



# Planning & Transportation Commission Action Agenda: February 8, 2023

Council Chambers & Virtual  
6:00 PM

## Call to Order / Roll Call

6:02 pm

Vice-Chair Summa: [video started midsentence] order the Wednesday, February 8<sup>th</sup> regular meeting of the Planning Commission. So, would you call roll, please?

Ms. Veronica Dao, Administrative Assistant: Vice-Chair Summa?

Vice-Chair Summa: Present.

Ms. Dao: Commissioner Chang?

Commissioner Chang: Here.

Ms. Dao: Commissioner Hechtman?

Commissioner Hechtman: Present.

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  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Ms. Dao: Commissioner Reckdahl?

2

3 Commissioner Reckdahl: Here.

4

5 Ms. Dao: We have a quorum.

6

7 Vice-Chair Summa: Thank you so much and Ms. French, would you like to do the Zoom  
8 instructions and also the adoption of the Resolution, please?

9

10 Ms. Amy French, Chief Planning Official: Yes, thank you. Good evening, Amy French, Chief  
11 Planning Official. Pursuant to AB-361, this meeting will be held with the option to attend by  
12 teleconference or in person. Members of the public may provide live public comment by  
13 submitting a speaker card prior to the start of public comment on that item. Speakers may  
14 address items that are not on the Agenda during the oral communications portion of the  
15 meeting. Spoken comments via a computer or a smartphone will be accepted through the  
16 Zoom App. To address the Commission, go to [zoom.us/join](https://zoom.us/join) meeting, the Meeting ID is 916 4155  
17 9499. When you wish to speak, please click on raise hand. To offer comments using a regular  
18 phone call 1-669-900-6833 and enter the Meeting ID 916 4155 9499. When you wish to speak  
19 on an Agenda item hit star (\*) 9 on your phone so that we know that you wish to speak.

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1           1. Adoption of a Resolution Authorizing Use of Teleconferencing for Planning and  
2           Transportation Commission Meetings During Covid-19 State of Emergency

3   Ms. Amy French, Chief Planning Official: And our next item is the adoption of a Resolution  
4   authorizing the use of teleconferencing for the Planning and Transportation Commission  
5   meeting during the Covid-19 State of Emergency. I believe we're in our last month of an  
6   emergency, so shall we (interrupted)

7

8   MOTION

9

10 Commissioner Hechtman: So, moved.

11

12 Ms. French: Moved by Commissioner Hechtman. Second?

13

14   SECOND

15

16 Commissioner Chang: Second

17

18 Vice-Chair Summa: Thank you.

19

20 Ms. French: Commissioner Chang and the vote?

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1 VOTE

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3 Ms. Veronica Dao, Administrative Assistant: Commissioner Chang?

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5 Commissioner Chang: Yes.

6

7 Ms. Dao: Commissioner Hechtman?

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9 Commissioner Hechtman: Yes.

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11 Ms. Dao: Commissioner Reckdahl?

12

13 Commissioner Reckdahl: Yes.

14

15 Ms. Dao: Vice-Chair Summa?

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17 Vice-Chair Summa: Yes.

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19 Ms. Dao: Motion carries 4-0.

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1 MOTION PASSED 4(Chang, Hechtman, Reckdahl, Summa)-0 -2(Roohparvar, Templeton absent)

2 **Commission Action:** Motion by Hechtman, seconded by Chang. Pass 4-0 (Roohparvar,  
3 Templeton absent)

#### 4 **Oral Communications**

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

6 **Vice-Chair Summa:** Okay and so we'll move onto the public comment period and do we have  
7 any... I don't anyone in the Chambers but do we have anyone online who wishes to speak to an  
8 item, not on our Agenda?

9

10 **Ms. Veronica Dao, Administrative Assistant:** No, there's no raised hands on Zoom.

11

12 **Vice-Chair Summa:** Okay, no raised hands we'll move on to any Agenda changes, additions, and  
13 deletions.

14

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

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

17 **Ms. Amy French, Chief Planning Official:** Yes, so this evening we will have the need to vote and  
18 second and vote and all that to continue the 20... the second or sorry, Item 4, 2147 Yale  
19 Preliminary Parcel Map Exceptions to subdivide existing parcel into substandard lots. This was  
20 slated to go tonight as an Action Item. We will need to... due to the lateness of the  
21 continuation, we will need to continue that by vote to a date certain, February 22<sup>nd</sup> with the  
22 assumption that everyone who is in the Chambers tonight is able to come. I have one more

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1 Member who can... who has confirmed that she will be attending the 22<sup>nd</sup> so we need to have a  
2 quorum.

3

4 Vice-Chair Summa: So, do I have a motion?

5

6 MOTION

7

8 Commissioner Chang: So, moved.

9

10 SECOND

11

12 Commissioner Reckdahl: Second.

13

14 Vice-Chair Summa: Okay, so that's a motion to move this Item 4, 2147 Yale, to a date certain,  
15 February 22<sup>nd</sup>.

16

17 Commissioner Hechtman: I have a procedural question, so we're about to vote but the reason  
18 we're needing to do it in addition to missing two of our Commissioners is one of our  
19 Commissioners has to recuse.

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1 Ms. French: Yes.

2

3 Commissioner Hechtman: Is the recusing Commissioner, our Chair, able to vote on the motion  
4 to continue, and if not, that leaves three of us, and then do... we don't have a quorum for the  
5 vote. So, I would challenge Mr. Yang to tell us what happens then.

6

7 Ms. French: Is Mr. Yang in attendance? Well, okay then, why don't we hold that vote off until  
8 we're through the... just for the voting public though, or the attending public so they know not  
9 to stick around because that one will need to be continued.

10

11 Commissioner Reckdahl: Yeah, we will not be hearing it tonight.

12

13 Commissioner Hechtman: Right.

14

15 Ms. French: We will not be hearing that tonight.

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17 Commissioner Reckdahl: One way or another.

18

19 Commissioner Chang: Because of lack of quorum.

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1 Ms. French: Because of a lack of a quorum, yes.

2

3 Vice-Chair Summa: Okay, so we won't vote but we have let the public that's listening know that  
4 we have... cannot hear this item tonight because we don't have a quorum.

5

6 Ms. French: Yes.

7

8 Commissioner Hechtman: Right, right, and Ms. French, just so that the public listening and  
9 interested, how will they confirm later that this is on the 22<sup>nd</sup>? I think they'll go to the website  
10 when our next Agenda is posted and will almost certainly see it there.

11

12 Ms. French: That will be one way to do it because yeah, if we do continue it to a date certain we  
13 would not re-advertise in the newspaper, you know, thereby saving the City some of the cost.

14

15 Vice-Chair Summa: Should we ask Mr. Yang? He's here now so maybe he could opine on that.

16

17 Commissioner Hechtman: We're not even going to let you get warmed up Mr. Yang.

18

19 Mr. Albert Yang, City Attorney: I'm sorry I was having some technical issues connecting but I've  
20 sorted those out.

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Vice-Chair Summa: So, I don't know if you heard but the question was if I can vote. Because I have to recuse myself on Item Number 4 if I can vote to continue it?

Mr. Yang: Yes, I think that's fine. It doesn't influence the decision on the item at all.

Vice-Chair Summa: Okay so.

Commissioner Hechtman: Alright, so in that case we already have a motion and a second.

Vice-Chair Summa: So, we can call the vote.

VOTE

Ms. Veronica Dao, Administrative Assistant: Vice-Chair Summa?

Vice-Chair Summa: Yes.

Ms. Dao: Commissioner Chang?

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1 Commissioner Chang: Yes.

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3 Ms. Dao: Commissioner Hechtman?

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5 Commissioner Hechtman: Yes.

6

7 Ms. Dao: Commissioner Reckdahl?

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9 Commissioner Reckdahl: Yes.

10

11 Ms. Dao: Motion carries 4-0.

12

13 MOTION PASSED 4(Chang, Hechtman, Reckdahl, Summa) -0 -2(Roohparvar, Templeton absent)

14

15 Vice-Chair Summa: Thank you very much and now it is time for City official reports.

16 **Commission Action:** Motion by Chang, seconded by Reckdahl. Pass 4-0 (Roohparvar, Templeton  
17 absent)

## 18 **City Official Reports**

19 2. Directors Report, Meeting Schedule and Assignments

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1 Ms. Amy French, Chief Planning Official: Yes, thank you, so tonight we have Sylvia who is... Star-  
2 Lack who is subbing for Rafael who is on a big project at the moment, so we'll start with the  
3 transportation items.

