 Commissioner Lu: I just had one question for Staff. On Packet Page 21 there's reference to the
15 Arborist follow up and how every 5-years there'd be a review and evaluation of the trees. I'm
16 just curious about the context for that. Is this something we do normally in kind of projects in
17 open space... in OS Zoning and what do we actually do about that? Would we issue a citation if
18 trees aren't properly removed for example?

19

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1 Ms. Kallas: Yes, that is... this is something that is standard for projects in the Open Space
2 District. We do have the manager of Urban Forestry, Peter Gollinger, on Zoom. Peter, I don't
3 know if you'd like to add anything to that.

4
5 Mr. Peter Gollinger, Urban Forestry Manger: Just that we do review those when they come in
6 and we make sure that the project is still in compliance with any tree related issues that arose
7 during the building of the project. It is possible that we could issue a citation at that point but
8 usually it's just making sure that everything is still on track with what was originally proposed.

9
10 Commissioner Lu: Thank you.

11
12 Commissioner Hechtman: I just have a follow up question on that. So I'm familiar with this
13 Condition 11, the arborist follow up and my understanding of this provision has always been
14 that it relates to basically it's an insurance policy. 5-years down the road we're going to make
15 sure that anything you were required to plant has survived. [note – video skipped]
16 understanding of it because for example, they're not... they're only taking out one dead tree
17 and I don't know if... I guess it's a question to Staff. I know they have a landscaping plan but is
18 that required or is that just part of the project that they wanted to do rather than some
19 mitigation that's being imposed upon them?

20

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1 Ms. Kallas: It typically does include any trees that we identified as protected through the
2 Conditions of Approval. Since it is such a large site, we may want to consider which ones are
3 sufficiently within kind of some amount of project are to have been potentially impacted by
4 construction. Since that's the purpose of the maintenance rather than the full 5-acres,
5 something that's you know hundreds of feet away.

6
7 Commissioner Hechtman: That makes a lot of sense because that... you're right, that's another
8 aspect we're counting on these trees. If we're not... if the applicant doesn't say it, I'm going to
9 remove this, but knocks it down in the course of construction. Then we would want that
10 replaced and we'd want to check 5-years later to make sure it was still alive. So, that's a good
11 nuance, thank you.

12
13 Chair Summa: I'm going to ask a quick question while we're on that topic. I think there's 82
14 trees and 37 protected if I'm remember correctly, but that's not the whole 5.38-acres. That's
15 just kind of in the building area, is that right?

16
17 Mr. Ng: I believe so. The... it's kind of this northern region of the site.

18
19 Chair Summa: Okay.

20

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1 Mr. Ng: So, the tail end... let me see if I can go back.

2

3 Chair Summa: Like it's... the building is mostly in kind of the middle.

4

5 Mr. Ng: Yeah so can I go all the way back? So, yeah (interrupted)

6

7 Chair Summa: So, my question kind of in this (interrupted)

8

9 Mr. Ng: That long tail, I don't... I think that's just a separate area.

10

11 Chair Summa: So, my question about... I understand the 82 trees that are kind of in the area
12 where the building is going to occur but I want to make sure there's no any... do we have any
13 protection for the trees in that other areas?

14

15 Ms. Kallas: I can pull up on my screen where the tree protection fencing is proposed per the
16 Arborist Report.

17

18 Chair Summa: Well, I wouldn't expect tree protection for the whole 5.3-acre site but just to
19 make sure that something didn't happen in some of those other areas. Such as soil being put on
20 top of the drip line or large vehicles. It's just something to think about since we were talking

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1 about trees. The areas that are not on this, so we can come back to it. I just wanted to mention
2 it while we were talking about trees. I know, I saw her, thanks. We can go to Commissioner
3 Akin.

4

5 Commissioner Akin: Thank you, Chair. This is a question for Staff regarding the Initial Study. Are
6 there any Objective Standards that we use to determine whether the impact of light emission in
7 a sensitive area like this is significant?

8

9 Ms. Kallas: Yes, we have Abe Leider, from Rincon, who prepared the CEQA document on Zoom.

10

11 Mr. Abe Leider: Thank you Ms. Kallas and PTC Members. I'm actually going to ask... I think the
12 answer for Objective Standards is like foot candles and things like that. We did not use but I'm...
13 if it's okay I'm going to turn it over to our biologist who knows a little bit more about how we
14 looked at impacts to the creek related to the lighting. If that would be okay?

15

16 Commissioner Akin: That'd be great, thank you.

17

18 Mr. Leider: It's Alex Hunt, he's a senior biologist with Rincon.

19

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1 Mr. Alex Hunt: Hello Commissioners. Yeah, there's isn't... it is assessed at least in this report a
2 little bit more qualitatively. We're looking primarily under CEQA the way light is effecting
3 protected species or special status species and so that analysis was largely qualitative.
4 Particularly in light of the... in light of the setback, you know we were considering factors
5 regarding how that... the angle of light would be coming in. Considering the creek banks, the
6 screening from the vegetation, the screening from the various measures that the applicant has
7 put forward. And so, it was really more of a qualitative assessment than anything and in our
8 opinion it didn't rise to the level of significance.

9

10 Commissioner Akin: Very good, thank you.

11

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

13

14 Vice-Chair Chang: Yes, I wanted to ask Rincon about whether sudden oak death is a concern
15 and why it wasn't identified.

16

17 Mr. Hunt: Yes, so Alex here again. Yeah, sudden oak death or sometimes referred to as
18 Phytophthora covering many other species. It is a concern throughout the area. It's often
19 transmitted through equipment so if you're using chainsaws or whatever to cut down trees
20 elsewhere. You bring them to the site. It can even spread on work boots. There are the

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1 Phytophthora Guidelines are quite involved. It's spraying all the equipment down with an
2 alcohol solution. It can also come to the site through container stock through the native
3 plantings. So, Phytophthora in general can be a concern in the whole region really for every
4 single project. It's not necessarily something that we evaluate under CEQA as Ms. Kleinhaus
5 indicated. So, it hasn't been addressed in that context and there's not really a significant
6 threshold that applies to that. Its... I would say that it's something that the City can certainly
7 consider through issuance of tree removal permits or other mechanisms.

8

9 Vice-Chair Chang: Okay.

10

11 Ms. Kallas: I could also have Pete Gollinger from Urban Forestry speak to that if you would like
12 as well.

13

14 Vice-Chair Chang: Sure, that would be wonderful, thank you for the suggestion.

15

16 Mr. Gollinger: Excellent and so I do agree that it is... sudden oak death is something and
17 phytophthora in general is something that is present and kind of ubiquitous all throughout the
18 Foothills area. So, fighting a war of exclusion is difficult at best. I do think it is a very good idea
19 to use disinfection protocols for equipment and to avoid contaminated soil. You know, I don't
20 know how large of a threat it is coming in from nursery stock. I know the majority of nurse

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1 stock that we purchase is local but it may not be sourced locally but we've not had any direct
2 evidence of that with City planed trees. That doesn't mean it's not in the nursery industry, so I
3 would say that requiring disinfection protocol would be deficiently within reason but beyond
4 that I don't know how effective additional measures would be.

5

6 Vice-Chair Chang: Great, thank you.

7

8 Ms. Kallas: And additionally, while we're in Commissioner Chang's [note – Vice-Chair Chang]
9 section of questioning. I did receive a response from Carl Schneider, our fire prevention expert,
10 who was able to let us know that an uncovered swimming pool or this wouldn't be referring to
11 the pool cover. This would be referring to a structure over the pool, so a swimming as proposed
12 in this plan set is not considered a structure for the purpose of defensible space.

13

14 Vice-Chair Chang: Okay, wonderful, that at least removed that concern. I mean there's... thank
15 you. I remain concerned just because I mean it's good because there's nothing in terms of the
16 Fire Code that would then require removal of vegetation in the riparian zone but or in the 20-
17 foot area with the... that's protected. But I remain concerned just because of the direction from
18 City Council about the project staying 50-feet away but this at least makes it a little bit better.
19 There is also a question... that I just wanted to note that there is also a section of the driveway
20 that kind of comes within 50-feet but that was just an observation.

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1

2 And then I did just also want to comment in case members of the public are wondering what
3 happened because I wanted to say that I was confused at least the last time this project came
4 before the PTC. I remember either I or another Commissioners asked okay, so what can we do
5 given that our current Code hasn't been brought up to date with what our vision was and our
6 Comprehensive Plan which was 150-feet rather than 20-feet. And the answer was well, there's
7 not much that we can do and what I think I, as a Commissioner, did not understand was that
8 this is a discretionary approval and that because this is an open space. We are allowed to use
9 some amount of discretion to make sure that we are doing as we think we should regarding
10 environmental protection. So, I don't think we were... I don't think that was made clear enough
11 to us at least or I didn't understand.

12

13 So, right now my concerns are about the pool, specifically regarding it's location and I agree
14 that it's... that at least there's no light pollution concern but it does dig deep... I mean it does
15 dig down. And so, then it's closer to any potential water table concerns but also then it's also
16 closer to any little critters that might be closer to the creek because typically... we're concerned
17 about the riparian corridor because that's where animals tend to be more dense. And so, I
18 don't know what these... you know the covers are evaluated for human safety. Not necessarily
19 for a little salamander or whatever, you know snake safety and I agree that we don't necessarily

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1 want to impede animal movement, but we also don't want animals drowning in a pool. So, I
2 guess there... that's one of my concerns.

3

4 Another concern regarding the pool is where the soil goes and I had asked about that. I think
5 my main concern about the soil is that we just want to make sure that any soil that is dispersed.
6 It doesn't erode back into the stream because the stream is habitat for the endangered trout
7 and so soil eroding into the stream is very bad for the trout. So, as long... it's of course better to
8 use it instead of foreign soil being used to flatten out the site. So, as long as... if... we might
9 want to make some sort of additional Condition of Approval regarding the soil and to make sure
10 that it stays with... outside of 50-feet or something like that from the top of bank or something
11 like that. I don't know what the... I just... I'm kind of floating ideas out there and would be
12 interested to hear what other Commissioners have to say about it and then I am interested in
13 seeing what we can do about sudden oak death.

14

15 I think there are some very clear guidelines and where possible it may make sense to
16 implement them and maybe following some of those guidelines. Particularly, with respect to
17 the choice of the native plants that are made for the landscaping choices because I believe that
18 certain plants are more likely to be hosts for the sudden oak death... is it is a fungus? I think
19 fungus, than other plants and so maybe wise choices can be made and then of course there's
20 the disinfection. And it is difficult battle but if the plant choices can be made carefully and at

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1 least some disinfection can be done and that we can do our best because while certainly the
2 City is planting trees down at... down in the flat lands. It might be less of a concern than
3 planting it in the open space where there's just oaks every where and it's much more
4 transmissible. So, those are my comments for now, thanks.

5

6 Chair Summa: Commissioner Reckdahl.

7

8 Commissioner Reckdahl: Thank you. This is a beautiful house, I really do think it's a gorgeous
9 house and I would hope that you can eventually live in it. I also appreciate all of the
10 modifications you made. It's a much better project than it was when we first saw.

11

12 That said, the one area that still bothers me is the swimming pool and the location and it's just
13 not a fire issue. Fire... the reason they want to move the whole project away from the creek was
14 that it interferes with the wildlife and also construction impacts on the riparian corridor. So, it's
15 just not a fire issue, it's a wildlife issue. The swimming pool, you're digging down into the soil.
16 That's going to destabilize that bank and Valley Water has experience with this. They have
17 other swimming pools up in the Foothills that have been built to close banks, destabilize the
18 bank, which led to erosion and construction here will require a Fish and Wildlife Permit. And I
19 suspect Fish and Wildlife will not be real thrilled about having a pool that close to the stream.
20 So, it's just not Council's concerns and Mid Pen in their letter also recommended moving that

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1 swimming pool further away from the bank. So, I think... you know this is a large parcel, we
2 should be able to find room on the parcel for a swimming pool that isn't this close to the bank.
3 So, I mean if you are able to do that this would be a very strong project but I still have major
4 reservations about the location of the swimming pool. Thank you.

5

6 Chair Summa: I don't see any lights so maybe I'll take an (interrupted)

7

8 Commissioner Hechtman: [unintelligible – off mic]

9

10 Chair Summa: No but go ahead. Go ahead Commissioner Hechtman, it didn't go.

11

12 Commissioner Hechtman: Thank you, Chair, so a number of things. First, this unfortunately... no
13 first, I agree with Commissioner Reckdahl that this is a beautiful home. I'm not an architect or
14 Member of ARB but I think it's... I really think it's going to be a great asset to the City and I
15 frankly thought that the last design was also spectacular. So, I'm excited to have a home of this
16 quality added to our inventory.

17

18 Having said that, I'm really frustrated that we're seeing another example of what's sometimes
19 referred to as the Palo Alto process. This... the application for this home was submitted in June
20 or July of 2021. It came to us a year later in August, for some reason it didn't get to Council

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1 after that until this January and now here we are in August again to have it back and I'm not
2 faulting Staff for that. We have a complex set of rules and they need to be followed but you
3 know, those have an impact. And we need to... what we've got here is we've got an applicant
4 who is, I would say at least a year if not more away from actually setting foot into this house.
5 And so that's 3-years of carrying costs on what I imagine is a very expensive piece of property
6 and so I think we need to continue to strive to do better and to find ways to move these
7 applications through our process faster.

8
9 So, the... and I'm remembering the discussion we had last August and I think it was
10 Commissioner Reckdahl who first raised the issue of why are we stuck with the 20-feet and it's
11 in our Code, can we do more? And I think that... and I remember that discussion and really the
12 lynch pin of that was not about discretion, it was about evidence. At the point that this was
13 presented to us last August, we didn't have information that... other than just anecdotal farther
14 from a creek is better, about this issue. And what changed after it left us and it's in our Packet is
15 Ms. Kleinhaus's letter of January 22nd, just before the Council meeting, which provided a lot of
16 information on this issue and really gave them the context I think to look at the larger buffer.
17 And so that was very helpful to our process and we just didn't have that tool when it was
18 before us and so, I know Audubon and Sierra Club comment on projects like this frequently. I
19 would hope then in the future we'd get those comments. That they wouldn't daylight for the
20 first time at Council so that we can wrestle with them and fold them into our recommendations

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1 to Council. I know that there are a number of Commissioners back then who would have really
2 appreciated that and that would have helped further the matter of interest to them of finding
3 an appropriate buffer. So, that's something that can be done better in the future.

4
5 I'm really concerned about this CTF Factor 15 because what I'm hearing is that... my concern is
6 that we may impose a requirement that is not reasonably feasible and so I'd like Staff to
7 consider you know what we're hearing is, and from Vice-Chair's own research, that what's
8 more common is a 20 to 30 range. I don't want to have a condition that we find out can't be
9 satisfied later and so what I would encourage is that maybe we soften whatever language that
10 is, which I couldn't find, to rather than a strict 15 requirement to what's reasonably feasible in
11 the market place. I'd like to see that so that we don't have to come back with a project partially
12 built when we realize the best we can do is 21 or something.

13
14 The pool, I guess my thought on that is it's clear that the Council didn't not give specific
15 direction that the pool should be moved along with the rest of the house. It's clear that the
16 applicant did not understand the direction that Council gave that the pool also needed to be
17 moved and frankly, I think it's clear that Staff didn't... Staff who attended the meeting didn't
18 understand it that way either. So, and I am loathe, again more than 2-years into this process, to
19 send them back to the drawing board to redesign... to address an issue that the Council actually
20 may not... a concern that the Council may not have. So, I'd prefer that under these

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1 circumstances we send it on to Council and if Council meant pool but didn't say it, well, then let
2 them make that clarification.

3

4 I do think that when we talk about issues like destabilizing the banks, we can't just throw those
5 concepts out. If we had some report that said this pool in this location could have that effect on
6 a bank which isn't really even the bank as explained to use by Leonard, and a creek that's 50 to
7 60 feet away. If we had evidence of that then that's something to talk about but just to
8 speculate that it could and so we need to move it just in case it might, I don't think we should
9 be doing that. I think, as to the pool, it should be where it is.

10

11 On the soil erosion possibility, I just... which Vice-Chair Chang raised, I just do want to mention
12 we have a host of standards conditions in our Building Permits that prohibit erosion into the
13 creek. There are all kinds of protections that... because it's an issue every time you construct
14 near a creek but what I understood from the architect is that this soil is basically going to be
15 under the improvements of the house. It's basically the platform for the foundation that will
16 encase it and basically lock it into its location. So, I think that combination of the design to do
17 that, plus our standard erosion protection procedures should be sufficient but Staff can
18 comment on that.

19

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1 And finally, on this the sudden oak death issue, we've got oaks all over Palo Alto and I think this
2 is an issue of concern but it's an issue of City-wide concern. And I don't think we just target
3 properties that happen to have oaks on them as they come through for some nuanced
4 requirement that actually is not arising from an environmental impact identified in our Neg.
5 Dec. In other words, this is... it hasn't to my knowledge been identified as an impact of this
6 project requiring mitigation. So, it's a serious issue and I think maybe it should be on the Work
7 Plan to put in an ordinance in place to deal with it in a uniform way across the City, but on a
8 piecemeal basis I don't think it's appropriate. Particularly, since it hasn't been to my knowledge
9 identified as a particular impact of this project, so it wouldn't be a Mitigation Measure. It would
10 just be a Condition of Approval, so those my... oh so I guess the summation is that with some fix
11 of that Factor 15 issue, I think this is a great project and I'm supportive of Staff's
12 recommendation to move it onto Council.

13

14 Chair Summa: Commissioner Lu.

15

16 Commissioner Lu: I agree with everything Commissioner Hechtman said and agree that this
17 project is both beautiful and also thoughtfully addresses all of the clear feedback that I gather
18 has been shared so far.

19

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1 I'll also just shout out that on Packet Page 68 there is a discussion on the last paragraph of what
2 reasonable setbacks for riparian buffer would look like and that ranges from a 33-foot minimum
3 for reducing sediment levels to a different study that suggests 50 to 100-feet. The 33-foot was
4 in reference I think to the top of the bank, the 50 to 100-foot number was ambiguous on
5 whether that was to the top of the bank or to the actual bank. I think if we tried to look at some
6 scientific basis, a 33-foot buffer is not totally unreasonable and were in the ballpark of
7 potentially a 50-foot buffer. So, I don't have any blocking over concerns at the current levels for
8 the pool setback.

9
10 Chair Summa: Thank you, so I wanted to ask Ms. French something. I did not do disclosures,
11 which I probably should have done. Should we do them now late?

12
13 Ms. French: I think because there has not been a motion and a vote you can still disclose.

14
15 Mr. Albert Yang, City Attorney: Yes, please do disclosures.

16
17 Chair Summa: Thank you and I'm sorry I forgot to do that. Can we just go down the line?

18
19 Commissioner Hechtman: No disclosures.

20

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1 Chair Summa: I have no disclosures.

2

3 Commissioner Lu: No disclosures.

4

5 Commissioner Reckdahl: I visited the site but I have no disclosures.

6

7 Commissioner Akin: No disclosures.

8

9 Chair Summa: Thank you, apologize for neglecting that. Oh, sorry.

10

11 Vice-Chair Chang: I have no disclosures.

12

13 Chair Summa: Thank you. A few thoughts, one is... well, I... and I missed the earlier... when this
14 came to the Planning Commission earlier and I did watch it and I did watch the City Council
15 meeting on this. And I thought the Council was very clear about a 50-foot setback as being
16 appropriate and they asked us to evaluate that. And I think that's appropriate to but I think this
17 project is greatly improved and I think that's probably why it took so long to come back to us.
18 Partially because it took them a long time to redesign it, its significantly different so I'm not so
19 worried about the timing here. I do think the 50-foot setback is appropriate and I do think that
20 the language was project, not house, so I think that applies to the pool as well.

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I kind of understand the tradeoff between having fences when we didn't want fences to interfere with animals normal... with species traversing the area in a normal fashion and I... so I think the pool cover actually is a pretty good solution. If between now and the City Council meeting somebody has an idea about how to do something better than that because a fence... you know, an amphibian can crawl up a fence or under a fence. It's just not possible when we have pools to not have interactions like that.

I don't know if... one question I had is as I was listening to the discussion if actual in pool lighting at night is an issue for... I don't think there was any discussion of that for things like bats that are out at night. And I just thought of it now so it might be something that we can think about as we are discussing this.

I think the pool could be located else ware and I certainly think one of the things that always struck me as odd about the design is the driveway and minimizing the swoop, I'll call it that, of the driveway. It might give more room to put the pool someplace else or something to that nature. They're not currently on the same sides but I do think the Council will have a concern about the pool as many of my colleagues do.

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1 And as to sudden oak death, there was a quite an extensive recommendation from Mid-
2 Peninsula which I really appreciate but our Urban Forester said basically we should... that he
3 recommended something much easier. Less onerous response and that would be to require
4 disinfecting of... disinfectant protocol for tools and to be sure not to spread soils where there
5 had been evidence of that. So, I think we should include in our consideration and I do think
6 that... I do understand that it's not part of CEQA but it is a big concern in the City and I don't
7 think disinfecting pools and spreading contaminating soils is a bad thing.

