



CITY OF
**PALO
ALTO**

Planning & Transportation Commission Action Agenda: June 28, 2023

Council Chambers & Virtual
6:00 PM

Call to Order / Roll Call

6:01 pm

Chair Summa: Thank you and I'd like to welcome everybody to the regular meeting of the Planning Commission, Wednesday, June 28th. So, Ms. Dao, could you call the roll, please?

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

Chair Summa: Present.

Ms. Dao: Commissioner Lu?

Commissioner Lu: Present.

Ms. Dao: Commissioner Akin?

Commissioner Akin: Here.

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1 Ms. Dao: Commissioner Hechtman?

2

3 Commissioner Hechtman: Present.

4

5 Ms. Dao: Commissioner Templeton?

6

7 Commissioner Templeton: Here.

8

9 Ms. Dao: And Vice-Chair Chang and Commissioner Reckdahl are absent. We have a quorum.

10

11 Chair Summa: Thank you so much and we'll start off with comments from the public on any
12 items that are not on the Agenda this evening. Do we have any speakers?

13 **Oral Communications**

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

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

16

17 Chair Summa: Thank you for that.

18 **Agenda Changes, Additions and Deletions**

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

20 Chair Summa: Then are there any Agenda changes, additions or deletions?

21

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1 Ms. Amy French, Chief Planning Official: [off mic] No changes.

2

3 Chair Summa: No changes.

4

5 Ms. French: No changes.

6

7 Chair Summa: Great, so then it is time for City official reports from our Staff.

8 **City Official Reports**

9 1. Directors Report, Meeting Schedule and Assignments

10 Ms. Amy French, Chief Planning Official: Hello, good afternoon, good evening. Amy French,
11 Chief Planning Official, we have a report at the beginning of the Packet that talks about
12 upcoming Commission meetings. So, we are looking forward to a couple of meetings in July and
13 that would be the 3200 Park Boulevard, the Sobrato project, on July 12th. We're trying to keep
14 that just to... for that item. I anticipate a number of interested parties attending and then July
15 6th we have a number of items related to legislative modifications to the Municipal Code and
16 looking at some of those new State Laws that are going into effect in July. There's two of them
17 and then electrification equipment regarding our Noise Ordinance and how that works with
18 trying to get electrification.

19

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1 So, that's it and then we talked about possibly taking a break for August 9th, so that's that. Let's
2 see, there's no Council items for the month of July and I'm not sure if we're... we've had quite a
3 few items recently go to Council and approved. So, we had some Consent Calendar items that
4 were approved on Consent. So, yeah, if anyone is interested to hear more about that we can
5 maybe talk later. I know we have a couple big items tonight so moving on and I think Rafael is
6 probably here to... is he here? No? Okay.

7

8 Chair Summa: Do we have anyone from transportation?

9

10 Ms. Veronica Dao, Administrative Assistant: No, not online or here in the Chambers.

11

12 Chair Summa: I don't see anyone so unless there's someone else we will conclude official
13 reports at this time and we move onto our first action item.

14 **Action Items**

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

17 2. 2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend
18 Planned Community 2343 (PC 2343) and to apply the R-1 Zoning to 702 Ellsworth
19 Place to Enable the Development of a Single-Story, Single-Family Residence

20 Chair Summa: Item Number Two which is 2901 Middlefield Road and 702 Ellsworth Place.

21 Request for rezoning to amend Planned Community 2343 and to apply R-1 Zoning to 702

22 Ellsworth Place to enable the development of a single-story, single-family residences. And

23 before we get started, could we go down the line and are there any disclosures?

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Commissioner Hechtman: Yes, I had a conversation with counsel for the applicant where we discussed the content of her June 8th letter and the plan set that was associated with it.

Commissioner Lu: I had a brief email exchange with Ken Hayes the architect on the project where we actually decided not to meet and so did not discuss anything.

Commissioner Akin: And I had a brief email exchange with Richard Dewey and decided that it was also the better part of valor to not meet.

Chair Summa: Thank you and I did have a call also from the applicant’s attorney and declined to meet.

I did several site visits and on one I met a resident who... and her husband who own a house there because they saw me poking around and I wanted to introduce myself. So, that they didn’t think I was doing something nefarious and I did learn a couple of things from her and she was very generous with her time. She took me over to a private street that’s just north of Sutter. It kind of abuts the south end of the Safeway there if that makes sense, called San Carlos, to point out how differently that private street was signed. There’s signage at Middlefield and interior to the project siting saying it’s a private street and also siting what I

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1 think is California Vehicle Code about no parking. And she also indicated to me, and I don't
2 [note – video skipped] time that they had no idea it was a private street when they bought it.
3 So, I just wanted to let people know that and I did note at the same time that Ellsworth Street
4 has what appears to be a regular City street sign. Not one of the private signs I noticed on San
5 Carlos and then applicant Mr. Dewey texted me yesterday but unfortunately I just... he wanted
6 me to... offered to do a site visit today but I just didn't have any time to do it at that late
7 moment. And any other members of the community that may have mentioned it to me or
8 spoken to me about it. I didn't really speak to them and I didn't learn anything that was not in
9 the public record so.

10

11 Commissioner Templeton: I also have no disclosures, Chair.

12

13 Chair Summa: Pardon me?

14

15 Commissioner Templeton: I also have no disclosures.

16

17 Chair Summa: Oh, thank you, thank you, sorry. That having been done we'll move onto the Staff
18 report.

19

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1 Ms. Amy French, Chief Planning Official: Thank you. Amy French, Chief Planning Official and I
2 have with me today Garrett Sauls who is accompanying on this project. We started off with a
3 prescreening for this application, so next slide. This is the process for amending a PC. It's similar
4 to establishing a PC for the first time. We do a Council prescreening, which we did in March and
5 then we proceed onto the Planning and Transportation Commission to provide input and
6 review an ordinance and forward that on. In this case, it is not a new development of a multi-
7 family residential apartment building. It exists and so there would not be an Architectural
8 Review Board Major Project Review because what is proposed is a single-story single-family
9 home on the 702 Ellsworth parcel. The parcel exists, the parcel includes the pink shape there on
10 the screen and Ellsworth Place as an easement across it. So, the Planning and Transportation
11 Commission would provide a recommendation to Council for their consideration, next slide.

12
13 This shows the parcels that exist. Mr. Dewey owns three parcels, APN 127-35-194 in the orange
14 outline there and then Mr. Handa, who is here as well, owns Parcel A-4, 127-35-152 is the
15 parcel number there. So, we're looking at four parcels that exist, three of those are on Mr.
16 Dewey's parcel. One is on property and one is Mr. Handa's property. So, the proposal is to
17 separate those out by returning Parcel A-4 to the R-1 Zone that shows on our Zoning Map and
18 then retain PC zoning on those three parcels Mr. Dewey owns. So, moving on and this just
19 shows that the Comprehensive Plan has been unchanged for decades showing 702 Ellsworth as
20 single-family residential land use designation and the Dewey parcel as a my residential.

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2 And then we have a little bit of history showing the former house that was there. A one-story
3 home back in the day on Mr. Handa's parcel and Ellsworth Place as well on that parcel. Of
4 course, that Ellsworth Place has served the homes on the back side of that first home for
5 decades beginning in 1938 through '49 when those homes were built. Along comes a Planned
6 Community that involved parcels along Middlefield, including the dentist office that I use to go
7 there for my dentist growing up here, farther up north on Middlefield. That came through with
8 a PC. Then later that PC was reduced in size and modified with a Conditional Use Permit to see
9 the result that you see today which is a multi-family apartment building on Mr. Dewey's parcel
10 and guest parking for that apartment building on 702 Ellsworth.

11

12 Then we have the request, so the request is that again, to separate... to reduce the size of the
13 PC and modify the ordinance to remove 702 Ellsworth from the PC. That is what's proposed and
14 just noting there's... and the applicant has provided background regarding the purchase of the
15 property and what was showing and still shows today on our Zoning Map. It shows Ellsworth as
16 R-1 and it shows Mr. Dewey property as RM-20. However, we know they're effected by the PC
17 that was adopted.

18

19 So, this just shows what was approved back through the Conditional Use Permit process
20 following that Planned Community. It shows Mr. Handa's parcel in blue with guest parking

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1 spaces that still exist today, are paved with asphalt but are proposed to be removed and then
2 the next slide show the... how there is a proposal to strike open uncovered spaces on Mr.
3 Dewey's parcel to provide for uncovered parking spaces. Two of those are in... actually, they're
4 all in tandem fashion and then a delivery parking space on Mr. Dewey's parcel as well as
5 showing site distance triangle area in that red dash line for the corner areas where Ellsworth
6 meets up with Middlefield. So, in the last several months as things were going to prescreening
7 with the Council. They modified several things which was moved the garbage and recycling
8 truck pickup to Sutter Avenue. It had formally been taking place on Ellsworth where you see
9 those proposed tandem pink parking spaces near the delivery spot that they're proposing.

10

11 And this was provided in the Council Packet as well as here. We have a or it might be in the
12 presentation last time. This was kind of a comparison table showing what the original PC was
13 proposed, the proposed PC that reduces the site area of the PC and then the proposed one-
14 story home on the proposed. Taking into account reduction of the street from that area that
15 is... provides the basis for the Floor Area for the proposed home.

16

17 And I think I have maybe a couple more slides. I'm going to turn it over to Garrett, he's been
18 busy working on the tree issue and landscaping.

19

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1 Mr. Garrett Sauls, Planner: Good evening, Commissioners. My name is Garrett Sauls, so as Ms.
2 French was noting. There were... there was back in 2018 a tree removed on the... what was
3 zoned the R-1 or single-family zoned parcel. That at the time was communicated to us at the
4 time had a... the applicant had a conversation with the City's Urban Forester and with the
5 understanding at that time that it was a reflected in our Zoning Map an R-1 property. They...
6 the Urban Forester had said that that removal could take place and they wouldn't necessarily
7 have to go through an Architectural Review process, which would otherwise normally be
8 required through a PC district or a commercial property that chooses to remove any sort of
9 landscaping or modify their approved landscaped plans.

10

11 And as a result of trying to course correct for that issue, the applicant has provided for as a
12 result of removing that... the tree that's highlighted in this as you can see my cursor moving
13 around it. The tree that was highlighted... sorry, removed again within that area, they proposed
14 six additional trees which are shown on the left side of the images. These trees kind of
15 highlighted or circled in... outlined, excuse me. In reviewing that with the current City Arborist,
16 the replacement based on the canopy of that tree that was removed would have been... today
17 would have been the requirement of four trees. So, the applicant has proposed additional trees
18 beyond that replacement requirement. All of them being native which again is something that
19 the City has been prioritizing with its new Tree Ordinance.

20

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1 So, some additional information about the project itself. What... the applicant has provided
2 Staff is kind of a general understanding of what it is that they're looking to do. Staff has
3 provided commentary on how that project would or wouldn't conform to an R-1 Zone District
4 for the parcel. This is E. 702 Ellsworth Place parcel, so there are certain limitations in particular
5 for the parcel related to the front or special setback along Middlefield Road. Having the rear
6 setback of 20-feet and then having the kind of interior side along the creek and then the street
7 side along the same shared Ellsworth Place Street.

8

9 Additional items to note as a part of that submittal that was or that documentation that was
10 provided to Staff is that they aren't... the applicant is not proposing any sort of basement. They
11 were proposing to incorporate a wider driveway along Ellsworth Place such that as you can
12 note on the bottom of the image that you see here. This represents the parcel line shared
13 between Dewey's property... Mr. Dewey's property and Mr. Handa's property. So, this
14 represents a 20-foot distance which is what the current easement is right now and then beyond
15 that what is being shown is this red line that you see over here. The applicant... Mr. Handa
16 excuse me was proposing to have a building set back even further than that which would be 10-
17 feet creating a visual space within this area of about 30-feet. The other things that they would
18 note as... that they were noting as a part of that drawing was that they would have a shorter
19 fences along Middlefield Road. So, that they can maintain or meet the City's required visibility
20 triangle at those driveway intersections and some of the other items that the applicant has

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1 proposed as a part of their application where to incorporate pavers along both Mr. Handa's
2 property on the other side of the Ellsworth Place easement as well as what you'll see in a
3 couple slides later some pavers on the... Mr. Dewey's property. Which again, would try to
4 provide for additional visibility or sorry, additional visual width towards the property... towards
5 that driveway area; which is something that the City... you know, Staff... and Staff has raised as
6 part of the... some questions to the PTC about how that should be maintained going forward.
7 Whether or not that would be adequate to be able to provide that actual meaningful visibility
8 and capability for people to drive within that space is certainly a question that can be discussed.

9
10 Ms. French: Here's another slide that shared with the City Council at the prescreening. There
11 are a number, in fact, most, of the lots along Ellsworth are considered substandard... technically
12 substandard by Code definition. And that has something to do with the Matadero Creek there
13 sometime decades back that kind of chewed some of the depth of those lots, but you can see
14 all the lots in blue are substandard. And then across the street, there are R-2 lots also and then
15 there's one that's not substandard, a lot at 705 Ellsworth that's a two-story home because it is
16 not substandard by definition. So, the definition is at the bottom of the screen there to
17 understand that. With 702, because the street is on top of the lot at the parcel, you would
18 reduce the lot area for the purpose of calculating Gross Floor Area by the size of that Ellsworth
19 private street 2,000-square feet. So, it impacts the amount of Floor Area but technically it

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1 doesn't become a substandard lot because the width of the lot does not subtract the private
2 street easement. So, it cannot be called a substandard lot as it exists today.

3

4 This is just another slide that I believe we showed to the Planning and Transportation
5 Commission. This... there's a bike network that is shows a Class 2 lane that is planned from
6 Mariano to Loma Verde, so that's important because we're all looking at the potential safety
7 concerns along Middlefield as relates to Ellsworth. There's some bullets over here on the left
8 that began to summarize some of the concerns the neighbor's expressed during the City
9 Council prescreening. So, those are I believe that the folks are here to speak to this item will
10 provide more detail on those concerns.

11

12 And we just had another slide there that showed some... the easement. The City does have
13 some easement across there to maintain the sewer pipes that are in that easement or private
14 street on Ellsworth. That... they're on Mr. Handa's property and there's some other easements
15 reflected there but. And this is kind of an old map that you can see from 1958 on the right that
16 shows what the parcels use to be zoned and it shows how the first PC that came through
17 included those parcels to the north of Sutter as well to change those, the zoning there.

18

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1 So, I think that concludes our report, just that the Planning Commission is asked to conduct the
2 public hearing. We have a number of speakers and tackle the recommendation to Council.

3 Thank you.

4

5 Chair Summa: Okay, thank you for that and I think we should go to the applicant first for their
6 presentation, thanks.

7

8 Mr. Ken Hayes: Am I able to?

9

10 Ms. French: [off mic] Or you can just say next slide.

11

12 Mr. Hayes: I know, it's just such an interruption.

13

14 Ms. French: [off mic] I know. [unintelligible – off mic]

15

16 Mr. Hayes: No, that's fine. I'll... we'll just go from there. Good evening, Chair Summa, Members
17 of the Commission. My names Ken Hayes with Hayes Group Architects. I'm joined tonight by my
18 client Richard Dewey with RLD Land. Also joined by Gary Black with our... he's our
19 transportation consultant with Hexagon Transportation so he can answer any questions that
20 you might have related to the safety of the pedestrian and traffic and so on. Also joined by Nitin

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1 Handa who is the current owner of 702 Ellsworth and the principle with RRP Homes and so he
2 actually would like to say a few words when I'm finished tonight.

3

4 I want to thank Amy French, the Chief Planning Official, for her expertise and personal attention
5 to this item and for helping us navigate the City process. This hearing, let's go the first slide I
6 guess, second slide probably. First slide is our logo, I'm sorry.

7

8 [note – many folks started talking at once off mic]

9

10 Mr. Hayes: So, yeah, Garrett please... yeah, there you go. So, this hearing is for consideration of
11 amending... number one, amending a 56-year-old uncodified, unrecorded PC Ordinance that
12 involved two parcels of land. Number two, rectifying the recently discovered Zoning Map error
13 that has persisted for 56-year-old and upon which two property owners relied on for real estate
14 transaction. Number three, creating an opportunity for a new single-family as Staff has just
15 discussed. Four, consolidating apartment parking on one parcel that is conforming to current
16 City requirements for multi-family parking. Number five, modifying an ingress and egress
17 easement to access other properties on Ellsworth and lastly, increasing pedestrian and bicycle
18 safety at Ellsworth and provide for a delivery truck space. Next...stay there, I'm sorry go back.
19 Back, back, one more, there you go.

20

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1 So, since our City Council prescreening in March, our team has met with the neighbors to
2 understand their concerns. We understand their main concerns are public safety at the
3 intersection of Ellsworth and Middlefield and the accommodation of this delivery truck space as
4 well as the removal of two trees 5 or so years ago. On the tree removal mitigation, you've just
5 heard from Staff we're working with them on native tree replacement. Next slide, so that's
6 good.

7

8 So, the existing PC 2343, as you see there, involves two adjacent parcels with an access
9 easement between them. PC was created in 1967 on the parcel on the left there to allow a 12
10 apartment building to be constructed on recalling the 2901 Middlefield parcel and to provide,
11 next slide, the balance of the parking on the Ellsworth parcel. At the same time, next slide, this
12 easement was created on the Ellsworth parcel there in yellow and that... we're not quite sure
13 how that, next slide, how that easement effects or served the parcel's further down on
14 Ellsworth. Next slide. RLD Land bought the properties in 2017. The Zoning Map showed two
15 parcels, one was zoned RM-15 and one R-1. In 2019, the RM-15 was changed to RM-20. The R-1
16 parcel remained as an R-1 parcel. I should also say that the parcel reports that I commonly refer
17 to when doing due diligence on properties also confirmed all of this zoning that I'm telling you
18 about and that was reflected in the Zoning Map.

19

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1 In 2022, after discussing single-family development on the Ellsworth parcel with the City's
2 planners. RLD Land sold the Ellsworth parcel to RRP Homes where Mr. Handa, who's here
3 tonight, is planning on building a single-family home. One-story, 1,695-square feet, so it's fairly
4 small three-bedroom home. However, when Mr. Handa submitted plans for a Building Permit,
5 he's already prepared plans for a Building Permit and went to the City to submit. The City
6 uncovered this mysterious unaccounted-for record of a PC 2343 and they informed Mr. Handa
7 to his surprise that the Ellsworth parcel was not zoned R-1 but in fact, could not be built on.

8
9 So, the next slide should show some photos of the property. The top photo is just a panorama.
10 If you've been out there, you're familiar with that. To the right is Middlefield Road, to the left is
11 the rest of Ellsworth. The photo in the upper right is looking down Ellsworth to show the rest of
12 the Ellsworth Street from the 702 property. The three pictures on the bottom shows Mr.
13 Dewey's apartment building and the asphalt parking areas where we're planning on
14 accommodating the four tandem parking spaces. The photo on the left is where two of them
15 would be at the back or at the side rather and then at the back the photo on the right the two
16 spaces would be to the right of that carport that you see.

17
18 So, the next slide just shows the owner's goals to extract the Ellsworth parcel from the PC
19 Ordinance by amendment of the development plan, provide compliant required parking
20 associated with the apartment building entirely on his property, revert 702 Ellsworth to R-1 as

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1 I've said and... where Staff just said a home once stood. And hopefully, a home will built there
2 again and then address the neighbor's concerns within the context of the site constraints.

3
4 And so, the next slide shows the original site plan that Amy shared a minute ago. The 12-unit
5 apartment building on the corner Middlefield and Sutter has four, two bedrooms; four, one
6 bedrooms; and four studio apartments requiring 20 spaces previous. Under today's standard,
7 however, only 16 spaces are required but 12 need to be covered. So, the 12 spaces, if you go to
8 the next slide Garrett, are shown there in grey and then please go to the next slide and you'll
9 see those same 12 spaces in that grey L-shaped space at the apartment building. The next slide
10 would be where we propose the four red rectangles or where we're proposing the parking
11 spaces in the existing asphalt parking lot, two in the side yard, two in the rear yard. The
12 Ellsworth side of the property is considered the rear yard and this effectively reduced by five
13 the number of cars that would be using Ellsworth. So, that inherently by itself will help mitigate
14 some safety concerns and we won't have people crossing Ellsworth, that part there, to go to
15 the apartment building in the future if that was a problem.

16
17 Next slide, since the neighbors are concerned about delivery trucks. RLD Land is allowing an
18 area on his Middlefield parcel for temporary delivery truck parking which is shown in the green
19 there. And RPP Homes is also allowing a 4-foot strip in front of his homes on 702 Ellsworth to

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1 create an effective 42-foot wide area that would be used for maneuvering and turning and to
2 get the delivery truck, whenever it's there, out of Ellsworth drive isle let's say.

3

4 The next slide shows widening the driveway, I think it shows that. As you... as it necks down
5 where the dust pan style driveway apron is Mr. Dewey is going to dedicate or not dedicate... he
6 has a 2 ½-foot strip of land there that we would pave in pavers. That would match a 1 ½-foot of
7 land on the 702 Ellsworth side so we'd end up with a 24-inch kind of or 24-foot clear drive as
8 you come in. And that would extend as far in if you go to the next slide, where we show in red
9 the recommendations by Hexagon Transportation to provide a 35-foot site distance triangle
10 where we would have nothing higher than 3-feet. Bushes, shrubbery so that you can see traffic
11 left and right. And Mr. Handa would erect a 3-foot high fence to enclose his backyard but that
12 fence would consist of horizontal boards with gaps between them. So, you could actually see
13 through that fence as well, but it would be a 3-foot-high fence.

14

15 So, in conclusion, a previous unknown City mapping error that was relied upon by all parties has
16 resulted in a situation that can be easily rectified with this proposed PC Amendment and at the
17 same time, provide increased safety for the neighborhood, create a space to accommodate a
18 temporary delivery truck and clear up an access easement for the rest of the Ellsworth parcels.
19 We request that the Planning and Transportation Commission support adopting the draft

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1 ordinance, amending the development plan of PC 2343, to right-size the parking, make a safer
2 neighborhood and create an opportunity for a single-family home.