4  
5 Ms. Sylvia Star-Lack, Transportation Planning Manager: Great, thanks, Amy. Good evening  
6 Commissioners, it's nice to see you in person. I haven't been here in a long time in person. I am  
7 here in person because Rafael Rius is working on a project right now.

8  
9 The first of my three updates is the Fabian/Charleston intersection. Those signals there are  
10 being switched over to the new signal poles as we speak but the full project there is still not  
11 fully complete but he's moved... we're moving over to the new infrastructure.

12  
13 The second update I have is that the El Camino/Charleston intersection is planned to switch  
14 over on February 16<sup>th</sup> at night.

15  
16 The third item is that our On Demand Shuttle, known... to be known as Palo Alto Link, will start  
17 on March 7<sup>th</sup>. You might have seen the study session at Council or on Monday about it. That's  
18 all I have.

19  
20 Vice-Chair Summa: Thank you. Any questions from my colleagues?

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Commissioner Reckdahl: As I came home tonight the Fabian intersection was blinking red. Was that... do they do that, do you know, or is that...?

Ms. Star-Lack: Yeah, the Fabian/Charleston?

Commissioner Reckdahl: Yeah.

Ms. Star-Lack: Yeah because he was working on stuff.

Commissioner Reckdahl: Okay.

Ms. Star-Lack: It took longer than he expected otherwise he would have been here. So, I'm sure it probably had some issues while they were transitioning over [unintelligible].

Commissioner Reckdahl: Okay, so that was not... that was just a work in progress? That's not going to be the new mode of transportation?

Ms. Star-Lack: No, that will not be the mode.

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1 Commissioner Reckdahl: Okay because I lost about 5 minutes at that intersection.

2

3 Ms. Star-Lack: I'm sorry.

4

5 Commissioner Reckdahl: Luckily I had cushion time tonight, usually I don't. Another thing is the  
6 Wilkie Way Bike Bridge, do you have any information about that? They're doing that study of  
7 the two surfaces and I was curious about whether we've used those surfaces and also what  
8 kind of feedback have you been getting about the survey.

9

10 Ms. Star-Lack: Sure, that's a Public Works project so I have been working with them on it. I  
11 know some about it, I don't know everything about it. Those are new surfaces that we've, to my  
12 knowledge, not used before. That's why we're testing them out and the survey, so we have two  
13 surveys for them. We have a dry condition survey, so if you walk or ride your bike over the  
14 bridge in dry conditions you can fill out that survey and if you use the bridge in wet conditions  
15 you use that survey. And the survey is going to be open for a long time because we were not  
16 expecting as much rain as we've had. So, we thought... we had to leave the window open very  
17 long but we do want to capture a lot of people so I think the surveys are going to be open for a  
18 few more months still.

19

20 Commissioner Reckdahl: Thank you.

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Ms. Star-Lack: Thanks.

Vice-Chair Summa: Anyone else? Yeah, go ahead.

Commissioner Chang: So, for the... hello.

Ms. Star-Lack: Hi.

Commissioner Chang: For the Fabian/Charleston intersection you had said that it's moving to the new infrastructure but the work isn't completed. So, when is the work now slated to be completed, and what is it that needs to be... for the public who's listening. What is it exactly that needs to be done after today?

Ms. Star-Lack: I don't have the answer to those questions but I can have Rafael get you that information.

Commissioner Chang: Great and then when you said that the... for El Camino/Charleston moving to the new infrastructure. Is that what enables timing of the lights or what is... I'm... can you refresh my memory as to what the new infrastructure enables us to do?

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2 Ms. Star-Lack: So, it's... I think he's just moving to new signal poles and maybe... there may also  
3 be a new signal controller. You know, the boxes that are at the corners? So, I don't have all of  
4 the answers but when you upgrade to better equipment you can do more things. Sometimes  
5 we have old equipment that keeps us from having more and different signal timing so so the  
6 new stuff gives us more capacity, more functionality.

7

8 Commissioner Chang: Thanks.

9

10 Vice-Chair Summa: Ms. French, do you have a report?

11

12 Ms. French: Yes, just briefly, so let's see, the next Planning Commission meeting we'll have on  
13 the 22<sup>nd</sup>. We'll include the item we continued or yes, we've continued that to that meeting.  
14 We'll also have a report and discussion on the modifications to the ADU Ordinance, Chapter  
15 18.09 of the Municipal Code. So, those two items for the 22<sup>nd</sup> and then as far as Council  
16 representation. I'm not looking at the Agenda but where is that? We... as yet I am not aware of  
17 an item that has been to the Planning Commission that needs representation. However,  
18 interests may be in upcoming... the 13<sup>th</sup> the Council meeting will have study sessions, economic  
19 development strategy update, and the Bona Vista Mobil Home Park. So, those are two study  
20 sessions of interest. That meeting starts at 5:00 and then there... also on that is the budget

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1 amendment and an ADU Quarterly Report to reveal how many units have been approved and  
2 constructed and all that for the quarter. So, beyond that, I don't know that there's any other  
3 February Council meetings that requires representation from the Commission.

4

5 Vice-Chair Summa: Thank you very much for that.

## 6 **Action Items**

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

9

10 3. Election of Chair and Vice Chair

11 Vice-Chair Summa: So, that leads us to our first action item, Item Number Three which is  
12 election of Chair and Vice-Chair and this is an election of an Interim Chair because we are...  
13 because we lost our Chair. So, we need to replace him and we have another issue which is not  
14 on the Agenda tonight. And I'm not sure if we need a motion or just direction to Staff but that is  
15 that our By-Laws need to be brought into agreement with the BCC Handbook. So, they have  
16 changed, the terms start on April 1<sup>st</sup> basically now, and we elect on January 1<sup>st</sup>. So, we'll have to  
17 think about changing our election time. That is not agendized for this evening so I don't know if  
18 you need a motion to do that or not.

19

20 Ms. Amy French, Chief Planning Official: No, so I believe that we can squeeze one more item on  
21 the 22<sup>nd</sup> and that can be both... that can be the By-laws that would include as well the number  
22 of remote meetings. Similar to what the Council recently did voting on their maximum number  
23 of remote meetings. We can also include the... when the elections take place.

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Vice-Chair Summa: Thank you very much. So, what we are... what we'll do first is a... is the election of an Interim Chair so I will take nominations.

Commissioner Hechtman: Before we start nominating, actually I want a sort of point of order clarification and it really has to do with the duration of the Chair and Vice-Chair we will nominate and chose tonight. When I read our By-Laws, what it says is that the person who's selected serves for a term of 1-year or until their successors are elected. So, I think we actually have a choice tonight and I would like to hear from Mr. Yang on this. I think we can elect an Interim Chair and Vice-Chair with the thought that we would have new elections after April 1<sup>st</sup> when there are one or more additional new Commissioners appointed. But I also think it's within our discretion to elect a Chair and Vice-Chair tonight that could serve until April 1<sup>st</sup> roughly of 2024. I don't think that that would conflict with the language of our By-Laws because they would serve until their successors are elected in April of 2024 and I wanted to see if Mr. Yang would weigh in on that whether we have that flexibility.

Mr. Albert Yang, City Attorney: Yeah, so I think that is something that the Commission could decide tonight. I actually think the first issues that the Commission needs to resolve is whether to hold the full-year elections today or to delay them to a later date. Because that is what our... the By-Laws call for and although it's not aligned with the terms of Commissioners set in the

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1 BCC Handbook. It's not... it doesn't conflict with that either, so the first question is are the  
2 elections tonight going to be for a full years term or a year-plus term, or will that election be  
3 delayed to a later date? And then that will sort of set the stage for what is being voted on  
4 tonight.

5  
6 Commissioner Hechtman: So, to follow up on that because I think you and I are saying the same  
7 thing just differently and in kind of a different order. If we decided in this initial decision to have  
8 the annual election at a later date, then that really sets... that really determines that the  
9 election that we need to have tonight because we need to have a Chair, that would be an  
10 interim position, right?

11  
12 Mr. Yang: That's right. Alternatively, if you decide to have the kind of full years term election  
13 tonight. Then you could later amend the By-Laws to say ok we're not... we're going to have our  
14 elections... our annual elections in April and the officers that are currently serving will hold their  
15 offices until April 2024.

16  
17 Commissioner Hechtman: Okay and do we need to do that because I mean the By-Laws  
18 currently say a year or until their successors are elected. So, that could take it there.

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1 Mr. Yang: We don't but the By-Laws I guess currently say that we'll have the elections in the  
2 first meeting after January 1<sup>st</sup> unless at that meeting the PTC chooses a different date so.