8

9 I also think we should establish in some way and I'm sure there's no intention on the applicant's
10 behave to do this but I do think we should establish that none of those soils can go elsewhere
11 on the property. Because crazy things happen during construction and I would just... it's just a
12 little bit of a help to have that as a condition.

13

14 I do... I might be wrong about this Commissioner Hechtman but I do remember that there was,
15 for the Planning Commission meeting, there was a letter from Ms. Kleinhaus probably on behalf
16 of the organizations that she does advocacy work with. So, I do... it might have had different
17 information in it though so but I do remember that was a concern at the time.

18

19 There was also another concern at the time and I'm just trying to remember this because... that
20 there was going to have to be areas... it might have been addressed by moving the house back

-
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1 but areas where the soils was to... wasn't appropriate. It couldn't support what was going to be
2 built on it and there was a term for that. I'm not remembering exactly but that may have been
3 addressed by moving the house back. Where new soil was going to have to be brought in that
4 was more stable within 3-feet of the house or something. So, those would have projected very
5 far into the minimal setback.

6
7 So, you know overall, it's so much an improved project but I do think we still have a few
8 concerns. So, do any of my other colleagues want to add anything? Commissioner Akin.

9
10 Commissioner Akin: Very little, I think I sense a consensus developing to move forward with
11 perhaps a few more Conditions of Approval. So, maybe it's time we should crafting a motion.

12
13 Chair Summa: Okay, I would love to hear... I would love to have a... someone propose a motion
14 if they're ready to do so. Commissioner Akin, where you thinking you would like to do that or...?

15
16 Commissioner Akin: I'm pondering it but if someone is ahead of the game on this please go
17 forth.

18
19 Chair Summa: Commissioner Hechtman, I think you're looking for a button that works.

20

-
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1 Commissioner Hechtman: Yeah, so I'm game to try but I'm wondering if we first have to
2 discreetly tackle the relocation of the pool issue. I mean the motion I would make would not
3 include a relocation of the pool, but I've already heard from some Commissioners here that
4 they think that should happen. and so, I'm wondering if we want to do that as a discreet motion
5 first and just see where the... you know we've got six of us tonight. So, see where that lands
6 because I don't want to have a series of basically stalled motions because we're on different
7 issues. So, what do people think about that idea? Breaking that off and just tackling that first
8 and that will inform us kind of what the consensus is in terms of whether we're going to make a
9 recommendation that they relocate the pool or not.

10

11 Commissioner Akin: Well (interrupted)

12

13 Chair Summa: We can do that if you want to.

14

15 Commissioner Akin: Yeah, in my case I'm supportive of that idea.

16

17 Commissioner Hechtman: Of relocating the pool?

18

19 Commissioner Akin: No, of making a motion to bring it to a vote.

20

-
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1 Commissioner Hechtman: Okay.

2

3 Commissioner Akin: But (interrupted)

4

5 MOTION #1

6

7 Commissioner Hechtman: So, then let me hazard a motion, simple and focused on the... on this
8 issue. I will move... and I... let's see if I can do it this way. I will move that the PTC
9 recommendation to the Council on this item not include a recommendation that the pool be
10 relocated to a location that is 50-feet or more away from the top of bank.

11

12 Commissioner Reckdahl: You're saying not include.

13

14 Chair Summa: Not?

15

16 Commissioner Hechtman: Right, I'm saying that it... that the recommendation, the bigger
17 recommendation that we'll make later, my... this motion is that it will not include that. So, in
18 other words if a majority of people agree with that then we would make a motion to approve
19 based on the current plan, to recommend approval based on the current plan including where
20 the pool is. So, I'm... again I'm trying to isolate whether there are four of us who want the pool

-
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1 moved and so I'm making a motion that because it's my motion that I don't want the pool
2 moved. My making the motion that our recommendation will not include a recommendation to
3 move the pool.

4
5 Chair Summa: So, wait I'm a little confused by your... because we do believe... I believe we have
6 to provide a recommendation on the pool location to Council. So, you want... your motion is to
7 not recommend anything about the pool.

8
9 Commissioner Hechtman: No, my... so the ultimate motion I would want to make is to move the
10 Staff recommendation for... that we recommend this plan for approval to the Council with a
11 couple of other tweaks that have nothing to do with the pool. That's the motion I would like to
12 make but my motion would include leaving the pool where it's at. And so, what I thought we
13 would do, and at this point I don't have a sense of whether there... I have a sense that there are
14 three Commissioners who want to recommend that the pool be moved. I don't know if there
15 are three Commissioners who want to recommend that the pool not be moved and leave it to
16 Council to decide if they really meant to move the pool. So, I'm trying to focus... isolate that
17 issue by making a motion that hasn't been seconded yet that our recommendation not include
18 a relocation of the pool so that our recommendation include the location of the pool as
19 presented on the plans that are before us tonight. And it might be clearer if Vice-Chair Chang,
20 who I know has the... is interested in moving the pool, but wants to make sort of the opposite

-
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1 motion. If that would be clearer to people, that's fine with me and I will... Vice-Chair Chang, if
2 you're interested in doing that I will withdraw my motion and you can make the opposite
3 motion.

4

5 Vice-Chair Chang: I'm not saying anything just because I'm not quite sure where I stand on this
6 actually. I mean I'm more like I would abstain I think.

7

8 MOTION #1 WITHDRAWN

9

10 MOTION #2

11

12 Commissioner Hechtman: Okay then that being so, then let me try... I'm going to try a broader
13 motion and then maybe if we get a second for that, then we can try friendly amendments to
14 that motion to flesh out some of these other issues, alright?

15

16 Alright, so I've withdrawn my prior motion which was not seconded and let me get my Agenda
17 here. Actually, let me just get my... I'm going to the Staff Report. Alright, I move that the
18 Planning Commission, the PTC, having considered the final Mitigated Negative Declaration and
19 Mitigation Monitoring and Reporting Plan, recommend to the City Council approval of the
20 proposed project to... based on the findings and subject to the Conditions of Approval set forth

-
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1 in our Staff Packet with the following modification: That the requirement to satisfy the CTF 15
2 standard be modified by Staff to include a reasonable feasibility concept. So, that it would be
3 CTF 15 or as close to that... as protective of that factor as is reasonably feasible in the market
4 place. So, that would be my initial motion.

5

6 SECOND

7

8 Commissioner Akin: I'm willing to second that.

9

10 Commissioner Lu: So, are we asking Staff to come back with an overall policy recommendation
11 on what CTF standards should be because that seems like it would add more time and not
12 necessarily need to be [unintelligible] here.

13

14 Commissioner Hechtman: Yeah, no, that wasn't my intention, so on... with some frequency in
15 these matters we just give direction to Staff to add language satisfying our concept as this
16 travels forward to Council. And so, this idea of adding some softening language to the CTF 15
17 requirement was... that was my vision of that is we wouldn't... it wouldn't come back to us. It
18 would just be done on the way to Council.

19

-
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1 Commissioner Lu: Sure, that sounds good. I was not clear if the CTF Factor 15 was a strict
2 requirement or a previous comment. So, I wasn't sure that that was needed but I don't have
3 any objection to the motion as it's stated.

4
5 Commissioner Hechtman: So, I will note that when I read the Conditions of Approval, I don't
6 think it's in there so my belief was that it was perhaps in a Mitigation Measure which is not in
7 our Staff Packet. It's a link that I would have to look at which I didn't for that particular thing.
8 So, is it in the Mitigation Measures?

9
10 Ms. Kallas: It is not in the Mitigation Measures and it is not in the Conditions of Approval. It
11 was... it was part of the motion that Council put when they had their meeting as a part of what
12 should be incorporated into the redesign for you to consider.

13
14 Commissioner Hechtman: Okay, alright and I take it because it's not in the Mitigation Measures
15 or in the Conditions of Approval, that was intentional by Staff to not include a condition that
16 might not be feasible.

17
18 Ms. Kallas: Yes, I would agree to that.

19
20

-
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1 MOTION #2 MODIFIED

2

3 Commissioner Hechtman: Alright, then I'd like... I think I can... because it's not in the conditions,
4 I don't have a condition to modify and so I'd like to modify the motion just to strike the
5 language looking at starting with the following modification and there's the reference to CTF
6 15. So, in other words that... yeah, if you strike that language, subject to the seconder agreeing,
7 my motion would essentially be move the Staff recommendation and then of course, there
8 could be friendly amendments to that on some of the issues we haven't discussed yet. So, yeah
9 I would strike from there through possible. Everything after approval where the cursors is right
10 now goes away. Yeah, okay, so that's the motion, as I've modified it, following Commissioner
11 Akin's second. So, it's... so we need to determine if the seconder of the motion is agreeable to
12 that modification.

13

14 Commissioner Akin: I am.

15

16 Commissioner Hechtman: Okay, alright, so I don't know that I need to speak to the motion at
17 this point. I'm... I think this is where perhaps we could start talking about friendly amendments.

18

19 Chair Summa: Okay, do you want to speak to your second?

20

-
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1 Commissioner Akin: Just briefly, I think this is the core of what we need and now it's time to
2 fine tune. And there have been a few things that have been mentioned that I think we should
3 cover.

4

5 Chair Summa: Okay, Commissioner Lu.

6

7 Commissioner Lu: Oh sorry, legacy.

8

9 Chair Summa: Legacy, okay. Commissioner Chang [**note – Vice-Chair Chang**].

10

11 Vice-Chair Chang: Now that I've been thinking because I was noodling before when
12 Commissioner Hechtman had asked me if I wanted to make a motion. So, I don't want to throw
13 a wrench into the process but I would like to make a motion regarding moving the pool, which
14 would throw a wrench into this process so I'm wondering if we can go back. We can keep all
15 this because I'm fine with keeping Commissioner Hechtman's hard work on his motion, but I
16 wanted to ask the maker and the seconder of the motion if you wouldn't mind putting this
17 process on a hold for a second. So, maybe kind of temporarily retracting your motion, just so
18 that I can make a motion regarding the pool and seeing where that lands and then going back
19 to this.

20

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1 Chair Summa: Well, I think that you could offer (interrupted)

2

3 Vice-Chair Chang: I can offer a friendly amendment but (interrupted)

4

5 Chair Summa: You can offer an amendment. I don't know that they want to withdraw.

6

7 Commissioner Hechtman: Well, the (interrupted)

8

9 Vice-Chair Chang: Yeah, so I guess Commissioner Hechtman, how would you suggest we go
10 about doing this given that we are where we are.

11

12 Commissioner Hechtman: There is a process here and I don't know remember it very well but
13 Mr. Yang can speak to it where you can make kind of a superseding motion which gets to
14 (interrupted)

15

16 Vice-Chair Chang: Oh, a substitute motion.

17

18 Commissioner Hechtman: Yeah [unintelligible](interrupted)

19

20 Chair Summa: We don't do that anymore.

-
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Commissioner Hechtman: Did we stop doing that?

Mr. Yang: Yes, we did stop doing that.

Commissioner Hechtman: Good.

Mr. Yang: But the Vice-Chair can just make a motion to amend to include in this, the pending motion, whatever suggestion she has regarding the pool.

FRIENDLY AMENDMENT

Vice-Chair Chang: Alright, so I would like to make an amend... a change... amendment to this motion that the pool... sorry, I'm reading the motion. Having... that the pool be moved such that it is 50-feet away from top of bank. I think that's the gist of my motion. Just leave it at that. We'll see if anybody... we'll see if you guys accept it. We'll see where it goes from there.

Commissioner Hechtman: So, I just wanted her to get the rest of the motion out because right now it just says pool be moved. I think what you said after that was to a location at least 50-feet from top of bank.

-
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Vice-Chair Chang: Correct.

Commissioner Hechtman: Okay, yeah I (interrupted)

Vice-Chair Chang: And to a location at least.

FRIENDLY AMENDMENT DECLINED BY THE MAKER

Commissioner Hechtman: At least. Okay, so as the maker of the motion, I will decline the friendly amendment. If I'm understanding from Mr. Yang, you can now move forward with that as a less friendly (interrupted)

Mr. Yang: So, now we would just need someone to second this amendment and then there could be a discussion and vote on the amendment.

Commissioner Hechtman: So, we take out the word friendly and now it's just an amendment.

SECOND TO THE AMENDMENT

-
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1 Commissioner Reckdahl: Second.

2

3 Chair Summa: Great, we have a second now so we can have discussion if you would like. Would
4 you like to speak to your amendment, Commissioner Chang [note – Vice-Chair Chang]?

5

6 Vice-Chair Chang: So, I think that the Council, in their language, specifically said that they
7 wanted us to consider a project that was 50-feet from top of bank and they were flexible about
8 that. But unfortunately, we weren't given any options in which there was a pool that was any
9 different... in any different location from the one that was initially presented to us or not in
10 much different location. So, I don't really know what the feasibility of this is and so that was
11 kind of my hesitation, but I am... I did speak earlier a little bit about my concerns which is that
12 while there's no light pollution concern. The riparian zone is a fauna rich area and so my
13 concern is about drownings and little critter or a larger critters but I mean I think pool cover
14 does address some of that. The little critters that are going to end up in there and I don't think
15 that the residents are going to enjoy having lots of lizards... dead lizards in the bottom of their
16 pool either.

17

18 So, I... the other concern is that by digging down, you know I think I believe that most pools
19 need to be dug down like at least 10-feet. That's a sensitive area geologically as well as
20 ecologically and so that's my concern for wanting it to be further [note – video skipped].

-
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Commissioner Hechtman: The applicant is asking you if he can speak.

Chair Summa: Yes.

Mr. Ng: Okay.

Chair Summa: You may speak.

Mr. Ng: So, just regarding the pool, this is not a 10-foot pool. We're essentially proposing a minimal depth pool at I believe 3-foot 6 or 4-feet depth. Essentially for lap swimming and also we did look at if it was possible to relocate the pool but given the... sorry I got disconnected from Zoom but given all the TPZ Zones that we have to deal with. The building itself, the setback from the creek, there actually isn't... feasibility wise there isn't... really isn't that much option for relocating the pool. Especially of that magnitude to follow the 50-foot zone and so I think from a feasibility standpoint and also a depth standpoint is a little bit different than the current discussion. The depth is actually much shallower than perhaps one might imagine. I don't know if it's in the Packet but we went through Emily and it's a shallow depth pool because of the considerations discussed. And also (interrupted)

-
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1 Vice-Chair Chang: Do you know how deep it is? I can't... I couldn't... I mean it's small.

2

3 Mr. Ng: I don't recall off the top of my head but it's definitely around 4-feet, the depth. It's not

4 (interrupted)

5

6 Ms. Kallas: It's in the IS/MND, but I don't know exactly what page. I need another second to find

7 it.

8

9 Mr. Ng: So, it's definitely not a... we discussed this with Staff and it's not a deep pool by any

10 means. It's a shallow pool meant for lap swimming, light lap swimming and then we did look at

11 possible alternate locations but given all the constraints of the TPZs all around, the building

12 footprint. There... and if you study the geometry of the actual topography and the creek. It's

13 not (interrupted)

14

15 Chair Summa: Thank you, Mr. Leonard.

16

17 Mr. Ng: It's not feasible.

18

19 Chair Summa: Yeah, we know that's where you want the pool so I'm going to bring it back to

20 (interrupted)

-
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Mr. Ng: Okay.

Chair Summa: Thank you so much.

Mr. Ng: Thank you.

Chair Summa: Okay, discussion? Commissioner Akin.

Commissioner Akin: I would be happy to see the pool moved but I don't think we could make a compelling case to do so. So, I believe our responsibility at this point is to leave that decision to Council. If it's a... there seems to be some concern about what Council intended to refer to us and we can't answer that question here. So, my inclination is to differ that decision to the final decision makers.

Chair Summa: Well, that doesn't... we are differing everything to the final decision makers but that doesn't mean we can't make a recommendation and what they said in their motion was evaluate a project design that provides for approximately 50-foot setback from top of bank. So, I believe that's pretty clear.

-
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1 Commissioner Akin: Yeah, well I assume most of us went back and listened to the Council's
2 video. There was a great deal of debate over exactly how solid that 50-foot limit was and even
3 Council Member Burt who made the motion said well, it could be 40, it could be 60. There's a
4 lot of wiggle room there that I hesitate to get to specific about, but yeah, if the decision where
5 to move the pool. I would be completely with that happy but I don't feel strongly enough to
6 recommend that as the path forward.

7

8 Chair Summa: Commissioner Reckdahl.

9

10 Commissioner Reckdahl: I mean the other thing the Council said was the riparian corridor is the
11 highest priority on this parcel and if we have to lose a few trees along Los Transco Road in order
12 to save the riparian corridor. That was something that we should consider and so I don't think
13 that its... that our hands are tied. I don't think that's the case. Like I said before, this is a large
14 parcel. We should be able to find room for the pool that's not right next to the creek.

15

16 Chair Summa: Commissioner Chang [note – Vice-Chair Chang]. No? Oh, sorry.

17

18 Ms. French: Chief Planning Official, if you don't mind just ready to answer the question about
19 how deep the pool is based on what's in the Initial Study if it hasn't been stated, Emily.

20

-
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1 Ms. Kallas: Yeah, so inclusive of the structure of the pool, it would be no more than a maximum
2 of 8-feet.

3

4 Chair Summa: Thank you for that information. So, I would like to offer some more amendments
5 but why don't we vote on them one by one. So, why... unless somebody else has a comment,
6 we should vote on this amendment. Okay Ms. Dao, thank you, so just the amendment.

7

8 VOTE

9

10 Ms. Dao: Yes, just on the amendment. Commissioner Akin?

11

12 Commissioner Akin: No.

13

14 Ms. Dao: Vice-Chair Chang?

15

16 Vice-Chair Chang: Yes.

17

18 Ms. Dao: Commissioner Hechtman

19

20 Commissioner Hechtman: No.

-
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1

2 Ms. Dao: Commissioner Lu?

3

4 Commissioner Lu: No.

5

6 Ms. Dao: Commissioner Reckdahl?

7

8 Commissioner Reckdahl: Yes.

9

10 Ms. Dao: Chair Summa?

11

12 Chair Summa: Yes.

13

14 Ms. Dao: Motion fails 3-3 or...?

15

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

17

18 Mr. Yang: Yes, the motion fails.

19

20 AMENDMENTS #2 and #3

-
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Chair Summa: Okay, I would like to offer two other amendments and one is that this is in alignment... this is not the language but just to explain it to my colleagues. This is alignment with a very modified and modest suggestion that our Urban Forester made that so as to use best practices to not spread sudden oak death and I'm not going to try to pronounce the actual name. Include a regulation to disinfect tools and to not spread infected materials.

And my second amendment I will offer is that no soils from the excavation shall be relocated to portions of the parcel that are not part of the construction area (interrupted)

AMENDMENT SECONDED

Vice-Chair Chang: Second.

Chair Summa: Which is I know is the intent of the applicant but I just think it's good to state that because sometimes...

Vice-Chair Chang: I second.

-
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1 Chair Summa: So, that... that's good but it kind of... so let's say to use best practices to prevent
2 sudden oak death. Tools shall be disinfected and no materials shall be relocated to portions of
3 the parcel that are not part of the construction for any reason. Because that was also to
4 address excavated materials just not being spread around because they're supposed to be part
5 of the construction area. Is that clear? I think it should say (interrupted)

6

7 Vice-Chair Chang: That's clear.

8

9 Chair Summa: Maybe it should say (interrupted)

10

11 Vice-Chair Chang: But does your disinfection also include removing soil from heavy equipment
12 before entering the site or was that...?

13

14 Chair Summa: Our Urban Forester very simply said disinfect program for tools and (interrupted)

15

16 Vice-Chair Chang: Or do we want to just refer to the Urban Forester's program?

17

18 Chair Summa: I don't know that we have a program to disinfect tools in the or I know we don't.
19 So, what I'm trying to get at is a modified version of what the Mid Pen letter which was really
20 long and extensive said... stated. And just have a program to disinfect tools and not remove...

-
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1 this isn't quite right because sudden oak death is tools shall be disinfected and no infected
2 materials relocated to portions of the... no, period.

3

4 Commissioner Hechtman: Sorry, if I can interrupt? I think the typist here, Ms. Dao, has blended
5 (interrupted)

6

7 Chair Summa: Yes, my two ideas.

8

9 Commissioner Hechtman: Your second concept is about soils (interrupted)

10

11 Chair Summa: Yes.

12

13 Commissioner Hechtman: But in repeating it you used the term materials so I think she made
14 that change unintentionally.

15

16 Chair Summa: Right.

17

18 Commissioner Hechtman: Right, so I think you need to stretch it back out into two concepts.

19

20 Chair Summa: Right so (interrupted)

-
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Ms. French: And might I note that our Urban Forester has his hand up. I don't know if that is intentional but you might want to ask.

Chair Summa: Yes, thank you. Mr. Gollinger?

Mr. Gollinger: Yes, I apologize, my hand was up. I did want to include the exclusion of soil on machine as it comes into the site. So, that was something that I did mention. That was included in the Mid Pen letter, I think it's a valuable inclusion here.

Chair Summa: Could you say that again, please?

Mr. Gollinger: Yes, I did intend to include the cleaning of equipment before it comes onto the site. So, removal of soil from any equipment that comes onto the site and that's... I believe it's a normal best practice for the majority of construction sites but it would be a good idea to include it.