3

4 Now, Mr. Handa would like to say a few words as well.

5

6 Chair Summa: Thank you very much.

7

8 Mr. Nitin Handa: Yes.

9

10 Chair Summa: Goode evening, Mr. Handa.

11

12 Mr. Handa: Hey, good evening everyone. I'm just waiting for my slides to be shared so I can
13 take you through that, but just before that, I want to give you some background here. I
14 purchased this lot way back in November 2022, about 7-8 months back and our intent at that
15 time was... you know my son is an 8th grader. He was an 8th grader, now he's getting into high
16 school and we intend to build a house here so that we can get him to a great school district;
17 Palo Alto High School. And as you will notice we submitted all the plans, even though we
18 purchased in November. We submitted all the plans in January and the reason we moved really
19 fast was that so that we can get this through and we can build the house if not by August, at
20 least by November/December and my son can go to that high school. When we submitted the

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1 plans middle of January we got a huge surprise that the lot is not R-1 and as you all know,
2 before I purchased the lot we had multiple meetings with the City, multiple email exchanges.
3 [unintelligible] told this is an R-1 lot, it was so important for us and we can build a single-family
4 home as it is shown in some previous slides. We relied on that and the City Planning Director in
5 the pre-Council City meeting accepted... prescreening City Council meeting accepted there was
6 no way that I could have found this out. That this was not an R-1 lot because all the required
7 which were visible to me and also to the City planning Staff suggested it's an R-1 lot.

8

9 So, anyway, in January when we submitted the plans, we came to know it's not and we started
10 working with the City. I started working with the neighbors also. We had multiple conversations
11 with the neighbor on this. We did see some reservation there and at that stage, working with
12 the neighbors, there were six changes that I agreed to the plans and the number one change
13 was if you see the two plans I have shown here. The old plan and the new plan on the screen,
14 the old plan you will see it does not show any pavers on the front. It only shows the lawn but
15 we agreed to add pavers out there on the front, about 4-foot of pavers, so that it gives a little
16 more space for the trucks and bikers to move around. The... you'll also notice that the driveway
17 was much narrower in the old plan and then we decided to... agreed to widen the narrow
18 driveway again, you know just to give more space for parking and for bikers to move around.
19 We also agreed with the neighbors that a lot of bushes... there have been a lot of bushes in
20 that... on the Middlefield side of the lot which has been blocking the line of sight and we agreed

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1 to cut the bushes. Not only just cut it but cut it regularly and we have been doing that for quite
2 some time now. Initial plan was to build a bigger house with a basement. The neighbor's
3 suggested no basement is not good idea. Even the Code does permit to build a basement, we
4 agreed not to build a basement at that stage. We also agreed what Ken already mentioned that
5 we agreed to build a 3-foot tall fence on Middlefield and Ellsworth. Initially, we suggested 4-
6 foot, but then because of again the line of sight issues and all that stuff. We agreed to do a 3-
7 foot tall fence and you know, we did something more which will come in the next slide. And
8 then there's a 24-foot easement on Ellsworth side which belongs to my lot and we are okay.
9 You know, there has been some debate around it, we are okay to settle that and give the right
10 to access to the City for that easement so that's not an issue.

11

12 Ms. French: [off mic] Next slide?

13

14 Mr. Handa: Next slide, yeah. So, I mentioned that despite all these five, six things that we
15 agreed with the neighbors. A couple more things that we have done recently which despite the
16 fact that we got to transport [unintelligible] report from Gary. He's here from Hexagon report,
17 which was also reviewed by the City transport department and the report clearly says that
18 Ellsworth Street is pretty safe. It has been reviewed by the City, peer review the City
19 transport expert. Despite that, you know despite that we agreed that the fence along Ellsworth
20 and Middlefield, the 3-foot... reduced 3-foot tall fence will have horizontal planks and it will

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1 have a 3-inch gap between each plank. So, there again, you can see through and through now.
2 Even that's ideal for us to have so much a gap on a busy Middlefield Street where everybody
3 can see our house but we agreed to do that in the spirit of neighborhood there. Also, big thing
4 was we agreed to give 18-inch, 1-foot 6-inch paved that area with pavers, 18-inches of space
5 and Mr. Dewey graciously agreed to do 2 ½-feet of his side that we can widen Ellsworth to give
6 more space so [unintelligible] maneuvering. Again, it was not required, the report... traffic
7 consultant report reviewed by the City clearly says it's very safe there but we are still going
8 multiple steps forward to do that so that we can see this thing through as soon as possible. So,
9 that's where I stand, I think that's... any questions for me? No, questions [unintelligible]? Okay.

10

11 Chair Summa: Thank you very much both of you, so at this time we'll take it back to the
12 Commission for clarifying questions. Would someone like to start? I... do I have a light?

13

14 Commissioner Lu: [off mic] Oh, yes, [unintelligible].

15

16 Chair Summa: Commissioner Hechtman.

17

18 Commissioner Hechtman: Thank you, just a couple of quick clarifying questions and I think that
19 at least initially these are for Staff. So, Mr. Hayes mentioned that the original PC approval
20 required 20 parking spaces. My understanding from the Staff Report is that number 20 is

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1 correct but the PC approval actually distinguished those. There were 12 parking spaces required
2 on the apartment property, one for each unit, which apparently at the time was the standard.
3 Plus, the additional eight spaces were particularly to be designated guest parking, which again
4 was at the time a City requirement and those were the ones identified on the Ellsworth parcel.
5 So, I just wanted to confirm that my understanding of the distribution of the 20 per the PC is as
6 stated in the Staff Report.

7

8 Ms. French: That's correct, what you said.

9

10 Commissioner Hechtman: Alright, thank you and then the other question I had Mr. Sauls and
11 that's I'm interested in the location of pavers on the Ellsworth property. So, the owner just
12 showed us, I think his second to last slide really showed two sections of pavers and I don't know
13 if you can pull that up. I think it was the second to the last slide where it showed the pavers in
14 the first 35-feet which are 18-inches wide. Mr. Sauls, I think will do it. Yeah, right here, so you
15 could see again, we're just looking at the Ellsworth side, 18-inch width of pavers and then
16 there's a gap and then there is the resumption of pavers. That, again the owner referenced,
17 which sort of connect his what I'm going to... I assume is his front entry walk and then run along
18 Ellsworth to his widened driveway. So, the question I have is in the slides that Mr. Sauls showed
19 us toward the end of the Staff Report, that gap was connected with pavers and it was maybe
20 two or three slides from the end of Mr... of what Mr. Sauls showed us and so I... because there

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1 was an inconsistency there. I would just like to get some clarity and understand what the
2 current proposal is. It could... these projects evolve over time and it could be one of these is an
3 older drawing perhaps, one of them is newer and I want to know what the proposal is. Mr.
4 Sauls, were you able to find the slide I was referring to?

5

6 Mr. Sauls: Yeah, I was, give me a second.

7

8 Commissioner Hechtman: There is it, thank you, thank you. Yeah so and again, I don't know if
9 this is an older or newer slide than the ones that the owner showed but this seems to me, and
10 maybe I'm misreading it, but it seems to show no gap between the pavers for the first 35-feet
11 and then the continuation of that until you get to the widened area connecting the entry
12 sidewalk to the driveway. So, I'm wondering if Staff knows what the current proposal is, or if
13 not, the applicant can tell us?

14

15 Ms. French: I confess that I was having fun with cut and paste and I was... showed this as a
16 representation from what I heard verbally what was proposed and then that is, as you said,
17 different from what Mr. Handa showed tonight. But perhaps Mr. Handa could comment on
18 what's on the screen now?

19

20 Mr. Handa: Yes, this is correct, absolutely correct what we see here.

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Commissioner Hechtman: So, what's being shown here is pavers for more than 35-feet. They continue all the way to your (interrupted)

Mr. Handa: Yes.

Commissioner Hechtman: Right and so, I just again, the slide you just showed me had them stop at 35 [note - feet] and this has them extending. So, I'm not trying to box you in, I just want to know what is your proposal. Is (interrupted)

Mr. Handa: This is the proposal. That is... the initial 35-feet is 18-inches wide and then it goes all the way which is 4-feet wide.

Commissioner Hechtman: Yeah, that's... so that's actually not what this is showing, so that 18-inch wide stripe, just so you understand, I'm going to guess is 60... maybe 60-feet long. It goes back the 35 [note - feet]. Mr. Hayes, maybe you can help us out here? Again, I'm just trying to... I don't want there to be misunderstandings on this.

Mr. Hayes: Yeah, so there's an 18-inch... right now our slide and what... and Mr. Handa's plan did not get updated but so our slide showed 18-inches, 35-feet from the face of curb as an

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1 additional paver area on both sides. 18-inches on Mr. Handa's side, 30-inches on the
2 Middlefield side. What Mr. Handa is agreeing to right now is that he will extent that 18-inches
3 all the way to his entry walk.

4

5 Commissioner Hechtman: Got it, okay, alright. Alright, so that's very helpful in clarifying on that
6 point. So, those are my questions before public comment, thank you.

7

8 Chair Summa: Commissioner Akin.

9

10 Commissioner Akin: Thank you, Chair Summa. So, I've got about a half dozen here, some of
11 them should be quick and easy. First question is, is a two-story house permitted at 702?

12

13 Ms. French: The existing PC Ordinance does not permit a single-family home period so that's
14 not permitted right now. If it were rezoned to R-1, is it's not considered a substandard lot and
15 the applicant could come forward with a two-story home for Individual Review. That would be
16 only if it were rezoned to R-1.

17

18 Commissioner Akin: Great, thank you. That's what I expected but I wanted to make sure and
19 I've forgotten the rules on this. If you... is it possible to move a detached garage to the front and
20 if so, would it be subject to the 24-foot setback?

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Ms. French: Along Middlefield, the 24-foot special setback is for any structure. So, we would not allow any structure within that 24-feet except for a low fence.

Commissioner Akin: Great, thank you. I would like understand a little bit more about the objections to the basement and I'm not sure who to ask about that. Perhaps, Mr. Hayes, you could summarize what you heard or Mr. Handa?

Mr. Handa: [unintelligible – spoke from the audience] So, the objection basically we pretty much had a very cordially discussion with the neighbors. Kristen is here and she suggested that basement is not advisable in that area. Especially given the way the soil is and there were a few other conditions she warned me about. And we spoke about it and we... you know me and my wife spoke about it and we came to a conclusion that's fine. If it is not advisable we'll probably not do it. Basements in any case are not easy to handle and we have a creek on the back side so that was the understanding I reached with the neighbors.

Commissioner Akin: Okay, I was curious. I did do a little research, it's in an ex-flood zone so it's outside the 100-year floor plane.

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1 Mr. Handa: Right but it is allowed by Code. It's not in the flood zone, it is allowed, the basement
2 is allowed.

3

4 Commissioner Akin: Right, it looks like the water tables about 11-feet down there according to
5 the USGS, so you'd have to build a bathtub but it... maybe it's feasible. Finance is always a
6 concern there.

7

8 Next few questions are about Mr. Dewey's property. It looks like the new tandem parking
9 spaces, number 15 and 16, block the passage way that runs from Sutter to Ellsworth. Are the
10 residents okay with that? The resident of 2901 through five Middlefield.

11

12 Mr. Hayes: The two new spaces on... they don't effective block the access from Sutter. You can
13 still drive in from Sutter and park in those. You're talking about the two spaces on the side?

14

15 Commissioner Akin: I meant that today it's possible to drive all the way from Sutter to Ellsworth
16 but it would not be after the tandem parking spaces are established.

17

18 Ms. Hayes: Oh yeah, [unintelligible](interrupted)

19

20 Commissioner Akin: Is that an issue?

-
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2 Mr. Hayes: Yeah, no they don't want... Mr. Dewey doesn't want to cross-sight traffic through
3 there. That would not be a safe thing. There were trash cans actually and the recycling
4 prevented that kind of through traffic in the past, but that's all now been relocated to get the
5 green waste and the waste removal over to Sutter so to free up Ellsworth a little bit more.

6

7 Commissioner Akin: Good, it's nice to know the history there, thank you. This is a hard one
8 given that it requires a little visualization. Can someone walk me through the expected path of
9 a delivery vehicle that's using this proposed delivery space? So, you can turn... suppose you are
10 heading north on Middlefield, you turn right, where do you go to get in and get out?

11

12 Mr. Hayes: So, let me introduce Gary Black. There is no turning diagram in the set but.

13

14 Commissioner Akin: Right, but I assumed you had during the discussions you probably worked
15 this out so.

16

17 Mr. Gary Black: Good evening, Gary Black with Hexagon Transportation Consultants and the
18 way that space is kind of drawn is where a truck might be able to stay for a while if it needed to
19 park without blocking anything. But actually, if it's only going to be there for a short period of
20 time, it might actually park at 90 degrees to that. Right now, there's 38-feet, that combined

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1 width is 38-feet and with this proposal that combined width will be 42-feet. So, there's actually
2 going to be a little bit more space for the trucks to maneuver around. They could also park in
3 that space and then if Mr. Handa has no car in his driveway. They could use his driveway to turn
4 around so that would be an option as well. So, they would have various ways to get in and out
5 of that space and then we also know that delivery vehicles come in different sizes and so we're
6 looking at what we call a typical UPS truck when we look at things like that. They would be able
7 to maneuver in and out of that space. There would be different options how they could do it.

8
9 Commissioner Akin: Okay, good. I did walk that area and my reaction was well, if I were driving
10 the delivery truck. I'd probably turn around in Mr. Handa's driveway, but I'm not sure liability
11 would allow that for some folks. But it's interesting to know that you did consider the possibility
12 of parking horizontally rather than vertically.

13
14 Mr. Black: Yes, only if they would be there for a very short period of time because then the back
15 of the truck would kind of hang out into the street a little bit, so that wouldn't be desirable.

16
17 Commissioner Akin: And I think that's it for me, thank you.

18
19 Chair Summa: Okay, I do have a couple questions also and I'll continue with the delivery area
20 since we were just discussing that and I guess this is for Staff or the applicant's team. It would

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1 block the four required covered parking spots, is that... doesn't sound desirable but is that legal
2 that we have a loading delivery area that blocks required parking?

3

4 Ms. French: I mean it's... a PC has options for considering configurations so for instance, if that
5 was not an acceptable location for a delivery truck for this PC. You could have the two tandem
6 spots in front of the other, the covered tandem spots and put the delivery truck where those
7 tandem spots are shown. I forget which numbers those are as another option. I think anything's
8 possible with a PC to consider such placement. It's not illegal to offer temporary location for
9 delivery.

10

11 Chair Summa: Okay.

12

13 Ms. French: It's not a required delivery space.

14

15 Chair Summa: Okay and then typically tandem spots are required I think by our Code, you can
16 help me clarify this, to be used by the same unit. So, that they can coordinate getting in and out
17 of them. Is that correct and would that work also?

18

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1 Ms. French: If an apartment is required to have two spaces, one covered, one uncovered. You
2 can have those in tandem arrangement. Delivery spaces are not required for apartment
3 buildings.

4

5 Chair Summa: No, I know, I was asking about the tandem spots.

6

7 Ms. French: Tandem, yeah that's allowed by Code. If it were not a PC, you could still do tandem
8 spaces for the same unit.

9

10 Chair Summa: Right but do they have to be used by the same... they have to be used by the
11 same unit so that they can coordinate going in and out?

12

13 Ms. French: I think that... it makes sense logically speaking. I don't know that it's stated that
14 way in the Code. I mean we have many instances of residential development where there are
15 multiple tandem spots and leave it up to them to coordinate their own logistics.

16

17 Chair Summa: Okay so what you're saying is that it's not a requirement of the Code that the
18 tandem spots like that be used by the same unit. That's all I'm trying to understand.

19

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1 Mr. Sauls: I'll take a look at the Zoning Code real quick and get back to you on that. Give me a
2 second.

3
4 Chair Summa: Thank you so much and then so I have so many questions and I probably won't
5 ask them all now because some of them will come out in discussion but this is about 2901
6 Middlefield and I was wondering since the PC is an older PC from '67. There are some special
7 requirements for PCs that are still there. It's 18.38.150 if I'm remembering correctly, A through
8 E, and it seems to me... so my question is would 2901 because the PC is being opened up.
9 Would they be required to comply with those special requirements and/or the special setback
10 along Middlefield? Could they be asked? I suppose they... but those special requirements are
11 not discretionary whereas most things with PCs are of course.

12
13 Mr. Sauls: I would maybe say that for one thing in particular as it relates to the special setbacks.
14 It's specific about structures, so for example, if they wanted to provide parking within that
15 space. It's not obviously a structure so you may have paving there for parking.

16
17 Separately, just to your previous question, I was able to confirm in the Zoning Code. It's in
18 18.54.20 that tandem parking does require that those parking spaces be used by the same
19 residential unit.

20

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1 Ms. French: [off mic] In a multi-family situation.

2

3 Mr. Sauls: In a multi-family situation.

4

5 Chair Summa: So, one of the larger units is required... is... gets two parking spots?

6

7 Mr. Sauls: Whichever unit is going to be using the tandem spaces, that has to be used by that or
8 excuse me, whoever will be using the tandem spaces. That has to be used by the same
9 residential unit, so if there are two people living in one of the units. They both will receive yes,
10 those two tandem spaces so that they can coordinate as you were saying for entering and
11 exiting the space.

12

13 Chair Summa: Okay and if one unit gets two spaces. The other... the totality of the site is still
14 correctly parked, right?

15

16 Mr. Sauls: That's correct.

17

18 Chair Summa: Thanks, and then, let's see, oh, do we have any very definitive information on
19 how frequently the eight spots on Ellsworth are currently being used? There was kind of sort of

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1 two different ideas that I ready amongst the submissions and maybe the traffic study, I'm not
2 sure, or Staff Report.

3

4 Mr. Sauls: The City doesn't manage those so the applicant could probably talk a little bit more
5 about how often those are being frequented [unintelligible] used.

6

7 Chair Summa: I don't... thank you.

8

9 Mr. Hayes: So, I'm happy to answer that, so the... there was a manager at the apartment
10 building and there's no demand for the guest parking for since the time that Mr. Dewey
11 purchased the property in 2017. Any guests that come or that arrive there have been parking in
12 the... on Sutter apparently where there more parking.

13

14 [note – unknown speaker from the audience]: [unintelligible]

15

16 Mr. Hayes: Sorry, can't hear me?

17

18 [note – unknown speaker from the audience]: [unintelligible]

19

20 Chair Summa: Not at this time I don't think, sorry. Go ahead, Mr. Hayes.

-
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Mr. Hayes: Yes, so it was my understanding that the guest parking is not used for the apartment project.

Chair Summa: Okay.

Mr. Hayes: Which is why I was approached by Mr. Dewey.

Chair Summa: Thank you for that and it was observed in one of the submissions that it was frequently used, it was frequently full overnight and so I'm concerned about who's using that parking and for how long if it's frequently full overnight but we can talk more about that later.

So, about 702 Ellsworth and the way we are looking at it, describing it as abutting 2901. I... it's hard to imagine how we can call it a corner lot if it abuts on its side 2901 and if it doesn't have Ellsworth Street and Middlefield to define it as a corner lot. How it's a corner still, so if you could help me understand that?

Ms. French: When we were looking at the setbacks and such. We had considered that to be an interior lot because again, it's not abutting the street. It includes the street and so perhaps technically not a corner lot but functionally and if our City Attorney would wish to weigh in on

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1 this. But functionally speaking it would feel like a corner lot even if it's not technically a corner
2 lot.

3

4 Mr. Albert Yang, City Attorney: Well, so I believe it actually is technically is a corner lot because
5 we define a corner to be the intersection of two streets and that can include a private street
6 which we would consider Ellsworth to be a private street.

7

8 Chair Summa: Okay.

9

10 Ms. French: It's just that the lot lines do not coincide with the boundary of the street on the
11 one side. It's on the other side. That's the unusual piece of it.

12

13 Chair Summa: Okay and then the 3-foot fence, could somebody... proposed fencing, could
14 somebody describe to me where exactly that is again and it can be anybody? It goes in the front
15 near Middlefield.

16

17 Mr. Sauls: Sure, let me go ahead and share the screen again. In general, the City has a sight
18 distance triangle at all streets, which is what is reflected in the applicant's proposal, as any sort
19 of fence within this space within the sight distance triangle can't exceed 3-feet in height. So,
20 that's just a standard City rule for fences anywhere, for all types of properties and corner lots of

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1 course are the ones where this is actually happening. So, that's kind of also part of this whole
2 complexity of this unique and weird situation but give me one second to pull that up.

3

4 Chair Summa: So, 3-feet is a standard height (interrupted)

5

6 Mr. Sauls: So that (interrupted)

7

8 Chair Summa: In this situation?

9

10 Mr. Sauls: Yeah, so this diagram here, this red triangle on both sides represents that site
11 distance triangle and where it's taken at is the intersection of the curbs on both of the streets
12 outward. So, it wouldn't necessarily be based on the property line, it's actually kind of further
13 out. So, on many instances, it can be more forgiving in that way that it's taking from the curb
14 line that's out on the street. Rather than taken at the property lines which would be much
15 closer to where the actual building is.

16

17 Chair Summa: Yes, I understand the red triangles or the sight lines. Where is the fence exactly?
18 Where does it start on Ellsworth and I guess it turns the corner onto Middlefield?

19

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1 Ms. French: What's shown on the screen is the yellow is the proposed fence along that
2 property line that abuts the right of way on Middlefield and then turns the corner back. This
3 proposal that you're hearing about, the 1-foot 6-inch paved area, the fence would be behind
4 that, that same 3-foot fence. Now, the place where that stops may be a little short... a little
5 sooner than the yellow that you're seeing on this slide that Staff created if the 35-feet stops
6 before that point. Technically, the... it could go up to a 4-foot, but my understanding is they
7 were proposing the 3-foot for compatibility all along there.

8
9 Chair Summa: Okay and it's the blue... well, the blue's a rectangle but the blue on furthest from
10 the house is the property line or is it black one under the blue the property line?