3

4 Commissioner Hechtman: Alright so okay, so then we've... and we've agendized this... this By-  
5 Laws issue will be agendized on February 22<sup>nd</sup> so we can fix that then.

6

7 Vice-Chair Summa: Yes.

8

9 Commissioner Hechtman: Alright and so following Mr. Yang's lead that we really need to decide  
10 whether we're going to... the elections we hold tonight are going to be for a year or we want to  
11 defer the election of a year-long post until the future, I'll just weigh in that my preference  
12 would be... because I think we have to vote on this first before the nominations. My preference  
13 would be to go ahead and nominate and elect officers tonight for a full year or until their  
14 successors are elected after that.

15

16 Vice-Chair Summa: Commissioner Chang?

17

18 Commissioner Chang: So, I think that it's kind of a moot point to some extent. In other words,  
19 whether we decided... there is going to be a subsequent discussion after tonight about when  
20 the next election is held. So, whether we vote for an interim now or not, the decision is going to

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1 be readdressed next time. So, I'm fine with what Commissioner Hechtman is suggesting  
2 because we could easily decide at our next meeting that switching the calendar to say end of  
3 April or whatever it is. In which we case we could say that the current Chair and Vice-Chair will  
4 need to vacate at that point, or we could say that nope we've decided that we're not going to  
5 do it. They're going to keep their term until a year from April so.

6

7 Vice-Chair Summa: Yeah, I see that logic in that. Do you...?

8

9 Commissioner Reckdahl: I'm happy either way.

10

11 Commissioner Hechtman: So, I guess I just don't want to set up a situation where we're  
12 obligated to have another election in April because tonight we have nominated and elected  
13 people under an interim label.

14

15 Commissioner Chang: I agree with Commissioner Hechtman's logic there. That way we're not  
16 forced to agendized something.

17

18 Vice-Chair Summa: Okay so would you like to make a motion?

19

- 
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1 Mr. Yang: Well so, if I may? I guess I'll note that the default is that the election held today with  
2 will be for a full years term. So, if there are no motions made and you just go straight to  
3 nominations. That will be for a full years term unless, as Commissioner Chang noted, at your  
4 next meeting or when you take up the By-Laws you decide to make a change.

5

6 NOMINATION FOR CHAIR

7

8 Commissioner Chang: Okay, well then given that I move that we or so I... not... so we're taking  
9 nominations then? So, I would just nominate our current Vice-Chair, Doria Summa, to be the  
10 Chair.

11

12 Vice-Chair Summa: Is there a second?

13

14 Commissioner Reckdahl: Do we need a second?

15

16 Commissioner Hechtman: I don't... Mr. Yang, I don't think we need a second, do we?

17

18 Mr. Yang: There are no set procedures for this so what we've done in the past is to have a  
19 nomination and a second and then to confirm that the nominee accepts the nomination.  
20 That's not something that you have to follow and [unintelligible].

- 
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SECOND

Commissioner Reckdahl: I'll second it.

Vice-Chair Summa: We have a nomination and a second. And I guess I'm up and I would accept that nomination and would be very happy to serve either as an interim or default for the full year, whatever my colleagues decide at the next meeting.

Commissioner Chang: So, can I speak to my nomination? Alright, so I think Commissioner Summa, hopefully soon to be Chair Summa, is... so she's the most senior, most experienced Commissioner right now and we rely on her expertise all the time. She's also extremely dedicated and I look forward to having her lead us forward.

Vice-Chair Summa: Did you want to speak to your second?

Commissioner Reckdahl: That was wonderful.

Commissioner Hechtman: So, I'm going to support this nomination with my intent that I'm hoping and expecting that you'll serve in this role for the next year until what I suspect is going

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1 to be around April of 2024. I think it's your time. I think it's maybe even... well, I'm glad that  
2 you've accepted the nomination and I'm looking forward to your leadership. I do think that the  
3 special quality that you bring to the Commission is your remarkable knowledge of the history of  
4 Palo Alto. On so many of the issues that come to us you have background that you provide that  
5 I didn't hear about. It's not in the Staff Report and a lot of times it's because Staff didn't even  
6 know about it because you've been civically active here for so long. And so, I think its... it seems  
7 like a pretty strong indication that you're going to be our next Chair and I'm really happy about  
8 that.

9

10 Vice-Chair Summa: Well, thank you all for your extremely kind words and I guess we should just  
11 go ahead and vote then.

12

13 Mr. Yang: I'm sorry to interrupt again but we should open the floor to public comment before  
14 taking any vote.

15

16 Vice-Chair Summa: Oh, I forgot, sorry about that. Are there any public speakers? There's none  
17 in Chambers. I don't know if there are any in... out in Zoom land.

18

19 Ms. Veronica Dao, Administrative Assistant: Yes, we have one raised hand. Winter, you can  
20 unmute yourself.

- 
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2 Vice-Chair Summa: I can't see that. Okay, well, let's go to the public then.

3

4 Ms. Winter Dellenbach: Hi, I'm really delighted about this. I mean just what you Commissioners  
5 have just said. Remarkable knowledge, longest serving Commissioner, Commissioner Summa  
6 will do a really good job as Chair of the PTC. You didn't use the term but you stepped around it,  
7 institutional memory. She has a couple decades of service to Palo Alto on different Committees,  
8 subcommittees, being appointed here, being appointed there to this or that. I have watched  
9 her at your meetings, I've watched her in other meeting and Boards and things that she's been  
10 appointed to. And I don't know anybody with more knowledge about planning, zoning, all of  
11 the little tiny bits... nooks and crannies, I'm going to say nooks and crannies of the Municipal  
12 Code and all that sorts of things that are pertinent to PTC and the sorts of things that you  
13 consider. And she's very articulate, she gets to the point, she doesn't take up useless amounts  
14 of time. She's always courteous to Staff and to other Commissioners which I put great value on.  
15 So, I'm delighted by this and I appreciate all you other Commissioners in having your faith in  
16 Ms. Summa. So, thank you, that's all I wanted to say, well done.

17

18 Vice-Chair Summa: Thank you, Ms. Dellenbach. Do we have any other speakers?

19

20 Ms. Dao: No, that's it.

- 
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1

2 Vice-Chair Summa: Then I think we can go to the vote then.

3

4 VOTE

5

6 Ms. Veronica Dao: Commissioner Reckdahl?

7

8 Commissioner Reckdahl: Yes.

9

10 Ms. Dao: Commissioner Hechtman?

11

12 Commissioner Hechtman: Definitely.

13

14 Ms. Dao: Commissioner Chang?

15

16 Commissioner Chang: Absolutely.

17

18 Ms. Dao: Vice-Chair Summa?

19

20 Vice-Chair Summa: I guess.

- 
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1 Ms. Dao: Motion carries 4-0.

2

3 MOTION CARRIES FOR DORIA SUMMA TO BE CHAIR 4(Chang, Hechtman, Reckdahl, Summa) -0-

4 2(Templeton, Roohparvar)

5

6 **Commission Action**: Nomination for Doria Summa to be Chair made by Chang, seconded by  
7 Reckdahl. Pass 4-0 (Roohparvar, Templeton absent)

8

9 Vice-Chair Summa: Awesome, so now we have to elect a Vice-Chair so.

10

11 NOMINATION FOR VICE-CHAIR

12

13 Commissioner Reckdahl: I would like to nominate Commissioner Chang.

14

15 Chair Summa: Okay, do we have a second?

16

17 Commissioner Hechtman: I will second.

18

19 Chair Summa: Would you like to speak to your nomination?

20

21 Commissioner Hechtman: You need a... we need an acceptance of the nomination first.

- 
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Chair Summa: Do you accept?

Commissioner Chang: I'm happy to help out our Chair so yes.

Chair Summa: Excellent and would you now like to speak to...?

Commissioner Reckdahl: Okay, I can speak, now you know you're... I have found Commissioner Chang to be a very capable person, very informed and thoughtful and those are both two important characteristics. I think you'll make a wonderful Vice-Chair.

Commissioner Hechtman: So, Commissioner Chang has been a great addition to the Commission. She brings energy and this kind of unquenchable thirst to understand new concepts. She asks a lot of the right questions to get to a lot of the right positions. And I guess when I think of the Vice-Chair position, I think that that is the... it doesn't have to be but it can and often is the sort of the training ground for the next Chair. And I think that, although there's no assurance that I'll be around to vote on something in April of 2024, I'd like to see Commissioner Chang fulfilling the duties of the Vice-Chair this year and basically training up with the idea that she might be the Chair in the following year. So, I will... happy to have seconded that nomination.

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Chair Summa: And I'm also extremely happy and agree with everything that my colleague's said about Commissioner Chang. She's a wonderful addition to this body and to the community. So, are there any speakers? There's a hand up, I see...