AMENDMENTS #2 and #3 RESTATED

-
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1 Chair Summa: Okay, okay, so to... okay so the amendment might read to use best practices to
2 prevent sudden oak death, tools shall be disinfected. Cleaning and prior to coming on site,
3 cleaning of equipment and to not relocate any infected materials.

4
5 And then a separate idea is to ensure that materials excavated during construction not end up
6 anywhere else on the site that is not part of the construction area. I think that's clear.

7
8 Commissioner Hechtman: I think... do you want to... she... you again said materials. When we're
9 talking about excavation, I think you're talking about soils.

10
11 Chair Summa: Yeah, we can say soils, thanks.

12
13 Commissioner Hechtman: But you used materials there and so I think she's changing it to
14 accommodate (interrupted)

15
16 Chair Summa: That makes... that helps, thank you.

17
18 Commissioner Hechtman: I think that makes that one clearer and then can we tackle these
19 separately?

20

-
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1 Chair Summa: Yes, we may.

2

3 Commissioner Hechtman: Okay, alright do we want to confirm with the Vice-Chair first that
4 with the retyping here that she's good with her seconds?

5

6 Vice-Chair Chang: I'm good with my seconds.

7

8 Commissioner Hechtman: Okay.

9

10 Chair Summa: Okay. Do you want to speak to your second?

11

12 Vice-Chair Chang: No, I mean I would go further with the sudden oak death. I'd go one step
13 further which is... I mean I would suggest that if they chose to plant oaks. That they follow the
14 final recommendation which is to use seedlings or acorns sourced from within the watershed
15 rather than nursery stock. That's my final... that would be the final kind of big recommendation
16 from Mid Pen.

17

18 Chair Summa: Is our Urban Forester still here? I was wondering (interrupted)

19

-
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1 Mr. Gollinger: I'm still here. I think that is a great suggestion. My concern is the practicality of it.
2 I don't know if anybody is actively growing trees from local acorns and that would be available
3 in a sufficient size to be planted on site. I think it's problematic to plant trees that small when
4 we're looking at additional trees planted on site because it would take quite a bit longer to
5 reach any significant canopy size. However, if our removals are minimal and the majority [note
6 – video skipped] I don't believe.

7
8 Vice-Chair Chang: Okay, then I differ to our... I differ to Mr. Gollinger but just for context, we're
9 only removing one tree so everything is staying pretty much.

10
11 Chair Summa: One protected tree. Yeah, I think that (interrupted)

12
13 Vice-Chair Chang: Yeah, one protected.

14
15 Mr. Gollinger: So, could we recommend it and not require it?

16
17 Vice-Chair Chang: Sure, I like that, but I don't know how we feel about doing that in general
18 Staff.

19

-
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1 Ms. Kallas: I think that the consideration was... I mean, this is your deliberation. Now you're
2 consideration of those recommendations so it would be appropriate to consider if you want to
3 include that in our recommendation or not.

4
5 Vice-Chair Chang: Okay, so then I would... I mean I would say that they uses these best practices
6 and then that they consider following the additional guidelines proposed by Mid Pen. That's
7 just a broad... there's many recommendations, right so. The applicant probably doesn't want
8 other oak trees to die either so I feel fine (interrupted)

9
10 Chair Summa: Okay.

11
12 Vice-Chair Chang: Recommending that. I mean we could leave it off actually because I doubt
13 they want their oak trees to... so let's just leave it off. Lets leave it as is, let's leave what Chair
14 Summa has written. Do you agree, Chair Summa?

15
16 Chair Summa: Yes, I think it's easier without it to be honest.

17
18 Vice-Chair Chang: Yes, okay. Sounds good.

19
20 Chair Summa: If there's no further discussion we'll vote on... oh, sorry.

-
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Commissioner Hechtman: Okay so on the amendment regarding sudden oak death, I'm not going to support that for the reasons I expressed before. We are here... well, first of all I want to say that organizations like Mid Pen, Sierra Club, Audubon, they play a really valuable role in our process because a lot of times they alert us to issues that we really haven't gotten our arms around, but the proper process for that is to get our arms around it through a deliberative process. Consulting with other jurisdictions and finding language that applies City-wide. And here we are making up rules that will only apply to one parcel in all of Palo Alto and I don't think that that's a prudent way to go about this. Again, this is not an impact of the project identified in the Mitigated Negative Declaration, I don't believe it's a Staff recommendation and so I don't want to... so I would rather give direction... I would rather make a recommendation that the City Council start a process to create legislation to address... to create a standard Condition of Approval to address sudden oak death. So, that's that one.

On the second one, the soil, I have a question for Staff because we're talking about both now right? So (interrupted)

Chair Summa: We're going to vote on them separately but you can talk about both.

-
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1 Commissioner Hechtman: Alright so my understanding is when any applicant comes in for a
2 project and they're going to do grading, they have a grading plan and that grading shows the
3 locations where they're going to remove soil and the quantities and the locations where they're
4 going to place soil and the quantities. And that plans gets approved and they have to follow
5 that plan and if they don't then they violated the plan. Is that process correct?

6

7 Ms. Kallas: Yes, and it occurs at the time of the Building Permit application rather than now at
8 the planning phase.

9

10 Commissioner Hechtman: Okay so then I don't want to support the second motion either
11 because it's already built into our system. They're going to have to get a grading plan approved
12 that will show where all the soil is going. So, they won't have the ability to dump some over
13 there behind a tree and if they do it, then it's a violation of the grading plan and we have code
14 enforcement remedies for that. So, I mean I appreciate the thought but I think that this
15 particular issue has already been... is already the subject of our process.

16

17 Chair Summa: I wouldn't agree with that necessarily because I think that standard practices
18 happen at the time of construction logistics and whatnot and you don't really... the public
19 doesn't get to participate in that. So, this gives direction that that's a very important thing to us
20 as a group and I think it will give good direction to the Council. So, I still think it... both

-
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1 amendments are useful and I think since the building in the open space is a discretionary
2 process. It's good to start protecting our trees and setting a precedent and it's not an onerous
3 standard I don't think. So, if there's no other comments we should vote. Oh, Commissioner
4 (interrupted)

5

6 Commissioner Reckdahl: One question, this relocation of excavation, is that because of sudden
7 oak death or is it because of erosion?

8

9 Chair Summa: Neither, it's to make sure that during excavation soils that may not be needed to
10 support the new development don't end up elsewhere on a very large parcel just out of some
11 sort of convenience or error. Because you can't dump soil on top of the drip line of native trees,
12 it could kill them and I think that would be very undesirable. So, it's just to indicate to everyone
13 in the process going forward, if the Council accepts it that would not be okay.

14

15 Commissioner Reckdahl: Can we (interrupted)

16

17 Commissioner Lu: [off mic] Oh, I'm sorry.

18

19 Commissioner Reckdahl: Oh, could we have something about... who approves the grading plan?

20

-
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1 Ms. French: Its Public Works, engineering.

2

3 Commissioner Reckdahl: And who's involved with that? Do we have biologists or is it just purely

4 (interrupted)

5

6 Ms. French: Engineers.

7

8 Commissioner Reckdahl: Engineers.

9

10 Ms. French: And I just want to caution and make sure we're not talking about off hauling any

11 soil from the site. Just to be clear because we're not asking for that. It's going to be put

12 somewhere on the site in the construction area but not removed from the site.

13

14 Commissioner Reckdahl: Oh, it will still be remained on the site so who decides where it goes

15 then?

16

17 Chair Summa: The applicant has planned to use it where they need it under the construction

18 they're proposing. They anticipate that the excavated materials will equal what they need to

19 support the building is the way I understood it.

20

-
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1 Commissioner Reckdahl: Okay so your amendment is just saying what they're going to be
2 doing? You're consistent with what their current plan is.

3
4 Chair Summa: It is consistent, it just emphasized that no material... no soils, thank you, should
5 end up elsewhere on the parcel, that's all. It doesn't really effect what the applicant wishes to
6 do at all.

7
8 Commissioner Reckdahl: Okay, thank you.

9
10 Chair Summa: Commissioner Chang [**note – Vice-Chair Chang**].

11
12 Vice-Chair Chang: First comment is in response to what Commissioner Reckdahl is asking.
13 There's an additional benefit to what Chair Summa is saying which is that she's saying that none
14 of these soils should be relocated temporarily or permanently, right? The issues is that what we
15 don't want to happen is for the soils to be kind of mounded somewhere else and then moved
16 back to the... it's meant... the... Mr. Ng explained it. It's meant to help find of flatten out the
17 construction site but it could be temporarily put somewhere else that could do damage to
18 some of the... to tree's drip zone or something else. So that so stated as is, that does help that
19 issue so hopefully that helped provide some clarity to part of the value of her motion,
20 Commissioner Reckdahl.

-
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1

2 The second comment I have relates to some of what Chair... to what Commissioner Hechtman
3 was saying and I think these two amendments are actually really important because this is
4 specifically in open space. I don't think it necessarily makes sense to put legislation... to create
5 legislation for all parts of open space because we're not trying to build in open space. We're
6 trying to avoid building in open space to some extent. And that's why it's a discretionary
7 process and each part of open space is different and we wouldn't put the same requirements
8 everywhere I don't think. And so, I think this is important to kind of look at each area on a site
9 by site basis in a way that's different from a standard R-1 lot. So, I don't... I do agree with
10 Commissioner Hechtman's principles for standard R-1 lots but this is by design... the process for
11 this and the reason why it's discretionary I believe is because it's not to be treated that way.

12

13 And then finally, I did to ask Commissioner Summa... to Vice... ask Chair Summa, I'm sorry the
14 reason why I'm at home today is because I'm not feeling well. To ask Chair Summa if we wanted
15 to make a slight amendment to the second amendment which is I wanted to make sure that
16 there was setback for the excavated soils. So, I wanted to make sure that they stayed setback
17 50-feet from the riparian... from the top of bank. Right so, if they're dug out from the pool,
18 which ends up being only less than 50-feet, for erosion reasons. And I know that erosion... I
19 know that we're not allowed to have soil erode but if because of grading there's run off that
20 goes in. There's small amounts that... we just want the soil that's been dug up to be pushed

-
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1 back further and so I would add that as a specification. Just that it should be 50-foot... 50-feet
2 back but I don't know if you think that's necessary Chair Summa.

3

4 Chair Summa: Let me ask Staff if there's a general provision that does not allow any kind of
5 storage of soils or other construction materials in riparian setbacks because if there's a general
6 provision. We don't need to ask... add that.

7

8 Vice-Chair Chang: But our Code says 20-feet, that's the problem. Right, our Code says 20-feet
9 but Council said 50 and so that's why I'm saying we're going to have to... you know it's like a
10 bizarre temporary situation.

11

12 Ms. Kallas: I mean to the larger point, I don't have the answer to Chair Summa's specific
13 question but do know that they would not be able to allow the soil to run off into the creek as a
14 result of the grading and that's covered somewhat in the environmental document.

15

16 Chair Summa: Thank you for that. Why don't we just add after "for any reason" and "no storage
17 in the riparian setback" which will address whatever riparian setback is deemed appropriate.
18 Does that sound reasonable Vice-Chair Chang?

19

20 Vice-Chair Chang: Sure, yep.

-
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Chair Summa: So, we'll just add a phrase after the first amendment, the first amendment. Oh, the second amendment.

Commissioner Hechtman: [unintelligible – off mic]

Chair Summa: Oh yeah, yeah, yeah, yeah, yeah, sorry. Okay sorry, I said the wrong one. Okay so if we're all through I'd like to vote on these two amendments one by one. Ms. Dao?

VOTE ON AMENDMENT #2

Ms. Dao: Chair Summa?

Chair Summa: So, we should clarify that it's the first amendment.

Commissioner Hechtman: The sudden oak death amendment.

Ms. Dao: Yes.

Chair Summa: Okay, yes.

-
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2 Ms. Dao: Commissioner Reckdahl?

3

4 Commissioner Reckdahl: Yes.

5

6 Ms. Dao: Commissioner Lu?

7

8 Commissioner Lu: Abstain. I can abstain, right? I'll abstain, alright.

9

10 Ms. Dao: Commissioner Hechtman?

11

12 Commissioner Hechtman: No.

13

14 Ms. Dao: Vice-Chair Chang?

15

16 Vice-Chair Chang: Yes.

17

18 Ms. Dao: Commissioner Akin?

19

20 Commissioner Akin: Yes.

-
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Ms. Dao: Motion carries 4-1-1.

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

Chair Summa: Thank you, so we can vote on the second amendment which is regarding excavated soils now.

VOTE ON AMENDMENT #3

Ms. Dao: Yes, for excavated soils, Commissioner Akin?

Commissioner Akin: Yes.

Ms. Dao: Vice-Chair Chang?

Vice-Chair Chang: Yes.

Ms. Dao: Commissioner Hechtman?

-
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Commissioner Hechtman: No.

Ms. Dao: Commissioner Lu?

Commissioner Lu: Abstain.

Ms. Dao: Commissioner Reckdahl?

Commissioner Reckdahl: Yes.

Ms. Dao: Chair Summa?

Chair Summa: Yes.

Ms. Dao: Motion carries 4-1-1.

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

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1 Chair Summa: If there's no further discussion, we need to vote on the main motion now which
2 contains these two amendments. So, Ms. Dao, if you could...?

3

4 VOTE ON MAIN MOTION

5

6 Ms. Dao: Chair Summa?

7

8 Chair Summa: No because the motion to move the pool failed.

9

10 Ms. Dao: Vice-Chair Chang?

11

12 Vice-Chair Chang: No because the motion to move the pool failed.

13

14 Ms. Dao: Commissioner Akin?

15

16 Commissioner Akin: Yes.

17

18 Ms. Dao: Commissioner Hechtman?

19

20 Commissioner Hechtman: Yes.

-
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2 Ms. Dao: Commissioner Lu?

3

4 Commissioner Lu: Yes.

5

6 Ms. Dao: Commissioner Reckdahl?

7

8 Commissioner Reckdahl: No.

9

10 Ms. Dao: Motion fails 3-3.

11

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

13

14 Commissioner Hechtman: Chair, I'd like to make a new motion.

15

16 Chair Summa: Please do.

17

18 MOTION #3

19

-
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1 Commissioner Hechtman: Let's see if we can finish this off now that we are... we appear to be
2 deadlocked on the pool issue. So, let me start over, alright so I'm going to repeat the motion
3 that was made. Including the two sub motions that were approved by the Commission with one
4 modification to the body of the motion. If I can see that? And that is, let's see, it says "on
5 findings and subject to Conditions of Approval, except the PTC makes not recommendation on
6 the location of the pool".

7

8 Chair Summa: Okay so you're moving Staff's recommendation but saying... but stating that
9 the... this body is not recommending anything about the pool and you're including the two
10 amendments (interrupted)

11

12 Commissioner Hechtman: Correct.

13

14 Chair Summa: That were approved, okay. Do I have a second?

15

16 SECOND

17

18 Commissioner Lu: I'll second.

19

20 Chair Summa: Would you like to speak to your motion?

-
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Commissioner Hechtman: No, I just hope that it succeeds and that we can move to the next Agenda item.

Chair Summa: Would like to speak to your second?

Commissioner Lu: No.

Chair Summa: Okay, if we can go ahead and conduct the vote if there's no other discussion.

Okay, we can go ahead and vote.

VOTE ON MOTION #3

Ms. Dao: Commissioner Akin?

Commissioner Akin: Yes.

Ms. Dao: Vice-Chair Chang?

Vice-Chair Chang: Yes.

-
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2 Ms. Dao: Commissioner Hechtman?

3

4 Commissioner Hechtman: Yes.

5

6 Ms. Dao: Commissioner Lu?

7

8 Commissioner Lu: Yes.

9

10 Ms. Dao: Commissioner Reckdahl?

11

12 Commissioner Reckdahl: Yes.

13

14 Ms. Dao: Chair Summa?

15

16 Chair Summa: No, thank you though.

17

18 Ms. Dao: Motion carries 5-1.

19

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

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Chair Summa: And I'll speak to my no vote really quickly but thank you for the motion and thank you for voting my colleagues. Because I believe the pool location ultimately was of the most concern to people involved and other than that, I think we got to a good... a fairly good solution and we'll see what Council does with it. How they feel about the pool and I'm going to suggest we take a quick break before we move onto our next. So, maybe 7-minutes, how does that sound? Okay.

[The Commission took a short break]

- Commission Action:** Motion by Hechtman, seconded by Akin. Failed 3-3 (Akin, Hechtman, Lu no; Templeton absent)
- Commission Action:** Motion by Summa, seconded by Chang. Passed 4-1-1 (Hechtman no, Lu abstain, Templeton absent)
- Commission Action:** Motion by Summa, seconded by Chang. Passed 4-1-1 (Hechtman no, Lu abstain; Templeton absent)
- Commission Action:** Motion by Hechtman, seconded by Akin. Failed 3-3 (Summa, Chang, Reckdahl no; Templeton absent)
- Commission Action:** Motion by Hechtman, seconded by Lu. Passed 5-1 (Summa, Chang, Reckdahl no; Templeton absent)

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

Chair Summa: Alright, so let's bring it back to the Commission and given that our first item went kind of longer than scheduled. Would the Commission like to consider not completing the third item this evening or how are we feeling about that?

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2 Commissioner Akin: I guess I'd rather an attempt to do all three but we can always cut things
3 short after this next item if it turns out to long.

4

5 Commissioner Hechtman: I'm game to stay. What I would not want to do is... I'd like to know if
6 there are some members of the public who are either here in the audience or watching on
7 Zoom. I don't want to make them sit through what's perhaps 2-hours on this next item and
8 then we decide we're not going to do it. And then there may also be Staff particular to that
9 item that again would be waiting for a couple of hours and then told see you later.

10

11 Ms. Amy French, Chief Planning Official: So, I'll just say, if I can weigh in on that? We do have
12 consultants here for that third... the third item which... yeah so we do... we would like to get to
13 that and I know it's going to be probably a late night. Equally and importantly we have a
14 translator that we've hired and we have... they're here to support a member of the public who
15 is also in the room and I hope hearing this. So, we would really like to hear from this person and
16 the translator that's been waiting since 6 o'clock to help.

17

18 Commissioner Hechtman: Is that on the third item?

19

20 Ms. French: The second item.

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Commissioner Hechtman: Second item.

Ms. French: So, to me that's very important.

Commissioner Hechtman: Yeah, we're not talking about continuing the second item. We're... sorry... well, sorry, the translator, are they were on the electrification?

Ms. French: No.

Chair Summa: No, on Ellsworth.

Commissioner Hechtman: Right, right so what we're talking about now is the possibility... we're going to hear Ellsworth/Middlefield and then what we're talking about is the possibility that we would defer the electrification. And if we're going to do that, the question is do we tell people now so that anybody who might be in the audience or on Staff can go home.

Ms. French: Yeah, I'm hoping you don't decide to differ it right now because it's only... only... 9 o'clock. Perhaps in an hour, check in maybe and then...?

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1 Chair Summa: Yeah, why don't we in about an hour, at about 10 why don't we make that
2 decision?

3

4 Commissioner Hechtman: Good.

5

6 Chair Summa: Okay, thanks. Alright so we're on to our second item which is 2901 to 2905 and
7 702 Ellsworth and this is a review of the demonstration items that were put up and also a
8 recommendation on two separate PCs. So (interrupted)

9

10 Commissioner Hechtman: [off mic] Disclosures first?

11

12 Chair Summa: You know, it says its legislative but we can do disclosures.

13

14 Commissioner Hechtman: Yeah, I think that at least because I was absent at the July 12th, the
15 last meeting on this I need to basically declare and disclose that I have reconstituted myself. I
16 have watched the video of that meeting. I have read the minutes of that meeting. I've reviewed
17 the Staff Report and the materials submitted by... submitted related to that meeting. So, I'm
18 ready to participate and able to vote tonight.

19

20 Chair Summa: Thank you for that. Does anyone else have (interrupted)

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Commissioner Reckdahl: Same for me.

Chair Summa: Okay.

Commissioner Akin: And I just wanted to mentioned that I have made another site visit at which I did a whole lot of measurement of markings. Fencings and utility poles as well as tracking high voltage and low voltage lines in response to a public comment. Thanks.

Commissioner Lu: I also drove through, I did not take such detailed measurements.

Chair Summa: I also... Vice-Chair Chang and I met together and visited the site yet again and we did some measuring as well. So, okay, so Staff (interrupted)

Mr. Albert Yang, City Attorney: I'm sorry, just to interrupt. With respect to all the measurements that were taken, was there anything that differed from what's presented in the plans or in the Staff Report?

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1 Commissioner Akin: In my case, there was no substantial difference. The main things of concern
2 where the locations of the poles in particular, but the other markings seems consistent with the
3 description in the report for me.

4
5 Chair Summa: For me, they seemed generally consistent, but you know, I mean a more precise
6 measurement would I assume be done with survey markers. Going off of survey markers but I
7 think it was, as far as I could tell, generally accurate.

8
9 Ms. French: Are we done with disclosures?

10
11 Chair Summa: We are so.

12
13 Ms. French: I don't think that I need to disclosure that I visited the site and made photographs
14 myself.