11
12 Ms. French: The property line is Mr. Dewey's property. That's the property line that's on the
13 other side of Ellsworth.

14
15 Mr. Sauls: The black line shown on the image that you're seeing here represents that property
16 line that Mr. Handa has. The blue, that first blue that you see here, is Staff's again
17 representation of that 1 ½-inch... sorry, 1 ½-foot landscaped strip. The yellow is the proposed
18 fence.

19

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1 Ms. French: You need to bring the slide a bit because that black line is not the property line.
2 That black line is the edge of the easement for Ellsworth. Keep coming out with the slide. The
3 property line is at the bottom, the black line at the bottom, that's where that touches Mr.
4 Dewey's property. That's the property line of Mr. Handa's parcel is where it abuts Mr. Dewey's
5 parcel on the other side of Ellsworth.

6
7 Chair Summa: Okay and you'll see my confusion arose from the fact that in the key on the left,
8 the 3-foot fence is a kind of a rusty brown/orange color. So, I was (interrupted)

9
10 Ms. French: Yeah, yes (interrupted)

11
12 Chair Summa: And the yellow was... that's why I was confused.

13
14 Ms. French: Yeah, that was an error in it needed to be returned, thank you.

15
16 Chair Summa: Thank you for clarifying that and then so I drove in and out of Ellsworth Place and
17 I'm the tallest person in the world. It's pretty hard to see and I'm wondering if the standards
18 take into account how far down you are... the slope because the slope is kind of more than you
19 would think it might be. And you... I really had to get all the way up on the sidewalk to have any
20 sight line south and that's also because of the curve in the road. So, I was wondering if there

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1 are different standards when there is... and it's usual for a street to have that much of a slope
2 up to another street in Palo Alto.

3

4 Mr. Sauls: And you're talking about the standard for height for those types of fences?

5

6 Chair Summa: Well, in general for sight lines, if that slope... and I don't know the angle of that
7 slope or anything, but if that would change the sight lines maybe because... and but we can talk
8 about more... more about this later when we come to our discussion; because I don't want to
9 get into too much detail, but it's just a yes or a no that doesn't change it.

10

11 Mr. Sauls: Not to my understanding, no.

12

13 Chair Summa: Thanks. I guess one last question, this is kind of a big one so I don't want shock
14 anybody but if the Council ultimately were to grant what we want here. Would we... how would
15 we have any assurance that... a lot of things can happen in construction and building. How
16 would we have any assurance that a subsequent person at any time who owned the property
17 or anybody might want to build something very different just under the regular R-1
18 Development Standards because it's R-1? They... anybody who owns that property is eligible for
19 the same R-1 standards that everybody else has. So, how would we have any control over the

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1 very nice plan that we have here, which a lot of neighbors are still... how would we have...
2 retain control to make sure it was what was being proposed here?

3
4 Ms. French: Well, if it was zoned R-1 and a single-story house came through. That's a Building
5 Permit only. However, with... you know there are instruments such as this easement and what
6 have you. There could be agreements or such as far as keeping a fence height a certain height.
7 There could be other ways and our attorney could weigh in on that, but as far as development
8 of a home. The home itself, unless it's a two-story home, it's a ministerial process through the
9 Building Permit.

10
11 Chair Summa: Yes, so that was kind of my point. We lose control over being able to craft this R-
12 1 property specifically or this house, if it becomes R-1 if we change the zoning, may not be built
13 and something else could be built there. So, thank you for answering that, that we don't have
14 any control over that and unless my colleagues have any other questions at this time we will go
15 to public comment.

16
17 Ms. Veronica Dao, Administrative Assistant: Yes, our first speaker is Gala Beykin.

18
19 Chair Summa: Ms. Dao?

20

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1 Ms. Dao: Yes?

2

3 Chair Summa: Could you tell me how many speakers we have in total?

4

5 Ms. Dao: Yes, so I have seven in-person single speakers, two groups and one virtual on Zoom
6 currently.

7

8 Chair Summa: Two, 15-minute groups?

9

10 Ms. Dao: Yes.

11

12 Chair Summa: Okay, thank you for that.

13

14 Ms. Gala Beykin: Good evening everyone, good evening Commissioners. My name is Gala, I
15 have a slide deck if we can have it... oh, thank you so much. So, before I jump into the slide
16 deck, I do want to mention a couple additional points. As of right now, cars cannot go out of
17 Ellsworth towards Middlefield and in at the same time. The current situation is that a car
18 coming into... from Middlefield towards Ellsworth require the cars tending in Ellsworth just too
19 backward for the other car to come in. This area provides the circulation and otherwise, it's

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1 not... waiting in Middlefield for a long time is not very safe. This road is driven with very fast
2 speeds.

3
4 Additional aspect is the safety triangles and I wonder if they take into account the high-speed
5 drivers are using because higher speeds require higher triangles. And also, I want to mention
6 from my perspective, average height person I would say, that is very hard for me to see the
7 road and the pedestrians when I drive my car out of Ellsworth and I have three kids as well. So, I
8 am very concerned about safety and as of right, when these brushes are cut off. Even though
9 it's still very hard to see and often times we end of going all the way through the sidewalk. A
10 pedestrian is coming to walk on the sidewalk, we have to go back to the street. Sometimes it
11 happens a couple times before we can go out of the street and now I would like to go ahead
12 with my presentation here.

13
14 So, I will speak about the trees and I hope to provide some more additional and helpful
15 information. You can see here these lovely six trees. That's a picture from 2017, it's
16 approximately about a year before these trees were all cut down. You can also appreciate in
17 this picture that there are three cars using the parking lot. I'll go to the next slide.

18
19 So, that's another view on the top left from 2017. You can see all those trees, nice trees and
20 tree number five is a valley oak tree. It's a protected tree and then in 2018, you can see this

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1 picture where a crew comes in and just cuts all these trees down. When neighbors approached
2 and asked for permits. None are provided to them and then you can see 2022 how it looks like
3 and then unfortunately 2023 with this pile of dirt and the fence. I'll go to the next slide.

4
5 So, protected trees defined by specifies as well as that diameter of a tree and in the specific
6 case of valley oak tree with a diameter of 11.5 and higher is considered to be a protected tree.

7 I'll go to the next slide. So, these are protected tree? The answer is yes. There is a survey by
8 Canopy that provides information that this tree is a valley oak tree with a diameter of 17, which
9 is by percentile. It could not be just a measurement error. I'll go to the next slide. This
10 information is available to the City as well. There was another survey provided with similar
11 information. A private survey done by the previous apartment owner shows that the diameter
12 of the trees 15-inches; again, a protected tree. I'll go to the next slide.

13
14 So, where there any permits to cut these protected trees? So, we asked for the City to provide
15 any permits if those are available but we did not receive this... any information about that. I
16 would mention that the previous meeting about this matter was held in March 29 where it was
17 mentioned that this tree was not protected. However, I would like you to take a look at the
18 records that we provided that show the tree was protected. I'll go to the next slide.

19

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1 So, how would it look like if there would be a notice placed on that tree? That's a different tree,
2 unfortunately, that's not the case of this tree because there was no notice ahead of time and
3 that is extremely important because if there would be a notice ahead of time. It would let the
4 neighbors know sometimes is wrong, go to the City and then reveal that there is a PC zoning
5 issue there and Code Enforcement issue, and that would be very helpful to find out before that
6 part was sold. I'll go to the next slide.

7

8 So, in addition to that, there's also violation of the landscape plan. When these apartments
9 were built, there was a landscape plan provided which was supposed to be permanently
10 maintained so that's another issue here. I'll go to the next slide. We sent this information to the
11 City and I'll go to the last slide, and this information was accepted by Director Lait. Thank you so
12 much for your time.

13

14 Chair Summa: Thank you.

15

16 Mr. Jeff Levinsky: Alright, good evening Commissioners and Staff. I'd like to begin by talking
17 about the corner lot issue that came up before. We heard slightly different things from
18 different Staff members. What the Code actually says is that in order to be a corner lot, you
19 have to have two abutting streets and there's a certain definition as to what the angle of
20 intersection has to be. But Ellsworth is not abutting this parcel, Ellsworth is inside this parcel

-
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1 and you can see that clearly on Packet Page 29. If a street is inside the parcel, the parcel doesn't
2 abut it. You can't abut something inside. It's like saying that the United States abuts California.
3 It makes no sense, so this is not a corner lot by our own Code's definition. There's another
4 curious thing in how the Staff Report treats this.

5

6 The very same paragraph on Packet Page 16, claims that the side setback for the house on the
7 north side should start on its north property line adjoining the apartments. That is across
8 Ellsworth from where the house will be and thus the Staff is claiming that the road running
9 through the parcel can be counted towards the required setback. But as the letter I sent in this
10 morning explains, our Municipal Code for R-1 homes doesn't actually require a side setback. It
11 requires a side yard, so what the Staff report is saying is that part of the side yard for the house
12 is going to be in the street, that is in Ellsworth. Does that make any sense? That is can you claim
13 that your yard is in a street, in a publicly accessible street? Of course, not and it's a terrible
14 precedent. If builders can claim that roads alongside their new homes count towards required
15 side yards. We're going to have awfully small yards in our town. So, please insist that both of
16 these problems get cleaned up. If you remember the basement issue with Castilleja that took us
17 several rounds to that cleared up and this is similar where the definitions need to be followed.
18

19 Now let me turn to a different problem. It's essential for everyone to understand that the
20 proposed PC Amendment before you required massive upzoning. Right now, having 12

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1 apartment units on the total site, which extends to the creek to Sutter is consistent with RM-20.
2 Not surprisingly, the records from the 1967 PC show that the City used that entire stretch of
3 land to justify having more units than allowable on just the apartment site, but when you
4 remove 702 Ellsworth and the road from the PC. What's left is less than half an acre and it can
5 only have nine units under it... on it under our current RM-20 zoning. So, this PC amendment is
6 basically proposing to upzone that remaining land to have 12-units, not the allowed nine.
7 Here's some simple math the Staff Report doesn't give you. If you are allowed nine units but
8 you want 12. Those extra units mean you're upzoning by 33 percent; 33 percent is a huge
9 amount. The letter from the applicant's attorney says it's just "slightly more than what's
10 allowed" but if you received a 33 percent salary increase. You wouldn't say you're getting
11 slightly more pay. If your rent or your mortgage went up by 33 percent, you wouldn't say you're
12 paying just slightly more and the attorney tries to justify that increase by noting we're
13 contemplating upzoning some other RM-20 sites in Palo Alto to RM-30. But if you look that up,
14 you'll find it's just 19 such parcels out of, by my count, over 900 RM-20 parcels in the City and
15 those 13... sorry 19 aren't around Ellsworth Place or Sutter. The RM-20 parcels near this PC
16 aren't contemplated for any such upzoning. So, a key question before you is whether it's
17 appropriate to upzone this one piece of land by 33 percent when we're not doing that for most
18 other RM-20 parcels in the City.

19

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1 What's that 33 percent upzoning worth? Well, you might estimate it's worth the \$950,000 that
2 the potential house site was sold for last year; or maybe it's the value of having three extra
3 apartment units on the remaining lot which I'd value at over \$1.5 million. And we're not asking
4 the owner to put out lots of money, just some paving and some white paint to restripe and stuff
5 like that. It's not a big deal. No matter how you figure it, the amendment will be handing this
6 one property owner a lot of money. Not being given to others in this town.

7

8 Now this is a PC and the rules for PCs require that there be sufficient public benefits to merit all
9 the extra value being given to the apartment owner, but when you look carefully at this
10 proposal. The public benefits don't add up to much. Let me walk you through some. One, the
11 100-feet of Ellsworth next to Middlefield is mostly going to get narrower, not wider. That will
12 make it much hard, not easier, for cars to pass on the street. Two, some pavers are proposed
13 right at Middlefield but as my letter points out. The improvements on the R-1 side, and I think
14 you just heard this too, aren't guaranteed to stay there because once you remove the R-1 from
15 the PC. You can't governor it. You lose the ability and if you read the Staff ordinance... the draft
16 ordinance closely it actually even admits that. That there's really going to be no enforcement
17 on the R-1 side. Three, as for the proposed easements, other residents on Ellsworth already
18 have a base... easement from their homes all the way to Middlefield. So, they're not getting
19 anything new. Four, the proposed delivery parking space... delivery truck parking space isn't
20 legal under out current laws. It's not and because it blocks tenant parking and delivery vehicles

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1 won't dare park there even if you tell them go ahead because they don't want to be responsible
2 for someone not getting out of their space. Five, the existing guest parking, which you see being
3 used, will be removed. Six, the open space next to the creek will be lost, so what are the public
4 benefits? When you add them all up, frankly nothing. This amendment will make things worse
5 for neighbors. There's no public benefit, it's a public lose. In sum, this amendment give the
6 owner... PC owner a million dollars or more while the public loses. It simply doesn't meet the
7 basic threshold for amending a PC.

8
9 Sadly, this is not the first time we've had problems with PCs in this City. In fact, our City Council
10 grew so annoyed with the illusory public benefits of PCs that they actually banned all new PCs.
11 Then they only relented if a PC provided substantially more affordable housing than a normal
12 project would, substantially more. I'd note that this proposal doesn't provide any affordable
13 housing at all.

14
15 In short, the upzoning proposal before you tonight clearly doesn't qualify under the PC rules. I'd
16 hope the Staff report would cover these issues, but it actually doesn't. So, please consider
17 asking Staff to return with a careful evaluation of both the 33 percent upzoning and the pluses
18 and minuses to the public so you can include that in your discussion. Thank you.

19
20 Chair Summa: Thank you.

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Ms. Dao: Next group is by Kristen Van Fleet speaking on behalf of Jake Margolis, Venkata Kurra, Andrea Alberson and Chuck Effinger.

Ms. Kristen Van Fleet: [unintelligible – off mic] Good evening, thank you... sorry. Good evening, thank you for hearing from the Ellsworth Place neighbors. I am speaking for many people tonight.

So, some of this will be repeat from the City Council notes but I don't think either of you... any of you have heard these yet. Our street was established in 1937, it became annexed by Palo Alto in 1947, the apartments came around in 1967. Our houses were there 20-years before those apartments were. The Ellsworth Place owners or homeowner and residents do not want the PC 2343 lifted from the R-1 parking lot. We feel this does not provide a public benefit and it will make the situation on Ellsworth Place worse than it currently is.

We note that nothing is enforceable, I think I'm the third one now to mention that. Thank you for asking those questions about that earlier and for Jeff also mentioning this as well. But if the PC, as it stands now, is lifted from the R-1 parking lot. They'll be able to do anything to that lot and that will be at the detriment of the rest of our street. That is our circulation. We have no other way to turn around. That is our cul-de-sac. The letter from the attorney keeps mentioning

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1 this is a street with a cul-de-sac. We have a dead-end street at the end and there is no place to
2 turn around. So, the cul-de-sac is the parking lot and that would be removing that from our
3 circulation and that make... it would increase the already dangerous situation with how we
4 interact with cars on Middlefield Road going in and out. Especially turning right onto Ellsworth
5 Place because there's the hill from Matadero Creek and kids do use the sidewalk there for their
6 bicycles too. It's a fun hill to ride down, you should try it sometime. Next slide, please.

7

8 In 1967 they asked for putting the four lots together to make the apartments and it was
9 supposed to be for the greater good of the community. That was 56-years ago and it's done
10 pretty well. Yes, we have some problems with circulation but overall, no one's really
11 complained a whole lot.

12

13 Next slide and as I said, this is our cul-de-sac. Here's a better picture that's not taken with a
14 width a wide angle lens. I'd like to invite you to come out to the street if you have not already. I
15 know some of you have. Because you really can't get a feel for this until you come out, drive on
16 it, walk on it, understand what we are dealing with and why all 15 addresses and the residents
17 in them. Including the tenants and the homeowners are really upset about what's going on
18 here and really worried for our safety on the street; next slide.

19

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1 We also note that the apartments and I always have friends at the apartments, so I know the
2 situation that's going on there. The far left unit or parking space on Ellsworth is too narrow, so
3 when they filled out the apartments. That car has to park literally on the stripe or she can't
4 open her door and so the car that was parking next to it is now parking in the guest parking lot
5 because she can't fit next to it. So, if they're going to be using parking spaces and you know,
6 these are grandfathered in. I understand that but now you don't have actually have adequate
7 parking. So, are you going to make sure that they have adequate parking if they're going to try
8 and fit it all on their site? We went out and measured and this parking spot is only 98-inches
9 wide. It should be 120. That's why she can't open her door against the wall, so that's a problem
10 that exists now and where is she supposed to park?

11

12 You can also see from these pictures that... and I took all these in June. I'm not out there every
13 day with a camera. It's like, you know, coming in and out of the street. Oh, look, there's a truck
14 there, there's car there. The spots are used. They may try to tell you they're not but every day
15 those spots are used. There's at least one car parked there, if not two. There's a delivery truck,
16 there's Door Dash. We live in a society now where we get deliveries every day and that is the
17 only spot they have on our street to get stuff to both the Ellsworth Place homeowners and to
18 the residents of the apartments.

19

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1 So, now we talk about safety and circulation, please. When that temporary fence went up, as
2 you saw in Gala's slides. That was set 4-feet back from the perceived paver line, so that would
3 be the edge of where he's talking about having 4-feet of pavers. It caused a problem. You can
4 see how the FedEx truck was trying to... it would do multi-point turns to get in and out and he...
5 they hit the fence multiple times. The UPS driver wouldn't even come down our street. He
6 parked in the bus turnout. That created another blind spot and issues for traffic on Middlefield
7 Road as you can understand. Next slide and that fence set 4-feet back from the property line
8 had been hit multiple times. It was pushed back at least 2-feet in place, so that's how it was
9 with the temporary fence. Now imagine if a home was there what that does to our circulation.
10 They want to make our road narrower than that; next slide.

11

12 We cannot allow parking on Ellsworth Place because it is only 20-feet wide. This is what
13 happened with the apartment parking when the temporary fence went up. Their residents
14 parked against the fence and blocked our road; next slide.

15

16 Going over their proposal to solve these problems. It's already been mentioned that the
17 delivery space blocked the carports. I did ask our delivery driver, one of our drivers who's been
18 delivering our route since the '90s, before I lived there. I've been there for 19-years, so this is... I
19 can give you some history. And they said that they would not use it because it blocks cars. They
20 cannot legally park there so it's not a viable delivery space that they're offering and the of

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1 course, we already mentioned the tandem parking. I have that on my slide. Those have to be
2 assigned to the same residents, so I'm not sure how those work. Are they going to cover them,
3 like I don't know. Anyway, you've got an issue where one of the carports isn't of size and so
4 you're already down a space there; next slide.

5
6 For our street, we have 7-feet of pavers or more in front of many of the houses, especially at
7 the start of the street. Handa was offering 4-feet of pavers. You could park two wheels up off
8 the road, that still puts a car half way into the 20-foot section of road. People don't drive on
9 each other's pavers so this idea that they're going to use these to widen a road. It doesn't make
10 any sense to us, but this is how many of our driveways are. You can see people park off the
11 street completely on 7-feet or more of pavers.

12
13 Then we get to the traffic review. This really we found interesting. We feel like the traffic
14 review is biased. It was paid for by the developers. It should have been done blindly, paid for by
15 the City. It should be an actual study, not a review. You had about just over two pages of text
16 and four maps and didn't really talk about much. It's very incomplete, as I said it was a review,
17 not a study. It was based on a plan from a landscaper according to how it's written. We actually
18 wonder if they came out to the site to look at it. They came up with the sight triangle that fails
19 to take into account the decline of Middlefield Road from Matadero Creek. It fails to take into
20 the account the incline of Ellsworth Place. So, if you're going up Ellsworth and down and you're

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1 here you're looking up and they want to put a 4-foot fence in that section where there's
2 already a blind spot. So, that's where the sidewalk follows the narrowing of Middlefield Road
3 and kids come down that fast on their bicycles and skateboards. Many have almost been hit
4 and now they want to block that with a fence. Seeing through slats, when you're... when you've
5 got slats here and slats there. You're looking... it doesn't work. I don't know where they're
6 coming up with these ideas but they're not a benefit to any of us. There was false information
7 in that traffic review. They said we have a bunch of pot holes on our street, there are no pot
8 holes. We have water that will pool when it rains but there are no actual holes. You want to see
9 potholes, go out to El Camino Real those are pot holes. We have alligating, we have some
10 drainage issues. We know that it needs to be repaved but we do not have pot holes so I don't
11 think they actually came out to the street. I question that and it gave misleading information.
12 They're using Code for parking and entering a multi-family residential complex to come up with
13 that it's adequate for a 20-foot wide driveway. When we actually have a street and we've had a
14 street there, as I'll get to in a second, since 1949. We would like the Codes applied to a private
15 street, for those widths and to talk about those which start at 26-feet wide and go up to 32. I
16 know it was mentioned... it was asked at the City Council meeting how wide it needed to be
17 there and Amy actually answered that it would be 32-feet wide if it was a new subdivision. So,
18 they're offering no extra width of actual drivable space. We are currently at 21-inches and or
19 21-feet and we know that we need to at least get to 26-feet minimum to even start having this
20 conversation. And then it missed information, so it missed the fact that Middlefield Road is a

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1 major arterial classification according to Caltrans and it also missed the fact that bicyclists use
2 the sidewalk. I know they mentioned earlier that bike lanes might be going in there but kids are
3 still not going to use the bike lanes there. They're still going to use the sidewalks, that's what
4 kids do; next slide.

5
6 So, we come to this idea of is Ellsworth Place a road. This needs to be solved before anything
7 else can be voted on. They're trying to take our road from us and put it into their property.
8 Gala, who spoke earlier, also has the road in her deed. However, we go through it and there are
9 many joint tenancy deeds that connect the front to the back. I've the Deed of Dedication from
10 when Middlefield Road was given. It was cut into three pieces. That mean there was piece in
11 front of Ellsworth Place, signed by the original owner, Katherine Emerson. She could have... if it
12 was all one lot at 702, it would have been one parcel. But instead it was broken into a parcel in
13 front of Ellsworth Place and a parcel in front of 702 and then she also had 701 at the time which
14 is under the apartments now. Three different Deeds of Dedication were created at that time
15 which means that she saw that as a legitimate street and the street, for history, was named
16 after her husband's hometown Ellsworth, Main; next slide.