Ms. Dao: Yes, Winter again.

Ms. Amy French, Chief Planning Official: Our one audience.

Chair Summa: Okay, we'll go to the public. Ms. Dellenbach, is your hand still up?

Ms. Dellenbach: Yes, but I need to be unmuted.

Chair Summa: Oh, we can hear you now, go ahead.

Ms. Dellenbach: Oh okay, yes I always like to be referred to oh, Winter again. I did want to say something about Bryna who I have never seen such a fast learner. There is a contrast between Commissioner Summa and Commissioner Chang in that Summa has been around on the Palo Alto... serving Palo Alto for decades and Commissioner Chang has been much newer on the scene. And yet, she seemed to come in... you seem to come in like a tornado and just kind of

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1 suck up knowledge and be able to then synthesize it and articulate it so well and again, very  
2 economically. You never showboating, never drawing attention... needless attention to  
3 yourself, just getting in there, coming in, doing the work, getting down to business, doing the  
4 homework and I've been really impressed. And I just wanted to say that and I'm just again, very  
5 impressed by the four of you tonight. You're... you have two people on board to lead this  
6 extremely important Commission for our City that are just going to get down to business, not  
7 mess around and move forward. And I appreciate all four of you and I appreciate both the new  
8 Chair and the Vice-Chair very much and congratulations to Commissioner Chang and to  
9 Commissioner Summa so well done, that's all, thanks.

10

11 Chair Summa: Thank you, Ms. Dellenbach. Do we have any other speakers?

12

13 Ms. Dao: No, that's it.

14

15 Chair Summa: Okay, then we can proceed to the vote.

16

17 VOTE

18

19 Ms. Dao: Chair Summa?

20

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1 Chair Summa: Yes.

2

3 Ms. Dao: Commissioner Hechtman?

4

5 Commissioner Hechtman: Yes.

6

7 Ms. Dao: Commissioner Reckdahl?

8

9 Commissioner Reckdahl: Yes.

10

11 Ms. Dao: Commissioner Chang?

12

13 Commissioner Chang: Yes.

14

15 Ms. Dao: Motion carries 4-0.

16

17 MOTION CARRIES FOR BRYNA CHANG AS VICE-CHAIR 4(Chang, Hechtman, Reckdahl, Summa) -0

18 -2 (Roohparvar, Templeton absent)

19

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1 Chair Summa: Excellent, so now, congratulations to Commissioner Chang, and thank you all,  
2 and thank you to the members of the public that spoke. And with that, we will go on to our  
3 next action item which is Item Number 5. Recommendation on a [permanent Ordinance  
4 amending titles 18 and 21 to implement State Housing Legislation from the 2021 Legislative  
5 Session etc.

6  
7 **Commission Action:** Nomination for Vice-Chair made by Reckdahl, seconded by Hechtman.  
8 Passed 4-0 (Roohparvar, Templeton absent)

9 4. 2147 Yale: Preliminary Parcel Map with Exceptions to Subdivide Existing Parcel into  
10 Substandard Lots

11 [Item 4 was continued to a date certain of February 22, 2023, via vote under Agenda changes,  
12 additions, and deletions.]

13 5. Recommendation on a Permanent Ordinance Amending Titles 18 and 21 to  
14 Implement State Housing Legislation from the 2021 Legislative Session, Including SB  
15 9. Environmental Analysis: Exempt from Environmental Analysis under CEQA  
16 Guidelines Section 15061(b)(3) and Government Code Sections 66411.7(n) and  
17 65852.21(j).

18 Chair Summa: So, do we have a report from Staff?

19  
20 Ms. Amy French, Chief Planning Official: Yes, our attorney Albert Yang will be presenting the  
21 PowerPoint and he is going to be uploading that with any assistance needed.

22  
23 Mr. Albert Yang, City Attorney: I think I got it, just give me a second. Okay, is that showing up  
24 correctly?

- 
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Ms. French: Yes.

Mr. Yang: Okay, so this will be a short presentation. Staff is recommending that the Planning Commission recommend adoption of regular or permanent ordinances to replace the interim ordinances that the City Council adopted last year. These are largely focused on SB 9 but they address a couple other State Laws including SB 478 that were adopted and went into effect January 1<sup>st</sup>, 2022.

So, just a quick review of SB 9, it requires ministerial approval of two-unit housing developments on single-family lots and so this two units can be a duplex. They can be two single-family homes, they can be a single-family home, and an ADU. SB 9 also requires ministerial approval of urban lot splits and that is subdivision of a single-family lot into two without regard for our normal minimal lot size requirements. For the two-unit development, approvals can only be based on Objective Standards and we can only deny a project if there are specific adverse impacts on public health and safety and those are very narrow circumstances. And there are limitations on how we can regulate with those Objective Standards. They're 4-foot side and rear setbacks that we have to allow. We can't require more than one parking space per unit, etc. SB 9 is available to all single-family zoned properties, except certain

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1 environmental sensitive areas and listed historic properties and districts. In addition, SB 9, you  
2 cannot use SB 9 if you're going to be demolishing existing rental units.

3

4 As for lot splits, there are several criteria. The lots that you end up with have to be roughly  
5 equal in size, at most a 60 percent to 40 percent split of the original parcel and each of the  
6 resulting parcels has to be at least 1,200 square feet in size. You also can't do successive SB 9  
7 lot splits, you can only do it once, and you also can't act in concert. You can't coordinate with  
8 your neighbor. You know, you can't sell your neighboring property to a family member for  
9 example, and then have them lot split with SB 9. There's a requirement that if you are splitting  
10 a lot you sign an affidavit saying you're going to occupy a unit on one of the resulting lots.  
11 Although that... there are some enforcement difficulties with that and finally, you can only use  
12 the property for residential uses. As with the two-unit development, we can apply a variety of  
13 Objective Standards but we can't preclude construction of two units that are at least 800  
14 square feet. And there are the same limitations on setbacks, you know no more than one  
15 parking space per unit, etc.

16

17 So, last year, I guess actually in December of 2021, the Council adopted an Urgency Ordinance  
18 that went into effect right away and then in January of 2022, the Council adopted an interim  
19 ordinance that required two readings but did not come to the PTC first. And in order to have a

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1 permanent ordinance, the PTC has to provide a recommendation and that's what we're seeking  
2 now.

3  
4 Back in January and then later in April, the Council also adopted Objective Standards for both  
5 two-unit development and urban lot splits. And in general, that is where a lot of the actual  
6 detail is in terms of our regulation of this development. The interim ordinances themselves  
7 basically parrot State Law. They say what you can do and what you can't do but they don't  
8 express a lot of local policy in terms of how we want this development to look.

9  
10 So, what we're doing now is we're splitting out the ordinances from the Objective Standards  
11 because we are reaching a point. Approximately a year has passed since the interim ordinances  
12 were adopted and we don't want them to be sitting out there as interim ordinances for too  
13 long. Staff does plan, has already started outreach to stakeholders so that we can bring those  
14 standards which are more detailed to the ARB and PTC. So, we're here for any questions.

15  
16 Chair Summa: Thank you for that report and I think what I'll do is ask my colleagues if they have  
17 any clarifying questions and do that. And then we'll go to the public and then come back for our  
18 discussion. So, anybody have... no lights? I don't see any lights. Okay, then we will go to the  
19 public. As I said earlier, there's no one in Chambers. I don't know if there's anyone out in the  
20 public in Zoom land that would like to speak to this item.

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Ms. Veronica Dao, Administrative Assistant: Currently, there are no raised hands on Zoom.

Chair Summa: If we get on in a minute or so we'll let them speak but I guess since we have known we will go straight back to the Commission. So, who would like to start us? Commissioner Chang [**note – Vice-Chair Chang**].

Vice-Chair Chang: Thank you, Chair. I just have a few kind of educational questions for me understanding SB 9. I figured this is a good time to ask some of these questions of Mr. Yang. So, if we look at Packet Page 73 for bicycle parking which is referred to in the table. How is a bike space defined? I'm just curious, like is it just defined as a place where one can lock up a bicycle or how do we... or does it just need to be drawn into a drawing or how does that work?

Ms. French: I'm just looking at Packet Page 73, noting that there are two columns. One says Class One long-term which is typically put that inside of a locked enclosed structure and then when it says spaces. Typically, that's a bike rack in parlance in the Code for parking.