15
16 Chair Summa: Do we have a Staff Report?

17
18 Ms. French: Yes please. On the screen is a list of to-dos in my estimation at the top of this
19 screen. We're back here, our meeting, after meeting on June 28th and July 12th. We have a
20 number of photographs that document the instillation that's out on the site. Following the plan

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1 for the installation that Staff received on July 17th indicating the sight distance triangles which
2 follow the Code required 35-foot... you know according to the Code. And so, proceeding on, we
3 do have this PC plan that documents what was shown to the Planning and Transportation
4 Commission on July 12th with the delivery space perpendicular to Ellsworth. The four spaces on
5 site, including one tandem that's space 13 and another tandem that's in the rear setback of the
6 Middlefield apartment building property. We do have showing in this Development Plan the
7 applicant's proposal offer of 24-feet going back to the guy wire and the PTC 3-2
8 recommendation of a 26-foot width up to the pole guide wire which is... guy wire sorry.. the
9 cable that attaches to that utility pole. So, the yellow arrow indicates 37-feet 9 inches to the
10 first anchor wire and then the truck delivery space is above in that drawing.

11

12 Then we have the 702 Ellsworth plan which the applicant has requested an R-1 Zone. The
13 Planning and Transportation Commission recommended coming back with a PC. So, this is then
14 the PC plan for that showing the setbacks. So, it's a 24-foot special setback at the front, that's
15 the front of the parcel per Code, 16-feet for the rear of the home half the home, and then side
16 which is the side along the easement line. Also known as Ellsworth Place Roadway or partial
17 pavement of that easement and then 6-feet from the Matadero Creek property.

18

19 So, moving on, on Packet Page 94, this was the drawing July... on July 7th that Staff received and
20 signed off on as CS. This is what you should show, the planned installations. I did a little

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1 montage here showing what's in and what's out. So, just to be clear, just because there's a
2 hypotenuse of the triangle which is indicated by those blue dash lines. It doesn't mean that now
3 they have to remove everything in forward of that hypotenuse in the triangle. We allow trees,
4 trees have to be limbed up to 9-feet above grade and shrubs typically cannot be more than 3-
5 feet in that same area. 3-feet tall from grade so, but we have a number of things. We have a
6 stop sign, we have no outlet sign, the fire hydrant, utility boxes and nobody is saying those
7 need to removed as part of this application.

8
9 This is documenting what was placed. There's the hypotenuse here as a string going past the
10 redwood tree, so that they didn't have to paint the redwood tree, and you can see the sight
11 triangles on the lower right measurement of 35-feet along the curb of Middlefield and 35-feet
12 along the edge of the easement on Ellsworth. Some more images showing where the stakes
13 where placed showing the hypotenuse of that right triangle... of the... it is a right triangle but
14 the sight triangle, sight distance triangle with the sticks. Here's another image showing those
15 installations. The multi-trunk tree again. It's a beautiful tree, we're not saying you need to
16 remove it to have clear sight.

17
18 This shows the orange plastic fencing indicating the 3-foot tall fence proposed within the sight
19 distance triangle as well as continuing on past the sight distance triangle along Middlefield and
20 along Ellsworth. Again, and this Handa's property, showing there's a fire hydrant and everything

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1 else within the sight triangle. Typically, well our Code in the Fence Code... sorry, it says 4-feet.
2 It's... typically, it's a 3-foot fence allowed within the sight distance triangle I believe and then I
3 think I read that wrong. I have the Code later in this presentation. So, what's proposed is a 3-
4 foot tall proposal 4-feet back from the Middlefield sidewalk shown here and as far as
5 placement, I mocked up what I thought was being said about the horizontal fence with
6 openings that are 3-feet. This is not precise but it's to indicate what would be expected if a 3-
7 foot fence were allowed in that site distance triangle with those spacings of 3-feet. So, I just
8 kind of found something online and showing it here approximation of what I imagined.

9

10 Vice-Chair Chang: 3-inches I think you meant.

11

12 Ms. French: 3-inches, what did I say, 3-feet? 3 inches, so this... for instance, this little example is
13 to screen an air conditioning equipment or something and that is a 2 1/2... 2 ¼-inch space
14 between the slats as per the spec and 2 ¾-inch slates. So, it would be larger, you know instead 2
15 ¼ it's a 3 inch is what I heard the applicant, Mr. Handa, say. There's some other point of views.
16 So, I literally got down on my knees and where the drive... where I would have stopped in my
17 car and then I measured to my eyes to the pavement. And you know, I was taller when I was on
18 my knees than when I was sitting in my car, it was kind of funny. Just because I was curious and
19 then our planner went out, this is on the right. On the left is when I went out after the sticks
20 were installed and... on the left and on the right is we had our planner go out and do the same

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1 but in a City car; stopped at the stop line and he's taller than I am. So, these are some more
2 photos.

3
4 I have some additional items as I mentioned. The Fence Code, this kind of shows the picture
5 from our Fence Code Guidelines showing the 35-foot standard distance and then showing this
6 3-foot maximum height in the sight distance triangle there so that's that. We also have about
7 vegetation that I thought could be helpful where it talks about liming, you know trimming up
8 the trees so that the lowest limb is up a little higher for bushy kind of trees.

9
10 Again, this is that sight distance triangle and these are some more conditions... existing
11 conditions prior to the trimming that happened out there. I thought I would show that because
12 its interesting. You can see taller shrubs there. I think those have been cleared or they have
13 been cleared because I've seen that they're not there. So, those show kind of taller than 1-foot I
14 think.

15
16 Okay, so that's my presentation and we have the ability for the applicant to speak because it's a
17 public hearing but.

18
19 Chair Summa: I was just going to ask the applicant if he wanted... they wanted to present.

20

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1 Ms. French: Would you like me to put back my presentation?

2

3 Mr. Ken Hayes: Maybe just Slide 13 I think, let me look. Slide 14. Yeah, I'm going to keep this
4 really brief. Ken Hayes with Hayes Group Architects, I'm here on behalf of my client Richard
5 Dewey with RLD Land. Also, joined by Camas Steinmetz with Jorgenson, Siegel, McClure &
6 Flegel and Nit Handa is here as well, the owner of 702 Ellsworth.

7

8 Our comments really in the letter that we submitted so hopefully you had an opportunity to
9 read the letter. I want to thank you for moving 702 Ellsworth in your recommendation at the
10 July 12th hearing and just wanted to make a comment regarding something that is very
11 important to us and that is regarding the width of Ellsworth.

12

13 So, we're not in agreement with your condition requiring the 26-foot width and the 30-foot
14 curb cut at the driveway. Instead of the 24-foot width that we're recommending and the 28-
15 foot curb cut at the driveway. The existing width is 20-feet and per our transportation
16 consultant Hexagon. This is a sufficient and safe width for... it's sufficient and safe. Increasing
17 the width to 24-feet as we propose is a 20 percent increase over what's recommended by
18 Hexagon in terms of being safe and sufficient. This is a private street width and or private street
19 and those private street width requirements are not triggers by this project because it's not a
20 subdivision. It's really just a modification to an existing development that proposes to get rid of

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1 eight cars and build a single-family home. So, burdening this project with an additional width
2 would not meaningfully improve the safety, but it does create other issues that that's what I
3 want to point out.

4

5 The 24-foot width as proposed will require already the relocation of the fiber box that you see
6 there in the lower middle. We've been in contact with the fiber communication company, they
7 cannot tell us what the costs are to deal with that box, but my client has made a commitment
8 that we're going to move the box. Increasing the width 26-feet adds much more complexity and
9 risk to the project because in addition to the above, moving that box. It will likely involve the
10 relocation of an underground utility vault in the 2901 sidewalk which is right to the right of the
11 vault but it's in the sidewalk. And that's a communication vault as well that we believe feeds
12 the big green monument that's out in the landscape strip and possibly relocation of the fire
13 hydrant on the other side, on the 702 side and you can see the fire hydrant there in the picture
14 on the bottom left. The distance from the fire hydrant right now to where the 18... to where the
15 24-foot wide driveway would be is essentially what's there today because after we've striped it
16 we see that that 24-foot width is the edge of the pavement. Its 5 ½-feet from the fire hydrant.
17 We ran it by Carl Schneider with the fire department, we ran it by Public Works. Public Works
18 said ah, that's okay. Carl Schneider said he's not excited about it, believes the distance is a
19 problem. So, if we go to 26-feet, now we're moving another foot closer to the fire hydrant will
20 be 4 ½-feet away and fire department thinks that's a problem waiting to happen. So, we can't

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1 relocate the fire hydrant with this project. It's just not possible. We don't know what the risk is
2 in this other underground utility vault so it's just not feasible. The 24-feet is something that we
3 can do, let's keep the increased width at 24-feet. We know we can get this done and let's move
4 on.

5
6 Last comment, just some housekeeping comments regarding the drafted ordinances. In the
7 draft ordinance for 2901, the 2901 special setback is 25-feet. At 702, it's also listed as 25-feet.
8 It's really 24-feet and that's in Section E, triple I. The access easement on the Development Plan
9 that we submitted on the 7... I'm sorry, on the 2901 property is shown at 37-feet. In the draft
10 ordinance, G double I, it says 35-feet so there's a disconnect between the two. I don't care
11 which one you use, but you need to be aware of that and then as the reciprocal for the 702
12 draft ordinance. 2901 special setback is 25, 702 is 24, D triple I says 25 for 702 and the access
13 easement again it says 35-feet when we're showing 37-feet.

14
15 So, we look forward to moving this on tonight and getting a recommendation from you that is
16 favorable. Thank you.

17
18 Chair Summa: Thank you, Mr. Hayes. Do we have any clarifying questions from the
19 Commission? Commissioner Akin.

20

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1 Commissioner Akin: Hi, this is for Staff, have we had any contact with utilities concerning the
2 feasibility or cost of moving the terminal utility pole in the string?

3

4 Ms. French: I was detained by a spider.

5

6 Commissioner Akin: I was afraid of that.

7

8 Ms. French: Can you repeat that?

9

10 Commissioner Akin: Have we had any information from utilities about the feasibility or cost of
11 relocating that terminal utility pole in the string?

12

13 Ms. French: No, no disclosures on the cost of that or feasibility.

14

15 Commissioner Akin: Or, or yeah or feasibility at all?

16

17 Ms. French: Correct.

18

19 Commissioner Akin: So, I noticed there's a reference to having one of the braces removed in
20 order to make room for the parking space.

-
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Ms. French: Right, right, that is something that can happen.

Commissioner Akin: So, there's been some consultation but just not anything more substantial than that.

Ms. French: Correct and I would concur about the... I meant to... I think I put it in my slide presentation. The 24-foot is the special setback for the 702 so that needs to be (interrupted)

Vice-Chair Chang: So, the feasibility regarding the comments that Mr. Hayes just spoke about regarding the widening of the driveway... like the flange.

Ms. French: We did not invite fire or utilities here. We did have a conversation with Public Works Engineering where they assured us the distance was acceptable as far as Public Works Engineering is concerned.

Vice-Chair Chang: Okay, so it didn't raise any red flags there at least because I wanted to... you know I imagine that they would know if there was a standard distance that we typically see from fire hydrants, etc.

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1 Ms. French: Oh, the (interrupted)

2

3 Vice-Chair Chang: Okay, thank you.

4

5 Ms. French: I can comment on the standard distance for a new fire hydrant and that would be a
6 10-foot would be preferred.

7

8 Vice-Chair Chang: Right but it's not 10-feet right now, okay.

9

10 Ms. French: Correct.

11

12 Vice-Chair Chang: Thank you.

13

14 Chair Summa: Commissioner Hechtman.

15

16 Commissioner Hechtman: Thank you, so let's see, I've got... let me start with a couple... so these
17 are questions for the applicant group and I think probably the first couple could be Mr. Hayes
18 but it's probably going to be Ms. Steinmetz to answer them. So, the first question is in the
19 history of the paperwork here the applicant initially based apparently on a preliminary title
20 report that they had which didn't show an easement for the 13 properties down Ellsworth. It

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1 had indicated that there wasn't an easement but as a part of this project that we're going to
2 grant one. We subsequently received information from at least one of the neighbors that their
3 title report showed that there was an easement and so... and I would imagine your team has
4 seen that. And so, I'm wondering if we've received any... if you have any clarity now as to
5 whether 702 Ellsworth is or is not subject to an easement that serves those 13 or 12 parcels
6 behind. Yeah, that's my first question.

7

8 Ms. Camas Steinmetz: Yes, so we did contact our title company and we... our title company
9 concurs with Chicago Title that there is an easement over the property that serves the other 13
10 residences.

11

12 Commissioner Hechtman: Okay, so that was a... that's a good result for this process.

13

14 Ms. Steinmetz: Oh, one thing I would like to note, in the letter from Chicago Title on Page 34 of
15 the public comments. It does address that matter but it also states in the Chicago Title's letter
16 that Ellsworth is a private way connecting to Middlefield, a public street. So, I think that also is
17 conclusive on the status of Ellsworth.

18

19 Commissioner Hechtman: Okay thank you and stay... put... at the lecture because I think this
20 next one will be for you too, but I think that's very helpful because I think that maybe it will

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1 provide some comfort to all of the folks that live down Ellsworth that there's really... no longer
2 question that there's an existing 20-foot easement across 702 Ellsworth serving all those
3 properties. So, I mean I think that's a good... title companies make mistakes and it's good when
4 they clear them up.

5

6 Ms. Steinmetz: And that's for the existing way.

7

8 Commissioner Hechtman: For the existing 20-foot easement.

9

10 Ms. Steinmetz: Correct.

11

12 Commissioner Hechtman: Right, okay and my next question is actually related to that. I know
13 that the combination of the two applicants are proposing a widening of the drive path. A total
14 of... from 20-feet to widen it to a total of 24-feet which would be 2 ½-feet on the Middlefield
15 side and 18 inches on the Ellsworth... on the 702 Ellsworth side for a particular distance which
16 was mentioned by Mr. Hayes earlier. What wasn't entirely clear to me is whether the proposal
17 that we're looking at is to simply improve that... those two stripes so that they are drivable
18 surfaces or to grant an easement for the property owners... you know the 13 property owners
19 that would essentially fold into their existing 20-foot easement. I just wasn't clear on the
20 proposal.

-
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1

2 Ms. Steinmetz: So, the proposal is to improve the surface to match the existing paved Ellsworth.
3 There... if the proposal would be... if the approval would remove 702 Ellsworth into an R-1
4 zoning. Then the additional width would be documented in an easement and I think the idea
5 would be that the PC... remaining PC for 2901 Middlefield would govern the additional width
6 and that... the PC would document that width.

7

8 Commissioner Hechtman: Okay, so the... so if I'm understanding correctly, on the Middlefield
9 side there wouldn't be an easement granted but the requirement of the PC Development Plan
10 would be that you have to have this 30-inches, 2 ½-foot, of pavement (interrupted)

11

12 Ms. Steinmetz: Correct.

13

14 Commissioner Hechtman: That bleeds into the existing 20-foot private road.

15

16 Ms. Steinmetz: That's right.

17

18 Commissioner Hechtman: Okay, alright thank you, thank you. I think I've got a couple of
19 questions for Mr. Handa and the first one is just regarding the slat fence that's been discussed. I

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1 just wanted to... Staff indicated that you were comfortable with a 3-inch gap between the slats
2 and I just wanted to make sure I understood that right.

3

4 Mr. Nitin Handa: Yes, that's correct.

5

6 Commissioner Hechtman: Alright and then the other question I had and I don't think I've got a
7 good diagram but it's really revisiting the first meeting we had where I was here and I asked you
8 this question and I'm sorry I don't remember the response. But on your side of the private road,
9 you're proposing 18-inches of pavement to blend into the existing pavement for the first I think
10 it's 35-feet.

11

12 Mr. Handa: Something like that, yeah.

13

14 Commissioner Hechtman: Something... yeah, okay and then along the edge of the road my
15 memory is and I'm sorry I don't have a... and maybe if Staff can pull up a diagram. There's a
16 little bit of a gap and then we start your pavers which is like a sidewalk kind of feature that runs
17 to your front door, along the frontage of the road and then it's your driveway back to your
18 garage.

19

20 Mr. Handa: Right, yeah connects to the driveway.

-
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Commissioner Hechtman: Right and so my memory was there's this gap between the... that 35- feet of 18-inch wide pavement and the start of those pavers as they run to your front door. And so, I'm curious what's happening... what improvements are going to be in that gap?

Mr. Handa: You know, actually that... it might be 44-feet total then.

Mr. Hayes: [off mic] 42.

Mr. Handa: 42-feet, it connects all the way to the sidewalk, that 18-inch (interrupted)

Commissioner Hechtman: Okay, that (interrupted)

Mr. Handa: Extends all the way to the sidewalk so that there's no gap in between. So, I think it's not 35, its 42 all the way to the (interrupted)

Commissioner Hechtman: And really what I was getting at because I know I had been curious about that last time but I didn't remember if that had resulted. Okay, so now... so the proposal by the applicants is we're going to have basically it's going to be a hard surface really along the

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1 entire frontage of your property I think. Right, 18-inches for the first 42-feet and that's paved
2 until it runs into the pavers.

3

4 Mr. Handa: Right.

5

6 Commissioner Hechtman: Right.

7

8 Mr. Handa: Into the sidewalk pavers.

9

10 Commissioner Hechtman: Right, sidewalk pavers which is a potentially drivable surface? I mean
11 I know those pavers are going to extend to your driveway so you're going to definitely driving
12 on those.

13

14 Mr. Handa: Right, right.

15

16 Commissioner Hechtman: Okay, so that clears up my other question, so those are the
17 questions. Thanks very much.

18

19 Chair Summa: Other questions, Commissioners? [note – video skipped]

20

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1 Ms. Veronica Dao, Administrative Associate: Yes, we have a couple of speakers. First Kristen
2 Van Fleet speaking as a group on behalf of Carolyn Garbarino, Chuck Effinger, Jessica Sheldon,
3 and Mimi Wolf and she has a presentation.

4

5 Mr. Kristen Van Fleet: Hi Commissioners, thank you for (interrupted)

6

7 Chair Summa: Good evening.

8

9 Ms. Van Fleet: Hearing me again. Let her get the slides loaded. Alright, so we had five days with
10 the poles installed correctly. We've done our best to make use of those five days. When they
11 were originally installed I did email Amy the next day to say they're not done, they're not right
12 and that was on July 27th. They were fixed last Thursday. A lot of people were out of town this
13 weekend, it was the weekend before school started. So not everybody has seen them and
14 commented but we'll give you what we have thus far and we'll go from there.

15

16 So, next slide please. We want to definitely enforce that a PC needs to remain over this so that
17 it is enforceable and we also want to say, especially after hearing Mr. Hayes's presentation.
18 More harm is being done here than good at this point for the residents of Ellsworth Place and
19 our circulation. They are not providing public benefits for us, they really aren't and we'll
20 through... I'll through that in a few slides. And then the ownership of the road, yes it was

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1 mentioned in the Chicago Title letter that it's a private road and that's what they're going on
2 right now. But the County maps don't lie and it's been saying it's a public road since 1968 so
3 that needs to be solved. It's still an open question, I tried to get that open with the City in an
4 application over the last couple of weeks and I've gotten no where with it. Amy sent me a reply
5 that there's no such application that exists, so more has to be done there and that is a potential
6 benefit of this whole project if we could add that on. And then all of the false information still
7 needs to be corrected in the Packet and some of that was already mentioned and we'll go
8 through more of that.

9

10 We'll reiterate that this has been... sorry, the next slide. This has been our road circulation for
11 this Ellsworth Place for 50 years plus, actually 56 years plus. The current plan is to remove every
12 benefit of the current PC, that is our road circulation and they want to replace it with less. What
13 they're replacing does not improve our road circulation, it makes it worse and we were directly
14 impacted by a fence that was set 4-feet back from the property line. It had been hit by trucks, it
15 had been pushed back a couple of feet. So that... it wanted to be at that 26-foot line and that
16 was a nightmare. We all sent in code enforcement complaints about that and here they are
17 wanting to give us less than that. So, next slide please.

18

19 As I'd mentioned before, the proposed public benefits are inadequate and we are potentially
20 losing our ability to get deliveries. This was mentioned by planning Staff during an onsite

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1 meeting of July 3rd that transportation was considering banning delivery trucks from our street.
2 That's a problem in today's day and age when most of us deliver... we all depend on deliveries or
3 we can't really live here in Palo Alto without them. We want to preserve that ability and we
4 want to maintain our line of sight or actually to improve our light of site as we exit and we'll...
5 I'll mention that in a next slide on how we think it should be done. Not what they're proposing
6 which we disagree with. There is inadequate street circulation by this, so right now the parking
7 lot, even if cars are parked there.

8
9 [note – video skipped] away from us and replacing 24-feet, which is 2 ½-foot increase over what
10 it is now, it is currently 21 ½-feet if you look at where the white line is for the 20-foot mark out
11 there. They keep saying it's 20, we're living with 21 ½-feet. They're going to give us 2 ½-feet of
12 driveway width over the first 25-feet of the actual road because mind you 10-feet is the
13 sidewalk and driveway itself. So, they're going to give us 25-feet of road at 24-feet and narrow
14 us down from our 26 that we have now down to 20-feet is what they're doing with it. That's
15 okay with us. That driveway entrance is the only benefit they're offering us and it's not enough.