17
18 [note – video skipped] whole different versions on this map. Go to the next map, when you talk
19 about a parking space or a parking entrance for a multi-family unit. There is no actual street or
20 road drawn on a map. It's just a line, so if you do down the road from us. There are apartments

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1 that you can go into and they're multi-family and those are between 24 and 26-feet wide or so.
2 They're drawn with a line, they have Middlefield addressed. They are not a road, so that needs
3 to be corrected; next slide. What is a minor arterial classification? It means that you can push
4 traffic through faster. We're a minor arterial; next slide. Palo Alto was going to vote in 2015 to
5 up the traffic through Middlefield Road and make us a major. They might do that again in the
6 future, especially with more housing going in. That needs to be thought of now and you want to
7 connect us with 20-feet of road into a major arterial? That's not okay with us. New
8 construction, as I said, would be required to be 26 to 32-feet wide.

9

10 Let's keep going, I'm... skip to the... oh this is the blind corner. We can skip this slide. There have
11 been accidents across from us many times and those accidents were not logged. This is... I'm
12 sorry, there was an accident on April 20th, this is fine. This was logged at Towle. We felt the
13 impact in our houses. Two of us went out and checked and the police did come out. It was
14 never logged as happening outside of Ellsworth Place and I couldn't get any more information
15 from the police on that. I asked and they wouldn't give it to me; next slide.

16

17 1810 ordinance was supposed to widen it. The current PC refers to 1810 and we talked about
18 this before. This is how we're asking to have our road widened at the front at the driveway
19 entrance which is what was 1810. I sent a letter early today with that attachment to it. PC 2343

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1 says on Section 4 that all other parts of 1810 are to be followed. 1810 was not included in our
2 Packet and it should have been; next slide.

3

4 As I said, Ellsworth Place is already 21-feet wide, they don't get to narrow that. We're already
5 using it at 21-feet and it's not wide enough and they think they're going to cut it down and put
6 pavers in. No, we're... that's not okay with us; next slide.

7

8 So, the proposal, to our estimates which I didn't understand. I thought Dewey's side was going
9 to actually be asphalt but it sounds like those are pavers too so this slide is no longer valid. I
10 thought he was actually going to give us 2 ½-feet of asphalt added to the 21-feet but no. So,
11 that's not valid, we'll just pass that.

12

13 This is where 35-feet comes up to on our street, it's partly entering in. It's really... so this is...
14 they want to give us an extra foot and a half where to this... actually not even that. They just
15 want to do that perceived 24-foot width. It will still be 21-feet wide up to this point and take
16 away the rest of the circulation on our street.

17

18 Let's go back... keep going, one more slide to the next one. Who actually owns Ellsworth Place?

19 Two of us have claims in with our title companies and its right where the ownership of

20 Ellsworth Place Road would have been back in the day and they're still working on it. We

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1 submitted... I submitted mine I think like February 28th was my first email. Got my letter on
2 March 3rd. I just got a letter yesterday, they're still working on it. It is that complicated and to
3 us, nothing can be decided until road ownership is solved. They're trying to take the road from
4 us we feel and use that in their boundary. They're calling it their property and saying we're
5 driving over it illegally. This needs to be solved. This is something that you can't just go oh, let
6 him build and use those Codes and then we'll figure it out later. Once it's built, it's hard to get it
7 removed; next slide.

8
9 Every single homes has the ingress/egress. We have a parcel two on our Deeds, as I mentioned
10 before, in the Deed of Dedication. The Ellsworth Place Road section in front on Middlefield
11 Road was its own parcel. So, that tells me right there that that's how the Katherine Emerson
12 intended it to be; next slide. This is how the deeds currently map now. You can see the back
13 house, 741, owns the road up to half way. The front house, 702, actually connected that but
14 that piece of road did not transfer when it was sold to the apartments in the 19... late 1950s.
15 And the women who had it in her estate died in 1986 so that part is not abandoned. So, they
16 would have had a flag lot, not an actual piece like you see now; next slide.

17
18 According to Santa Clara County, Palo Alto has actually owned our road since 1968. We actually
19 wonder if in the research for the last times, these came through for the PCs. If Palo Alto actually
20 did take ownership of the road because it is that complicated. I have asked for this information,

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1 this history. No one's gotten it so I think we need to ask for that. It should be in the archives
2 and then finally in conclusion. The R-1 is only enforceable if it stays in the PC. Anything they're
3 asking for, it has to stay in the PC for that to be enforceable. So far there's no public benefit
4 provide for us. We lose more than we would gain by the requested changes and as it is now, we
5 will live with the situation we have now. We would like our driveway widened, but at the time
6 being the parking lot is necessary for the circulation on our street. It was designed with our
7 street in mind and it's very much an integrated park of our street. Thank you.

8

9 Chair Summa: Thank you very much.

10

11 Ms. Dao: Next is Bhanu Iyer.

12

13 Ms. Bhanu Iyer: Good evening, Commissioners. I'm here to support my neighbors and all the
14 hard work that Kristen Van Fleet and Robert Chang have put in to gather all the information.
15 Just to reiterate what has been said before, the traffic study, which is supposed to address our
16 main concerns of safety. It's not objective because that was commissioned by the two... the
17 applicant and the apartment owner. This lot should have never been sold and we're going to fix
18 it by trying to... two wrongs don't make a right and I think it's time to say this shouldn't have
19 happened. It's... and please, we absolutely oppose any upzoning of this because it's not fair to
20 the other on the street and it's not going to provide any benefit. We're going to lose. We've

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1 lived here much long so any attempts to support and try and benefit just one brand new owner
2 doesn't make sense to us and our concerns are legitimate. They are main based on safety. As
3 you can see, I'm vertically challenged and for me to get in and out of that street is quite
4 something. And this is something... it's risk mitigation, you have to look term. These are things
5 that you don't make... you know, just because the lot was sold doesn't mean it has to be
6 followed through. Sometimes mistakes happen and I think we need to own them and to say
7 sorry, it shouldn't have happened. But it did and I don't think we're going to fix it by saying oh,
8 sorry, it happened, we're going to let you go forward with it. We oppose that for lots of good
9 reasons and my neighbors have articulated that very well both today and at the City Council
10 meeting. Thank you.

11

12 Chair Summa: Thank you.

13

14 Ms. Dao: Paul Bigbee.

15

16 Mr. Paul Bigbee: Good evening, Commissioners. I'm a resident and homeowner on Ellsworth
17 Place. I appreciate you taking the time to visit, those of you who did, to connect our lived reality
18 to the proposal. I would like to raise three issues to your attention.

19

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1 First, as it's been mentioned many times now, the circulation around and into Ellsworth Place is
2 already problematic. I, myself, am a cyclist and often commute to work in Los Altos. Allowing
3 this change will make it perilous and I emphasize perilous. For anyone moving faster than
4 walking pace the risk, especially going northbound on Middlefield Road as it's been cited by a
5 number of people here. You watch a child drive their scooter down the sidewalk, over
6 Matadero Creek and the risk will be obvious. The proposed configuration will materially and
7 directly the people in this community.

8
9 Second, the statement of public good has to [note – video skipped] no evidence presented here
10 that the net public good has met a threshold that can be deemed objectively positive. And
11 point of fact, the net result here in my view is negative.

12
13 Finally, our civil codes and local norms need to matter. They create expectations for the
14 responsibilities we have to one another. The precedent of violating multiple Codes with no
15 enforcement is an example to the community that anyone with sufficient financial incentives
16 can out wit and outlast the local community, the people we elect and the people we hire to
17 regulate a balance of our collective interests.

18
19 In summary, I would ask you to support Alternative One, denial of the application. Thank you.

20

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1 Chair Summa: Thank you.

2

3 Ms. Dao: Next is Robyn Ziegler.

4

5 Ms. Robyn Ziegler: Hi, good evening. My name is Robyn Ziegler and I've lived on Ellsworth for
6 35 years. I'm one of the older, in more ways than one, residents and I did also want to speak to
7 the issue of safety. Especially exiting and entering Ellsworth as it bisects Middlefield. I travel up
8 to San Mateo County every morning at 8:30 to go to work and the traffic is pretty treacherous
9 right on that intersection because of the school across the street. In which parents are turning
10 right into school to drop off their kids and then coming out and turning right and left onto
11 Middlefield when they're leaving. It's quite treacherous there, so I did want to make that point.
12 I know it's been eluded to a number of times.

13

14 The... also the issue has also been discussed is folks just walking down the street or parents
15 pushing babies in trams. That's what... I think they use to be called or strollers or those triplex
16 gizmos where they can run with their kid and the bicycle riders.

17

18 And I'm also pretty concerned about the idea of putting a bike lane that will be right at
19 Ellsworth and Middlefield or down Middlefield. That's kind of ominous too. So, that was the
20 point I'd like to make, thank you.

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Chair Summa: Thank you very much.

Ms. Dao: Next is Robert Chen.

Mr. Robert Chen: [unintelligible] Good evening, [unintelligible] Commissioners for this... give us this chance to speak about our situations over there. I'm an Ellsworth resident for almost one decade over there.

First of all, yeah I wish our street is as wider as shown on the architect... architecture... architect's slides. Unfortunately, it's not, okay. I would like to speak... give you the two accidents. I, my family experienced it. One was my son, he was in high school. In one early winter morning, he was biking to Palo Alto High. When we he passed behind the parking spot of the apartments. One car back up almost hit him and he tried to avoid and he fall on the ground. That's one accident over there right in the... behind... in the open space over there. Another accident is in... I remember... and this accident that occurred before 2017. Before this current owner bought in. Another accident I personally had in one evening, I think it was almost dark, I tried to get out of Ellsworth but because I have to pull forward to the sidewalk in order to look around to make sure there's no cars go through on Middlefield because the cars driving over there. They don't notice... a lot of times they don't notice there is a street over there driving

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1 over there on high speed. So, I almost bumped into a guy. He is walking or he or she I don't
2 remember. They... he or she is walking on the sidewalk. That... thank god I didn't hit anybody,
3 but the guy he bump... he patted my car in the front. Okay, those two accidents, my personal
4 experience.

5

6 So, with that said I'm, as a resident... community members over there I'm strongly against the
7 [unintelligible] of the parking lot from the apartment and against the change of the PC 2343
8 zoning ordinance.

9

10 Another regarding the tree, the other members... other community members said, I would say
11 the violation against the tree... tree requirement over City should not be encouraged, should be
12 tolerated. Nor in order should we repeat respected, especially in China... especially in the US.
13 Not in China, sorry. Yeah, I'm from China, yeah.

14

15 Okay, per the PC Zoning Ordinance, the... actually the earth was not... the parking lot is used by
16 then to combined to use to increase the buildable units for the apartments development. In
17 addition, it made open space as a safety buffer... safety traffic buffer between Middlefield Road
18 and the neighborhood, including part of the apartments. So, per the PC Zoning, approval of
19 those both the City and the apartment developer are [unintelligible] that Ellsworth Street

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1 would potentially be widened in the future. Both parties recognize that Ellsworth Street is just
2 too narrow, even for the 1950's standards.

3

4 With so many public safety concerns expressed by the community members who had many
5 years of living first hand, driving experience in and out Ellsworth Street. It would be safe for the
6 City, I would say, to keep the PC Zoning unchanged to avoid future problems such as car
7 accidents. People getting injured which might cause the City to be sued in the future.

8

9 Chair Summa: Excuse me, your time is up. Could you just wind it up quickly, please?

10

11 Mr. Chen: Okay.

12

13 Chair Summa: Thanks.

14

15 Mr. Chen: In conclusion, yeah I would strongly against this change to the PC Zoning. Thank you
16 for your listening.

17

18 Chair Summa: Thank you.

19

20 Ms. Dao: Next is Susan Light.

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Ms. Susan Light: Good evening, my name is Susan Light and I've lived at Ellsworth for almost 11 years. My concern is about the accuracy of the traffic report since it ignores the fact that making a right turn onto Ellsworth from Middlefield when there was a car trying to leave Ellsworth is impossible. Cars aren't made of elastic and so in making a right turn there needs to be several feet for that car to make the 90-degree angle. If one is heading south on Middlefield, there are two northbound lanes so the car can turn the 90 degrees and get... and make the turn. But it can't be done if someone is heading north on Middlefield and the width of the sidewalk is less than the length of the car. It's just simple geometry. So, if I'm making the right turn, I honestly hold my breath and hope that the driver behind me sees my turn signal and break lights so I won't be rear-ended. This is just all about safety. If there was a car exiting the street, I have to wait for that car to either leave or back up to give me the room to make the 90-degree angle turn. Since it's not physically possible to turn into the right lane if there's a car that's trying to exit. This was not mentioned in the traffic report so I have to wonder what other questions that they or either or conclusions were incorrect in the traffic report. Thank you.

Chair Summa: Thank you.

Ms. Dao: Next is Karen Mangum.

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1 Ms. Karen Mangum: Good evening everyone. I am not a resident of Ellsworth but I do visit
2 frequently and my visits are in the middle of the day. Generally, between 8:00 a.m. and 5:00
3 p.m. On multiple occasions that parking lot during the middle of the day has had at least two
4 cars in it. One notable occasion it had three cars, a workmen's pickup truck and a both a FedEx
5 and a UPS truck. So, assertions that it's underutilized I think really are not quite valid because
6 anytime that I go by there are some type of vehicle in those eight parking spaces and I did
7 notice when the chain link fence had been back into. There were two creases in the metal of
8 the fence where it had been back in and it had obviously been pushed. And I have also seen, I
9 guess it's the apartment owner's cars, I don't know, but parked parallel to the fence because
10 they needed the space. So, these are all valid concerns.

11

12 Also, valid concerns, as everyone has mentioned, are the safety getting in and out. That steep
13 decline from Middlefield downward onto Ellsworth Place is not normal and as you sit at
14 Middlefield... for me it's mostly making a left turn. It's kind of... you know have to have some
15 faith going down. When I exit, ii have to put my front wheels up onto the sidewalk in order to
16 see clear enough to get out. These are all very, very valid concerns for safety.

17

18 For my own personal upbringing, my family are attorneys and there are two PCs in tact right
19 now. PC 1810 from 1958 and PC 2343 from 1967 and as I understand it, unless the law is made
20 invalid. It is still applicable and PC 2343 specially mentions that all of instances mentioned in

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1 18.10 are still active. I don't understand why we can't say there was a mistake made. This
2 cannot be an R-1 zoning. It's PC, it's twice PC, there's an 18.10 and a 2343. It doesn't make
3 sense to me why it could just be invalidated and the ownership of the road, as has been
4 explained to me, is very confusing. Who owns the road? How can a chunk of road be attached
5 to one parcel where all of the rest of the road is not attached to any of the parcels? There are
6 some very confusing elements in this whole thing and I really do agree the elements like this
7 need to be decided before you can really make a valid argument for breaking up the PC 2343
8 into an R-1 and as I understand now, upzoning the apartment side.

9
10 So, as other people have made presentations regarding safety, I agree with those, but I also
11 think that you Members need to really examine the foundational law aspects of the PC 18.10
12 from 1958 and PC 2343 from 1967 and those still stand. Thank you.

13
14 Chair Summa: Thank you.

15
16 Ms. Dao: Next is Mariah Slattery.

17
18 Ms. Mariah Slattery: Thank you, Commissioners, others. I come to support a friend who lives on
19 Ellsworth and I read some of the information about the situation. And I've been to visit Kristen
20 in the past and certainly noticed the side of the street and didn't know anything about it but I'll

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1 be very brief. I took a trip there today. There no one else on the street. Traffic on Middlefield
2 was not heavy. There were children and I had to... I first noticed when Ms. Summa...
3 Commissioner Summa [note - Chair Summa] mentioned sitting in your car and not being able
4 to see onto Middlefield. And that's been mentioned many times, but I think it's a really
5 important thing to consider in terms of actually narrowing the street making it more and more
6 difficult.

7
8 I wanted to say that it's a shame what happened with the person... the gentlemen who bought
9 this property and has a need for it and it's a shame that things were missed and anyway, thank
10 you very much for your time.

11
12 Chair Summa: Thank you.

13
14 Ms. Dao: Yes.

15
16 Chair Summa: We have more?

17
18 Ms. Dao: Yes, we have three on Zoom. First is MJ Wolf. You can unmute yourself, you have 5-
19 minutes.

20

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1 Ms. MJ Wolf: Yes, can you hear me? Okay, anyway, within Palo Alto, there's a history of
2 removing... is there a history of removing a portion of a PC? Because by removing the parking
3 lot from the PC, the density for the Sutter Arms Apartments is increased and qualifying it from
4 an RM-20 to an RM-30. And this sets a precedence that opens up the door for additional multi-
5 family property owners that are rated RM-20 to go a sell-off portions of their parking lots to
6 qualify for the RM-30 density. And I do not want to see this precedence that results in a lot of
7 more lots being sold off.

8
9 Another thing is as been mentioned, the parking lot has always been used by the postal service
10 and the delivery trucks. And there's no other available space for these trucks to park and I
11 won't go into that because it's already been addressed. I don't think this is legal though, the
12 proposal.

13
14 Regarding the tree that was removed, since this was an oak tree. Will Sutter Arms be adding
15 oak trees to the Sutter Arms landscape? They say the will be native trees but I know that over
16 the past year, the landscaping was redone on the Sutter Arms and that's... and this included
17 removing some of the olive trees, which I don't believe are native, and maybe adding some
18 western redbuds. But these are not going to make up for the canopy that was given by the oak
19 tree that was removed and it does not appear that any additional trees will be added to the
20 Sutter Arms landscape. Since there's no enforcement with the Safeway landscape along San

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1 Carlos and Middlefield, will there be any enforcement of the proposed landscape at Sutter
2 Arms?

3

4 And finally, thank you Commissioner Summa [note – Chair Summa] for visiting the site. I invite
5 all of the Commissioners to visit the proposing [note - video skipped] upward slope and I've
6 ridden that slope many times on my bicycle. It's extremely dangerous to enter Middlefield from
7 Ellsworth on a bicycle and probably a car but especially a bicycle because of that slope.
8 Because... and then there's the drivers and bicycling... bicycles typically stop the vehicle over
9 the sidewalk in order to check for approaching cars from the south. In addition to normal traffic
10 on Middlefield approaching from the south and a bus stop on the bridge. There are vehicles
11 turning right onto Middlefield from the Kim Grant Tennis Academy and the Winter Lodge. All of
12 these factors, including the Key's School, can make for a very precarious situation during
13 commute and when the tennis and skating activities are open. Thank you, that's all I have to
14 say.

15

16 Chair Summa: Thank you.

17

18 Ms. Dao: Next is Yevgeny Khasin.

19

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1 Mr. Yevgeny Khasin: Hello, good evening. I'm a resident of the street and a lot... house to the
2 left and I just got r an innocent question follow a philanthropist so the applicant presented. So, I
3 have an example of... I got a piano delivered to my property and in this case, it wasn't about the
4 standard UPS delivery truck. It was really full-size, big truck that was almost about the size of a
5 fire engine and it was delivered up to my property and then he obviously had to get back
6 somehow. So, the only option for him... for the driver to get out with his truck is to back up all
7 the way and make a circulation at the parking lot. So, I just wondered if there would be a
8 property there standing and about this size of a truck. I wonder if he would be able to make a
9 U-turn there or mostly probably the only option would have just to back up all the way to
10 Middlefield Street with this size of a truck and this is just an example, right? Deliveries happen
11 with furniture and appliances and this size... full size of real big trucks are a [unintelligible]
12 option, possible option. So, I just wonder if its... if it would be possible which I personally doubt.
13 I don't see any by the plan that was presented if it's possible any other than just backing up to
14 Middlefield. Thank you.

15

16 Chair Summa: Thank you. Is this our final speaker?

17

18 Ms. Dao: Yes, our last speaker is Ardan Michael Blum.

19

20 Chair Summa: Thank you.

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Mr. Ardan Michael Blum: Hello? Yes, can you hear me?

Ms. Dao: Yes.

Mr. Blum: Outstanding. If we look at Palo Alto as a whole and not the self-entitled people that have just been going on and on about their little street. There are some major, dangerous places that are totally unrelated to this location on Alma. All of the avenues, all of the small streets that go out of Alma go out to Alma are highly dangerous. Now using that model in mind, all that is needed for the current case are mirrors, lots of them. Possibly camera-related images where you have a camera that relies an image. Now all over Palo Alto, we have cell towers. I mean it's like a Monopoly board for the cell towers. Nobody raises up even the slightest opposition or very, very few people do so. So, there should be no problem what so ever, and by the way for the record, until proven it's a public road that we're talking about. It's not at all a private road until proven and for the record if it's a private road. Then the charges for the cameras go to the resident who claims that it's a private road I would assume. But this whole story should be switched into a completely different mode, and I'll end on this note, which is use technology, thank you.

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1 Chair Summa: Thank you very much and I've had a request from the Commission to take a quick
2 break and so we'll come back in about 6 minutes. Thank you very much.

3

4 [The Commission took a short break]

5

6 Chair Summa: Let's get started again and what we'd like to do first is ask the applicant to take
7 advantage of the rebuttal period if you would like to. It's listed as 3 minutes.

8

9 Mr. Hayes: Okay, alright, thank you, Chair Summa. I... the City has not recognized this PC for
10 over 56 years and even as recently as 2019 when they changed the zoning from the RM-15...
11 the RM-12 I mean. The PC didn't even come into the equation, so I think we've lost sight of the
12 issue which is there's a mistake that has been made where people have relied upon information
13 from the City. And they've suffered financial hardship and there's consequences potentially
14 with that sort of thing. S

15

16 So, I want to talk about just a few things that drivers on Middlefield pulling into the driveway.
17 You bet that occurs up and down Middlefield. It's a normal course of driving and you tend to
18 slow down and so slowing down will also increase safety. So, we think that the existing
19 condition is one that's usual.