Mr. Yang: I guess I'll... I don't know if Sylvia is still with... oh she's not. Well, I'll just note that bike parking isn't a requirement for SB 9 or single-family development. But it is a column in that table that's shown because that table includes our parking requirements for all types of

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1 development including multi-family and commercial. And I believe we probably do define the  
2 different types of bike parking and provide diagrams or the dimensions that are required but I  
3 don't have that off the top of my head.

4  
5 Vice-Chair Chang: That's fine. I... yeah, I recognize that this is not directly related but because I  
6 saw it in the ordinance I wanted to ask the questions. And then on Page 74 I just wanted to  
7 understand better C2 and sort of what's going on there and is it a renter protection issue or  
8 what?

9  
10 Mr. Yang: Yes.

11  
12 Vice-Chair Chang: I mean I know that this is just written as SB 9 but if you could just explain to  
13 me what this is preventing from happening?

14  
15 Mr. Yang: So, this is basically saying that if someone has invoked the Ellis Act in the past 15  
16 years on this property. Then they cannot take advantage of SB 9.

17  
18 Vice-Chair Chang: So, the Ellis Act for the uneducated, could you explain that to me too?

19

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1 Mr. Yang: Yeah, sorry, the Ellis Act is a State Law that guarantees a landlords right to stop  
2 renting their property.

3

4 Vice-Chair Chang: So, if I'm understanding this correctly this is... this section of the Code is for R-  
5 1, correct?

6

7 Mr. Yang: Yes.

8

9 Vice-Chair Chang: Okay and so if somebody's been renting their house out and then they've  
10 decided to stop renting it out in the last 15 years. They would no longer be able to?

11

12 Mr. Yang: Only if they relied on the specific provisions of State Law that allow them to stop  
13 offering their property for rent and evict their tenants with certain notices and now in Palo Alto  
14 potentially relocation requirements.

15

16 Vice-Chair Chang: So, it's only if they had to activate... to use the Ellis law in order to evict their  
17 tenants. Otherwise, you know if it was a mutual agreement to just stop renting then they could  
18 still take advantage of SB 9.

19

- 
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1 Mr. Yang: Right and there are notice requirements to the City if you're invoking the Ellis Act. So,  
2 it's not something that... it's not something that we encounter often I'll say.

3

4 Vice-Chair Chang: Great, thank you, that... it just makes a lot more sense to me. Great, thank  
5 you and I think that's it for now, thanks.

6

7 Chair Summa: Anyone else? Keith... Commissioner Reckdahl.

8

9 Commissioner Reckdahl: I had a few nitpicking questions too. On Packet Page 68, this isn't an  
10 addition but I had the same thought as like what's going on here? The bed and breakfast, bed  
11 and breakfast are allowed in RMD. Are they allowed elsewhere? On... this is the top of Packet  
12 Page 68 where they talk about bed and breakfast are limited to no more than four units in the  
13 RMD district. For example, R-1, is a bed and breakfast allowed there?

14

15 Mr. Yang: Amy, do you know the... that?

16

17 Ms. French: So, this is not a change to the existing ordinance.

18

19 Commissioner Reckdahl: If you don't know that's fine.

20

- 
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1 Ms. French: Yeah, RMD is you know two unit is not subject to SB 9.

2

3 Mr. Yang: It does not appear that bed and breakfasts are permitted in the R-1.

4

5 Commissioner Reckdahl: Okay.

6

7 Ms. French: Yeah they are. They are not only in the RMD where there are two units.

8

9 Commissioner Reckdahl: Okay and how about R-2? Could you have one in there? It appears not  
10 because (interrupted)

11

12 Ms. French: No.

13

14 Commissioner Reckdahl: It just says in the RMD district and so.

15

16 Ms. French: No.

17

18 Commissioner Reckdahl: Okay, let's see, then on Page... Packet Page 72 when they talk about  
19 within one block of a carshared vehicle. It means 600 feet of a parking space permanently  
20 reserved by for use by carshare vehicles. What does permanently mean in that?

- 
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1

2 Mr. Yang: So, this was one of the gifts of the State Legislature to tell us that you know  
3 something depends on whether you're within a one block of a carshare space but not defining  
4 that in any way. So, we did our best here, we defined one block as 600 feet and then we tried  
5 to basically capture spaces or something like Zip Car where there's a space that's set aside for a  
6 carshare car, but not for free-floating carshare where you have a car that could park anywhere  
7 where parking is permitted.

8

9 Commissioner Reckdahl: Okay, that makes sense, okay. So, I mean there's no guarantee that  
10 the Zip Car's going to be there permanently but the term permanently means not the floating  
11 one?

12

13 Mr. Yang: No.

14

15 Commissioner Reckdahl: Okay, thank you for that. Packet Page 82 there's something that  
16 confused me, the two family use. It was... oh maybe... I was reading online and maybe the  
17 paging is a little different. I'll find that later. Page... Packet Page 78 when they talk about 30  
18 days of... okay top of Packet Page 79, the rental of any dwelling unit on a lot created by the  
19 parcel shall be for a term longer than 30 consecutive days. Does that just mean that it's not a

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1 short-term rental but in Palo Alto, you have to offer a 1-year lease, right and so this doesn't  
2 preclude the offering of 1-year lease, does it?

3

4 Mr. Yang: No, it's just saying you can't use it for short-term rentals.

5

6 Commissioner Reckdahl: Okay, thank you and I'll look... while other questions are being  
7 answered I'll for this the last question, thank you.

8

9 Chair Summa: Commissioner Hechtman.

10

11 Commissioner Hechtman: Thank you, so I want to just sort of... I've got a few comments and  
12 clean-up items. Some of which I think are pretty clear, others I'm going to suggest. I just want to  
13 bring them to Staff's attention and have Staff look at them offline because I don't think all of  
14 them will be easily just responded to on the fly. So, just look at them and consider the point and  
15 decide whether something needs to be done.

16

17 So, I'll start on Packet Page 68, the new addition to Table One, what's been added is the  
18 Footnote 4 and in Footnote 4 there's a... you know the statement is construction of two units  
19 permitted in RE-zoned lots subject to the regulations in Section 18.42.180 which is basically our  
20 new section. But I think you also may need a reference to 18.10.040, the Development

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1 Standards, and I think actually, which is if you look at the table at the top of... that ends at the  
2 top of Page 69, you refer to both, .040 and .180. So, I'd like Staff just to look at whether .040  
3 should be in part... referenced in Footnote 4 to Table One, so that's the first one.

4  
5 Then when you go down to Table 2, so we have our zoning we have an R-1, an R-2, and an R no  
6 dash E. It's just RE but those dashes crept in in a few places here between the R and the E and  
7 so I just want to point them out to Staff. The first one is in the heading for Table 2 where it says  
8 R-E, Footnote 6 after that. So, I think that that dash goes away. Similarly, on Packet Page 69, the  
9 heading for Table 3, R-E, I think the dash goes away.

10  
11 Let's see, next, I'm on Packet Page 73 and 74, so this is our new Section 16. Well, it's our own  
12 section for these SB 9 two-unit developments and so the... and what I want to raise here mostly  
13 for Mr. Yang to cogitate on is whether the definition of unit we have in subpart (b) of .080  
14 works here? Because so if I've got a lot and I want to build a house and an ADU or a JADU, that  
15 doesn't implicate .080 because this is... .080 I think is intended only to be SB 9 two lot  
16 developments but when I look at the definitions, item Three is two dwelling units and Item Four  
17 is unit. So, the unit in Item Four is the same unit... needs to be the same unit in Item Three, two  
18 dwelling units, but the unit in Item Four refers to not only a primary dwelling unit which I think  
19 in SB 9 development contemplates really two primary dwelling units. But definition four says in  
20 addition to a primary dwelling unit a unit can be an ADU or a JADU. So, and again, I think the...

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1 that's... then that's not an SB 9 development if I've got my two units are in a primary house and  
2 an ADU. So, I would just ask Staff to look at that as this moves towards Council and see if some  
3 adjustment needs to be made. I do note that a lot of the language in here was pulled directly  
4 from State Law where they were kind enough to give full information. So, if these are State Law  
5 definitions then so be it, we'll live with it, but if not, then maybe we can clarify that so people  
6 don't submit SB 9 applicants when they just want to build a house and ADU.

7

8 I'll move onto Packet Page 75, subpart (e), Development Standards, sub-sub (2), there's a  
9 parenthetical in the middle. Except to the extent necessary to construct a unit of 800 square  
10 feet. So, of course, SB 9 requires the City's rules to accommodate construction of these SB 9 up  
11 to 800 square feet. So, but here, if I wanted a 750-square feet, I [note - video and audio cut out]  
12 or less. So, you're not requiring people to build exactly 800 square feet and I think if we add "or  
13 less" that's consistent with the intent of the City.