16
17 Next slide, it says perceived width in the Packet and this is again, I heard Hechtman clarifying
18 the materials that they want to use. That path of even if it's paved is going to end in his pavers
19 where his family walks. We don't find that safe. We want that all the way across to the fence
20 because having paved road end at somebody's pavers is crazy to us. Like who comes up with

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1 that? It's dangerous and we don't want to live in a situation that's dangerous. Plus, they've
2 changed those placement again. They call it landscaped strip, they've called it pavers, they've
3 called it paving. We don't know what it is. It's still unclear and every time we show up here
4 there's a new plan in place. Including last time when we were here, there were new slides that
5 the public hadn't even seen that you were going to vote on and we hadn't even been allowed
6 to make comments on them. So, we want clarity in this and we want to make sure that it's a
7 safe situation that does give a public benefit because right now we are really not getting a
8 benefit of any kind at this point. Oh, and the one that they were telling us we were going to get
9 with them giving us easement, that's already been proven that we already have that.

10

11 So, next slide, the parking lot, I'll show you this again. This is our cul de sac. We are use to 26-
12 feet width of road over this parking lot. It doesn't matter if the whole thing is full of cars. We
13 have 26-feet. They want to narrow us down to 20, keep that in mind, next slide.

14

15 So, I did some mock ups here over using Google Maps and you can see what we are used to
16 working with now in the yellow on the left. What they're proposing is that they'll give us this
17 24-feet over the entrance. As I said we currently have 21 ½-feet, so they want to give us
18 basically 2 ½-feet of extended width over the first 25-feet of road. That's it and you can't drive
19 on someone's pavers. We all know this, next slide.

20

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1 So, we've come up with some options that do provide public benefit. As I mentioned, if they
2 extend these road widths for the full length of the road and maintain our 26-feet, including 26-
3 feet at the driveway. We already have 26-feet, we are use to 26-feet, we want to maintain that
4 and also have it go over the driveway. That's a public benefit and there are a couple ways that
5 that can be done. Obviously, the utility pole needs to be investigated. Can it be moved? I did
6 find a... I found a solution online where they make poles that are end poles. I don't know if we
7 have those in California but it is there. So, can we take the pole before it and... that's where the
8 electricity seems to end anyway and make that the end pole and then underground Comcast
9 and a telephone. It's not that much is going to that last pole, so if they can underground that or
10 do some other configuration to remove the utility pole and open up circulation. It solves a lot of
11 problems. It needs to be investigated. If they can't then you can see that you can still take the
12 6-feet on Handa's side and he can still build a house so go to the next slide. The house still fits
13 there and the other thing about this is that his house footprint [note – video skipped] 1,090-
14 square feet. So, this will be the largest home on the block by a lot, by 55 percent larger. If the
15 house had to reduce in size a small bit to keep the safety and circulation on our road. We
16 actually don't see a problem with that and it would be more in scale with the community.

17

18 Next slide and again, this is our goal. It's not about preventing his house, it's about keeping our
19 circulation and safety intact and how we integrate with Middlefield Road and the pedestrian on
20 the sidewalk. Next slide. So, they keep saying that 20-feet is sufficient. If you notice they're little

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1 car diagram has it stopped at the stop bar. In order to see to get out, we're on the side walk
2 right now with the current conditions. Even that orange netting, we can't see over it so we're
3 on the sidewalk to get out. I tried to do a little photoshop demonstration to move the car into
4 the sidewalk and you can see if another car tries to turn in while someone is trying to turn out.
5 You'll have an impact so right now we end up backing up and then someone goes around over
6 the parking the lot and that's how we've dealt with it. We would like the situation improved,
7 next slide.

8

9 We are looking to this point of the sidewalk where the curve is. That's where the road narrows
10 down and the sidewalk follows it. That is where we're looking when we leave and we only really
11 care about this sight line on the creek side. The apartment side, the olive tree, the sweet maple
12 or not... what is that thing called? The sweet... I'm not using my cards. Liquid amber tree,
13 they're not bothering us and neither are those utility boxes that are tall. We... they don't... none
14 of that bothers us. It's the creek side and we've said this over and over and over again. We
15 need about a car width back from what would be the stop bar. Visible to that point basically
16 where the creek fence is. That's about where that corner is. There's still room for his fence, it
17 just has to be moved back. His patio is untouched. It would be a good compromise all around
18 but right now where the fence is located with the orange netting. It does not work; every
19 neighbor has complained. Next slide and the six of us that went out and took pictures. You can
20 see this is our reality and there's another slide of these as well if you want to go to the next

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1 slide. And there you can see what it's like when the pedestrian is coming down the street. He's
2 already gone by the curve and when I took this picture of my neighbor there. She actually
3 backed up to allow him to pass. That happens a lot. We always give right of way to pedestrian...
4 to the pedestrians and this is what we could get done in the five days we've had so.

5

6 Additionally, we've asked can we have an asphalt approach. That would probably solve it, right?
7 If you're on a regular street, you have an asphalt approach so you actually get to go past the
8 sidewalk and the pedestrian stops. But when you're on a sidewalk, the pedestrian has the right
9 of way so you have to back up. That causes the problems, so at an asphalt approach with things
10 like bumpy plates on the sidewalks. Things that tell pedestrians hey, there's a road here. Maybe
11 a step down curve or a well, wheelchair or bicycle friendly type curve. It would make them
12 aware that there's a street there. They'd stop running into our cars because this has happened
13 many, many times. It should show Key School on the other side of the street that there's a
14 street there. It would fix a lot of things and right now to get out of Ellsworth Place. We go up an
15 incline but it's actually kind of over a hill. Like a little bump, so if that was smoothed out with an
16 asphalt approach. It might solve a lot of our issues getting on and off Middlefield Road. In
17 addition to having that road width there of 26-feet. As I said, right now we're use to 21 1/2 .
18 They keep telling you 20, we have 21 1/2. That needs to be stated over and over and over.

19

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1 Next slide and we asked about this. They mentioned they're going to move that bracing. Well, if
2 they're going to look into moving that bracing, can they look into undergrounding the pole?
3 Because right now that's not a useable spot and undergrounding or getting rid of that pole just
4 causes or I mean it just helps solve a lot of problems. Thank you.

5

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

7

8 Ms. Dao: Yes, we have Susan Light who's I believe going to speak on some later slides.

9

10 Ms. Susan Light: Yeah, well you know I think I'm going to be really short and hopefully Kristen
11 will forgive me. The real question that has come up is who owns the street and I came up with
12 the analogy of being an adopted child and growing up in a household and then not getting
13 invited to Thanksgiving dinner. We have Palo Alto on our address, we send our kids to school in
14 Palo Alto, Palo Alto utilities is an important part of our lives and when something happens we
15 call the Palo Alto police. So, the idea that our street is not part of Palo Alto is really difficult and
16 when... I don't know what the exact number of feet of streets there are in Palo Alto, but adding
17 500-feet from Ellsworth is not going to be a huge impact on the budget of the City of Palo Alto.
18 But it would solve a lot of problems and that's the... that's why the adopted child analogy I think
19 is something to think about. We want to be adopted, we want to be legally adopted by the City.
20 I'll leave it at that.

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Chair Summa: Thank you.

Ms. Dao: And then one more, Ms. Bill Ross.

Chair Summa: Thanks.

Mr. Bill Ross: Good evening. I'd like to make a couple points for purposes of the record. One was in a communication to you tonight. It's from the handbook for the Commission and the duties of the Staff liaison which also happens to be the principle planner for this project. There is a 7-day requirement for all material to come to not only the Commission but also members of the public. Ellsworth residents don't wave that.

Upon review of the revised Staff Report, we raised the same issues. Specifically, the PC ordinance isn't complied with. The ordinance itself is the mode is the measure of the power. We mentioned last time and it's still not here. There's no analysis of the consistency of this project, which is a zone change, with the Comprehensive or General Plan. There's a cherry picked section in the ordinances now that picks out I think six goals. That's how you do a Consistency Analysis. You got to do it where you balance and examine goals and policies of the General Plan. It's not done.

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2 I... with respect to the CEQA analysis, I'm going to make this analogy. This is a zone change,
3 almost from the beginning of CEQA, zone changes are characterized as projects that are not
4 other wise exempt, right? What's Staff's done on Page 239 is to try to add mitigation to an
5 exemption. You can't do that so and that's an adjudicatory function. Evidence based, it's not
6 legislative. We made that clear in the first go around, it's applicable the second go around. So,
7 the Consistency Analysis, a real CEQA analysis, which would need an Initial Study. This is a zone
8 change, it's not what's characterized as any of the exemptions on Page 239 and withstanding
9 that, we raised the issue under CEQA Guideline Section 15300.2. That you have again,
10 substantial evidence by the neighbors raising genuine issues about access, transportation,
11 visual clarity based on safety and those are issues that could be easily examined in an Initial
12 Study by Staff. So, you know, these aren't inconsequential, you could go back to the beginning
13 and say look, if the Staff liaison who's also the principle [note – video skipped] still lacking an
14 analysis for both Streambank Protection and for the PC analysis. You can't cherry pick those
15 things. You have to go down and establish them.

16

17 Finally, I'd like to note for the record that as far as I'm aware there's no... any type of urgency
18 ordinance that's in effect, either in Covid, either locally or in a State-wide basis. AB 214... 2449
19 is applicable to decision makers. Right, it allows for participations in adjudicatory hearings and

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1 the CEQA part of this hearing is adjudicatory and I think the evidence based that's required to
2 come into compliance with the PC Zone is also evidence based. Staff's got to come up with that.
3
4 Right, my point is I'd have no idea whether counsel to the Commission is watching now,
5 whether it's online and I see the cameras when I've looked on what's available to the public
6 and you can't see what's going on here. There are evidentiary conclusions that are before you
7 that you have to make. I'm suggesting that's an additional element of due process that's not
8 present for this hearing. Counsel and Staff should all be present. I don't know where counsel is.
9 You know, I've been informed several times but I don't know that there's a policy for that for
10 participation of Palo Alto employees in another state. I've raised it, 2449 is applicable to
11 decision makers. As far as I can see there's no exemption for Staff but the principle issues are
12 with respect to compliance with the PC Ordinance and the CEQA analysis. Thank you for your
13 consideration.

14

15 Chair Summa: Thank you Mr. Ross. Was that our final speaker?

16

17 Ms. Dao: Yes, I have no raised hands on Zoom.

18

19 Chair Summa: Okay, thank you for that. Oh, would the applicant like to speak?

20

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1 Mr. Hayes: Hi, Chair Summa, Ken Hayes again with Hayes Group Architects. So, this is really
2 getting blown out of proportion. We need to remember why we were here. We were caught in
3 a situation where there were inaccurate City records that created big problems for my client
4 and Mr. Handa and so we're trying to fix that mistake from 1976. The safety concerns that the
5 neighbors are bringing up, you know I'm not going to dispute them. If they feel they have safety
6 issues, but how is our project creating those safety issues? You know, we're removing eight cars
7 from traveling on Ellsworth. We've removed the trash pick up on Ellsworth. We've provide a
8 space for a delivery truck to park on our property off of Ellsworth, not blocking cars, that sort of
9 thing. So, I just don't see... and the home that we're building is actually set back further outside
10 of the 35-foot sight triangle than if there were vans parked in those existing eight guest parking
11 spaces. Because as those spaces got closer to Ellsworth they would block or I'm sorry closer to
12 Middlefield. They would block sight lines. We're improving all of that to get through this
13 process.

14

15 The road is 20-feet legally for their access. We're willing to make that a foot and a half wider on
16 Mr. Nitin's side. Yes, just so happens that's where the existing pavement is today but they don't
17 have the right to be on that part of the street right? It's private property but we're now giving
18 them the right to drive on that part of the street that is now defined by that asphalt edge.

19

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1 Undergrounding the utilities, honestly if we need to underground more or move [note – video
2 skipped]. It's... we just can't do that is what I've been told. It's just not going to happen. So,
3 we're making improvements that we truly believe we can do to help mitigate this. The road's
4 going to be 20 percent wider than it is today. The ownership of the public way or I'm sorry of
5 this private street, it's irrelevant. I don't... we don't care who owns it. It's not pertinent to what
6 we're trying to do tonight, alright? We're giving our private property to them visa via an
7 easement or a PC Development Plan and that's what we're doing. I don't care who owns the
8 road, so if they have an issue with road ownership. That's outside of this project in my opinion.

9
10 And then lastly, just and then I'm done, the public benefits, really? We're widening the road 20
11 percent, giving them access to private land, we're doing a new driveway apron curb cut, the
12 sight triangle. It's not really public benefit, I had it listed. It's required by the City. We are
13 creating fewer cars using Ellsworth. We're creating a temporary deliver truck space on private
14 property. We've already moved the trash from Ellsworth and let's not forget, we're creating a
15 single-family home. Alright, so thank you very much.

16
17 Chair Summa: Thank you, Mr. Hayes and with that we will bring it back to the Commission for
18 discussion. So, who would like start us off? Anyone? Okay, oh Commissioner Hechtman.

19

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1 Commissioner Hechtman: Yeah, I'll start off just very briefly with kind of a simple one. One of
2 the... a part of the motion at the last meeting had to do with the setback of the building from
3 the creek and the way the language was translated and it appears on Packet Page 89. The
4 condition is the setback from the creek shall be determined by a slope stability analysis. So, I
5 wanted to ask Staff just a couple of questions about that. It looked to me like the applicant's
6 proposal for the house utilized a 6-foot setback from what is said... what is described as the
7 creek property. And so, I wanted to understand if that... if we have some guideline that tells us
8 what a standard setback from the creek property is absent of soil stability analysis?

9

10 Ms. French: Well, the 6-foot setback is indicating the interior side setback, so that's what that 6-
11 feet is.

12

13 Commissioner Hechtman: Because in the absence of the creek that side of that (interrupted)

14

15 Ms. French: To the property line.

16

17 Commissioner Hechtman: Edge of the house is considered the side, right?

18

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1 Ms. French: Correct because Middlefield Road is the shorter of the property's facing... and is a
2 facing a street. Right so that's the front and the right side is to the property line of the creek of
3 the ownership of that creek.

4
5 Commissioner Hechtman: Okay so I... and I just want to focus on that setback from the creek.
6 So, and I'll just finish tackling this issue and then I'll come back to do some other ones but on
7 the slope stability issue, and I think Mr. Sauls, I don't know if he's here tonight or not.

8
9 Ms. French: He's watching.

10
11 Commissioner Hechtman: At the last meeting he kind of explained... I mean we can understand
12 what the issue is in general. Right, you're building a structure which will have weight and
13 density and that could... will put pressure on the soil beneath it and if you're close to a creek,
14 you don't want that pressure to basically push the dirt toward the creek in a way that will cause
15 it to erode or crumble and effect the creek. Right and I think Mr. Sauls explained at the last
16 meeting that here, Matadero Creek, is a channelized concrete culvert and so there is no dirt to
17 get pushed into the creek. You would have to have enough force to actually bust the concrete
18 and force it into the Matadero Creek. So, I don't know that a slope stability analysis is really
19 necessary here but I don't really have a problem with utilizing it. The concern I had is the way
20 this condition was written, drafted, is we have a setback and that setback is 6-feet. And that

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1 should be the setback unless the slope stability analysis says a larger setback is needed. And
2 that's really what this condition should say and hopefully there won't be an objection because
3 my concern is if we get a report back that just says the slope is stable, a house won't effect it,
4 the soils guy or gal won't necessarily tell us what the setback should be. So, I'd like to put that
5 6-foot marker in there and then the slope stability analysis can say if that's too close or not. So,
6 anyway, that's... we're not anywhere near motions but when we get to it, I would like to see
7 that changed in that condition, so I'll leave it with that issue for now. I've got more later.

8

9 Mr. Garrett Sauls, Planner: Good evening, Commissioners. This is Garrett, hello. Yes,
10 Commissioner Hechtman, what you reiterated is what I had said previously. That it is the
11 outward forces of that foundation of the structure putting pressure towards the channelized
12 culvert wall that the Santa Clara Valley Water District has had more issues with. Obviously,
13 again as you mentioned before, that it would either rupture, bust or damage that integrity of
14 that culvert wall. Such that obviously it would collapse, so that would be what an analysis
15 would demonstrate is whether or not those outward forces would create that impact so.

16

17 Chair Summa: Are you...?

18

19 Commissioner Hechtman: [off mic] That's it for now.

20

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1 Chair Summa: That's it for now, okay. Do I have other lights or? Okay, well I will say a few things
2 then and that is that I would concur with Mr. Hayes that there's some... those... there's
3 inconsistency in the proposed ordinance that he already mentioned. And I think Staff would
4 agree with that and that needs to be fixed.

5
6 And then I want to clarify that no... we are not proposing that any significant trees be removed
7 from the sight triangle. Most particularly, I would like to call out the multi-trunk olive tree
8 which is of some age and I would also agree with the comments from the public that turning
9 right isn't the issue. It's the other side that's an issue and it has to do with two grade changes.
10 One as you slope on the sidewalk to Ellsworth Place and you slope up to the sidewalk from
11 Ellsworth Place. And it's also where the... there's a curve in the sidewalk and the street narrows
12 and that's what makes it so tricky. So, I think any of the existing trees, there's was no intention
13 ever to remove them, especially that large mature olive.

14
15 I... sadly we haven't been given real determining information on what it would take to remove
16 utilities that are in the way and it seems like though maybe not ideal the hydrant is alright. But I
17 have another question and that is that the way the language is in the proposed ordinance, I
18 don't... find the page. In both... oh here it is... in both cases, [note – video skipped] regardless of
19 whether it's 24 or 26-feet as a swath of pavement along side Ellsworth Place. Now what
20 Ellsworth Place is legally is a 20-foot easement that we generally believe all the parties that

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1 have an interest in it have a right to traverse. I'm really worried about this language I wonder
2 what I means and maybe it's a question for our legal counsel. It's... there's no mention of
3 adjusting or the easement or making it a condition of granting either of both PCs that that be...
4 that the widening of the street be guaranteed in perpetuity as far as I'm reading it. And I think...
5 so maybe Mr. Yang can help with this but I don't see anything except a swath of pavement
6 which gives the impression of a useable area. But I don't think it's guaranteed and I think that
7 we know what happens when sort of institutional memory, especially of PC, is lost and I'm... I
8 mean we have direct information here. And when I read this, I think about somebody in the
9 future thinking well, if that's my land, I'd like to put on that little paved area pots of geraniums.
10 So, I don't see how this is guaranteed at all the way it's written, so I see our counsel.

11

12 Mr. Yang: Yeah, [unintelligible] that this paved area would be incorporated into the PC
13 Development Plan for each site would ensure that it would remain in that state. But I
14 understand your concern that maybe something like something could be placed on top planters
15 or something like that. So, it could be included as a condition that the area shall remain clear.

16

17 Chair Summa: Yeah and I would say probably for perpetuity. I mean and it's... that was... that
18 concept of... because what they had before was sort of the feel of a 26-foot wide street
19 because of the extra space in the parking lot basically. And so, I think to have anything
20 successful happen here we have to either condition it as a prerequisite of the PCs and that it

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1 should be required to survive these two PCs as a concept, or that I don't... that an additional
2 easement be created. It's so essential and I agree that that is... so that needs to be resolved and
3 it's just totally missing from the proposed draft ordinance.

4
5 And I would say the other problem for me (interrupted)

6
7 Commissioner Reckdahl: Can I have a follow up? Why would we not do an easement? I don't...
8 it seems strange that you would make the... it's effectively an easement but you're making it a
9 condition of the PC and that seems rather awkward.

10
11 Chair Summa: It's neither right now and it has to be. There has to be some reason why
12 somebody's not going to be able to just say oh, there's no... they don't have a right to be... drive
13 there. It's not guaranteed the way I read it and I think Mr. Yang agreed just now. I mean that's a
14 pretty essential part of this situation.

15
16 So, that would need to be resolved for me before I could make any recommendation and the
17 other issue [note – video skipped] along Middlefield is two high still. It's too high, it seems even
18 higher than it is because of the grade and I believe it needs to be... the fence needs brought
19 back. Mr. Handa or whoever occupies that house would be able to use all the area in front of
20 the fence but it's blocking and it's very difficult to see small people there especially and by that

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1 I mean children. So, it was my observation that that was not adequate and I think I don't know
2 exactly how far back it needs to go because it's not something I can imagine but I would think a
3 reasonable place would be kind of outside of his patio where he wants it there to protect that
4 area. And the rest of the yard would still be his yard but it just wouldn't be fenced in and I
5 would say it is not the case that everybody has a fence. You know, most people can have a 3-
6 foot fence across their front yard but many people do not. I don't... I mean I don't know, I
7 cannot say with any certainty the percentage of people in Palo Alto that do and don't, but I
8 would say most yards that I can think of, of people I know don't have that kind of fence. Some
9 people like it and it's fine and I think if Mr. Handa wants a fence, he should have a fence, but it
10 should be placed... this is a different intersection because of the grade change. And he should
11 certainly have a fence but it should be in a location that does not obscure the view of exiting
12 vehicles. Particularly for, you know, because of the grade, so I am going to leave it there for
13 now and Commissioner Akin.