20

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1 In terms of density, it's really interesting. They're making an argument about our density kind of
2 being this big violation. In... with the original PC in 1967, with 12 units on that parcel, the
3 density, when it was RM-15. That's what the zoning was at the time let's say when they did the
4 PC. Well, the density didn't comply with the RM-15 because our density is like a 20 DUA so the
5 density didn't comply when they did the first PC and that's part of the reason they're doing a PC
6 is that you don't always follow the standard zoning requirements.

7

8 Our attorney has written a list of public benefits, I won't talk about that, but in terms of safety
9 again. The parking lot... the City has reviewed our traffic engineer's report and really had no
10 questions. Again, to improve safety you slow things down. The sight triangle, if you think about
11 having eight cars parked there today. Those eight cars are about where Mr. Handa's 4... the
12 back of those eight cars will be or are 4-feet from the easement line. That's where Mr. Handa is
13 proposing to provide his pavers. Right now, you're going to have eight cars, which is 75-feet of
14 vehicle potentially if the neighbors are saying that cars park there. They've got a worse
15 situation today with sight lines than they will when our house is pushed back 24-feet and
16 everything's lowered to 3-feet. I mean how can you see Middlefield at all if you've got 5 ½-foot
17 tall cars extending all the way out to much closer to Middlefield than our house ever would and
18 our fences are at 3-feet? Nitin wanted to say... I'm sorry Nitin. Thank you, is this over?

19

20 Chair Summa: Pardon me?

-
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Mr. Hayes: I saw the red light come on. Can I have more time?

Chair Summa: You can finish if you want to.

Mr. Hayes: I would like to give some time to Nitin.

Chair Summa: Sure.

Mr. Handa: One of the questions that came up was whether whatever we are proposing for a building a single-story home, how do we ensure that I end up building that? Willing to give a commitment for that, willing to give an affidavit that what we are proposing is what we will be building. So, whatever, a written affidavit, a legal affidavit is required, I'm willing to do that.

Secondly, the fence on both sides, especially on Middlefield side, is going to be 3-foot, not 4-foot. Somebody mentioned 4-foot. We have reduced it to 3-foot and also very important thing is the gap we are keeping between the horizontal planks. 3-inch gap between each horizontal plan which gives a clear vision to the other side of Middlefield. That's it.

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1 Chair Summa: Thank you very much. I will bring it back to the Commission now for discussion
2 and I'm... am I seeing any lights?

3

4 Commissioner Templeton: I'll raise my hand, Chair.

5

6 Chair Summa: Okay, I think the order is Commissioner Hechtman, Commissioner Akin and
7 Commissioner Templeton.

8

9 Commissioner Hechtman: Thank you, Chair. So, in... I'm just going to ask some questions in this
10 round and reserve comments for a future round. So, one... I'm... obviously we've heard a lot of
11 discussion tonight and I want to thank both the applicant team and the all the neighbors, both
12 here and joining us on Zoom for contributing to this dialog. It's really important to us to hear
13 your voices and to understand multiple perspectives as we wrestle with these issues. So, I
14 appreciate everybody's participation.

15

16 I'm... a couple of things I was... I heard that I was curious about. We've heard from the applicant
17 about their intent for what house they would develop on this... on the Ellsworth parcel and
18 we've heard some concerns that once they... once we rezone to R-1 there's really no
19 enforcement mechanism to ensure for example that while we've heard that they don't intend
20 to build a basement, if they applied for a house with a basement under R-1 the City wouldn't

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1 really have the discretion to say no. So, one question I had is right now we've got this PC 2343
2 zoning that applies to the whole property and what we're proposing to do is actually scale that
3 back. So, as I understand it, it will continue to apply to the Middlefield property where
4 incidentally it allowed in 1967 12 units and that's the exact number of units. So, that's going to
5 be modified, that the coverage of PC is going to be modified and if I'm understanding correctly
6 in the development plan there's actually going to be some modifications as to the Middlefield
7 property. Such as the requirement of the four on-site tandem spaces and possibly the delivery
8 space. So, I'm wondering if it is a possible alternative to an R-1 zoning of the Ellsworth property
9 to retain the 2343 zoning for the entirety of this land mass but to provide in a new
10 development plan that 702 could develop with a single-family home and these would be some
11 limitations. No basement, 35-foot triangle site space, the 18-inches of pavers at the front and
12 then widening to I'm not sure we got a dimension once they hit the sidewalk but whatever that
13 is. So, I'm wondering if that's a vehicle we could use to ensure that the vision that we're hearing
14 from the applicant and that everyone is hearing from the applicant is what could be developed
15 on that location. You know, subject to approval of development plan and subsequently Building
16 Permits. So, that's the first question.

17

18 Mr. Sauls: So, overall the answers yes, you know that could be another alternative as to... it
19 would still be considered as a rezoning but it would be instead of PC 2343 and R-1. It would be

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1 PC whatever the number would be with those additional restrictions and land uses provided for
2 in that document and that development plan.

3

4 Commissioner Hechtman: Thank you, so that's something I would like us to be thinking about
5 and I'd like the applicant team to be thinking about to whether there's any reason that that
6 might not suit their needs.

7

8 Second question I had really has to do with the access to and from Ellsworth. And now this is an
9 existing situation and apparently it's existed this way since 19... whenever the apartment was
10 built. Sometimes I guess shortly after 1967, but so I really have two questions because I'm really
11 focused on the portion of Ellsworth that's before us tonight which is just the part that is sitting
12 on the parcel 702. Right, the rest of Ellsworth travels back from that, that's not before us.
13 We're not here to look at improvements to that existing condition, but as to this portion of
14 Ellsworth that is part of 702 and meets Middlefield. I'm looking at Packet Page 42, which is... it's
15 an aerial photo from the Hexagon report and what I am seeing... what I appear to be seeing is
16 shrubbery, I'm guessing it's shrubbery, not trees, but it could be trees, right up against the
17 sidewalk sort of framing Ellsworth Place where it meets the sidewalk. And so, I think that
18 those... were sight-blocking vegetation on both sides of Ellsworth. I read in the letter from the
19 counsel dated June 8th that the... actually the vegetation... it's not clear to me if the vegetation
20 on both sides has been removed or just on the 702, but at least I think that has already been

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1 done, if not on both sides. So, I wanted to find out from Staff first is there... am I looking at that
2 aerial right? That there was historically vegetation on both sides of Ellsworth right up behind
3 the sidewalk?

4

5 Ms. French: There were photos that were provided that showed vegetation shrubs that were
6 taller than 3-feet right there at the edge on 702. There... I believe there's just the tree there
7 that's showing on Dewey's parcel in that triangle.

8

9 Commissioner Hechtman: Okay.

10

11 Ms. French: The rest of it is low ground cover on Dewey's parcel.

12

13 Commissioner Hechtman: Alright, so one thought I had and again, hearing the residents of
14 Ellsworth Place talk about the challenges of really entering from Middlefield. That the right turn
15 motion onto Middlefield and I think the... sorry, right turn motion onto Ellsworth from
16 Middlefield and also, the right turn motion from Ellsworth onto Middlefield, so those two
17 motions. Part of what I'm seeing is this is like it's a straight line 20-feet whereas in normal
18 development, I think even my house, there's kind of a flare to the apron right where... like at
19 my house I think... well, I'm not sure I have it but a lot of places have a little flare out. And I'm
20 wondering if this is something that Staff and the applicant have discussed, and those flares

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1 incidentally they're not super wide. You know, what I was thinking here is because I think it's
2 like a standard flare site might be 26-feet wide at the beginning of the mouth. So, you're
3 looking at kind of a small triangle within this clear sight area that is 3-feet on the 702 side. It's 3-
4 feet and then you know, it's basically a triangle that pinches to zero and then it would also start
5 at 3-feet on the Middlefield property owner side. And so, I'm wondering if that... and if you put
6 those wedges in and they were paved, then that provides a softening of this experience that
7 the Ellsworth residents are experiencing and of course, the apartment dwellings on Middlefield
8 will benefit from that as will the resident of 702 because they get to enjoy that same enhanced
9 safety. So, I'm really... I'm sorry it's a long way to explain it but I was wondering if Staff has had
10 dialog with the applicant... with the two property owners about that possibility of it would be
11 a... it would actually I guess have to be... because this is not a public street. It would have to be
12 sort of included in the easements that were granted to serve everybody up the street.

13

14 Ms. French: Staff did have conversations when this concept of widening with pavers. You know,
15 the question is, is that asphalt, what is that? What about widening the easement there to
16 capture that area? I put on the screen just a Public Works engineering's diagram of one of their
17 specs that showed the flare at about 2-feet from if you were to say that's a 20-foot wide
18 Ellsworth and then it expands 2-feet on each side at the sidewalk edge on Middlefield. That
19 gives it 24-feet if you were to have the flange there, the widened apron per this particular spec

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1 I found in the course of a few minutes. There may be other designs that are in our Public Works
2 (interrupted)

3

4 Commissioner Hechtman: Alright, thank you.

5

6 Ms. French: [unintelligible]

7

8 Commissioner Hechtman: Yeah, thank you, Ms. French. So, I'm interested... I want to hear from
9 the other Commissioners first, but ultimately I'm interested in this idea and I'd like to
10 eventually hear from the applicant whether this is something they'd be amendable to; or as it is
11 entirely possible, am I not thinking of something that really makes this untenable for some
12 reason? For example, it could marginally effect the square footage of the house planned for
13 702. I don't know think it's many square feet but if you're bumping up against the max, it could
14 make it lose a couple square feet so I'd like to hear from the applicants eventually on that. So,
15 those are my initial questions, thanks.

16

17 Chair Summa: Commissioner Akin.

18

19 Commissioner Akin: Yeah, we may have to come back for another round, but I'm... I would like
20 to see the project go forward because I would like to see the additional housing developed.

-
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1 However, what I'm hearing suggests to me that we're getting insufficient public benefit to
2 offset the public cost. So, that leads me to the question of how much additional flexibility the
3 applicants might have. One concrete example is as I walked the property the space that's to the
4 south of I believe it's 2905 Middlefield could be employed to widen Ellsworth all the way out to
5 Middlefield. There's no crucial vegetation there that I noticed. It would mean sacrificing a rear
6 yard but currently, there's no significant landscaping there. I believe there was a tree that
7 looked like an olive to me but not a protected tree.

8
9 And I touched on the question of second stories and basements. Specifically, to think about are
10 there ways to reduce the footprint of the house that's proposed for lot 702 and by doing so,
11 one additional option might open up for providing easements that would both widen Ellsworth
12 and provide better access for deliveries and services. It's beyond our scope to do this sort of
13 design on the fly, so the question I have is whether the applicants would be interested in
14 considering additional design and coming back to the City with other proposals. That's it, thank
15 you.

16

17 Chair Summa: Commissioner Templeton.

18

19 Commissioner Templeton: Thank you. I agree in part with both my colleagues have said about
20 understanding the scope would be helpful here. And I've gone back and read what we've asked

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1 to do and we have not been asked to approve a project. We have not been asked to approve a
2 housing design. We've not been asked to approve a driveway expansion, flange, anything else.
3 All we have been asked to do is look at whether or not the person... Mr. Handa has the ability to
4 build a house here as the City stated he did when he purchased it and to me, this is a real risk
5 for the City. We need to understand what we have been asked to do and why and I'm not sure
6 we have entirely understood the scope of the risk for the City and what it means if we deny this
7 applicant. What they were told by the City, an official body, would be possible when they
8 purchased the property?

9
10 So, I'm very concerned about what it means if we aren't able to deliver on this request and I
11 also think that despite a plethora of very empathetic comments that we have received from
12 neighbors, friends, applicants, etc. That many of these comments have been outside the scope
13 of what we've been asked to do here because those are the easier arguments. And the
14 argument before us is can we deliver what the City promised would be possible with this
15 property and what are the mechanisms to do that. So, I'm not sure I'm very comfortable with
16 what my colleague Commissioner Hechtman has suggested which is to not deliver that, but to
17 deliver most of the understanding of that because the City already said yes, you'd be able to
18 build. This is an R-1 property. So, I'm really confused and I love our Staff but this report doesn't
19 answer a lot of questions. It doesn't answer what the risk is, it doesn't answer what you've

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1 promised, it doesn't answer a lot of the commentary about safety that has come up with the
2 public.

3
4 On that note, I will just say we know that Middlefield is dangerous, we know. We have lots of
5 collisions on this street and we're not able to deliver safety improvements because we're
6 focused on other things. Just like tonight, we're here in a housing and zoning question and
7 we're faced with all these public transit... public... I mean transit... transportation thoroughfare
8 safety questions. And those need to be addressed and we didn't even have a member of the
9 transportation department show up today. So, I'm very frustrated as somebody that is, as you
10 are as well, listening to the comments. The sincere concerns about safety from our residents.
11 This is why we need to have a much more collaborative discussion. However, that's not before
12 us tonight. As much as I want to talk about it and I want to talk about it at every Commission
13 meeting. That's not what's before us tonight.

14
15 What's before us is a very emotionally fraught situation where we have a brand new resident or
16 intended resident facing off with his neighbors because there's a misunderstanding at the City
17 Staff level when there was a discussion prior to purchase. That's the kind of welcome I want to
18 give our new residents and I know that's what our neighbors want. We want this all to be
19 resolved peacefully and in a way that works before everybody and that would be the
20 community benefit in my opinion. Is finding a way to resolve this where we can have one more

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1 new home and one more new home full of residents and a safer street that provides as much as
2 possible the comfort that they currently have. So, that's my two thoughts... two cents at this
3 point and like Commissioner Akin said, I'd love to have another round after we hear from
4 everybody. Thank you.

5

6 Chair Summa: Great, thank you. We will have another round I'm sure. Commissioner Lu.

7

8 Commissioner Lu: Yes, I will leave more comments for another round. I definitely agree with
9 Commissioner Templeton and I'm also receptive to some of the proposed compromises you
10 mentioned Commissioner Hechtman.

11

12 Maybe a couple of quick questions. Can the Staff give more comment on visibility and safety?
13 There's a small blurb in the Packet but like of the balance of concerns we've heard tonight; can
14 you give your assessment of them?

15

16 Ms. French: Well, we did share the report prepared by the applicant's consultant with the
17 Office of Transportation Staff. And so, they reviewed that study and agreed with the findings
18 and that's the comments that we received from Office of Transportation. I'm not a
19 transportation engineer so we rely on our transportation Staff to provide the peer review of
20 what was prepared by a professional transportation engineer so.

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Commissioner Templeton: Can I interject here? I'm so sorry Commissioner Lu but can I interject (interrupted)

Commissioner Lu: Yeah, definitely.

Commissioner Templeton: Why did transportation not show up tonight when we have all these known issues that are intermingled with this application? Where they informed about these issues?

Ms. French: They were aware of them, they were this was on the Agenda. I... it's not a question I can answer.

Commissioner Templeton: Well, you don't have to answer. I think it's enough that I asked it but [note – video skipped] [unintelligible]. If we can schedule things that are housing and transportation related and intertwined like this on days when they can be available, please? Thank you.

Commissioner Lu: I agree with that. I think the ultimate balance of the safety improvements or also negative aspects are subtle and not really clear to me. One more question, what... is there

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1 any summary of what actually happens with the apartment tenants? Do they have any
2 compensation? Do they have any perspective that we've gathered overall?

3

4 Ms. French: Oh, Staff has not interviewed the apartment tenants at 2901. We did have
5 conversations with the apartment manager out on site, but not have had individual
6 conversations with apartment tenants.

7

8 Commissioner Lu: Okay, would the applicants maybe have context on that, that they could
9 share?

10

11 Chair Summa: If the applicant would like to answer Commissioner Lu, please feel free to do so.

12

13 [unknown speaker from the audience:] [unintelligible]

14

15 Commissioner Lu: Oh, the question was firstly just what happens with the apartment tenants?
16 Do they get any compensation? What really changes for them and do they have a fair
17 perspective or opinion on this?

18

19 Mr. Hayes: I suppose... Ken Hayes, Hayes Group Architects, in talking with my client. I would
20 assume that if the residents of the apartment building had any concerns or issues. They would

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1 have shown up tonight but there's no compensation for them as part of this and the guest
2 parking is more convenient on Sutter than it is on Ellsworth.

3

4 Chair Summa: Commissioner Lu, if you would like to ask any member of the public to answer
5 these questions, I think it would be helpful.

6

7 Commissioner Lu: Yes, I'm sorry, I forgot your name but would happy to hear from you.

8

9 Ms. Van Fleet: [from the audience] I'm Kristen, can you hear me [unintelligible]?

10

11 Chair Summa: No, you have to come to the microphone so we can get you on the recording also
12 for posterity.

13

14 Ms. Van Fleet: Alright, having friends at the apartments, I know that they're afraid that their
15 rents is going to get raised or they'll be evicted. If you've read the book Evicted, you would
16 understand the situations our renters have. I know people that have been priced out of those
17 apartments when they were with the former owner. So, I don't think you're going to get
18 anything out of them. I've talked to a few of them so far and that's how I know a little bit but I
19 can't give names or anything at this point and they want their interests protected. So, I don't
20 know, I mean I love that you're looking out for them. I think they would too, but also realize

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1 what you could possibly open up in their lives by asking such questions. So, I'll just caution you
2 on that and read the book Evicted.

3

4 Commissioner Lu: Sure, yeah we'll (interrupted)

5

6 Mr. Richard Dewey: [from the audience] Thanks, I appreciate that. I'm Richard Dewey, I just...
7 I'm offended by the comment and the reaction that somehow there's going to be retribution.
8 We take good pride in our project, we think we have good relationships with those folks. I was
9 told one of them wrote a positive letter for this, whether it was sent or not, I don't know but I
10 was told she did. So, I just... I'm sorry, we've been sitting here about 2 ½-3 hours and I'm a
11 little... I didn't take that well so thank you.

12

13 Commissioner Lu: Thank you and that's... yeah.

14

15 Chair Summa: Okay, I will take a minute to make some comments and then I think we're going
16 to have at least one more round on this for sure. And I want to start out by asking... thanking
17 everybody for coming tonight and acknowledging what a difficult situation this is because on
18 the one hand, we have people that live on a beautiful little street that's very... when I visited it
19 was very private. It's a really nice place to live. It has a history and it has some issues because of
20 the nature of the street and the physicality of the street and stuff. And we have a... someone

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1 who owns properties, spent good money on it, but I don't see the issue as delivering a result in
2 that regard to the property owner. I see the issue is the PC process has always been troubled in
3 this community because of the public benefit required and the community's feeling that the
4 public benefit was not reliably delivered or vanished over time. I know there's suppose... the
5 PCs are all supposed to be checked I believe by our Code every 3 years. I doubt that they are
6 and maybe that's an aspect of institutional memory in a City and those sorts of things.

7

8 But I will say one thing that really troubles me about this situation is we have an opportunity
9 because the applicant wants to open the... wants to amend the PC, to make things better and
10 the neighbors, they feel it's going to make things worse. And that's what I think we don't want
11 to do while also respecting both of the property owners.

12

13 So, I also... so I have... I find myself in the odd position of agreeing with all my colleagues, even
14 though they didn't say the same sorts of things because... and I will say that Chair...
15 Commissioner Templeton put her finger on it. This Staff Report left more questions for me. I
16 answered maybe... I asked maybe a third of the questions I had and I'm sure I could have
17 thought of more. This Staff Report didn't answer enough questions and I realize some of these
18 questions are maybe sort of proprietary information of the property... existing property owners
19 but one really glaringly large thing to me is the status of Ellsworth Street. And the reason is one
20 of the big things is the County thinks it's a street and it looks like every other street in Palo Alto.

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1 Except it's older which is an aspect of it being an old part of Palo Alto and it was... that tract was
2 developed before it was in the City and there no Development Standards applied. I mean it's
3 why my block in College Terrace has... I kid you not, my one block has three different lots that
4 are L-shaped around two sides of another lot. And it's just how... and one of them is my house
5 is in the crotch of one of the L's but it's just how things are in older neighborhoods and it's why
6 it's very important as we move forward this... with this, I think to really understand what the
7 actual facts are about Ellsworth, and to understand the easements.

8
9 Currently, there are... one of the speakers said there are... two of the properties have submitted
10 to a title company to look at all of this. I think we needed to know that before we could make
11 these decisions and I also think we needed to know that before kind of the design of this
12 property got underway.

13
14 I am very troubled by the concept of a corner lot that this... one of the streets that's creates a
15 corner is contained by the lot itself and how that affects setbacks and use of the land. And I'm
16 very worried that if we grant the amendment today, we will have done so without considering
17 all these details and I just really struggled.

18
19 I mean I even struggled with... there was sort of a... I forget what Packet Page but we... Staff
20 showed it as a slide. There was sort of a zoning comparison table but it wasn't a real zoning

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1 comparison table because it didn't go through all the Development Standards and compare
2 them. And I don't... if the view triangle is correct, if that is really the realistic way people need
3 to see when they're coming out of there. I don't know why there should be a 3-foot fence. I
4 know I'm shorter than a lot of people but I'm sort of standard size, low end of standard and it
5 was really hard for me to see if... until I got my front wheels full on the side walk. So, I think we
6 need to think more creatively about the fronts of both properties since we do have some
7 control as they are in the special 24-inch setback.

8
9 But I also would like to caution us to go slowly with this because there's a lot of money on both
10 sides. I think there... there's 15 or 13 properties or maybe 12 on Ellsworth, those are all
11 property owners too. Regardless of whether the owners live in their houses or maybe some of
12 them are tenants.

13
14 I just, in general, I don't feel we have the information we need to make this decision now and I
15 also think that we don't know anything... we know the map had a mistake on it. And I will say
16 that each page of our Zoning Maps have disclaimer on them stating that you can't use this
17 because there could be mistakes. Mistakes are made in development a lot in the City and we
18 try to resolve them as best we can. And the reason is because it's super complicated and some
19 of the documents kind of let lost in history. And it's really hard and I think everybody tried their

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1 very best up until now. I will comment all sides involved and our Staff for its great work but I
2 just think we need to do more and resolve some of these issues.

3

4 I'm particularly concerned that the County, which is a body of government that supersedes our
5 own because it's broader. Just like the State supersedes the County and the County supersedes
6 the City. That they maintain this is a City street.