14

15 Same page going down to Item 6 and for this one I need to give a little context. So, there are  
16 two SB 9 ordinances. We're dealing with only one of them tonight and that is what is described  
17 in the Staff Report as the one that has the basic framework. So, this is really getting kind of the  
18 bones of SB 9 into our local law and then Staff's going to come back to us with the thing that  
19 puts the meat on the bones. And so, with that context, when I look at Section 6... subpart (6),  
20 Development Standards, the last clause that where you have an urban lot split and you're going

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1 to have three or more detached units on the two lots, any new units shall not exceed 800  
2 square feet. So, I don't believe that's part of the bones of SB 9 and I might be wrong. I think  
3 what SB 9 says is that the cities have to accommodate at least 800 square feet without putting  
4 a cap. And so, if I'm correct then I would like to see that removed from this ordinance which is  
5 only setting forth the basic framework consistent with SB 9, and put into the next ordinance  
6 with the meat for our consideration as part of the bigger pictures of what we're doing with the  
7 detail of SB 9. And so, and that's something that some of my fellow Commissioners, I'm mean  
8 most this stuff I commenting on I realize are very dry but that is something that maybe some of  
9 my fellow Commissioners want to weigh in on tonight.

10

11 Alright, so I will move on, Packet Page 76 and no one's going to care about this except me and  
12 Mr. Yang. Effective dates, so we've created these SB 9 rules and this tells us how long they last.  
13 And so, we're basically keeping it until this government code section, which is the codification  
14 of SB 9, is repealed or its superseded or its requirements for ministerial approval of no more  
15 than two units on a single-family zoned lot are materially amended, whether by legislation or  
16 initiative, at which time this section shall become null and void. So, essentially what I think  
17 we're trying to say here is if SB 9 goes away, we only did this for SB 9, if SB 9 goes away this  
18 goes away too. The concern I have is that what's written here isn't just if SB 9 goes away which  
19 is repealed. If it's suspended, our ordinance goes away. If it's materially amended and we don't  
20 know what that means, our ordinance goes away and I don't think that's really what we want. I

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1 think if sb... if the State Law or sorry, it says superseded. I mean I think we want to track  
2 whatever happens and I don't think this does that and so we're at risk that there will be a  
3 material amendment to SB 9, this statute, and our ordinance goes away and we don't want it  
4 too. So, I would suggest Staff just look at that and think a little bit more about whether there's a  
5 better way to tether it to what happens with the State Law. So, that we are more flexible and  
6 don't end up with no ordinance which sometimes in this atmosphere when you have no  
7 ordinance, you have to allow whatever is applied for to be developed so and I think we want to  
8 avoid that.

9

10 Alright, I'll move on, I just got a couple more. Packet Page 77, in the middle of the page right  
11 under the heading for the section on applicability R-E. [note – video and audio cut out]

12

13 Packet Page 78, the section in the middle of the page, the general requirements, subpart (d).  
14 Newly created lot lines shall not render existing structure non-complying in any respect, nor  
15 increase the degree of noncompliance of an existing non-compliant structure. So, the question I  
16 flagged here was well, what about setbacks? Are we intending that the newly created lot shall  
17 not render an existing structure noncomplying in any respect, including setbacks? I think... if we  
18 are I think it's important to flag that because that's frankly the noncompliance issue that most  
19 often comes up when you see people trying to do lot line adjustment or a lot split. So, I would

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1 suggest Staff think about addressing setbacks, whether it's included or not included, in this  
2 noncompliance concept here.

3

4 At the bottom of Packet Page 78, there's a requirement... these are requirements for an urban  
5 lot split. Item 5, the resulting lots will be used for residential uses only. I guess my question on  
6 that is does that preclude what are referred to in most Codes, I actually didn't look at ours to  
7 see if we use the same terminology, home occupations which is a small home business. It's  
8 not... it's a commercial use of your home which is allowed generally but I wanted to know if this  
9 is intended to exclude home occupations or maybe is the interpretation that home occupation  
10 is considered a residential use and so it's okay. So, that one I'm kind of curious about if you  
11 know... if you have an idea on that tonight Mr. Yang.

12

13 Mr. Yang: Yeah, so on that last issue it is not intended to preclude home occupation because we  
14 do have pretty clear limitations on the amount of space that can be used for home occupations.  
15 We think that's consistent with residential use but that is a good note to potentially clarify in  
16 here.

17

18 Commissioner Hechtman: Okay, thanks. Over on Packet Page 79, the effective dates provision  
19 toward the bottom of the page. Same issue I brought up before, repealed, superseded,

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1 materially amended. So, that's just... it's a second place where it pops up and that's it, thank  
2 you.

3

4 Chair Summa: Thank you. Did you... Commissioner Reckdahl, did you have...?

5

6 Commissioner Reckdahl: Yeah, I had two more comments. Packet Page 84, at the very top  
7 under B where it says the accessory dwelling units constructed on a single-family zoned lot  
8 containing a two-family use. What does that mean? Wouldn't every ADU be a two-family use?

9

10 Mr. Yang: No, so we do define two family use in our Code and I believe that's likely what this is  
11 referring to. Just give me a second to get the context here. Yeah, so I think this is reference to  
12 our Code definition of two-family use which I can pull up but I believe it's also meant to be  
13 referencing an ADU that's built in addition to an existing two-family use. So, it may be helpful to  
14 insert the word existing there.

15

16 Commissioner Reckdahl: And what is the definition of two-family use? [note – video and audio

17 cut out]

18

19 Ms. French: I found it and could share my screen if that helps.

20

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1 Mr. Yang: Yes.

2

3 Ms. French: Or I can just read it. Definition 141, two-family use means the use of the site for  
4 two dwelling units which may be within the same building or separate buildings. So, that's in  
5 Chapter 18.04.

6

7 Mr. Yang: I think we can clarify this section to make clear that we're talking about existing two-  
8 family uses and perhaps also two-family uses that are created through SB 9.

9

10 Chair Summa: Commissioner Hechtman. Oh, are you done? Sorry.

11

12 Commissioner Reckdahl: No, I'm still... so this is saying that if you have an accessory dwelling  
13 unit... I guess what kind of situation would you have that would have a two-family use?

14

15 Mr. Yang: So, I guess first of all, this section is in response to Council direction that we received  
16 in December 2021 that they would like development that comes through SB 9 to be subject to  
17 our BMR requirements. So, normally ADUs are exempt from the BMR Program. You don't have  
18 to pay in lieu fees, you don't have to do anything like that, but the Council direction was if  
19 someone is going to be taking advantage of SB 9. We want to apply our existing BMR Program,  
20 so that's what we're trying to accomplish here is, you know, although one and two-unit

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1 development is normally excluded from the BMR Program. We're trying to include it when it's  
2 accomplished through SB 9 and so one thing you could do with SB 9 is create two units. You  
3 could create a duplex on your single-family lot and then you could come back to the City and  
4 say I'd like to build an ADU on this lot. That's not something that would normally be allowed  
5 without SB 9 but in the SB 9 world, it's something that we have to permit. So, in that case, we  
6 would be saying both that the initial SB 9 two-unit duplex would be subject to our BMR  
7 Program. That gets covered by sub (a) a then if you came back for the ADU that would be  
8 covered by sub (b). You would also have to be subject to the BMR Program.

9

10 Commissioner Reckdahl: Okay so SB 9 isn't just a lot split. It also allows duplexes.

11

12 Mr. Yang: Yes.

13

14 Commissioner Reckdahl: Okay, gotcha, and one last question on Page... Packet Page 77 on  
15 Section A there, special flood hazard areas. So, we can't do the splits on flood... special flood  
16 hazard areas. Is that different than a flood zone? What is the definition of a special flood hazard  
17 area?

18

19 Mr. Yang: I'll have to say I'm not sure and our Public Works Department would be better able to  
20 answer that question.

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Commissioner Reckdahl: Okay, so this is just boilerplate that came from the State?

Mr. Yang: Yes.

Commissioner Reckdahl: Okay, that makes sense, thank you.

Vice-Chair Chang: Well, I... can I just chime in there because I had the same question and I actually went to go look at the piece of Code... the California Government Code that it references. So, those subdivisions mention... like they define the flood zone as 100-year flood but maybe this is... are you asking is this outside of what's defined in the Government Code?

Commissioner Reckdahl: I'm just curious is I mean a big chunk of Palo Alto is flood area and is this mean that for example, if you're over on [note – video and audio cut out]

Vice-Chair Chang: [note – video started midsentence] but with respect to Government Code Sections 65913.4 and the reference subdivisions there. One of those subdivisions specifically talks about a one percent chance of flood, meaning 100-year flood and so then if that's what it says Mr. Yang. Is that what it means that anybody in a 100-year flood zone can't use SB 9 to... can't use SB 9?