14

15 Commissioner Akin: Thank you, Chair Summa. I don't have any dispositive comments to make
16 here but a few observations. Yes, I agree that the 3-foot fence still interferes with visibility in an
17 area where it's important. A shorter fence might solve that problem. There are other
18 alternatives that the applicants might want to consider. As someone who lives near... lives at a
19 6,000 vehicle a day corner where noise from traffic is a constant problem and is a fraction of
20 what the noise at this site near Middlefield would be. The yard... the front yard is not going to

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1 be useable as a front yard. So, it's not wise to place too much weight on that particular use, but
2 there are things that can be done to improve that space and one is to build a larger interior
3 fence. Setback sufficiently so that greater height is possible and make it out of some dense
4 material like concrete and that's a sound wall. That's what you need to make that patio space
5 useable, despite the traffic on Middlefield. So, I would suggest that that might be worth
6 considering if the original 3-foot fence farther out proves not to be viable for other reasons.

7

8 There was some debate at the last meeting about 24 versus 26 and I ended up supporting the
9 minimum of 26 because I believe it does add value, particularly at the intersection with
10 Middlefield. However, I could see expecting 24 if the bottle neck that's caused [note – video
11 skipped] more flexibility along the length of the road which is where it exists... which is what
12 exists today. But it allows the other sections of the road not to be widened as much as what
13 otherwise be needed. So, there's I think room for compromise there as well if we had the key
14 information about whether that pole could be moved or eliminated. It does appear that the...
15 those are low voltage lines at that terminal pole. So, there... it seems to me that there's some
16 hope that could be done provided the strictly mechanical requirements of support for the
17 penultimate pole are taken care of. I don't know any way to do that other than asking utilities
18 or Public Works about their standards for the span lengths and support angles whether that's
19 feasible in the space that we have available. So, we just don't have the information we need to
20 know whether that's doable. Alright, I think that's everything I have for the moment.

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Chair Summa: Thank you. Commissioner Lu.

Commissioner Lu: [off mic] Commissioner Chang [note – Vice-Chair Chang] had her hand up first.

Chair Summa: She was first, oh okay. Commissioner Chang [note – Vice-Chair Chang].

Vice-Chair Chang: Thank you, Commissioner Lu. So, I do remember my original motion asking for the wider easement to be granted to all the neighbors and yes, that’s a good catch that Chair Summa made that the actual PC language doesn’t grant that easement. And so, on Packet Page 81, the top of the page for 2B, it does say the new width of the easement be granted to all the neighbors on Ellsworth. So, we just need to make sure that that actually gets properly reflected in the two PCs.

And then I concur with my colleagues who visited the site and said that the 3-foot fence height does obstruct visibility. One of my thoughts, but I... one of my thoughts was that because of the very unusual topography at Ellsworth and Middlefield with the sloping of Middlefield as well as the sloping of Ellsworth. It make a conventional sight triangle kind of insufficient and it really isn’t the Dewy side as everyone has noted. And so, one of my thought was that it’s not that a

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1 fence... a front yard fence isn't possible, but that the fence shouldn't be within the sight triangle
2 and not only within the 35-foot sight triangle but also right along Middlefield in the front... I
3 don't know. If you're looking at A-2.0 in the architecture sheets, kind of in the lower right
4 corner of the property so at the corner here Matadero Creek meets Middlefield. That's also a
5 real problem area for where a fence would be and so if you could push the fence further back
6 than 4-feet in that corner. That also helps and so actually when I was listening to the public
7 comments. The diagram drawn by... the diagram shown by... I'm so sorry... by Kristen. I can't...
8 her last name is escaping me at this particular moment. Where she proposed a compromise for
9 where the fence could be is... that actually makes a lot of sense I think in terms [note – video
10 skipped] from Middlefield than 4-feet. But actually, I think that the compromise that was... that
11 Kristen drew was a much more elegant solution and creates a much nicer front yard, but
12 achieves the same goal. But I think essentially what she drew puts into drawing what I observed
13 at the site which is where the obstruction to vision occurs. So, those are my comments.

14

15 Chair Summa: Commissioner Lu.

16

17 Commissioner Lu: I'll make a few quick comments and welcome any additions or thoughts from
18 other Commissioners on this. Firstly, I definitely agree that the language on the easement
19 should be clear. Visiting the site, I didn't get a... I mean it's always difficult to truly imagine the
20 day to day lived experience but I didn't see as much of a large qualitative difference to me

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1 between the 24 versus 26 feet. But I did feel like the wider flare would actually be a material
2 improvement as you actually pull out and to that point, I find some of the framing around the
3 sight triangle a little bit odd. In the examples that Ms. Van Fleet presented, it seems like most
4 cars really just pull up right up to the stop sign right on that little hump and that kind of goes a
5 little bit past the fence anyways. And so, from that perspective you are a little bit higher, maybe
6 a foot higher and you have a more clear view at the very base of the sight triangle. So, I kind of
7 understand how that would be the preferred way to pull out regardless and that's where you
8 would really start looking at Middlefield. To me the sight triangle is important for peripheral
9 vision as you pull out but its like... it's not like the critical point. I think the sight triangle does a
10 lot of work for cars that are turning right onto Middlefield, to have a sense who is pulling out of
11 Ellsworth, but qualitatively, you know it just gets so tricky. It's hard for me to really make clear
12 statements about how the fence should be or how the intersection should work besides the
13 wider flares.

14

15 The last point that I'll shout out is that we discussed last time that we should keep this as a PC...
16 as a separate PC. I think it's actually... there's a reasonable case to make, if we decide to move
17 forward just on the merits of the project at all, to just keep it as an R-1 with deed restrictions.
18 The PC symbolically has more continuity but it's also marginally worse for the applicant. If we
19 actually think this project should move forward, I don't know if it makes sense to have any sort
20 of minor symbolic, almost punishment of keeping it as a PC versus having it as an R-1 with deed

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1 restrictions. I don't know that that would actually make a practical difference, but seems like
2 the more lenient or generous thing to do and so I think we should do that if we move forward.

3

4 Chair Summa: Commissioner Reckdahl.

5

6 Commissioner Reckdahl: Could Staff bring up Slide 3 in the Packet, in the presentation Packet?

7 Yeah, so the think that bothers me is that the visibility really is bad when you pull up to that
8 side [note – video skipped]. I mean you're going to be hugging that curve and then the curb
9 comes out just at the wrong time and that current sight triangle doesn't protect you against
10 that... the bicycles that are down the street. So, I really do think that having that flatter so it
11 doesn't have to go... doesn't have to be as deep on Ellsworth but it should extend flatter, more
12 parallel to Middlefield to protect you again that... those bicyclists and pedestrians who are
13 coming around that curve there. That's a really dangerous feature.

14

15 The other thing that's problematic is the fact that that sidewalk is higher. Is transportation
16 online?

17

18 Ms. French: They are.

19

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1 Commissioner Reckdahl: A question for them is this is a private street and really is treated like a
2 driveway. Other places in the City where we have private streets, are they treated more as a
3 street crossing? The public comment had expressed making this appear more like a street as
4 opposed to a driveway and I wonder how uniform are we around the City?

5

6 Ms. Sylvia Star-Lack, Transportation Planning Manager: This is Sylvia Star-Lack, Transportation
7 Planning Manager, good evening Commissioners. I can't speak for all of the private streets in
8 town. This one is built as a driveway. I don't know why it was built that way but that is how
9 drivers should treat it. It is a private street but it should be used the way that one would use a
10 driveway and just to clarify, the proper maneuver for leaving this private street that is built with
11 a driveway entrance is to stop before the sidewalk, check if the sidewalk is clear and then move
12 forward and stop before the roadway, check if the roadway is clear.

13

14 Commissioner Reckdahl: Okay, so on other private streets do you have a feeling about... are
15 they usually like driveways or do you not have...?

16

17 Ms. Star-Lack: I don't have a working knowledge of all of the private streets in town. It just
18 depends, yeah.

19

20 Commissioner Reckdahl: Fair enough, okay thank you.

-
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1

2 Commissioner Hechtman: Alright, so two little issue and then a big issue. First of all, on the
3 fence issues on 702, you know I'm... I saw the design of the fence and I'm hearing concerns
4 from Commissioners that no withstanding the 3-inch gap between the slats, we're still going to
5 have issues of visibility so I wanted to ask Staff if these... I guess it's a front yard. Basically the 3-
6 foot version of the fence is the front yard fence, right? Okay.

7

8 Ms. French: Correct.

9

10 Commissioner Hechtman: And is there a prohibition in Palo Alto from using wrought iron for a
11 front yard fence?

12

13 Ms. French: No.

14

15 Commissioner Hechtman: Okay, so I would just like to put that out in the atmosphere for
16 people to think about. Wroughtt iron fences are typically a more open design, so you could see
17 better through them. My perception is part of the reason the owner wants a 3-foot fence and
18 at this location is they... it's really sort of a modest security to dissuade people from just walking
19 in or like stepping over a 2-foot fence. You know, you got to have a pretty good stride to get

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1 over a three and so this might be something that solves the visibility problem while allowing the
2 fence to remain... I think it's proposed at 4-feet back, right? So, I'm not [note- video skipped]

3
4 First of all, I agree that at a minimum 702 and Middlefield Field should have separate PCs. It's
5 not good practice to lump properties owned by separate people in one PC. So, there does need
6 to be a division that way and Middlefield needs to stay in a... it's in a PC. For 702, I don't know
7 that I have a real strong impression. I mean my gut and training is that while I can't say that a
8 PC has ever been used in Palo Alto before for a single-family home, I don't know that, but I
9 know that PCs are definitionally built to be flexible. You could use them in almost any kind of
10 setting and they have benefits in that way, whereas with R-1 I very seldom have seen
11 conditions imposed upon a standard rezoning and gives me a little bit of cause for concern. So,
12 I'm... I don't feel strongly about that but I would say I feel more comfortable with a PC Zone and
13 I haven't really understood from the applicant what their level of discomfort is with it that
14 makes the conventional zoning with a deed restriction more desirable to them.

15
16 Alright, so those are the smaller issues, here's the big issue and I'm sorry I wasn't here at the
17 last meeting to articulate it. There's a natural inclination when a proposal is made to develop a
18 property to kind of look not at the project being proposed but at the surroundings and ask
19 yourself well, okay they want to do this on this land. What problems can we solve while they're
20 doing this on this land, and there can be in that process over-reaches. You would... how do I

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1 explain this. There are limitations on conditions that we can impose or require and for example,
2 we have limitations in CEQA if there's... you can't impose... you can't require a mitigation
3 measures if there's not an impact that needs to be mitigated. And even outside CEQA, you can't
4 exact rights from property owners unless they relate to project [note – video skipped] impacts.
5 So, there are real limitations in doing that, so where you often see this is with public street
6 where somebody wants to develop something and the City wants them to improve a public
7 street and you have to go through this analysis. Well, is what they're doing creating a traffic
8 impact because if it's not creating a traffic impact then you can't make them fix the public
9 street. It's just a public street that needs to be fixed and that's on the City, but here even that
10 process does not apply [note – video skipped] because we don't have a public street. We have a
11 private street and what the Commission was talking about doing last time and a little bit tonight
12 is requiring one private property owner to give its property rights not to the public in relation to
13 some impact of the project, but actually to 13 other private property owners. That's what we're
14 talking about when we talk about requiring that these owners grant easements to the folks
15 down the street and I don't believe we have the power to do that as a City. To require... you
16 know, any more than we would have to say gosh, this new development is impacting the value
17 of your 13 properties. So, we're going to make the property owner give each of you \$10,000.
18 Right, we can't do that and it's particularly troubling here where again, if we look at the impacts
19 of what is being proposed, the only traffic impact on Ellsworth from the totality of the proposal
20 is a beneficial traffic impact. It's beneficial, right compared to the existing conditions, the long

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1 existing condition which according to the photographs we've seen for example, has had shrubs
2 on the Matadero side for who knows how long. I know Mr. Dewey I think has owned the
3 property since 2017 and we didn't hear anything from the neighbors that they've been on him
4 routinely to cut those shrubs down but now they're gone and they will stay gone. Staff has
5 been in communication with the water district to trim the farther shrubs closest to Matadero
6 Creek and actually, it was odd because I thought the Staff Report said it had been done but
7 then when I was out there today and I did visit the site today, it seemed like there were shrubs
8 right up against the concrete abutment and so I wasn't entirely clear on that or whether
9 there were some more shrubs that needed to be removed.

10

11 But you know what is... the totality of the proposal is they're taking pavement that is... well,
12 first of all, there's really two sections to this Ellsworth Road that I think we can break into. One
13 is most of it which starts at the very back and it comes up until the point where you have to be
14 concerned about the intersection with Middlefield and whether that's one car length or two
15 length, whatever it is. So, that back section, that's 20-feet wide. It's been 20-feet for over 50
16 years and I went to the back of it today and what I noticed is that at least half of those folks that
17 live in those houses have either a fence or dense shrubbery or a curb that closes down that 20-
18 feet or closes it down to 20-feet in that area. So, and then the other thing I noticed was a few
19 people have pavers in the front which they park on and I was curious about the... you know a
20 comment of the... one of the commenters that can't park on pavers. That's how they're used on

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1 the street in a number of places and that's the intention I think of Mr. Handa, to have his
2 driveway which will be drivable pavers that can be used that way. So, you've got this back
3 section that's 20-feet and it's necked down by a lot of the neighbors who are feeling put upon
4 by this development. But those neighbors, and this is a point that Commissioner Templeton
5 raised last time, those neighbors are not saying hey, we really need 26-feet here. Right, this
6 road really needs to be 26-feet and so we are each willing to give the City 3-feet... the 3-foot
7 frontage of our property to make it a 26-foot public road. We're not hearing that. What we're
8 hearing is a frustration by these neighbors that property they don't own, that happens to be in
9 front of us for development, isn't going to 26-feet which is as near as I can tell it's never been at
10 least at the front part which is the most important part up at Middlefield. Because that's where
11 the action is and that's where I think the public benefit of what's being proposed really exists
12 because that's where it is expanding from 21 ½-feet which it is currently; 20-foot easement plus
13 another foot and a half of pavement. It's going to now be widened by another 2 ½-feet so that's
14 24-feet and then it's going to, again this is part of the proposal, bow out to 28-feet which is
15 actually happening on City property because that's the... that sidewalk is City property. So, and
16 then what we've learned is so it's going to start at 28, neck down to 24 which is wider in the
17 most important area than it currently is, it's going to travel at 24-feet back I think 35-feet and
18 then it's going to have if I'm understanding correctly another 7-feet on the Ellsworth side at 18-
19 inches. So that section is 21 ½-feet and then past that you actually have the pavers on the 702
20 side which again, create more space and this temporary parking area on the Middlefield side so

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1 it widens out again. So, I think in the most critical area we have clear traffic safety improvement
2 and public benefit and we can't require private property owners to give other private property
3 owners rights over their property.

4
5 Now a quirk in that rule is that while we can't require it, if they volunteer it, we can take it and
6 make a condition and that's really what's happened here is these private property owners have
7 offered to provide these improvements to widen the road. I think I understood Ms. Steinmetz
8 to say that if we did an R-1 rezoning then they would grant an easement on the 702 side for the
9 18-inch wide strip which I think is 42-foot long and I think I also heard her say that they
10 wouldn't be offering an easement on the Middlefield side for it's 30-inches for roughly I think
11 35 or 37-feet. But instead, that would be a requirement in the PC Development Plan which
12 could only be changed through a PC Development Plan Amendment, which would not make it
13 permanent to address the Chair's concern but it would require a public process to make that
14 change which I'm sure if... I can't imagine it ever being changed, but if it was, you would have
15 13 residents behind expressing the same kinds of concerns we've heard about necking down
16 their street.

17
18 So, I am... I'm supportive of taking as much as we can get from these applicants, as much as
19 they will voluntarily offer. I would encourage them to consider the concerns regarding the
20 permanence of that 30-inch travel way on the Middlefield side that you've heard from other

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1 Commissioners. And I would just kind of close on this, this really... this issue really also impacts
2 the utility pole issue because again, we... what we'd be talking about there is requiring that
3 utility pole to be removed. Actually, not... that's not actually a public benefit because it's really
4 for the private benefit of the 13 residents... 13 homeowners who live down the street and so I
5 just don't think we can do that. So, I'm going to be supporting something more in line with
6 what the developers are offering, so thank you for giving me an unusually long time to make
7 that... make those remarks.

8

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

10

11 Vice-Chair Chang: I would just like to provide a different perspective with what Commissioner
12 Hechtman spoke about. I actually agree with a lot of what Commissioner Hechtman said in
13 terms of it is not our job to reassign property rights but in this situation its actually a little bit
14 different. The application at hand that we were first asked to consider was to amend a PC and
15 in that situation we're being asked to grant a property owner additional rights which was to
16 give them the ability to build an additional house where one is not allowed and permitted right
17 now. And so, we're actually being asked to give rights and in exchange, we're asking to make
18 something safer. Not necessarily to give rights to only 13 property owners but really what we're
19 doing is trying to make things safer for all... for the rest of our City. For all the people who
20 traverse that opening on Ellsworth. There's quite a lot of bicyclists and pedestrians who are

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1 using that sidewalk. Particularly, given the proximity to the Midtown shopping area and also
2 lots of young children using it to get to Winder Lodge and the Kim Grant Tennis Center and just
3 lots of pedestrians in general. Those of us who did site visits I'm sure saw lots of pedestrians
4 and bicyclists and in addition, there's the school across the street and the Middlefield itself is a
5 really busy thoroughfare so lots of cars. And so, we're just trying to make this area safer
6 because no matter what those... no matter what those 13 households do have to use Ellsworth
7 for ingress and egress and if we make it safer for them to go in and out at that opening. We
8 make it safer for everybody else at that intersection and so that's how I looked at it.

9

10 And I agree 100 percent with Commissioner Hechtman that it is the front section, the front
11 most section that is the most important and the reason when I was making the motion last time
12 I heard this. That I settled on 26-feet was because I looked at our City's own ordinances and
13 what is currently considered the bare minimum in terms of safety for a private street serving
14 this number of residents and the bare minimum is 26-feet. In fact, it requires special Director
15 approval to go down to 20 and usually it's not in this type of situation. There's actually a whole
16 bunch of other situations mentioned but not this situation. Usually its if there's parking
17 separating a building and the private street and there just isn't any of those things in this
18 situation that would grant the exception to be... that would allow a Director to make that
19 exception. That said, I understand that this is an existing situation but also, we're... it's an
20 existing situation and we are granting the applicant the ability to change the existing situation.

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1 And so that's why it's incumbent upon us as the Planning and Transportation Commission to
2 make sure that it remains safe for the rest of Midtown Palo Alto. There's lots of accidents that
3 happen on Middlefield, lots and lots of accidents that happen on Middlefield. So, that's an
4 alternative perspective and why at least regardless of how we decide to do this. An execution
5 PC or R-1 with deed restriction, I think it's pretty important to do it. Thanks.

6

7 Chair Summa: Thank you. Commissioner Akin.

8

9 Commissioner Akin: I'd just like to put in a word of support for the section of Ellsworth that's
10 not immediately at Middlefield. Folks have pointed out that we have a delivery vehicle problem
11 and its recognized that it's difficult enough for delivery vehicles to get in and out, but the
12 applicants are generously willing to reserve some space to allow the delivery vehicles to park.
13 And when I raised the question of what the turning movements would be at the previous
14 meeting. The transportation consultant described well, you would pull in there and then you
15 would back up into Mr. Handa's driveway so that you could complete the turn and then exit. So,
16 we find ourselves in this odd position of arguing on the one hand that this property that
17 comprises the parking spaces now is private property and not useable for the folks who live
18 further down on Ellsworth. And yes, the only solutions we can come up with involve using other
19 private property to solve the same problems. So, I think there's a clue here that there is just not
20 enough space for a simple answer. Thanks.

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1

2 Chair Summa: Put those thoughts on hold for a second, it's not 10:30. Do we want to... we have
3 I think Staff waiting for Item 3. Do we want to... I think we should let them go if we're thinking
4 we're not going to get to that item, but I'm happy to go ahead and try to get that item done
5 too. What are my colleagues thinking?

6

7 Commissioner Lu: I'm personally also happy to get to it but also want to be sensitive of... I mean
8 restriction for anyone else.

9

10 Ms. French: I was going to note, we don't... I don't think we have Staff. I think we have
11 consultants here and then we (interrupted)

12

13 Chair Summa: Well, their feelings count too.

14

15 Ms. French: I know, I'm Staff for the project and possible George Hoyt is here. He's not here,
16 okay so they're getting paid.