7

8 So, I'm going to leave it at that because that was kind of a broad overview of my concerns
9 about this project for everyone involved. And I will go back to a second round and if... I don't
10 know who would like to speak.

11

12 Commissioner Templeton: I have my hand up, Chair.

13

14 Chair Summa: Go ahead, Commissioner Templeton.

15

16 Commissioner Templeton: Thank you. I'm inclined to agree with you that we would be in a
17 good... better position... the best position that we have in front of us tonight is probably to ask
18 Staff to come back with a more complete Staff Report that answers the open questions. I'd like
19 to hear what the other Commissioners think as well, but you know I also want to through that
20 out there because we have all these really good questions that have come up that aren't on this

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1 specific item. The fence is another good one. We listed a few before, but we need to have the
2 ability to engage with Staff on these questions because for me, in my mind, I'm like well maybe
3 the 3-foot fence is discussion when we have an actual plan in front of us to approve versus at
4 this point. But maybe it is a transportation safety question and we don't know because we
5 don't have the ability to interact with Staff on that. So, that's just another reason it might be
6 better to come back.

7

8 And as far as additional proposals, I know we're throwing out ideas. In addition to the ones
9 we've heard from the other Commissioners tonight, I would also like to propose that... this is an
10 extreme proposal but it should be on the table to easily be tossed out if you guys don't want to
11 do to. But if there is an impasse, then the neighbors on the street might want to consider
12 purchasing that property back. If they... if it's critical to how they're neighborhood functions
13 and we can't let someone else own the property and make decisions about that parcel then
14 that might be an alternative. Just wanted to throw that out there as the least good alternative
15 but at least an alternative. Thank you.

16

17 Chair Summa: Commissioner Hechtman.

18

19 Commissioner Hechtman: Thank you, Chair. So, let me start by saying that I am supportive of
20 finding a path that yields a new single-family home on 702 Ellsworth. I'm not sure that R-1

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1 zoning is the best way to go about it and I'm eventually going to ask the applicant if they're
2 open to considering basically folding that into an amendment to the existing PC. So, it would
3 still be PC zoning that would accommodate really everything that we're seeing in these plans,
4 folded into a new PC which will have as I understand it from Mr. Sauls a new number. Right, just
5 like 18.10 was the original, that was replaced by 2343. 2343 would now be replaced by some
6 new PC number.

7

8 So, but I do... I am supportive of it. I do think that there's community benefit. It's listed in our
9 Staff Report, it's listed in the letter from the counsel and to me one of the biggest community
10 benefits... and again, the community benefit is not the local community. It's not people within
11 300-feet or 500-feet. It's the community of Palo Alto and if anything is clear to those of us on
12 the Commission and I think residents of the City who've just gone through the trauma of
13 adopting a new Housing Element, one of the biggest things the City needs, one of the biggest
14 benefits to the City is to provide more housing units and this applicant seeks to do that.

15

16 Additionally, what I'm seeing is that while perhaps some refinements is necessary, this
17 application is seeking to improve a bad situation in terms of traffic safety at the beginning of
18 Ellsworth. The part that's controlled by this property and I do see... now that's more of a local
19 benefit because not that many people go down Ellsworth. The residents obviously and their

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1 guests but that I see as a benefit too and so I'm pretty satisfied that an adequate showing of
2 benefit can be made.

3

4 I am also satisfied that this... at least this first leg of Ellsworth that is located on 702 is not a
5 public street, there are only two ways that you make a public street. One is you offer it for
6 dedication and that offer is accepted. The other one is where it's either not offered or offered
7 but not accepted, but the government nonetheless over time maintains and repairs it and
8 treats it like a City street and my impression from the Staff Report is that neither of those
9 scenarios is true here. So, it's private property and these owners behind it... down Ellsworth
10 have some rights to cross it and it sounds like part of this proposal is to crystalize those rights.
11 So, I don't think that that particular issue should be a hindrance to us to finding a solution or
12 finding a path to achieve the requested embodied in the application.

13

14 I also find that the sole purpose of the function of 702 as envisioned by the City Council in its
15 adoption of 2343 is to provide guest parking, period. It was not provided to... as a defecto cul-
16 de-sac for the residents of Ellsworth farther down. It was not provided as convenient overflow
17 overnight parking for the apartment residents. It was required because at the time City Code
18 required some proportion of guest parking and that requirement is no longer there. So, I don't
19 see the removal of that guest parking consistent with our current Codes as taking away
20 something that anyone was entitled to because I'm not seeing that there is much if any, true

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1 guest parking on that site. And it seems from what we're hearing is most of the guest parking,
2 when there are guests for the apartments and I'm sure there are, is happening over on Sutter.
3
4 On the two-story versus the one-story and the basement, I guess the only thing striking me,
5 first of all, there's been some concerns expressed about the basement and we've heard those
6 in other contexts many times. And so, I'm not really wanting to push on that, but in the two-
7 story versus one-story, the thing that is occurring to me and while the design is not before us, it
8 could be if this turns into a Development Plan Amendment to the PC that the benefit to the
9 owner of the one-story is that a two-story... well, first of all, I think because of the constraints of
10 the site and its size, they already have a constraint on square footage. So, they... they're
11 building I think it's a 1,6... I wrote it down here, 1,690 or 16 something.... 1,600 and something
12 square feet. If you go two-story, you're going to take up some amount of that square footage in
13 the stairwell and so maybe it's only 100-square feet but that's the equivalent of a 10 by 10
14 room. And that's one of the concerns I have given that the house won't be particularly large,
15 although it will be on the larger side compared to the Ellsworth neighbors. It's not very big and
16 that could make a significant difference and I also feel like it's not the responsibility of 702 to fix
17 the access issue that has always existed with a 20-foot wide road. I think that they've taken
18 steps to ameliorate it beyond maybe what the Code requires, but perhaps it's a benefit to them
19 because it's part of the benefit that they're offering up. So, I... that's the thought I had about
20 sort of pushing too hard on the two-story.

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1

2 Just two more quick points. One is I'm... we're sensitive to the issue of trees but that's not really
3 before us. A tree cut down in 2018 after consultation with the City's arborist and to the extent a
4 mistake was made, so, be it but we're not here to adjudicate that but nonetheless, we see as
5 part of the development plan that would be approved for this application, the planning of
6 replacement trees, which it's my understand from Staff, would have been the result of the
7 process had the City arborist at the time given the correct advice and the process occurred;
8 which is a replacement of the canopy at the appropriate ratio which I think I heard is four to
9 one and they're replacing at six to one.

10

11 And the... I kind of want to conclude on this and that is just the... it's kind of the thrust of State
12 Law and our local ordinances now is really the promotion of housing to some extent at the
13 expense of parking. Right, we see... and we had a recent item before us that we were looking at
14 where... in the NVCAP where we were looking at no parking requirements as a possibility. Right,
15 residential with no parking requirements and so here, to the extent that we're in a sense
16 looking at trading some guest parking, what is designated guest parking, for a house, the trends
17 seems to be to allow that replacement so those will be my comments.

18

19 I would like to ask actually at this point to hear from the applicants on two questions. Number
20 one, and I think we have to hear from both of them because they're both effected by this. One,

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1 are they open to an examination of whether this process could be better accomplished in a PC
2 rezoned, understanding that that would take more time. They would not get a recommendation
3 from the Commission tonight, but rather maybe a recommendation that we continue to a time
4 that Staff would tell us. And number two, I'd like to hear from each of the applicants about
5 their thoughts or concerns about the possibility of folding into that path, if we do it, this
6 concept of providing a flare where their property meets Middlefield to allow a little more traffic
7 safety on the entry and exist to Ellsworth. So, I'd like to hear from the applicants on those if
8 they're willing to answer.

9
10 Mr. Handa: So, I think I would really need to understand what are the time consequences
11 around it and what are the other consequences around it. I think that's very important. We
12 have already lost so much of time, right? I've mentioned initially we intend to get my son to the
13 high school. We lost that time, losing more time, so that would be very important to know.

14
15 And then the flare part of again, I don't really understand the technicality of it. How it will work
16 out, I probably missed that point. I need to see it on a drawing what you are proposing and we
17 can go from there.

18
19 Commissioner Hechtman: Okay, thank you.

20

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1 Mr. Handa: Sure.

2

3 Commissioner Hechtman: Thank you and somebody from Mr. Dewey?

4

5 Ms. Cara Silver: Thank you, Cara Silver, I'm an attorney for the Dewey applicant and I thought
6 I'd just reference one question. That is the ability to fold the R-1 into the PC. I think that was
7 referenced in the Staff Report as an option and it could be feasible if we can address the time
8 concerns that Mr. Handa has. Although, it really is difficult to have two separate property
9 owners with two very separate sets of issues in a single PC. I respect the enforceability issue. I
10 think that's what you're trying to get at and I think there is a way to deal with the enforcement.
11 Perhaps through the dedication of the easement. Mr. Handa is going to have to dedicate the
12 easement to the public and perhaps that agreement could then attach the requirements for his
13 property. And then of course all of the obligations for the Dewey property can be codified in
14 the PC amendment.

15

16 And then as to the flare, we believe... we looked at the plans, we believe that the flare would be
17 on public right of way and so that would be something that obviously the City would have to
18 approve. There is an existing flare on the sidewalk and we think it's about 1 ½ -feet rather than
19 2-feet on each side.

20

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1 Commissioner Hechtman: So, I did hear from I think both of the property owners an interest in
2 getting a sense from Staff on timing if this were... if we were to continue this tonight, so that
3 Staff could explore with both property owners and their consultants a slightly different path
4 that would maybe put a little more firmness on some of the proposals from the owner of 702.
5 Staff have a sense given its workload of what would be involved in those discussions of when
6 we might... when it might come back to us?

7

8 Ms. French: Well, if there's a report to be written or versus returning with more information in
9 a slideshow effect. Our next meeting on July 12th is the Sobrato project so to the extent that
10 we've spent 3 hours on this. I don't know how many more hours we need for this once there's
11 more discussion. I wouldn't say it's a good idea to bring this back before July 26th.

12

13 Commissioner Hechtman: Okay, so applicants you're hearing that it could be a month before
14 you come back and again, I'm... I don't know what my fellow Commissioners are going to do.
15 They may sort of take the option away by just not wanting to approve or deny... recommend
16 approval or denial tonight. So, let's see how that plays out but thanks for that information and
17 your input on those ideas.

18

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1 Chair Summa: Commissioner Hechtman, I have a question for you. Would you like to hear from
2 any of the residents how that works for them or? Having a PC that has the addition of a single-
3 family home added to it.

4
5 Commissioner Hechtman: I don't believe so, I mean I'm... I think I understand the resident's
6 perspective whether it's a rezoning to R-1 or a rezoning to a PC that allows the house that's
7 been described in the discussions. I think I understand because I think they were reacting to
8 that in all of their comments tonight.

9
10 Chair Summa: Okay.

11
12 Commissioner Hechtman: Thanks.

13
14 Chair Summa: Commissioner Lu.

15
16 Commissioner Lu: I would pitch that we actually can make some decisions tonight. I think
17 there's kind of a more narrow reading of the motion and the Staff recommendation; which is
18 basically asking should housing be allowed on this lot or lots like this and some of the questions
19 around safety or public benefit. My understanding is that Council cares deeply about those
20 issues and would be a better and ultimate judge of those issues anyways.

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2 And so, on the more narrow question of should housing actually be allowed on lots like this? I
3 think the answer is definitely yes. It's really important that in general, we can build on top of
4 surface parking and that's roughly the kind of housing we want in our Housing Element. Like
5 infill is more sustainable, infill especially with single-family is rare and nice to have. I think the
6 lot is underutilized like having one or two or sometimes three cars is certainly much less
7 valuable than potentially having a family that can live there full time.

8

9 So, I think it's really important to recognize the safety concerns but I wouldn't be opposed to a
10 motion either way that if that moves forward. Given that Council will ultimately decide if the
11 safety and public benefit is appropriate.

12

13 Chair Summa: I don't see any lights, so I think of course the Council will but the Council does
14 expect us to consider these issues as well. So, I don't think for me the issue is not a matter of
15 whether there is another unit... dwelling unit which is now on 702, or it could be more than one
16 dwelling unit frankly. It could be two small units, but the issue is opening the PC Amendment
17 and doing it in this way right? I mean typically we don't even... we don't ever look at single-
18 family homes unless they're... it's an appeal. It's not in our purview and it's not specifically our
19 area of expertise. So, I think designing it on the fly is difficult, to say the least for us and the
20 question is if we change it... if we vote to change it tonight to R-1. We lose control over what

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1 happens there and I agree with some of the comments from my colleagues that this... the
2 safety situations and the configuration of the street where not created by this applicant
3 request. So, but it doesn't mean we shouldn't use this opportunity to improve conditions and I
4 think that's why Commissioner Hechtman asked about a much... a more significant flare. And I
5 would say that would... I think the fence would need to be rethought, the 3-foot fence, for the
6 same reason.

7

8 So, I... but I am really still hesitant about... and the Staff hasn't commented very much about
9 this but the County's belief this is a City-owned street and the history of all of that. And I'm also
10 concerned if 2901 will now be subject to 18.38.150, especially little letter c, which really
11 changes how 2901 would relate to 702. And I know that 702 can't remove the access for the
12 neighbors on Ellsworth but they're interested in making things a little bit better.

13

14 And I'm concerned that we're not seeing a public benefit really by granting this amendment
15 and that we aren't getting any affordability in our housing that's being created. But I'm... I mean
16 I think... I'm not against the... Mr. Dewey providing legal parking on his parcel if he's willing to
17 do so. I mean I think that's a fine use and having then this little parcel.

18

19 I'm concerned about the precedence we're creating by allowing corner lots that basically
20 contain their own side street on their... in their lot and the possible... I don't know if there's any

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1 other lot like that in the City. Maybe Staff would know and I also don't know if that creates a
2 precedent for people to create situations like that.

3

4 And I don't know if this will embolden other PCs that really, really need their parking, big
5 mixed-use commercial PCs that really need their parking, to ask for their parking to be
6 eliminated also.

7

8 Those are... my concerns are big policy concerns and unfortunately they conflict with both of
9 the applicant's desire to resolve this very quickly so I find it a very hard issue.

10

11 Commissioner Templeton: Did you see Mr. Yang's hand was up, Chair?

12

13 Chair Summa: Go ahead.

14

15 Mr. Yang: So, I just wanted to address the question about the Ellsworth Place being a public
16 street or a City-owned street. That's something that we looked into and based on the records
17 that we found. We didn't find any evidence of that and as Commissioner Hechtman noted,
18 there is a clear process for dedication of a public street. And it requires acceptance by the City
19 and we weren't able to find any evidence of that sort of acceptance by the City. There are still a
20 few documents that we're trying to make legible to confirm every possible avenue but we

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1 haven't seen that in what we've seen. And in addition, it's not been a street that the City has
2 maintained or acted like it has owned.

3

4 Chair Summa: So, I'm not... I guess you're trying to enhance the, through digital means, the
5 readability of certain documents. So, that... I mean that sort of reinforces my concern that
6 we're working in the dark a little bit here and, you know, we know that mistakes can be made
7 and documents can be lost and that sort of thing so. One of the applicants showed us a
8 document that did seem to suggest in '49 or '47 or something like that. That the City adopted
9 the street so I just want to be really careful about it because I think we could... that... I know the
10 applicants would like us to resolve this as quickly as possible. But I also think there's some
11 value, Commissioner Templeton mentioned this, in continuing this and getting a little bit more
12 data. Commissioner Templeton, did you want to speak?

13

14 Commissioner Templeton: I did briefly. You brought up the idea of affordable housing. We're
15 just... just want to clarify, we're talking about one privately owned unit and I don't think
16 affordable housing is an issue in this case, although we all want more of it. I just don't want to
17 muddy the waters there. Do you differ or does Staff differ on that?

18

19 Mr. Sauls: I believe that the Chair was mostly just trying to distinguish I think maybe the current
20 PC process and she obviously can kind of confirm or provide additional information.

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Chair Summa: Well, I'm also... yes and I'm also kind of concerned regardless of what we recommend. That the Council... in opening up the PC I think there's a certain amount of liability that Mr. Dewey might... that comes with that because the Council could say sure we'll let you do this, but now 20 percent your housing has to be inclusionary below-market rate. I don't know that they will do that and that's why I asked also about c under that clause because I don't know if... and I'm not representing the applicant but these are possible things that could happen through this process of opening up a PC. I think (interrupted)

Commissioner Templeton: That's a really good point, I mean like right now it's set the way it is. If we modify it, who knows what all could be modified, is that what you're getting at?

Chair Summa: Yeah.

Commissioner Templeton: Yeah, it's a really good point. I just was... I was thinking more about Mr. Handa but for the other applicant that makes... that's a very good comment. There is a risk in opening it up.

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1 Chair Summa: And that being said, I'm very sorry that the maps were wrong in the first place
2 and I understand the parcel reports were wrong. And that's already been correct but there's a
3 lot of mistakes in those kinds of documents. Mr. Sauls, did you...? No, okay.

4
5 Commissioner Lu: Just a few thoughts. I am not sure if this is really setting a bad precedent
6 given just how much of an edge case like so many parts of this are and I think we will have
7 opportunities to weigh in on other PC changes.

8
9 I think the question of the street is tricky but I'm not sure if it radically changes my analysis of
10 should housing be allowed to be built in a lot like that. And I kind of think of it like ADUs where
11 there's probably a curve ball in terms of our requirements, but when we look back maybe years
12 from now we'd say in general it was good to just encourage and allow ADUs. I think there's just
13 inherent value in having single-family housing that is a little more modest and might not cost
14 many many many millions of dollars and so we should encourage that to the extent that it's
15 reasonable.

16
17 Yeah, and I definitely don't think we should advocate any of the safety or convenience concerns
18 but I'm just also not sure how much worse those actually are; which is why I don't have a strong
19 take and would be comfortable leaving that forward for Council.

20

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1 I guess I'd also ask Staff are there any other mechanisms for enforceability of some of these
2 changes? Are there contracts, deed restriction, like anything that we've done in the past?

3
4 Mr. Sauls: Maybe Commissioner Hechtman and Chair Summa remember we have a pretty poor
5 example of one we've done in the past where we required it on a Parcel Map. A condition on a
6 Parcel Map about how high a structure could be built and that was something that was
7 probably one of the only times that was done in the entire City; which prevented a... prevents a
8 homeowner still from being able to develop a home. That based on the size of their lot they
9 could build a two-story home or something more typical. That's an edge case again, but it is not
10 common that obviously, we have those so.

11
12 Commissioner Lu: Yeah, makes sense, I don't want to create wonky edge cases for us either.

13
14 Ms. French: I'll jump in and just say other things that we've seen through planning have
15 included covenants in Development Agreements. You know, it's not typical to have... use a
16 Development Agreement process for a single-family home. Covenants more often have been
17 placed but usually related to historic preservation and this kind of thing.

18
19 Commissioner Templeton: Mr. Yang's hand is up again.

20

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1 Chair Summa: Thank you.

2

3 Mr. Yang: So, I just wanted to jump in, again back to the street ownership issue. The 1949
4 document refers to dedication of Middlefield Road and that's the sort of document that we
5 would expect to see for Ellsworth Place where it ever actually dedicated and it's not something
6 that we've found.

7

8 Chair Summa: Okay, thank you for clarifying that. I guess... I feel like we should try to get to a
9 motion and I'm wondering if anybody would be willing to try. I mean alternative number two of
10 the alternative actions is basically what you're interested in Commissioner Hechtman. I don't
11 know if you... which is to find a way to allow development of residential use on 702, but not
12 doing the zone change to R-1.

13

14 Commissioner Hechtman: Thank you, Chair. Yeah, I actually hadn't focused on that alternative
15 and I guess I'm wondering if Staff having heard the discussion tonight and for my part at least,
16 an interest in being able to secure some of the proposals that we've heard on the 702 side.
17 Such as the 35-foot triangle which I think can be secured inside of a PC but you can't really
18 impose requirements on straight rezoning to R-1. Whether Staff would have enough
19 information to work with the applicant, as this moves to Council, to sort of refine things. And
20 that I think might better serve Mr. Handa's concerns about speeding this along to the extent we

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1 can to... I don't know if we can get you in... I don't know how it works getting... where you have
2 to be at the start of the school year. So, you know, no commitments there but certainly that's a
3 faster path than to go away and come back here on July 26th. So, I guess I'm going to ask Staff
4 what you need to hear from us if we were supportive of alternative two to give you sufficient
5 direction to move this forward to Council?

6
7 Ms. French: I mean we put alternative two there. It's a viable option as far as Staff is concerned
8 to move the project forward. We don't have a lot of more research we would do. We've done a
9 lot of research on this, but certainly having more conversations with the applicants as to what
10 could be presented to Council related to an option two if you were going that direction. I'm not
11 sure what we would bring back to you on the 26th.

12
13 Commissioner Hechtman: Well no, if we did alternative two, so I'm looking at the possibility of
14 making a motion for alternative two which would move forward with the development
15 proposal but not as an R-1. Rather as a new PC which hasn't really been fleshed out in this Staff
16 Report. I wouldn't expect it to come back to us. The expectation would be this is our
17 recommendation to the Council and by the time it gets to the Council, staff will have worked
18 with the applicant to for example, if the development plan for 702 is to include a no basement
19 requirement, which you can do in the context of a PC, then there'd be a plan that the Council
20 would see with a line to the house that said no basement. Something like that, right and in that

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1 time you could explore with the transportation department and the applicant whether there's
2 some additional flaring that could enhance the safety and be acceptable to the applicant; or
3 acceptable or not to the applicants, that transportation thought was desirable for the enhanced
4 safety. Again, not only for the people down Ellsworth but for the occupants of the applicants',
5 the apartment on one side and the future house on the other. So, do you think you have
6 enough... have you heard enough from all the Commissioners that you could shape that
7 conversation and produce something to the Council?

8
9 Ms. French: I think we have and as always with our Staff Reports to Council we can say the
10 Planning and Transportation Commission recommends X and this is another alternative to X
11 and this is more research if we have more research to do. So, I mean I think if it's the pleasure
12 of the Commission with a motion to proceed along the time you're stating. Then it doesn't have
13 to come back to the Planning Commission.