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Mr. Yang: That appears to be correct, but I would have to look into it a little bit more.

Commissioner Reckdahl: Thank you.

Chair Summa: Commissioner Hechtman.

Commissioner Hechtman: Ghost light.

Chair Summa: Ghost light? Okay, most of my questions were answered. I did have one question on Packet Page 75, (e)(3) if the application of any Development Standard or Design Standards would necessarily require... that clause. Does that mean that we could end up not even having 4-foot setbacks in the sides and rear?

Mr. Yang: That's right and one of the projects that we anticipate is sort of having a ranked list of which of our regulations gets relaxed first. So, right now one of the things we require for SB 9 projects is that if you're building two stories. That the second story have a further step back. Even on 4 feet, perhaps we'd relax that before we let the first story encroach within that 4-foot setback, but that's not something that we've completed yet. So, at this point, it would be up to the applicant what they want to propose to reach that 800 square feet.

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2 Chair Summa: It just seems incredibly undesirable and unworkable not to have even that  
3 minimal setback. I mean how do you... where do you put your garbage cans? How do you walk  
4 around your building? How do you maintain fences? So, I guess just we should be thinking  
5 about keeping these properties safe and useable also as we make those decisions.

6

7 And I believe all my other questions were asked by my colleagues so do we have a second  
8 round? Anybody? Oh, Commissioner Chang go ahead.

9

10 Vice-Chair Chang: Well, I think Mr. Yang was going to say something so go ahead for...

11

12 Mr. Yang: Oh, I was just going to note, I refreshed my memory about flood zone issue. So, if you  
13 are within the 100-year flood area it's not necessarily... it's not a complete bar against using SB  
14 9. It's just that you have to go through certain processes to show that your application will still  
15 be safe.

16

17 Vice-Chair Chang: What are those processes?

18

19 Mr. Yang: I think it's similar to how we would deal with single-family development in the flood  
20 zone.

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Vice-Chair Chang: Okay, same rules, got it. I did have a follow on question with respect to Chair Summa’s question. So, the publishing of the order in with Objective Standards shall be waived. Will that come before us at the same time as the Objective Standards themselves? Is that the plan?

Mr. Yang: Yes.

Vice-Chair Chang: Okay, great and do we know... do we have a guess as to when that might be coming to us, or is there a timeline that Staff has...?

Ms. French: We’re looking at visiting with the ARB coming up in March and I believe returning to the Commission may be later in March, or depending on our Agendas, or early April.

Vice-Chair Chang: Okay, good, so it will be soon at least. I think it was a little terrifying to hear that [note – video and audio cut out]. Alright and then I wanted to follow up on some of... so, I wanted to thank Commissioner Hechtman for raising all these very detailed and some of them very critical potential issues. And he had mentioned that some of them might require further discussions. So, I wanted... I think this would be the time for us to discuss right because if a change needs to be made in the ordinance before it goes to Council. We should discuss them,

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1 so one of them was I think Packet Page 75, (e) sub (6), where Commissioner Hechtman  
2 suggested that the last clause be moved in the Objective Standards. I think... was that right?

3  
4 Commissioner Hechtman: Yeah, actually I mean the way it works is you would just strike 6 from  
5 this provision and move it to the ordinance we're going to be considering in the future.

6  
7 Vice-Chair Chang: Yeah, well, so in response to his suggestion I think that does make sense  
8 because if I understand correctly Mr. Yang. The intent is that we separate it... separate the  
9 Objective Standards so that they can be changed more easily kind of through a different  
10 process than changing this ordinance. Is that correct?

11  
12 Mr. Yang: Yes, that's right.

13  
14 Vice-Chair Chang: Yeah, so it seems to me that something that isn't required in this piece of  
15 legislation we should take out then. So, I concur with Commissioner Hechtman. I don't know if  
16 anybody else wants to speak on that just so we can get resolution for Staff.

17  
18 Chair Summa: I would agree with that, it makes sense to me, and I guess we can... when we get  
19 a motion we could put that in the motion. Commissioner Reckdahl.

20

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1 Commissioner Reckdahl: Would this necessarily have to be taken out now or would we pass it  
2 as is and then when we pass the Objective Standards then you would remove this from this  
3 section? What's a cleaner way of doing that?

4  
5 Commissioner Hechtman: So, I... well, the suggestion I'm making is that we take it out of this  
6 because when that other ordinance comes back to us, they won't be bringing this ordinance  
7 with it. So, what we're trying to do is collect in that other ordinance all of the Objective  
8 Standards and I consider this one of them that's not part of SB 9. It's really... the ordinance  
9 coming to us later is really our municipal response to SB 9 and how to exert some control over  
10 what's being forced upon us. So, and I believe this discussion about this belongs in that dialog.

11  
12 Mr. Yang: So, I can make a suggestion which is first just to clarify the Objective Standards won't  
13 be coming in the form of an ordinance. They'll just be a separate document that gets adopted  
14 by the Council but one thing that we could do is when we take this ordinance to the Council.  
15 We could also include an update to the standards. Even though they'll be coming to the PTC but  
16 we could at the same time the Council adopts this ordinance update the standards to move this  
17 piece into there. And then there would be no gap in the applicability of that requirement until...  
18 unless the PTC and the Council later decide they want to change it.

19  
20 Chair Summa: That is... is that satisfactory?

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Commissioner Hechtman: That works for me. I think that solves your issue, Commissioner.

Chair Summa: Okay, thank you for that answer. Did you have more?

Commissioner Hechtman: No, no, I'm... whenever everybody's ready I'm willing to try a motion but I think we're not quite there.

Chair Summa: Commissioner Reckdahl, do you...?

Commissioner Reckdahl: I'm done. I'm sorry.

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

Vice-Chair Chang: So, I have one more item and I don't know if... I didn't do a good job taking notes on this one but it seemed that we might have to have a little bit of discussion on it as well. So, on Packet Page 78, middle section sub I think it was D. Right, where we were talking about setbacks. Well, see I think Commissioner Hechtman remembers better than I do so maybe you can bring up whatever it is that I think we need to discuss but can't remember.

- 
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1 Commissioner Hechtman: Sure, if I may Chair? So, the issue I was... I'm trying to bring a little  
2 more clarity to subpart (d). These are the general requirements that are going to apply when an  
3 urban lot split is done and what... the way D describes it because you can do an urban lot split  
4 with a structure already there. Right, I've got a house on my property, I can still split it, and so  
5 what D says is you're not... when I do this split, I'm not going to make existing structures  
6 noncompliant, nor increase the degree of noncompliance in an existing noncompliant structure.  
7 So that... and so I've asked the question is Staff intending this to apply to setbacks because in  
8 my experience that's the most frequent place we find noncompliance. I mean older structures  
9 on parcels under older rules and so if Staff's intention is that setbacks are to be included, then I  
10 would include it in the parenthetical because it's important and you're more likely to see it than  
11 these things and the public will want to know how setbacks are handled. And if it was Staff's  
12 intention that it's not one of the things that should be here then it should say excluding  
13 setbacks and so I wasn't really imposing any judgment on which way it goes. I was really  
14 wanting to understand from Staff what their intention was and let's make that clear in subpart  
15 (d).

16

17 Mr. Yang: So, I believe the intention was to include setbacks and we can include it in that list of  
18 examples.

19

- 
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1 Vice-Chair Chang: Okay thank you because I think that's actually what's really important is that  
2 regardless of what's Staff's intention was. As a Commissioner, my direction would have been to  
3 yes, please include setbacks if we're allowed to and then I would assume that we all should  
4 chime in on what our direction would be with respect to that.

5  
6 Ms. French: Yeah, I think one thing that's interesting, I'm use to seeing in our Code it will say  
7 sometimes including but not limited to. So, this is kind of with the e.g. as the examples. It's not  
8 a complete set but as you say, setbacks is going to be one of the most frequent so it'll be  
9 glaringly [unintelligible](interrupted)

10

11 Chair Summa: I would agree that setbacks should be explicitly added. Commissioner Reckdahl,  
12 did you want to opine on that?

13

14 Commissioner Reckdahl: On Packet Page 97 we have these three topologies and the middle one  
15 in particular. We have the flag pole lot that has to be 10 feet. Are we required to be... to have  
16 the setbacks... I'm looking at that vertical line between Lots A and B in the middle picture and is  
17 the structure on Lot A required to have full setbacks with that border? Like if there was a  
18 driveway there would you have to have the full setbacks with that border just like it would be a  
19 regular lot line?