17

18 Chair Summa: Commissioner Hechtman, your... did you want to...?

19

20 Commissioner Hechtman: I can go either way.

-
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1

2 Chair Summa: Okay, let's just carry on then. I don't see any lights so I'm going to make a

3 comment and I also agree with some of what Commissioner Hechtman said but I feel like... and

4 I have a lot of respect for Commissioner Hechtman but he is not our City Attorney. He's a very

5 fine attorney I'm sure and I... so I don't know. That argument was unusual. I didn't hear from

6 our City Attorney and but I will note that as an R-1... the PC allows Mr. Handa more flexibility

7 than he would have as an R-1 property because the City doesn't even have to grant... the City

8 does not have to allow a new non-conforming property to be built on it at all. So, I think the PC

9 initially... I also recall that I think Mr. Handa wanted his own PC and the PC gives us a little

10 control but also gives Mr. Handa much more flexibility and the final decision makers and what

11 Mr. Handa it does give him more flexibility.

12

13 I'm very moved by what Commissioner Akin just said and I think it's... if I heard him right he was

14 expressing concern that there's sort of conundrum here that we don't have enough space to

15 need what we... to do what we need to do in this location. And that's kind of the Palo Alto... I

16 won't say process but the problem that I often see is and my analogy is somebody with a size

17 ten foot is trying to squeeze into a size 6 shoes. So, we have... we really need to compromise

18 here to get something that makes everybody happy and I believe there was overreach in the

19 process and we have not allowed that. For instance, the determination of private or public

20 street was not our Agenda as much as I know the people... people really care about it. It wasn't

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1 agendized, it wasn't part of this process but this an amendment of a PC and a creation of a new
2 PC and those supposed to have public benefit.

3
4 I cannot find a way to think that 26-foot, which is a minimum width for a private street in Palo
5 Alto, and by the way does not serve a street with that many houses at the end of it legally. So, it
6 is a real compromise, the 26 and I do not think it keeps... I think Mr. Dewey gets to do what he
7 wants to do and that makes me happy. I think Mr. Handa gets to do what he wants to do with
8 maybe a slight change to where his front fence is or the nature of the fence. Meaning material
9 and how open it as Commissioner Hechtman pointed out. And it also gives the other people
10 that use this private street, their guests and all the future people that will own houses or own
11 properties that are served by this a real improvement to the intersection. So, I don't know,
12 I'm... I don't think it's an unreasonable compromise at 26-feet and I really appreciate that all
13 the parties have offered so much.

14
15 I also think Commissioner Akin had an interesting idea earlier this evening in proposing that if it
16 was 24-feet but the last pole, which doesn't have high... what does it have? It doesn't have a lot
17 of equipment on it.

18
19 Commissioner Akin: Yeah, it's not power, just low voltage stuff.

20

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1 Chair Summa: Yeah, it's just internet and stuff, it doesn't have power. You know that... all...
2 even... you know at one point we were going to underground all the power poles in Palo Alto
3 and that has been abandoned but this is just one pole. So, we have to find a compromise here
4 and I'm not sure exactly what to do but I do see Mr. Yang.

5
6 Mr. Yang: Yeah so I just wanted to comment that I think many of the principles that
7 Commissioner Hechtman laid out are correct and there are potentially some limitations on the
8 City's ability to exact more than what the applicant is offering here. Specifically, the difference
9 between 24 and 26-feet, but it's something that I would want to look into further and so if that
10 did make it into a final recommendation from the Commission. I guess I would just request that
11 there be a caveat subject to additional legal research.

12
13 Chair Summa: Okay and I would like to suggest that another caveat that we... the... regardless
14 that any body considering this be brought real information about the cost of underground poles
15 or removing poles and that sort of thing. Because I think that would be helpful to for the City
16 Council or us if this should happen to come back to us again. Would... oh, I see Commissioner
17 Reckdahl has a light.

18

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1 Commissioner Reckdahl: I had a question for Mr. Yang. This original PC is many years old and
2 people have been using this extra width for many years. Have they met the threshold for a
3 prescriptive easement?

4

5 Mr. Yang: I'm not able to comment on that. I think it's unlikely but yeah, I can't provide a
6 definitive answer.

7

8 Commissioner Reckdahl: Okay, thank you.

9

10 Chair Summa: Commissioner Hechtman.

11

12 Commissioner Hechtman: Yeah, kind of comment and a question. First just to point out to Vice-
13 Chair Chang that the sort of the premise that here's why we can do what we're trying to do.
14 They've come to us asking for permission to do something that they currently can't do. Well,
15 that's true, it also perfectly describes every permit application in the City because that's the
16 only time you apply for a permit is when you can't do it without a permit and so I think that that
17 is a distinction without a difference. The fact that they are... the thing they are asking to do is
18 build a house doesn't really change the rules.

19

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1 I was curious about one of the suggestions that Ms. Van Fleet had mentioned because I hadn't
2 thought of it and I hadn't heard about it before but her comment was on the apron. You know,
3 the apron that connects Middlefield to the asphalt of Ellsworth and how it's concrete
4 composition makes it feel more like a driveway whereas an asphalt composition would make it
5 feel more like a street. And I think she even mentioned, you know maybe you put bots, those
6 little bumper bots like we do our streets, to make it feel more like a street and I think the
7 concept there is to alert bicyclists and pedestrians approaching that this is a street. This is more
8 like a street because it again, it's feeding 13 plus houses and maybe even to have that kind of
9 effect on the travelers along Middlefield who see something that looks more like a street
10 emptying into their drive path. And so, I'm just wondering, of course I realize that would be an
11 extra expense to the developers but I was... what I'm mostly wondering is whether in Staff's
12 discussion with the applicants was this ever explored? Are there reasons why it can't be done?

13

14 Ms. French: Sorry, I was thinking about the next item and the people but the suggestion was to
15 make the pavement go (interrupted)

16

17 Commissioner Hechtman: Yeah, so this idea of... yeah, this asphalt... so some work is going to
18 have to be done on that apron right now to widen it out to 28 as proposed, 30 in the motion
19 last week. So, works... it's going to be torn up and the question is could you tear out the rest of
20 it and make it asphalt so it looked more like... the streets in both directions. Those are asphalt

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1 coming into Middlefield and so I don't know if we have... because it's a private road it's not
2 allowed to have asphalt in that location?

3

4 Ms. French: So (interrupted)

5

6 Commissioner Hechtman: I don't know if Ms. Star-Lack is still with us.

7

8 Ms. French: Maybe... Sylvia Star-Lack is here but then... so I mean obviously having pedestrians
9 step down, we'd want to have ADA curb from the sidewalk. If you're carving in (interrupted)

10

11 Commissioner Hechtman: It would have to be just like the streets, right? They have a required
12 grade down with those bumper bots and then it's flat across the street. There also may be
13 drainage issues because of the way this... right and so all of that would have to be taken into
14 account.

15

16 Ms. French: Sure, it would have to be studied.

17

18 Commissioner Hechtman: I'm just wondering if it's... I'm mostly wondering was it ever
19 discussed and discarded or just never came up before?

20

-
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1 Ms. French: It wasn't... it didn't come up during this process. It would have to be studied. We'd
2 need Public Works Engineering at the table.

3

4 Commissioner Hechtman: Okay, thank you.

5

6 Chair Summa: Okay I guess at this point I should be looking for motions from colleagues.
7 Anyone like to take a stab at it? Well, it would be... Commissioner Hechtman, are you hitting a
8 button?

9

10 Commissioner Hechtman: Yeah, I was waiting to see if anyone else... I'm... again I don't like to
11 hog all the motion making but I'm happy to take the first stab at it.

12

13 [note- video skipped]

14

15 Commissioner Akin: I don't have any sense of... I don't have any feeling of consensus so there's
16 a... are we just developing something to shoot down and the move on to the next? Sorry, as my
17 experience is limited, I'm not quite sure how to proceed.

18

19 Commissioner Hechtman: Well (interrupted)

20

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1 Chair Summa: I can (interrupted)

2

3 Commissioner Hechtman: I'm willing to take a... yeah, why don't I put a motion on the table.

4 Maybe if somebody could second it for discussion purposes and then we can start picking it

5 apart and finding where the issues are. Alright?

6

7 Chair Summa: If that's what you'd like to do, thank you.

8

9 MOTION #1

10

11 Commissioner Hechtman: Yep, okay. Before I make the motion, I just want to mention that

12 when I read the two draft ordinances which are attached as Attachment A and B, one thing I

13 noticed is that there was kind of a bleed over in the first one, the Middlefield, of a bunch of

14 stuff about 702 Ellsworth. And in the 702 Ellsworth, it was kind of the flip, a bleed over of the

15 Middlefield stuff and that kind of... and so the result was things particularly for example, when

16 you had the environmental provisions there. They got kind of... the distinctions got kind of

17 blurred. So, I did bring that to Mr. Yang's attention earlier today that I thought you really don't

18 need all the redundancy and repetition. What you really just need is in each of the ordinances

19 which is already in Subpart C, kind of a cross reference that we had this one PC that covered

20 two properties. Now we're doing two separate PCs and so there may be... Mr. Yang and our

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1 legal counsel have to decide how to handle that but that... so the motion I'm going to make is
2 basically subject to whatever sort of these non-substantive changes that Staff may make to the
3 ordinance as it travels to Council.

4
5 So, with that background, I will move that the PTC recommend to the Council adoption of the
6 attached draft Planned Community PC Ordinances and the accompanying development exhibit
7 plans for... well, I guess I got to read all this. PC 2343 Amendment Ordinance, Attachment A for
8 the existing 12 unit apartment building at 2901 to 2905 Middlefield Road; to remove the parcel
9 at 702 Ellsworth Place, expand the width of the roadway onto the property at 2901 to 2905
10 Middlefield as proposed by the applicant meaning 30 inch expansion; provide one on site
11 delivery truck space to serve Ellsworth Place frontage properties and four on site uncovered
12 parking spaces and relocate appurtenances to enable the Ellsworth Place road widening.

13
14 B) 702 Ellsworth Place PC Ordinance, Attachment B, to able the removal of the apartments
15 guest parking lot previously required with PC 2343 and the development of a single-family
16 residences show in the Development Plan with indicated specific minimum setbacks. Including
17 a 6-foot setback on the creek side unless a greater setback is determined through a soil stability
18 analysis; the expansion of the width of Ellsworth Place roadway by 18-inches for approximately
19 42-feet as proposed by the applicant; and the restrictions on the front yard height and

-
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1 landscaping with a suggestion that the applicant consider utilizing a 3-foot wrought iron fence
2 in place of a wood fence with 3-inch wide slats between.

3

4 Chair Summa: I think you might have meant 24, not 42.

5

6 Commissioner Hechtman: Sorry, it said a 42-foot long 18-inch strip.

7

8 Chair Summa: Oh [unintelligible]

9

10 Commissioner Hechtman: Is... right, the 24-foot is a different measurement. Yeah, that's the
11 special setback, right and then I'm proposing that that is per the ordinance... per the draft
12 ordinance which references with the correction as Mr. Hayes noted and Staff also noted in their
13 slides. It's 25-foot for the Middlefield and 24 for the Ellsworth. There's actually different special
14 setbacks for those. Okay, so I think that is the complete motion.

15

16 Chair Summa: Do I have a seconder?

17

18 SECOND

19

20 Commissioner Lu: I'll second.

-
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Chair Summa: Seconded by Commissioner Lu. Discussion or would you like to speak to your motion? Sorry.

Commissioner Hechtman: Well, just very briefly to say I think this is the right way to go. I think it's the way we need to go. I want to deliver to our City Council a recommendation that ideally they would just adopt and I'm concerned that the alternatives considered for this motion may present them a situation where they can't adopt our recommendation and are wondering why we made it. So, I have somewhat of a concern about our credibility with the Council and wanting to avoid risking that, recognizing that they have the ability to themselves explore a wider initial portion of the road than we might recommend.

Chair Summa: Commissioner Lu, did you want to speak to your second?

Commissioner Lu: I generally agree with Commissioner Hechtman. I think urban infill is generally how we should build and I mean specially when you compare it to the open space project that we were just looking at. I think the concessions from the applicants are reasonable. I think the safety issues are largely preexisting. I think there's still a lot of problems that need solving but it's hard for me to clearly reconcile how this project makes those worse. So, yeah, I second.

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Chair Summa: Thank you. I don't see any lights so I will say that I think the Council would find equally creditable the very small difference between 24-foot street and 26-foot street, a fence further back or as Commissioner Hechtman recommended a fence that is largely open. Really largely open but sort of symbolic of like don't come across... up this. But what I find entirely missing from this is any idea... any... that it does not address my concern that this is something that could evaporate because it does not contain a... any new easement or even a condition of approval for the PC that would give certainty that this was available for everybody to use as part of the road. And my example earlier was what if somebody some day decides they want to put pots of geraniums in the 18-inches or 2 ½-feet or whatever it is. And I think built into a PC Zone is the idea of public benefit and I think negotiating that I have never known negotiating the public benefit to be considered not legal for some reason. I'm just... I never have. I mean it is a real negotiation so I don't find the lack of credibility compelling. I find a slight difference in the two things but with a fence and a 26 versus 24-feet. But it completely lacks any certainty that the additional whatever it ends up being part of the street would remain... would be guaranteed for everybody to use. Including people in the apartment building and anybody who lives in any of the Ellsworth addresses or owns them. So, that's where I'm at. Comments? Commissioner Chang [note – Vice-Chair Chang].

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1 Vice-Chair Chang: Sure, as written I won't be supporting this motion. I would have supported a
2 motion that recommended the Staff recommendation with a few modifications. The change
3 about the 6-foot setback with the creek unless [unintelligible] back is recommended makes
4 sense to me. The rod iron fence, I would support fence that's largely see through up front. That
5 would be fine or no fence or a very short fence. And then I'm... I concur with Commissioner
6 Summa's or with Chair Summa's comments about needing something that indicates that the
7 widening of the private street is a Condition of Approval or an easement or something that is
8 more permanent. And I stand by needing the 26-feet which is kind of where we had landed last
9 time.

10

11 Chair Summa: Commissioner Lu.

12

13 Commissioner Lu: I'll just agree that we should make the language about the easement explicit
14 in the recommendation.

15

16 Chair Summa: So, would you like to withdrawn your second or would you like to suggest an
17 amendment or...?

18

19 Commissioner Lu: I'm reading it and thinking about an amendment but I'll... get back to me.

20

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1 Chair Summa: Other comments?

2

3 Commissioner Hechtman: I have a couple. Sorry and really just responsive. First, the Chair,
4 even though this won't sway you to support the motion, Mr. Yang did mention earlier that this
5 concept of including language in both PCs about... and what I wrote down here as this view is to
6 effect that the areas that this 30-inch wide either... I can't... I don't know if it's 35 or 37-foot
7 long strip on the Middlefield parcel and this 18-inch wide, 42-foot long strip on the Ellsworth
8 property parcel. That will be paved and blended into the pavement of the road be kept clear of
9 impediments to traffic travel. So, I would add that... make that amendment to my own motion
10 to address that. It doesn't solve the permanence problem with I acknowledge but because
11 we're moving... again, my belief is we can't extract easements and what we've heard from the
12 applicant is that they are not offering to grant any easement on the Middlefield side. They
13 would only grant the easement on the Ellsworth side if we were using conventional R-1 zoning,
14 which my motion does not do. It uses the PC Zone and so we don't have in my estimation an
15 offer to grant an easement and for the reasons I expressed before, I'm not wanting to include
16 that in the motion. So, our protection will be the PC zoning, the same reason that people are
17 here today to change... to make a change to the PC zoning that exists, the 2343. This is the
18 process that you would have to go through to get rid of that 30-inch strip on the Middlefield
19 side or the 18-inch strip. Right, you'd have to apply to the City for a permit, there would be
20 public hearings and notice to neighbors and that's our protection. That it's permanent unless

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1 something different comes along and a decision making body of this City decides that that
2 different thing justifies a change.

3

4 Chair Summa: Commissioner Lu, did you want to... are you still thinking?

5

6 Commissioner Lu: [unintelligible -off mic]

7

8 Chair Summa: Okay, yeah I think it would be better done as an easement to be honest and I
9 guess that this whole case really is proof of why I think that would be better done that way
10 because PCs... the meanings of PCs get lost over time and I don't find this strong enough. And I
11 also think... I think you might find that giving the Council a range from 24 to 26 for them to
12 decide might be a more successful type of motion here because I think a lot of people really feel
13 it's reasonable the 26. I mean a significant benefit; financial benefit has been given to both
14 sides and there are other benefits. Such as a nice new home in Palo Alto. No one denies that
15 but I just think we've kind of lost perspective a little bit. That we can offer a range to the
16 Council and let them decide what they think is better since they are the decision making body
17 and that might be more agreeable to a majority of the Commission.

18

19 Commissioner Hechtman: I feel like Chair, at least you may not be... well, if you understand the
20 nature of my motion and its reasoning, you know that I can't offer... the only range I could offer

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1 is a reduction. Since my range is premised, since my motion is premised on the most that we
2 can ask for is what they are offering. That's what the premise is so I can't make a motion
3 consistent with that premise that includes more than they are offering and so and I'm not going
4 to do that. It may be that my... it could be that Commissioner Lu, you know now that I've
5 clarified that I don't want to make easements explicit, in fact, I explicitly don't want to include
6 easements, that may cause him to withdraw his second that and that's fine and if so then then
7 motion will die for lack of a second and somebody else can make a motion with a range or with
8 some other figure.

9

10 Chair Summa: Okay. Commissioner Lu, are you (interrupted)

11

12 Commissioner Lu: Can we briefly check with the applicants just to confirm that they are... would
13 not be willing to have easements on both sides for two PCs zones?

14

15 Chair Summa: We can but we... we could do that if you need to but I thought you were
16 considering either withdrawing your second or suggesting an amendment. And I (interrupted)

17

18 Commissioner Lu: Well, if the applicants agree to that then we can add an amendment with
19 explicit reference to easements and I would be happy to keep the motion as it is.

20

-
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1 Chair Summa: Okay so (interrupted)

2

3 Commissioner Lu: Or, I think both Commissioner Hechtman and I would be open to that
4 amendment and I think it would maybe make some other folks happier too.

5

6 Chair Summa: Because I am kind of concerned we're getting a little in the weeds here and we
7 should vote on this pretty soon if (interrupted)

8

9 Commissioner Hechtman: I like Mr. Lu's [note – Commissioner Lu] suggestion and it may well
10 be that the applicants are not comfortable offering easements on Middlefield or with a PC on
11 Ellsworth. And if so, then we'll have that answer and that Mr. Lu [note – Commissioner Lu] can
12 decide whether to withdraw his second.

13

14 Chair Summa: Okay, why don't you pose your question to the applicants.

15

16 Commissioner Lu: I think they understand the question.

17

18 Chair Summa: Okay.

19

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1 Commissioner Lu: Hopefully, yeah I think or just the way we've used our terminology
2 (interrupted)

3

4 Chair Summa: You're probably not (interrupted)

5

6 Commissioner Lu: Yeah, the way we've used our terminology over the last two meetings has
7 been a little bit sloppy so I think this point is not actually clear to me.

8

9 Mr. Hayes: I'm sorry, I had to take a minute there.

10

11 Chair Summa: That's fine.

12

13 Mr. Hayes: I can only speak on behalf of my client and so that would be the Middlefield parcel
14 and we would be willing to make an easement as part of the PC for that 30-inch portion. Mr.
15 Handa would have to speak for himself.

16

17 Mr. Handa: You know, for my parcel I would still prefer if you can do it as R-1 zoning and then
18 we can do it as an easement but if that doesn't work and you know, there's... that option is
19 completely out of table and the only way forward is to make it as an easement as PC. Then you
20 know that... then it is what it is.

-
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Chair Summa: So, the option of R-1 is not on the table right now so if you would like to answer the... Commissioner Lu's question it might be helpful.

Mr. Handa: I'm sorry, can you repeat the question that is...?

Commissioner Lu: I think he did answer. I think you said as very unideal but it would be acceptable to have an easement on an additional PC.

Mr. Handa: Right.

Commissioner Lu: Yeah.

Mr. Handa: If that's the only way to move forward, you know then (interrupted)

Commissioner Lu: Sure.

Chair Summa: Thank you, Mr. Handa.

MOTION AMENDED BY THE MAKER

-
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2 Commissioner Hechtman: And so, then I would clarify that the motion I made, which in this
3 regard relates to the proposals of the owner of Middlefield and of Ellsworth, includes the
4 proposals that they've just verified. That the specified paved strip, 30-inches by either 35 or 37-
5 feet on Middlefield and 18-inches by 42, would be the subject of an easement granted
6 respectively by each of those two owners to the owners of the existing 20-foot wide easement
7 for Ellsworth Place and that's voluntarily offered by each of those two property owners. So, I
8 would clarify that that is the intent of my motion.

9

10 Chair Summa: Thank you, Commissioner Hechtman. I'm just going to read it really quickly.

11

12 Commissioner Hechtman: [note- video skipped – began mid-sentence] finish typing and then I
13 have at least one correction to get the language right. You ready?

14

15 Ms. Dao: Yeah, what's your correction?

16

17 Commissioner Hechtman: So, in B, the fourth line that start "6-foot setback from"... it's the
18 creek part property. Yeah, "unless", and "it's a greater setback is recommended by the stability
19 analysis" rather than a lesser so it could be more. It's not going to be closer than 6-feet but it

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1 could end up being more. Okay, alright and in B, the next line, “expansion of the paved” lets put
2 “paved width of Ellsworth Place by 18-inches for” it’s the first 42-feet. The first 42-feet length.