14
15 Mr. Yang: So, to clarify, the development plan that is approved and attached to a PC is typically
16 like a simple plan set. It would show the elevations and you would... we would be approving the
17 specific in a motion if to move forward and go to the Council is anything that... if there was
18 something that the Commission wanted see that wasn't included in the plan... in the drawings
19 that were presented today; like the flare outs for example or if there was something else. Then
20 we would need to know that and that would be included in what goes to the Council.

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Chair Summa: Commissioner Templeton.

Commissioner Templeton: Thank you. I'm really concerned that we would be moving ahead with something that we don't even know if the applicant wants if we were to take that action today. It's a new consideration that they haven't thought about and we haven't thought about, Staff hasn't thought about and we'd be forwarding something very half-baked to Council. So, are you concerned about that?

Commissioner Hechtman: Who's the question to?

Commissioner Templeton: The proposer, Commissioner Hechtman. That would be you.

Commissioner Hechtman: Okay, alright, I didn't want to presume. Well, I guess I'm not particularly concerned because Staff listed it as one of our options on Packet Page 17, alternative two, which is really what we'd be doing. Again, I think I've heard from more than one Commissioner some concern that straight R-1 zoning doesn't... we lose control. I think that's the way one of the other Commissioners put it and so alternative two would avoid that issue. And of course, if the... and I... when I asked the applicant I think I heard from their attorney not a strong objection to being folded in, but some problems that I think could be

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1 worked out in the dialog between the applicant and Staff in terms of too much tying of the
2 properties owned by separate people together. Right, those things I think can be worked out on
3 the road to the Council and then I think I can identify as our Counsel Yang suggested, anything
4 that's not in the plans that we've seen, some of these things that we're trying to lock in, that
5 we would like... at least have Staff examine as this travels to Council. So, I'm comfortable
6 moving forward with a motion.

7

8 Chair Summa: However, to address Commissioner Templeton's concern, I think it should come
9 back to us for a quick view before we recommend it because we want to make sure we know
10 what we're recommending to Council. That would... if you get a second, I would be willing to
11 make a couple of amendments and it sounds like Staff needs a little for specificity on your flare
12 idea. I would put it more broadly as address visibility issues at Middlefield. And I think there's
13 still a few questions to be answered but I think Staff could do that and come back to us about
14 setbacks and PCs so.

15

16 Commissioner Hechtman: Shall I try a motion or are there other Commissioners who want to
17 make a comment and then we'll see if we get a second and a vote?

18

19 Commissioner Lu: I think I'd be happy to second your motion actually but I think... I'm not sure
20 if we definitely need to hear this again. I assume good intent from someone who's building a

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1 home to actually live in and I assume Staff can figure this out. So, I don't personally feel like we
2 need to see this again, but otherwise, I'll second or sorry, you haven't made a motion. Yeah,
3 sorry.

4

5 Commissioner Hechtman: Shall I make a motion or Commissioner Akin, you have your hand up?

6

7 Commissioner Akin: Yes, while I'm not opposed to the idea of going with alternative two and I
8 don't believe we actually need to see it again. What I want to make sure is that the concerns
9 that have been expressed by the residents who are actually incorporated as part of the
10 discussion for the version that eventually reaches Council. And what mechanism we use to do
11 that is unclear to me so I might ask for suggestions.

12

13 Ms. French: Are you asking Staff or the (interrupted)

14

15 Chair Summa: I think he was asking you two.

16

17 Ms. French: Okay, certainly forwarding to Council, if this motion should continue, by diagrams,
18 by lists capturing... you know, there's minutes. There's all that summarizing what the neighbor's
19 concerns remain to be, what the possible solutions are. Graphics showing flare standards, a
20 home that has no basement, etc.

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1

2 Commissioner Akin: Yeah, we're not... we're all tempted to design this as we go and we have to
3 resist that, but nevertheless, those ideas are things that should be forwarded in some manner
4 to Council. I find the basement thing amusing because as basement space doesn't count against
5 your Floor Area Ratio, that's a way to get a lot of space in a comparatively small footprint and
6 for those of you who have lived on busy roads. Bedrooms in basements are cool and quiet
7 whereas bedrooms imminently facing traffic on the scale of Middlefield are anything but. So,
8 there are a lot advantages there that I think an applicant might consider if they were
9 encouraged to do so. We're... we seem to be putting a lot of the burden on Mr. Handa here but
10 I think Mr. Dewey might have valuable contributions to make as well. That certainly can be
11 negotiated as part of the Amendment to the PC but it won't be unless someone brings it up as
12 part of the process. It doesn't need to be accomplished by revisiting the discussion here, but it
13 needs to be accomplished to Council somehow.

14

15 Chair Summa: That was a pretty compelling comment and I do think that the... one of the
16 advantages of keeping it a PC but allowing for housing where the eight parking spots were. That
17 it takes away concerns about the corner lot precedent or certainly takes away mine because we
18 don't have that issue at all anymore. The residents on Ellsworth already have an easement that
19 is sufficient and I don't think there's any intention to take that away. And so, I think if we can
20 get to a motion that contains all these I think we're in a better place.

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1

2 Commissioner Templeton: May I make another comment, Chair?

3

4 Chair Summa: Yes, please.

5

6 Commissioner Templeton: Thank you. I just want to weigh in that I'm not on board with a lot of
7 these restrictions we've been talking about. I don't think... as Commissioner Akin said, I don't
8 think we've really thought through the whole basement thing. It was just an idea that was a
9 complaint from somebody who wasn't the owner. We really need to understand what we're
10 going to be requiring this homeowner to do or this would be homeowner to do. So, I'm really
11 concerned about it and then in addition to that, I'm... we're really passing the buck if we're
12 going to take this situation as we found it, which we've spent 3 ½ hours on and pass it along
13 down to Council without resolving these issues first. I'm very concerned about that and I don't
14 think it's right so I won't be supporting a motion that wouldn't bring it back before us, thank
15 you.

16

17 Chair Summa: Well, I would rather see it again too but I have to tell you, I don't think a majority
18 of us feel that way and so it's one thing I can let go of to move this process forward for all the
19 parties involved. Especially if some of my esteemed colleagues trust the process and I don't
20 think we're telling Mr. Handa to put in a basement. We're saying he shouldn't be restricted

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1 from putting in a basement, should he care to put in a basement and it solves another problem
2 for me is that I think the setbacks on this property are insufficient. And that has to do with the
3 fact that it's a corner and that the easement of Ellsworth is a road. So, I think that... I think
4 having smaller setbacks on what is actually truthfully a substandard property because there is
5 road there is of great benefit to the people and on Ellsworth. And I think having a quieter living
6 space as part of their house when they live on Middlefield would be good. Particularly, since
7 they're not going to be able to have any high fence because of the visibility issues.

8
9 So, I'm willing to let go of it coming back here because I know that a majority of us do not feel
10 that way.

11
12 Commissioner Templeton: I was just making a pitch to see if they'd change their minds.

13
14 Commissioner Hechtman: If I could make a motion, Chair?

15
16 Chair Summa: Please.

17
18 Commissioner Hechtman: Alright.

19
20 Chair Summa: Please do.

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MOTION #1

Commissioner Hechtman: I move that the PTC recommend to the City Council what's described in alternative two of our Staff Report at Packet Page 17, an amendment of PC 2343 to add single-family residential use to the list of permitted or conditionally permitted uses of the PC Zone; and the single-family residence would then be added to the development plan for the PC; and in that development plan, as part of this motion, just to state the items that we would expect to see in the development plan and all of these I'm about to list are items that the property owners here have already indicated their willingness to do and it's their proposal to do them. Pavers as shown on the plans that we've received in various locations on both sides of Ellsworth Place and in particular on the 702 side, that 18-inch width extending all the way from the Middlefield to the point it connects with the widened part. Rather than the gap that was in an earlier drawing, so the pavers. Four new tenant parking spaces on the Middlefield parcel, two tandems as show in the plans. A delivery spot on the Middlefield... parking spot on the Middlefield parcel, again as shown in the plans. The Ellsworth home would be indicated in the development plan as a single-story, no basement. Again, as the applicant has said that that is what they want to build. The 35-foot site triangles that are shown in the Staff Report. Six new trees on the Middlefield parcel and then one item that neither of the property owner/applicants has committed to that I'm proposing and I would like Staff investigate with

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1 transportation and the applicant and that is increasing the flares on Ellsworth where it meets
2 Middlefield. That may involve some City right of way but also may involve some land owned by
3 the Dewey company on one side and some land owned by Mr. Handa on the other. So, that
4 would be my motion.

5

6 Chair Summa: Okay, thank you. Commissioner Templeton, you have your hand up.

7

8 Commissioner Templeton: Yes, I just wanted to clarify, I thought you said Chair that we weren't
9 restricting the basement and this motion says it is. So, what is... can you clarify that's your
10 intention?

11

12 Chair Summa: Yeah, I was going to ask for some amendments. I was waiting to see if there was
13 a second.

14

15 Commissioner Lu: I was considering seconding but I (interrupted)

16

17 [note – several folks started talking at once]

18

19 Commissioner Lu: Specific and I don't know if that [unintelligible], sorry.

20

-
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1 Chair Summa: Mr. Sauls?

2

3 Mr. Sauls: I was just going to say if I may and Ms. French and Mr. Yang can correct me if I'm
4 wrong but with development plans, I think as Mr. Yang was mentioning before. It's very specific
5 with the PC to what is shown in the drawings and deviations or changes in the future to that are
6 subject either to that PC process again and some potentially to a Minor Architectural Review
7 process. At least that's how we establish it in our Code so if the current proposal doesn't
8 include a basement. That may or may not require an additional PC Amendment in the future to
9 include something like that, but it wouldn't immediately say the same thing as it can never
10 happen. It might just be another process.

11

12 Mr. Yang: So, that's correct. Unless the direction is for the PC to say no basement is permitted
13 then the... a basement if it's not built originally. It could come back for an amendment to add a
14 basement but there would be a process required for that.

15

16 FRIENDLY AMENDMENT

17

18 Chair Summa: I'm wondering Commissioner Hechtman if it would be easier to say not with the
19 Development Standards currently being proposed but with these things in mind; addressing
20 visibility; setbacks. I mean I think you're... I can't guess what people are thinking but I think

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1 what we want to give them is more flexibility to do what would be a project there with less
2 impact in terms of setbacks. I don't think heights particularly the issue as it there are two-story
3 houses on Ellsworth, but what we want to do is address the visibility at Middlefield which is
4 very important to you and I'm not even sure I want to be so prescriptive. We want to see
5 something different come back that everybody sitting out there wants and is happy with. And it
6 may not be, at this point, limited by... it may not be that... that may not be the outcome if we
7 limit it by some of the conditions that were already agreed upon because we're going down a
8 different process. Does that make any sense to anyone?

9

10 FRIENDLY AMENDMENT DENIED

11

12 Commissioner Hechtman: Yeah, but my understanding is Mr. Handa I think submitted... tried to
13 submit a Building Permit application for a fully designed house back in January. So, he knows
14 what he wants to build and what he wants to build apparently... because we haven't seen a
15 plan set, right because that wasn't really part of the R-1 concept that was the primary Staff
16 recommendation. What he wants to build is a single-family house of a certain size, certain
17 dimensions, all... it's all laid out and it doesn't have a basement.

18

19 Commissioner Templeton: Why do we have to restrict it to that though? What about the next
20 owner? What about the future design? It's just weird.

-
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Commissioner Hechtman: Because in a PC Zone, that house that's he's ready proposed is going to be part of the development plan and so maybe there's a different way to reference it rather than me saying no basement or no one-story. Maybe I just say pursuant to that plan dated such and such, which again wasn't presented to us but Staff has it. Right, because Mr. Yang's point is if that's our approval, pursuant to that plan, that single-story with no basement, and somebody in the future wants... that's what the PC allows. Special rules of the PC allow that particular house and if somebody wants to come back and change it, add a basement, add a second story in the future then that... it's really addressed in the alternative number two. Future changes to the structure would require architectural review or in the event of a significant change, a Zoning Amendment. And so, I'm really just trying to set that up in the easiest way I can to get Mr. Handa really the house he's proposed, that he's ready to build and ready to commit to as he tried to do in January.

Chair Summa: So, but we... I have not reviewed the plans for... those plans. I reviewed what we got here, so now I think... so, I think it does have to come back to us then. So, we can see what they come up with but I don't want to just say build exactly what was in this proposal or exactly what was in the first proposal because I don't know what that is now.

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1 Commissioner Hechtman: Well, so how many... oh, I don't want to ask a rhetorical question.
2 Single-family home plans never come to the PTC. They don't even go the ARB is my
3 understanding.

4

5 Chair Summa: It's part of a PC.

6

7 Commissioner Templeton: In R-1. Yeah, exactly.

8

9 Commissioner Hechtman: Right.

10

11 Chair Summa: So, I believe I was the one that said this is not in our purview but as a PC it would
12 and there's no restriction from having a single-family unit on a PC. It's perfectly... but then I
13 think it should come back to us and if... and then we can look at it and very quickly move it
14 along. I don't think it has to be a process as long as this one.

15

16 Commissioner Hechtman: Yeah, well I guess my thought is we're not equipped to review
17 architectural plans even if they did come back to us. That would be something more for the
18 ARB, but so I've made a motion and I'm... it hasn't been seconded yet. The motion does not
19 include bringing it back to us.

20

-
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1 Chair Summa: Let's just move this along and ask if there's a second for your motion.

2

3 MOTION AMENDED

4

5 Commissioner Hechtman: So, I'd like to modify my motion before the second though, to refer...

6 rather than to... specifically refer to single-family with no basement, to refer to the plan set that

7 the... Mr. Handa has submitted, whatever the date of that is that Staff can fill in. That is the

8 house that he's proposing to build that is one story with no basement, so that is my motion.

9

10 Chair Summa: Is there a second?

11

12 SECOND

13

14 Commissioner Lu: I'm still trying to think through the specificity but I will second.

15

16 Chair Summa: Any other discussion or should we vote? Go ahead.

17

18 Commissioner Akin: I'm just concerned once again that we have a number of specific objections

19 that have been raised by the other folks who are affected by this change and we haven't

-
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1 addressed those concerns. Nor as far as I can tell have we provided a mechanism by which they
2 can be addressed so that concerns me.

3

4 Commissioner Hechtman: So, let me ask Commissioner Akin, is there an amendment to my
5 motion that you could conceive of that would inform the Council that we heard these concerns
6 from the neighbors and are concerned that they be addressed? Is there amendment that you
7 could suggest that would cure that defect?

8

9 Commissioner Akin: Yeah, that's one way to approach it. I'm not sure that it is the optimal way
10 but if I had my druthers, what I'd like is to see that this sort of thing be worked at the Staff level
11 before it get to this body or to Council. So, that there's more general agreement on the plans
12 that have been submitted. It's not a good use of time for either us or for Council to debate at
13 such a high level of specificity and I think it's not a good use of the applicant's time either. I
14 mean the question of exactly what the design of the house should be needs to be pretty fluid
15 for a while and feedback from Staff and from the policy-setting organizations sometimes has
16 pretty drastic implications for what an applicant chooses to build. I don't want to cut off that
17 flexibility too early.

18

19 Chair Summa: I have to say I agree with that and I think that this doesn't address... doing this
20 exact project with the addition of the flares, which is a very good idea, does not address some

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1 of the concerns that we had and some of the people sitting in the audience today about this. It
2 just says do the other... do the house that was... the thing that was here in this Staff Report
3 which I believe was kind of a compromise maybe. I could be wrong but I think we need more
4 flexibility moving forward and this is very restrictive to me.

5

6 Commissioner Templeton: May I contribute a comment?

7

8 Chair Summa: I think Commissioner Lu was next.

9

10 Commissioner Lu: Oh no, sorry. Cari's [note – Commissioner Templeton] next, I tried to [note –
11 audio cut off].

12

13 Chair Summa: Commissioner Templeton, go ahead.

14

15 Commissioner Templeton: Thank you. I agree with Commissioner Akin and what I want to add
16 here is in discussing how to move this forward. We also have to think about the risks of moving
17 it forward in this way and how it might backfire. I am very concerned about this approach
18 potentially backfiring when it gets to Council if we don't send them something that is high
19 quality, well thought out and addresses a lot of these open questions and concerns. What could

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1 happen? I mean it could just get outright denied, so just think about the options here. Thank
2 you.

3

4 Commissioner Lu: Would it be helpful if we, in the motion, recommend that Staff I guess kind of
5 go point by point through the safety and convenience concerns that were listed and have a
6 clear perspective on what the ultimate conclusion is on (interrupted)

7

8 Chair Summa: I think... I mean I think you're well intended but I think that we need... I think it's
9 too much specificity for this motion. And I think maybe what we should do is vote on this
10 motion and then move on... if it doesn't prevail move on to another motion and (interrupted)

11

12 Commissioner Lu: [off mic] Sure.

13

14 Chair Summa: Unless anybody has any other comments at this time? Is that okay with
15 everybody if we vote? Okay, let's conduct the vote please Ms. Dao.

16

17 VOTE

18

19 Ms. Dao: Commissioner Akin?

20

-
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1 Commissioner Akin: [note – no audio – could not hear how he voted]

2

3 Ms. Dao: Chair Summa?

4

5 Chair Summa: No.

6

7 Ms. Dao: Commissioner Lu?

8

9 Commissioner Lu: Yes.

10

11 Ms. Dao: Commissioner Templeton?

12

13 Commissioner Templeton: No.

14

15 Ms. Dao: Commissioner Hechtman?

16

17 Commissioner Hechtman: Yes.

18

19 Ms. Dao: Motion fails 3-2.

20

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1 MOTION #1 FAILED 2(Hechtman, Lu) – 3(Akin, Summa, Templeton) -2(Chang Reckdahl absent)

2

3 Chair Summa: Thank you very much. Would anybody like to speak to their no motion? Would

4 anybody like to try another motion and I guess maybe I have a question for our legal Staff here.

5 Can we move this forward as a concept of allowing a single-family home on that portion of PC...

6 I forget its number all of a sudden... 2343 I think and leave the precise Development Standards

7 at this point open. Have it come back to us so we can review it briefly before it goes to Council

8 with the understanding that Staff and everybody in the room has been listening very hard for a

9 very long time this evening and is that an acceptable kind of motion for you... for Staff to work

10 with?

11

12 Mr. Yang: Yes, that's possible. The motion could also be to have the plans reviewed by the ARB

13 and then have it go to Council.

14

15 Chair Summa: Okay. Commissioner Templeton.

16

17 MOTION #2

18

-
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1 Commissioner Templeton: I was thinking maybe we could move to continue this till our next
2 meeting and at which time Staff will be able to respond to the questions that were brought up
3 in our meeting.

4

5 Chair Summa: That would be fine with me if you would like to make that motion.

6

7 Commissioner Templeton: I would.

8

9 Chair Summa: Okay.

10

11 Commissioner Templeton: I think this would limit us going into the 3 ½ hour part again, but still
12 get us the answers we need.

13

14 Chair Summa: So, do you want to state that? We have Ms. Dao taking down the motion.

15

16 MOTION #2 RESTATED

17

18 Commissioner Templeton: Sure, that's very nice. Whoever's doing that, thank you. I move that
19 we continue this item till the next PTC meeting which I believe is like July 12th, 11th, something
20 like that and at which time Staff will be prepared to respond to the open items brought by

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1 Commissioners and I think we repeated everything that happened in public comment, is that
2 right? That we... is it okay to limit it to Commissioners? Let me know if we need to change that.
3 Open it... as brought up by the Commissioners so yeah, I think that's it.

4

5 Chair Summa: Can I say we... items brought up by interested [note – video skipped]. Can Staff
6 work with that?

7

8 Ms. French: So, this would not be a Staff Report, this would be just to continued item with no
9 new Staff Report because (interrupted)

10

11 Commissioner Templeton: Correct.

12

13 Ms. French: Because it's July 12th and then have transportation present because some of these
14 things were regarding transportation safety and such.

15

16 Commissioner Templeton: Yes.

17

18 Ms. French: And certainly, if we done unearth a map that has more specificity or clarification
19 for the subdivision. We can share that in a PowerPoint and then we have the plans that they
20 had submitted back in January but modification since then showing pavement etc. along the

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1 sides of the road. That would be more developed since January. One thing I might add is we did
2 analyze the plans in January as if they were R-1 Zoned. This would no longer be the case if it's a
3 PC Zone. So, the analysis, we could compare it to what would be an R-1 Zone (interrupted)

4
5 Commissioner Templeton: Yeah, we'd need both, so we have one already and you could do an
6 analysis that was for the other version. Would be that in a slide or something or?

7
8 Chair Summa: I think we're talking about a meeting that could have a lot of new information
9 would not be continuing this meeting. I don't know, doesn't Staff... does Staff feel that way?

10
11 Ms. French: The analysis of the home, that would be new information but the other things
12 we've already researched and know that it's not owned by the City. There's other things that
13 have been asked but the pictures to be seen by the Commission is what's requested.

14
15 Commissioner Templeton: Mr. Yang (interrupted)

16
17 Commissioner Akin: Point of clarification.

18
19 Commissioner Templeton: Oh, hold on.

20

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1 Commissioner Akin: Pardon me, point of clarification for me as a new Commissioner. So, would
2 there be public comment at the continuation? I presume not.

3

4 Commissioner Templeton: It depends on what kind of information Staff provides. If they give a
5 new Staff Report, we'll reopen public comment very likely, is that right Chair?

6

7 Chair Summa: I think we should let Staff answer that.

8

9 Commissioner Templeton: Okay.

10

11 Ms. French: It's the pleasure of the Commission. You could close the public hearing portion of
12 the evening and leave the response to the Commissioner and items the public raised that were
13 focused on a certain thing. Such as safety if it's not as broad as (interrupted)

14

15 Commissioner Templeton: My intention in making the motion was to minimize the follow-up
16 only to what Staff is answering that they weren't able to answer tonight, but I don't know what
17 that means beyond that. Mr. Yang?