20

- 
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1 Mr. Yang: Well, you would need to have the 4-foot side setback that SB 9 allows.

2

3 Commissioner Reckdahl: Okay and a lot of the flag lots I guess is old construction is where you  
4 have just enough room for the driveway between the fence and the existing house to the get  
5 the flag lot access but okay, so then I'm happy with that then.

6

7 Commissioner Hechtman: Can I while we're on Packet Page 97? I'm glad you mentioned it  
8 because I actually had seen something here that I neglected to bring up. The diagram that  
9 Keith, Commissioner Reckdahl, is talking about is the middle one, flag lot, which refers in the  
10 language directly below it to a flag pole of at least 10 feet but if you look just below that to the  
11 three explanations, item Two refers to a 15-foot flag pole so (interrupted)

12

13 Commissioner Reckdahl: Oh.

14

15 Commissioner Hechtman: And that was just a... everything else appears to be 10 and so I was  
16 suspecting that the 15 was intended to be 10 but when I look at the diagram of two versus  
17 three, the flag pole does look wider than the easement so maybe it's suppose to be 15. Staff,  
18 which is it?

19

20 Mr. Yang: Yeah, we'll have to go back to our notes on this.

- 
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Commissioner Hechtman: Alright so just whatever it is make it consistent.

Mr. Yang: Yep.

Commissioner Reckdahl: And for... now I look in the right-hand picture, the flag lot with the easement. Where would the setback be based on? Would it be based on this easement boundary or based on the lot boundary?

Ms. French: Are you asking about the side... interior side setback in those cases?

Commissioner Reckdahl: Yeah, the right-hand side, if you were to build a house on Lot A.

Ms. French: Yeah, we would take it from that easement line.

Commissioner Reckdahl: From the easement, the line would be the setback. Okay.

Chair Summa: Anything else Commissioners or are we ready to make a motion?

Commissioner Hechtman: Alright I will try.

- 
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Chair Summa: Alright.

MOTION

Commissioner Hechtman: So, I will move the Staff recommendation to recommend this ordinance to the City Council with the following modifications. The references to R-E be corrected, in Section 18.42.180 (e) the language “or less” be added to subpart (2), subpart (6) be deleted and subpart (7) and (8) renumbered, in Section 21.10.040 subpart (d) add the word “setbacks” within the parenthetical, and that Staff consider the Commission’s comments made regarding the particular items on Packet Pages 68, 74, 76, 78 and 79 which I raised, Packet Page 84 which Commissioner Reckdahl raised and then the correction on Packet Page 97. And that Staff consider those comments and make whatever revisions to those provisions Staff feels are appropriate and warranted before taking the ordinance to Council.

Chair Summa: Do we have a second?

SECOND

Vice-Chair Chang: I’ll second that.

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

Commissioner Hechtman: I don't really have anything to add.

Chair Summa: Would you like to speak to your second?

Commissioner Chang: No, but I do have a question because you were going fast. So, did you capture for Packet Page 75 the item where (e) sub (6) where we're going to strike (interrupted)

Chair Summa: Yeah, he did.

Vice-Chair Chang: Oh, you did? Okay.

Commissioner Hechtman: Yeah, I didn't reference Packet Page 75 for both of the changes on 75. I just referenced the ordinance, the section of the ordinance.

Vice-Chair Chang: Okay, okay.

Commissioner Hechtman: I did.

- 
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2 Chair Summa: Any other comments? Then we can proceed with a vote.

3

4 VOTE

5

6 Ms. Dao: Chair Summa?

7

8 Chair Summa: 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 Reckdahl?

19

20 Commissioner Reckdahl: Yes.

- 
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Ms. Dao: Motion carries 4-0.

MOTION PASSED 4(Chang, Hechtman, Reckdahl, Summa) -0 -2(Roohparvar, Templeton absent)

Chair Summa: Excellent, thank you for that very detailed motion. I think we can move on to minutes.

Commission Action: Motion by Hechtman, seconded by Chang. Pass 4-0 (Roohparvar, Templeton absent)

**Approval of Minutes**

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

6. December 14, 2022 Draft Summary and Verbatim Meeting Minutes

Chair Summa: We have three sets of minutes I believe to recommend. The first one is December 14<sup>th</sup> draft... of last year draft summary and verbatim meeting minutes.

MOTION

Commissioner Hechtman: I'll move approval as revised.

Chair Summa: Do I have a second?

SECOND

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1

2 Commissioner Reckdahl: Second.

3

4 Chair Summa: Okay, so we can go ahead and take a vote.

5

6 VOTE

7

8 Ms. Veronica Dao, Administrative Assistant: Commissioner Reckdahl?

9

10 Commissioner Reckdahl: Yes.

11

12 Ms. Dao: Commissioner Hechtman?

13

14 Commissioner Hechtman: Yes.

15

16 Ms. Dao: Vice-Chair Chang?

17

18 Vice-Chair Chang: Yes.

19

20 Ms. Dao: Chair Summa?

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

Ms. Dao: Motion carries 4-0.

MOTION PASSED 4(Chang, Hechtman, Reckdahl, Summa) -0 -2(Roohparvar, Templeton absent)

Chair Summa: Thank you and then our next set of minutes is November 30<sup>th</sup> of last year.

Commission Action: Motion by Hechtman, seconded by Reckdahl. Pass 4-0 (Roohparvar, Templeton absent)

7. November 30, 2022 Draft Summary and Verbatim Meeting Minutes

Chair Summa: Do I have a motion to approve?

MOTION

Commissioner Hechtman: Move approval as revised.

Chair Summa: Second?

SECOND

- 
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1 Commissioner Reckdahl: Second.

2

3 Chair Summa: Okay, so we can conduct the vote, please?

4

5 VOTE

6

7 Ms. Veronica Dao, Administrative Assistant: Vice-Chair Chang?

8

9 Vice-Chair Chang: Yes.

10

11 Ms. Dao: Commissioner Hechtman?

12

13 Commissioner Hechtman: Yes.

14

15 Ms. Dao: Commissioner Reckdahl?

16

17 Commissioner Reckdahl: Yes.

18

19 Ms. Dao: Chair Summa?

20

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

2

3 Ms. Dao: Motion carries 4-0.

4

5 MOTION PASSED 4(Chang, Hechtman, Reckdahl, Summa) -0 -2(Roohparvar, Templeton absent)

6

7 Chair Summa: Thank you and finally November 16<sup>th</sup> of last year.

8 **Commission Action:** Motion by Hechtman, seconded by Reckdahl. Pass 4-0 (Roohparvar,  
9 Templeton absent)

10 8. November 16, 2022 Draft Summary Meeting Minutes

11 Chair Summa: We have draft summary meeting minutes. Do I have a motion to approve?

12

13 MOTION

14

15 Commissioner Hechtman: Move approval as revised.

16

17 SECOND

18

19 Commissioner Reckdahl: Second.

20

21 Chair Summa: Thank you, so we can conduct the vote, please?

22

- 
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1 Ms. Veronica Dao, Administrative Assistant: Commissioner Hechtman?

2

3 Commissioner Hechtman: Yes.

4

5 Ms. Dao: Commissioner Reckdahl?

6

7 Commissioner Reckdahl: Yes.

8

9 Ms. Dao: Chair Summa?

10

11 Chair Summa: Yes.

12

13 Ms. Dao: Vice-Chair Chang?

14

15 Vice-Chair Chang: Yes.

16

17 Ms. Dao: Motion carries 4-0.

18

19 MOTION PASSED 4(Chang, Hechtman, Reckdahl, Summa) -0 -2(Roohparvar, Templeton absent)

20

- 
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1 Chair Summa: Excellent, thank you everybody, and I guess now we... if we have any

2 Commissioner comments or reports we can go ahead and take them.

3 **Commission Action:** Motion by Hechtman, seconded by Reckdahl. Pass 4-0 (Roohparvar,  
4 Templeton absent)

5

## 6 **Committee Items**

7 None

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

9 Chair Summa: I don't see any lights. Well, then I guess we are ready to adjourn the meeting.

10 Thank you, everyone.

## 11 **Adjournment**

12 7:30 pm

- 
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# Palo Alto Planning & Transportation Commission

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Chair Doria Summa  
Vice-Chair Bryna Chang  
Commissioner Bart Hechtman  
Commissioner Keith Reckdahl  
Commissioner Giselle Roohparvar  
Commissioner Carolyn Templeton

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Material related to an item on this agenda submitted to the PTC after distribution of the agenda packet is available for public inspection at the address above.

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