3
4 Ms. French: Commissioner Hechtman, can I just throw out there something because you’re
5 talking about the paved width and as we know it’s not... the paved width is currently beyond
6 the 20-foot easement so a factor.

7
8 Commissioner Hechtman: Oh, “by 18-inches” I guess we would say “from the edge of the 20-
9 foot easement”. That would... that should work. After 18-inches, “from the edge of the 20-foot
10 easement”.

11
12 Chair Summa: Commissioner Hechtman, do you want to add language that is analogous to the
13 42-feet for the other?

14
15 Commissioner Hechtman: Yeah, I do, I do. So, I just want to make sure we got this right. Yeah,
16 so now let’s go up to A and its “expand the”... so in the second line, “expand the paved width of
17 Ellsworth Place roadway on the property at 2901 to 2905 Middlefield by”... here’s where we’re
18 going to add “by 30-inches from the edge of the 20”... well, it’s actually from the property line,
19 right which... because that easement runs... right? “For the first” and here Staff, is it 35 or 37-
20 feet?

-
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2 Ms. French: 37 is to the guy wire.

3

4 Commissioner Hechtman: Okay, 37-feet, “for the first 37-foot length”

5

6 [note – several folks started talking at once off mic]

7

8 Commissioner Hechtman: Okay, “the first 37 length as proposed by applicant”. Okay, so
9 because we’ve... and then C, we have now the specified “paved strips would be the subject to
10 an easement which has been voluntarily offered to the residents on Ellsworth by both
11 applicants respectively”. Okay, so let me just point out that with this iteration of the motion,
12 this idea that the area has to be kept clear of impediments, we don’t need that because the
13 nature of an easement is it has to be useable for it’s purpose. And so, like that’s why we don’t
14 have to tell the Ellsworth person he can’t put stuff in the middle of the 20-foot roadway. Yeah,
15 so I’m just saying that’s why I’m not including it here (interrupted)

16

17 Chair Summa: Yes, thanks.

18

19 Commissioner Hechtman: Because we’ve now got it covered in C in a better way and I thank the
20 applicant, both of them for considering this. Hopefully this is the path forward, we’ll see.

-
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1 Alright, so that my revised motion and I guess the question for you, Commissioner Lu, is are you
2 standing by your second?

3

4 Commissioner Lu: Yes.

5

6 Chair Summa: Awesome, thank you for that and thank you to the applicants for being flexible.

7 So, unless somebody has something to say, I'm going to call... ask for the vote.

8

9 Mr. Sauls: I did just want to clarify one last item on B. Just at the end about the 3-foot rod iron
10 fence, if there's any sort of specific location as was discussed earlier, that should be referenced
11 too.

12

13 Commissioner Hechtman: So (interrupted)

14

15 Mr. Sauls: Meaning, you know is this respective to the sight distance triangle or other locations
16 shown on the plans.

17

18 Commissioner Hechtman: So, my intention was to utilize the location of the fence shown on the
19 plans submitted for 702 Ellsworth, which as I understand it is 4-feet behind the sidewalk. Is that
20 right?

-
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Mr. Sauls: Correct.

Commissioner Hechtman: Yeah, so my motion does not propose a relocation of that fence beyond what... from the location proposed by the applicant.

Mr. Sauls: Okay, thank you.

Chair Summa: Everybody ready to vote? Okay.

VOTE

Ms. Dao: Commissioner Akin?

Commissioner Akin: With great reluctance, yes.

Ms. Dao: Vice-Chair Chang?

Vice-Chair Chang: No.

-
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1 Ms. Dao: Commissioner Hechtman?

2

3 Commissioner Hechtman: Yes.

4

5 Ms. Dao: Commissioner Lu?

6

7 Commissioner Lu: Yes.

8

9 Ms. Dao: Commissioner Reckdahl?

10

11 Commissioner Reckdahl: No.

12

13 Ms. Dao: Chair Summa?

14

15 Chair Summa: Nope.

16

17 Ms. Dao: Motion fails 3-3.

18

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

20

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1 Chair Summa: So, in order, Commissioner Chang [**note – Vice-Chair Chang**], Commissioner
2 Reckdahl, would you like to speak to your no votes?

3

4 Vice-Chair Chang: Sure, I think I said it before. I mean the... my reason for the 26, I know it feel
5 small but at the sidewalk the 26 is really important for safety. There's a reason it's in our Code, I
6 feel strongly about the safety of Midtown, I think it is incumbent upon us as the Planning and
7 Transportation Commission to look out for the safety of our residents. Thanks.

8

9 Commissioner Reckdahl: I would echo that, also the sight triangle I think we need to have
10 nothing above 1-foot in the south sight triangle.

11

12 Chair Summa: I would agree with my colleagues who just spoke. So, I think given the hour, we
13 should make a decision about whether we're hearing the third thing because now we have to
14 continue with this item.

15

16 Ms. French: Well, I gave George permission to leave. He has to be awake in the morning at 7 so
17 or start work. So, if anyone where to have Building Code related questions, we don't have our
18 Chief Building Official for that third item.

19

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1 Chair Summa: Colleagues, would you like to continue the item or would like to... I mean we
2 have to continue with Mr. Handa and Dewey project but would you like to continue the third
3 item?

4

5 Commissioner Reckdahl: Yeah, I don't see any way that we're going to make that in a timely
6 manner so I think we're going to... probably just punt that one to the next meeting.

7

8 Chair Summa: Go ahead.

9

10 Commissioner Hechtman: Yeah, so I think so too. I think this could... this could item could take
11 us a while longer and so really the... I guess the question I would have for Staff is right now we
12 have nothing on our 8/30 Agenda, for August 30th. Right, we talked about that at the beginning
13 of the meeting so we could move this last item, the electrification, to that. It would be the sole
14 item or we could move it to September 13th and so I guess one of the questions I have is your
15 sense of the September 13th that's it's already going to be a very full Agenda?

16

17 Ms. French: Yes, that's a full Agenda.

18

19 Commissioner Hechtman: Alright, so it sounds like we should move it to... just move it to August
20 30th and have a short meeting.

-
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Chair Summa: Does that work for you Ms. French because I know there was (interrupted)

Ms. French: There's been pressure to bring it back to Council, the electrification item.

Chair Summa: But does it work for you to have to have a meeting on the 30th?

Ms. French: Yes.

Chair Summa: Okay, alright, would you like to make a motion... would somebody like to make...
would you like to make a motion to move it to the 30th?

Commissioner Hechtman: Maybe somebody else can.

Mr. Yang: We should wait until we can conclude with this and then we can make that formal
motion to continue it later. Yeah, thanks.

Chair Summa: Alright, so back to the matter at hand. So, what I'm looking for is an alternate
motion.

-
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1 Commissioner Lu: Would... oh, do you want to go first?

2

3 Commissioner Hechtman: It seems like from what I've heard from the Commissioners who
4 voted no, the interest by those Commissioners would be at a minimum increasing the 30-inches
5 on Middlefield and the 18-inches on Ellsworth. And it wasn't really clear to me whether the
6 intention there, since we're 2-feet short... since 24 was that motion and there's Commissioners
7 looking for 26. Whether they were thinking it was 1-foot on each side or 2-feet on just one
8 side? So, I think you could clarify that and that would fit it.

9

10 I also think probably to address Commissioner Reckdahl's issue, there would need to be a
11 change at the end of B where I've referenced the wrought iron fence.

12

13 Also, I know that in the motion on... at the last meeting, there was... I think it was part of the
14 motion that the easement would not just be for the first 37-feet on Middlefield or 42-feet on
15 the Ellsworth property but for the full 100-feet.

16

17 Chair Summa: No, no, we actually... that was what was initially proposed and then we modified
18 that to accommodate both Mr. Dewey and Mr. Handa.

19

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1 Commissioner Hechtman: Okay, alright so I'm happy that's not on the table any more
2 [unintelligible].

3
4 Chair Summa: So, and I think Ms. French can explain this but I think it was not evenly
5 distributed and I think it's probably because it's sort of unused area on... in a sense on the
6 Dewey side where as Mr. Handa is trying to put a house there. So, the distribution, it's in our
7 Staff Report somewhere, it was (interrupted)

8
9 Vice-Chair Chang: It was an additional foot on each side. I have my hand up so I'm going to
10 (interrupted)

11
12 Commissioner Hechtman: Okay, yeah.

13
14 Vice-Chair Chang: I've having my hand up for a while.

15
16 Ms. French: That's correct, that's what (interrupted)

17
18 Chair Summa: It's 36-inches and Ms. French will... it's 36-inches I believe on 2901 and
19 (interrupted)

20

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1 Ms. French: It was 3-foot 6 I believe, so it's... it was going to be 30-inches but then you add a
2 foot to that and that makes it (interrupted)

3

4 Chair Summa: So, it's 30... yeah.

5

6 Ms. French: It's 36 plus another six so yeah.

7

8 Chair Summa: Okay, could you just verify where those numbers are in our Staff Report? I know
9 they're here but...?

10

11 Ms. French: I was thinking it might be in the motion so Packet Page... sorry. Not (interrupted)

12

13 Commissioner Akin: There's the clarification on Page 80 which describes an additional foot on
14 each property. Was that what you were after?

15

16 Chair Summa: I am looking... I am asking for if it where to be wider than the street to 26-feet.
17 What the distribution was on either side. It was not even from the middle the way Staff had
18 suggested it and it's in here some place but if somebody could (interrupted)

19

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1 Ms. French: Let's see, 3-foot 6-inch wide asphalt is stated on Page 70... Packet Page 77 for the
2 Middlefield. It says 3-foot 6-inch wide asphalt.

3

4 Chair Summa: Okay.

5

6 Ms. French: Which is the same as saying 42-inchs, right?

7

8 Chair Summa: And then what is it for Ellsworth?

9

10 Ms. French: Well, then it would be 30-inches because it's... right?

11

12 Commissioner Hechtman: No, well yeah, 30-inches.

13

14 Ms. French: 18-inches plus 12-inches.

15

16 Chair Summa: Yeah, okay that's what I was doing [unintelligible](interrupted)

17

18 Commissioner Hechtman: Its on Packet Page 89, actually the draft resolution which refers to a
19 2-foot 6 inch which is 30-inch. So, it was an addition of 12-inches on each of the parcels.

20

-
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1 Chair Summa: Okay, so if we make those changes, we can keep all of this language but make
2 the changes. The appropriate changes in both A and B.

3

4 Commissioner Hechtman: Yeah.

5

6 Chair Summa: And Commissioner Reckdahl, would you like to work on language for the sight
7 triangle on Ellsworth while Ms. Dao is working on updating the motion?

8

9 Commissioner Reckdahl: Can we assume that the term sight triangle is well defined or do we
10 have to define what a sight triangle is?

11

12 Mr. Sauls: The sight triangle is very clearly defined in our Fence Code handout so if you use that
13 term we'll understand what you mean by it.

14

15 Commissioner Reckdahl: Okay, very good.

16

17 Mr. Sauls: But if you're thinking of a different sight distance triangle that's not described as that
18 45 degree angle with 35-feet on each side at the intersection of the curbs then obviously we
19 don't have that.

20

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1 Commissioner Reckdahl: As I mentioned earlier, I think flatter would be better but at this point
2 I'm happy with just the standard 45 degree.

3

4 Commissioner Hechtman: Chair, let me mention that in the motion that we're looking at now,
5 the draft motion that somebody might make, you need to take out of A and B "as proposed by
6 the applicant" because this version is not what they proposed.

7

8 Chair Summa: Yes.

9

10 Commissioner Hechtman: Right so its... okay and then similarly, I'll wait for Ms. Dao to take care
11 of B. And then in C, I think you just have to take out everything after easement because those
12 26... those easements have not been offered.

13

14 Chair Summa: And then also the bit about the fence needs to be changed a bit too.

15

16 Commissioner Hechtman: That's... yeah Keith's [note – Commissioner Reckdahl] working on
17 that.

18

19 Chair Summa: And that's... yeah.

20

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1 Ms. Dao: Yes.

2

3 Commissioner Reckdahl: Oh okay, I'm sorry, so at the end of B, delete everything starting "and
4 restrictions on the front yard fence" and say "the sight triangle on the south side of Ellsworth"
5 (interrupted)

6

7 Vice-Chair Chang: It is by definition on Ellsworth because this... B is regarding Ellsworth.

8

9 Commissioner Reckdahl: Oh okay, well to... it doesn't hurt to be clear about that I guess but it is
10 kind of redundant. "Shall not be obstructed by plants, fences or other objects taller than 1-
11 foot".

12

13 Vice-Chair Chang: Sight should be s-i-g-h-t.

14

15 Commissioner Reckdahl: Oh yes.

16

17 Vice-Chair Chang: Just to be clear because I think we're getting... we always get confused.

18

19 Ms. French: Might I weigh in just for a moment?

20

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1 Chair Summa: Please.

2

3 Ms. French: Because there's a fire hydrant that's taller than 1-foot. There's some other things

4 that are there like (interrupted)

5

6 Chair Summa: Yeah, I don't think this language (interrupted)

7

8 Ms. French: Stop signs and things.

9

10 Chair Summa: I think we want to be specific to the fence here. We don't want them

11 (interrupted)

12

13 Commissioner Reckdahl: Yeah, I (interrupted)

14

15 Chair Summa: We've already said that they can keep existing trees and we don't want to imply

16 that they have to remove the fire hydrant which is sort of okay... which is okay. So (interrupted)

17

18 Commissioner Reckdahl: I would say the fire hydrant if we say on the property (interrupted)

19

-
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1 Chair Summa: And I think you want to just say where you want the fence and how high you
2 want it to be because the fence is the issue.

3

4 Commissioner Reckdahl: I don't care where they put the fence as long as they don't put it in the
5 sight triangle.

6

7 Chair Summa: Okay.

8

9 Commissioner Reckdahl: If they wanted to put a 1-foot fence in the sight triangle, I have no
10 problem with that.

11

12 Chair Summa: Why don't we say "shall not be obstructed by new"... what was your word,
13 [unintelligible]?

14

15 Commissioner Hechtman: Impediments.

16

17 Chair Summa: Impediments.

18

19 Commissioner Reckdahl: Okay.

20

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1 Chair Summa: Including a fence but new impediments. We're not telling them to move things
2 that are there. We don't want new things.

3

4 Commissioner Reckdahl: Yeah, I mean right now there's one tree there and the fire hydrant and
5 then a post. Okay, the fire hydrant is not on the property so they have no control over that
6 anyway.

7

8 Ms. French: True, just that it's in the sight triangle.

9

10 MOTION #2

11

12 Chair Summa: Sight triangle on the south. Everybody happy with that language? Okay. Do I have
13 a second?

14

15 Commissioner Hechtman: Just before you second, I think... and again, I'm not supportive of this
16 motion. I'm just helping to craft it so it's clear.

17

18 Chair Summa: Thank you.

19

-
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1 Commissioner Hechtman: In C I think I had us take out a little too much language because we
2 have to say who the easement is to be granted too and that's to... maybe we can go back up to
3 the motion that failed and see. I thought we made a reference to the residences on Ellsworth.
4 Okay, so back down to this one, "to an easement granted to the residents on Ellsworth".

5

6 Chair Summa: That's helpful, thank you.

7

8 Ms. French: Would it be residents or property owners?

9

10 Commissioner Hechtman: Well, it's actually it's the property owners. Right, it's actually... it's
11 not even the property owners. It's the parcels. The easements granted, right, it runs with the
12 land. It's to the... yeah.

13

14 Chair Summa: Everyone ready to vote? Okay Ms. Dao, would you please call the vote?

15

16 Vice-Chair Chang: Who is it moved by and who is it seconded by?

17

18 Chair Summa: Oh, good point.

19

-
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1 Commissioner Hechtman: I think the Chair. I kind of got the sense that the Chair was building
2 the motion.

3

4 Chair Summa: Okay, do I have a second for my motion?

5

6 SECOND

7

8 Commissioner Akin: I'll second.

9

10 Chair Summa: Okay, seconded by... would you like to speak to your second?

11

12 Commissioner Akin: I think this is a better compromise that I hope we can make stand in
13 Council.

14

15 Chair Summa: Okay thank you. I don't need to speak and if I may now ask Ms. Dao to call the
16 vote.

17

18 VOTE

19

20 Ms. Dao: Chair Summa?

-
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1

2 Chair Summa: Yes.

3

4 Ms. Dao: Commissioner Reckdahl?

5

6 Commissioner Reckdahl: Yes.

7

8 Ms. Dao: Commissioner Lu?

9

10 Commissioner Lu: No.

11

12 Ms. Dao: Commissioner Hechtman?

13

14 Commissioner Hechtman: No.

15

16 Ms. Dao: Vice-Chair Chang?

17

18 Vice-Chair Chang: Yes.

19

20 Ms. Dao: Commissioner Akin?

-
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Commissioner Akin: Yes.

Ms. Dao: Motion carries 4-2.

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

Chair Summa: Thank you very much. Would you like to speak to your no vote?

Commissioner Hechtman: Oh, well I guess I think I've made pretty clear my concern about our ability to require an applicant to grant rights over it's property to other private property owners. At least under these circumstances if under... if not under all circumstances.

Chair Summa: Thank you. Commissioner Lu?

Commissioner Lu: I think my position is also mostly clear. I'm not so hung up on the 26 versus 24-foot but I think the sight triangle language is a bit new and it's pretty uncertain on how that would actually pan out and so I'm not comfortable recommending that to Council.

-
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1 Chair Summa: Okay, thank you very much and thank you very to the applicants and all the other
2 interested parties who attended tonight and our Staff for being so helpful so.

3

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

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

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

12 MOTION

13

14 Commissioner Hechtman: Sure, I will move that the PTC continue Action Item Number Four,
15 Legislative recommendation to City Council regarding proposed amendments to Palo Alto
16 Municipal Code Title 18 and Title 9, Chapter 9.10 to Facilitate the Installation of Electrification
17 Equipment for Residential Development to a date certain of August 30th, 2023.

18

19 Chair Summa: Do I have a second?

20

21 SECOND

22

23 Vice-Chair Chang: Second.

24

-
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1 Chair Summa: Thank you very much. Could we... does anybody need to speak to their motion or
2 second? Okay so we can just go ahead and vote, please?

3

4 VOTE

5

6 Ms. Veronica Dao, Administrative Associate: Commissioner Akin?

7

8 Commissioner Akin: Yes.

9

10 Ms. Dao: Vice-Chair Chang?

11

12 Vice-Chair Chang: Yes.

13

14 Ms. Dao: Commissioner Hechtman?

15

16 Commissioner Hechtman: Yes.

17

18 Ms. Dao: Commissioner Lu?

19

20 Commissioner Lu: Yes.

-
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Ms. Dao: Commissioner Reckdahl?

Commissioner Reckdahl: Yes.

Ms. Dao: Chair Summa?

Chair Summa: Yes.

Ms. Dao: Motion carries 6-0.

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

Chair Summa: Thank you so much.

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

Approval of Minutes

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

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

Chair Summa: We have one last item which is approval of Planning and Transportation Commission draft verbatim minutes of July 12th. So, do I have a motion?

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1 MOTION

2

3 Commissioner Akin: I move that we approve the minutes as indicated.

4

5 Chair Summa: Thank you, do I have a second?

6

7 SECOND

8

9 Commissioner Lu: Second.

10

11 Chair Summa: Thank you. We can go ahead and call... do the vote, please?

12

13 VOTE

14

15 Ms. Veronica Dao, Administrative Associate: Commissioner Akin?

16

17 Commissioner Akin: Yes.

18

19 Ms. Dao: Vice-Chair Chang?

20

-
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1 Chair Summa: Commissioner Chang [note – Vice-Chair Chang] we can't hear you.

2

3 Vice-Chair Chang: Technical difficulties, yes.

4

5 Ms. Dao: Commissioner Hechtman?

6

7 Commissioner Hechtman: Abstain.

8

9 Ms. Dao: Commissioner Lu?

10

11 Commissioner Lu: Yes.

12

13 Ms. Dao: Commissioner Reckdahl?

14

15 Commissioner Reckdahl: Abstain.

16

17 Ms. Dao: Chair Summa?

18

19 Chair Summa: Yes.

20

-
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1 Ms. Dao: Motion carries 4-0-2.

2

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

5

6 Chair Summa: Thank you very much.

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

9 **Committee Items**

10 None

11 **Commissioner Questions, Comments or Announcements**

12 Chair Summa: Do we have any Commissioner comments, questions or observations?

13

14 Commissioner Lu: I'll make a quick comment.

15

16 Chair Summa: Please do.

17

18 Commissioner Lu: So, as we all know, our Housing Element was not approved. This obviously
19 will come back to us soon and obviously will be a really high priority of us and Council. I'm
20 curious if Staff has any immediate reactions or any ETA for when this will come back?

-
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Ms. Amy French, Chief Planning Official: Well, we do have plans to come as previously planned with modifications to our Zoning Code to proceed with what we know we need to do already with the Housing Element and we are committed to. I don't really have comments yet on the effort it's going to take. We do not have a housing planner, he left and so we're... the team that's left is discussing use of consultant and use of Staff and priorities and such. I don't have any reactions that I can say.

Chair Summa: Anyone else? Nope, okay thank you very much everyone and I will call this meeting adjourned. Thank you.

Adjournment

11:39 pm

-
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