18

19 Chair Summa: I think we can keep the public hearing open for people that didn't speak this
20 evening so for new public speakers.

-
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Commissioner Templeton: Sure.

Chair Summa: That’s one way to do it. Would you... I don’t think that needs to be in the motion, does it?

Commissioner Templeton: I don’t think so. I don’t know if you saw Chair, Mr. Yang has been trying to be online. I don’t know if he has a comment.

Mr. Yang: I did not have anything to add on top of what Ms. French said so thank you.

Chair Summa: Do I have a second?

SECOND

Commissioner Akin: I’ll second.

Chair Summa: Are there any other comments from my colleagues? Commissioner Hechtman.

-
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1 Commissioner Hechtman: So, I guess I'm feeling a little dense because maybe I'm the only one
2 in the room that doesn't know what the open items are that were brought up by the
3 Commission and concerned parties. For example, I heard... you know we had an hour and a half
4 plus of testimony from the neighbors and I heard a lot of concerns. I heard a concern for
5 example that they're losing their turnaround place when that guest parking goes away. Is that
6 an open item that Staff has to come back with a response to and if they do, then is that not new
7 information that the people who raised that issue should want to have... should have an
8 opportunity to react. Right, they raised an issue, Staff has not provided a response. How is it the
9 public who raised the issue don't have an opportunity to react to that so?

10

11 Commissioner Templeton: The same way that in this meeting when they answer a question,
12 comments have already been taken, but that's fine, whatever. I don't care if we open up the
13 comments more or not. That's, to me, less important than hearing the answers so we can just...
14 the Chair can decide about the comments. I... I don't have a (interrupted)

15

16 Commissioner Hechtman: So, what are the questions that you're... that we're wanting
17 answered?

18

19 Commissioner Templeton: Well, for example, there were many things that were commented on
20 that were out of scope. It would be nice for Staff to be able to say whether or not that tree was

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1 improperly removed is out of scope for this discussion. Whether or not people enjoy turning
2 around on the potential homeowner's... the property owners site, is that relevant to our
3 discussion? Right, these are all things that are potentially will help us either focus or broaden
4 the scope. And it's uncertain because everybody brought up a lot of questions and we're
5 weighing in on one thing and we... even look at the motions that have come up tonight. There's
6 a lot of things that may or may not be out of scope and we're not even agreed on that. So, if we
7 can get a decision by Staff on what's in and what's out and for the things that are in, some
8 clarification. I think that would be super helpful to me so that's why I'm... where I'm going with
9 this motion and it's okay if you disagreed. You don't have to support it but I would love your
10 support.

11

12 Commissioner Hechtman: Yeah, well I'm just looking for clarification because I don't know... if I
13 don't know what the open items are. I'm (interrupted)

14

15 Commissioner Templeton: The fence, the sight line, the (interrupted)

16

17 Chair Summa: Commissioner Hechtman, would you like the maker to list the open items in the
18 motion? Would that clarify for you?

19

-
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1 Commissioner Hechtman: Well, I'm wondering if that would provide the best direction to Staff
2 and not... I don't want to just put the pressure on Commissioner Templeton. I think this could
3 be a collaborative effort among the Commissioners identifying whatever's in their head as an
4 open item that would be brought back. And so that way we would know that Staff has clear
5 direction and we don't have a surprise in 2 weeks when, incidentally I won't be here, of Staff
6 comes back, they have given us 12 open items, which they think is the universe of open items
7 but one or more of us has other open items that they didn't respond to. So, I think it would be a
8 good idea to list them.

9
10 Commissioner Templeton: I would refer you to the transcript of tonight's meeting. I mean I
11 don't know what to say. Like if you have additional questions, please send them in writing to
12 the Staff.

13
14 Chair Summa: Does Staff find the open items phrase troubling or do they feel they can hone in
15 on the biggest concerns from interested parties and realize they've already dismissed those?
16 You've already proven they're not an issue or address them because I feel like... I hate to... I
17 would never want to rush a decision like this but I think we need to make a motion and vote on
18 it here. So, if Staff is okay with it?

19

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1 Ms. French: Well, we won't have a transcript to thoroughly read before the next meeting I don't
2 think, before July 12th.

3

4 Commissioner Templeton: We'll have one immediately right now on YouTube. Like that's
5 unlikely, it won't be an official transcript, but come on. What I'm trying to say is there were a
6 number of points brought up and we can list them if you'd like me to do it. I can go review the
7 recording instead of watching the next action item and get a list but we move... vote on this
8 now and it's okay. I know I'm really tired, I've had a very long day so if I'm sounding more curt
9 than usual, please don't take it personally anybody. I'm just... I'm very tired so this was my
10 attempt. I'm happy to withdraw if somebody has a better motion.

11

12 Chair Summa: I think we should just call the vote, please.

13

14 VOTE

15

16 Ms. Dao: Commissioner Templeton?

17

18 Commissioner Templeton: Yes.

19

20 Ms. Dao: Commissioner Hechtman?

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1

2 Commissioner Hechtman: No.

3

4 Ms. Dao: Chair Summa?

5

6 Chair Summa: Yes.

7

8 Ms. Dao: Commissioner Lu?

9

10 Commissioner Lu: No.

11

12 Ms. Dao: Commissioner Akin?

13

14 Commissioner Akin: Yes.

15

16 Ms. Dao: Motion... sorry (interrupted)

17

18 Commissioner Templeton: Passed 3-2.

19

20 Ms. Dao: It passed 3-2.

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

Chair Summa: Thank you very much, so that concludes that item for this evening. I want to thank everybody for hanging in there so long and I want to ask my colleagues if they want to jump right into parklets or if they need to stretch their legs? [note – video skipped]

Commission Action: Motion by Hechtman, seconded by Lu. Failed 3-2-0-2 (Chang, Reckdahl absent)
Commission Action: Motion by Templeton, seconded by Akin. Passed 3-2-0-2 (Chang, Reckdahl absent)

3. Amendment to Title 18 Chapters 18.04, 18.16, 18.18, 18.42, 18.52, 18.76 and Title 16 Chapter 16.20 to Waive Parklets from Certain Planning and Zoning Requirements.

Chair Summa: [unintelligible – video skipped] and in the room. Okay, so Item Three is amendments Titles 18 and Tile 16 necessary to conduct the Council’s wishes on parklet design. So, do we have a Staff Report?

Ms. Amy French, Chief Planning Official: Yes, one moment. I think the screen is showing, I need to start the slide show so give me one moment. Everyone can see the screen?

Chair Summa: Yes.

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1 Ms. French: Thank you, so we have a Parklet Program in place. It's the Interim Parklet Program
2 and it was... have been in effect since 2020. It started during the Covid Pandemic and we have
3 been working on a Permanent Parklet Program per Council direction that would include an
4 implementing ordinance and some technical regulations. Council extended this Interim
5 Program by interim ordinance and with temporary parklets that go until March of next year.
6 And then there's a resolution as well that continued the related programs for use of private a
7 public parking lots through the end of 2023. And then most recently in October Council
8 reviewed the Parklet Standards that are proposed and weighed in again in May.

9
10 So, we are now at the point of looking at Code amendments that would allow for this over-the-
11 counter process for pedestrian parklets that would go through and meet the Parklet Standards
12 that have been developed and reviewed by Council.

13
14 So, the Title 16 and 18 changes are on the screen. Generally, to remove parklets from some of
15 these regulations that other projects need to go through. So, that would not have to get a CUP,
16 a Conditional Use Permit, the parklet square footage would be exempted from parking
17 calculations, this kinds of thing. So, we have changes to Title 18, changes to Title 16 in the
18 attached ordinance to your Packet.

19

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1 I have each one on a slide. The first one is a definition for Parklet. That would be an outdoor
2 area in public right of way but not on the public sidewalk with appropriate barriers, safety
3 installations, etc. and then refers to the established standards for parklets. Then we would
4 adjust two chapters regarding outdoor sales and storage. Adding this wording that's in
5 underlined text on the screen. So, obviously referring to these parklets that obtain permits per
6 a different chapter, Chapter 12.11. Same thing, after sales and storage then as far as alcoholic
7 beverages, adding this item to refer to parklets on public property or outdoor uses on... sorry
8 for the presentation of the text it's a little odd. It's in... these are all in the ordinance in your
9 Packet and then regarding off-street parking. That we would not count the parklet area towards
10 parking requirements. Either in the assessment districts or outside of an assessment district.
11 Then there's changes to 18.76 which has regulations regarding Conditional Use Permits. Again,
12 related to alcoholic beverage and then regarding architectural review, so again if they follow
13 the Parklet Guidelines that have been developed. Just as an example, here's this number six,
14 signage. This is in the Parklet Guidelines about signage on parklets so that we would adjust
15 Chapter 16.20 to refer to signs that comply with the parklet standards pertaining to signs.

16

17 So, that was it, a short presentation. If anyone has any questions I can go back to any one of
18 those specific amendments and Tim Shimizu I believe is here to support this item.

19

20 Chair Summa: Thank you very much for your presentation. Commissioner Akin?

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Commissioner Akin: Just a quick question about the origin of something. On Packet Page 104 where we're talking about the parklet effect on off-street parking requirements. I've forgotten, was that a Council direction? What was the origin of that?

Ms. French: I believe there's been discussions and I'm not sure if Tim is participating in this but he may remembers some of those Council discussions. I think, you know this is parking in the right of way so it's not private property.

Commissioner Akin: That was not my understanding of the requirement. It was just that for example, restaurants are required to have a certain amount of parking and if they have parklets it expands their floor area. Then we're not requiring them to add additional off-street parking, is that correct?

Ms. French: Right, right, we're not requiring them to additional off-street parking and they're paying for the privilege of using the existing on-street parking for the parklet.

Commissioner Akin: Yeah but that's distinct.

Ms. French: Yeah.

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Commissioner Akin: Yeah, no I was just wondering about the origin of that.

Mr. Tim Shimizu, Assistant City Attorney: Can you hear me? This is Tim Shimizu, Assistant City Attorney coming in remotely and this is existing practice under the Interim Program where the parklets that have been approved under the current interim ordinance. Similarly, do not have their square footage count toward any kind of parking requirement for the main structure and so we're continuing this. I think that this is in recognition that a parking requirement could... would be a significant cost increase to parklets and so to add a parking requirement could increase the overall cost of the any given parklet by a significant amount.

Commissioner Akin: Okay, yeah I wasn't really questioning the reasoning there, but the reason I bring it up, of course, is if parklets were to expand significantly. Then it would add to parking pressure in the core areas and we might have to manage that differently as well but that's outside of scope for this discussion.

Chair Summa: Adding on to that, so these are parklets for Cal Ave and downtown, etc. This is a permanent ordinance and currently, I think the restaurants on Cal Ave that would have much less outdoor seating with a parklet requirement. Then they would have currently where we have the street closed and they just have outdoor seating. I'm just pointing that out. I'm not

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1 sure we need to change anything because maybe that will be handled ultimately by Council's
2 decision on the street closure, but there would be restaurants there that would have less
3 parking if we went back... less seating if we went back... if they had to have parklets if we went
4 and opened up the street. I don't know if we should make any provision for that but.

5

6 Ms. French: I think they're kind of a different matter with like you said the closed street. If
7 closed streets say were to become permanent then parklets would not be a factor on those
8 streets. Right, it would be a different setup.

9

10 Chair Summa: Yeah, I think it should probably best be resolved. I mean it makes sense to have
11 City-wide standards for parklets and it should best be resolved when Council makes its
12 determination about Cal Ave. Okay, thanks. Commissioner Lu?

13

14 Commissioner Lu: Well, I just want to confirm exactly what we're doing here. So, my
15 understanding from the premeeting as well is that really not much changes in practice. That...
16 or really nothing changes in practices. That we have this interim ordinance and through 2024
17 [note – video skipped] procedural and the step between the interim ordinance and the final
18 ordinance. All we are doing is taking some parts of the interim ordinance and putting it into the
19 actual... putting it into an actual ordinance but in a way that doesn't actually change anything
20 since the interim ordinance would still go on anyway. So, is that right?

-
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Ms. French: The interim ordinance has a sunset date. As we mentioned the Interim Program sunsets and then the Permanent Program would take over. The Council needs to adopt another ordinance that is not subject to Planning Commission review because it's not Title 18. So, this is a piece of what will go into the permanent ordinance referring to the standards and how these go through the process which is through a Public Works process. So, it's kind of like we're doing Objective Standards with those Parklet Standards and tying them to portions of the Code and we're moving the practice of what's the interim... with some refinements because of the new standards. So, that the interim parklets might have to change a few things to become eligible for the Permanent Program, but we need to adjust our Title 18 to enable that because of how it is set up today in the existing Code to allow permanence of the program.

Commissioner Lu: Right, so to what extent is this mainly an alternative to having to just pass interim ordinances into a [unintelligible] ordinance? And... yeah sorry.

Ms. French: So, we would not bring this separately to the City Council without the permanent ordinance for other portions of the Municipal Code. That will go with those standards that the Council's already reviewed back in October. So, those... we're still in the Interim Program now.

Commissioner Lu: Right.

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Ms. French: That Interim Program is going to sunset and then by that time we should have had the full ordinance, including these pieces that you're saying, to Council.

Commissioner Lu: Okay, so maybe a bad question. My understanding was that if you are a business owner today and you want to apply for a parklet. There isn't actually any practical difference between the interim ordinance and what we have right now. And that if you currently own a parklet, none of these changes would require you to physically modify the parklet for example, or do anything like that. Is that right?

Ms. French: Well, the interim ordinance is in effect and it will continue to be in effect. So, the standards that we've shown to Council that are being I guess finalized and would relate to the permanent ordinance. Would require some changes to... physically to some of those parklets that are out there that don't meet the new standards that are about to be implemented with a permanent ordinance.

Commissioner Lu: Right but this is not the permanent ordinance that would apply or...?

Commissioner Hechtman: [unintelligible - off mic]

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1 Mr. Shimizu: Commissioner Lu, I'm sorry to interrupt. Just to I think to answer your question,
2 this is Tim Shimizu again remotely. So, this... these Code amendments will... the intention of
3 these Code amendments is to enact them as part of what we're calling the Permanent Parklet
4 Program which is what will come after the sunseting of the current Interim Program. And as
5 part of that exercise, we're... like you said we're codifying the Title 16 and 18 Exemptions that
6 are currently in the interim ordinance but aren't actually codified yet in Title 16 or 18. And
7 through this, what you're seeing tonight, is bringing those actual edits to you to look and review
8 as we proceed on our way to making those amendments and bringing them to Council.

9

10 Commissioner Lu: Okay, that make sense.

11

12 Mr. Shimizu: [unintelligible](interrupted)

13

14 Commissioner Lu: [unintelligible] another step after this and [unintelligible] (interrupted)

15

16 Mr. Shimizu: No, yeah and so and to your other question about is this really changing the status
17 quo. In terms of the specific amendments you are seeing tonight, they do not. They basically
18 take the status quo practice under the interim ordinance and just basically make them
19 "permanent" under the permanent program. Of course, subject to any of course future
20 amendment by Council.

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Commissioner Lu: Okay, sounds good.

Chair Summa: Commissioner Hechtman.

Commissioner Hechtman: So, thank you, so just making sure, I think I understand the process. There are two ordinances that are going to Council to create the Permanent Parklet Program. One of those Permanent Ordinance is in front of us because it involves the things that are within our purview. Modifications to Title 18 and I guess to Title 16 and so that's what we're dealing with tonight. Whatever we do with this, it's going to be bundled with this other ordinance that has the actual program and standards which is not subject to our purview and so those two ordinances go together to Council. Council, if they approve them, that becomes the new permanent ordinance which replaces the interim ordinance. And I just... I guess I had a question for Mr. Shimizu on that because these ordinances, at least this one we're looking at, is effective 31 days after its adoption as it says in the ordinance. And so, if for example, the Council adopted this on January 1st, it would be effective January 31st and when it becomes effective that's the end of the interim ordinance. Even if we're not at May... March 31st, 2024. I just want to make sure, right? Whenever this is adopted, 31 days later it's the ordinance, the interim ordinance is gone.

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1 Mr. Shimizu: Yeah so one of the issues that when we get to Council that we will ask Council is
2 exactly how they want to transition in between... between the Interim Program and the so-
3 called Permanent Program. And so, we'll adjust the effective days however they'd like to roll
4 that out.

5
6 Commissioner Hechtman: Okay, alright.

7
8 Mr. Shimizu: And harmonize them of course with this ordinance, these Title 16/18 changes and
9 also the substantive Permanent Parklet Program Ordinance.

10

11 Commissioner Hechtman: Alright.

12

13 Mr. Shimizu: Or we might just put them together in one big ordinance TBD.

14

15 Commissioner Hechtman: Those are my only technical questions for Staff.

16

17 Mr. Shimizu: Thank you.

18

19 Chair Summa: I have one question and maybe this is goofy but is there a maximum number of
20 parklets on like a block face or something? I know there's restrictions by how many car lengths,

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1 depending on the type of parking in front, that they can take and how much space between
2 them and those sort of things. But is there any... can every single... in a retail... downtown retail
3 zone... ground floor retail restricted zone, could every single store have a parklet?

4
5 Mr. Shimizu: Under the current regulations that Council has looked at so far but still subject to
6 their change, every... for the most part yes. There's no numerical restriction on the number of
7 parklets in any given area beyond the general eligibility that say that the parking space in front
8 of you has to be available. In general, it can't be something that's immovable or like a fire
9 hydrant, things like that but there's no say like maximum parklets per square length of road or
10 square footage or anything like that.

11
12 Chair Summa: Okay, so parklets would be restricted by the permitting process and the other
13 location criteria on Packet Pack 11, but there's no max. I was just curious if there was a
14 maximum?

15
16 Mr. Shimizu: Yeah, not at this time.

17
18 Chair Summa: Thank you. Any other questions? Not seeing any lights.

19
20 Commissioner Hechtman: [unintelligible – off mic]

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Chair Summa: With that, we'll go to the public. Do we have any public speakers?

Ms. Veronica Dao, Administrative Assistant: Yes, we have one raised hand on Zoom, Ardan Michael Blum.

Mr. Ardan Michael Blum: So, getting the hand of this new phone I have, can you hear me?

Chair Summa: Yes, we can.

Mr. Blum: Dandy. I just wanted to point out something that seems to have been forgotten. What is the purpose of the parklet related to Covid? Are we just talking about parklets because that's a new thing to talk about, or are we talking about, which I believe unfortunately and many people agree, a virus that will continue for many, many years? And so, the big question is, if a restaurant closes its interior due to a serious outbreak of as we've experienced. If it comes back in a virulent form, if Covid comes back in a virulent form will there be sufficient space for a restaurant to function and I think that that idea of parklet equals Covid restaurant space has to be somewhere in the discussion, thank you.

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

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Ms. Dao: No, that was just the one.

Chair Summa: Okay, so take it back to the Commission for questions or motions. Commissioner Hechtman.

Commissioner Hechtman: Thank you, so I've got a question on the definition of Parklet on Packet Page 102 and so the question is this the definition... is this one of those situations where this is the definition we currently have in the interim ordinance and we're just coping it into what will be the permanent ordinance?

Ms. French: Okay [unintelligible] Tim.

Mr. Shimizu: So, yeah, so no, this is a definition that we've created for the purpose of adding one to these titles or I think Title 18. It can be adjusted as needed or as... yeah.

Commissioner Hechtman: Okay, good.

Mr. Shimizu: I think the main thing that we... we're not trying to define the whole program through this definition. It's mainly to point that... the main part I would say about the definition

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1 is that it points back to that whatever's permitted by the relevant chapter that's going to talk
2 about parklets.

3

4 Commissioner Hechtman: Okay, so let me tell you my concern and I'm glad this isn't... I'm glad
5 I'm not potentially monkeying with something that has been well-vetted by the Council. My
6 concern is that this definition of Parklet doesn't make any reference to what you can use a
7 parklet for. So, I can have I think an office, my law office on the second floor of Cal Ave and it
8 might be I might like it to have my break room in a parklet out on the street. Right, have a nice
9 table, water cooler, maybe a microwave but I'm pretty sure that's not the intent of the parklets.
10 I think the parklets... and they're not for bike storage or other things that might be convenient
11 for some of the tenants. I think that the purpose to the parklets is stated... is described in other
12 places, without necessarily defining it, as retail sales and display. That's one thing you can use a
13 parklet for and the other is what we used to call restaurants. Now it's eating and drinking
14 establishment/dining. Those are the two uses that I think we... those are the only two uses I
15 think we can have a... we can seek a parklet for. So, if it's not here in the definition then can you
16 show me how... I will... I can track through the Code and know that I can't put my water cooler
17 out there for my office, or should we add to the definition?

18

19 Mr. Shimizu: So, I think the thought of the drafting this definition is that not to try to define the
20 program through this definition in Title 18 because most people that will seek a parklet are

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1 going to look at the operative section first which is going to be in Title 10. So, we wanted to
2 make sure that we define [note – video skipped mid-sentence] per chapter what uses are
3 allowed or not.

4
5 Commissioner Hechtman: Alright, so I'm with that approach. In that scenario, because we'll
6 never see Title 10, is it appropriate in the definition to refer to the uses for parklets described in
7 Chapter 10 so that you have that direct cross reference? Is that... well, I... that's something I
8 would suggest Staff consider and that was the only issue I had with the draft ordinance.

9
10 Chair Summa: I wondered about that to actually. It is later on in Section 2 under (a)(ii). It's
11 restricted to eating areas, for eating and drinking, or intensive retail, on the next page.

12
13 Commissioner Lu: [off mic] 103.

14
15 Chair Summa: Yeah, Packet Page 103 (a) little ii.

16
17 Commissioner Hechtman: Sorry, I'm not sure... that's one of the... right, so this is what we're
18 seeing on 103. These are basically outdoor uses that you can have. Farmers markets, recycling,
19 right and we've folded in as one area where we can have outdoor eating and intensive retail is
20 including parklets which again the reference here is again Chapter 12.11 which is the same as

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1 the definition but neither of those is Chapter 10. So, I'm going to leave it to... I know Staff's got
2 that figured out and so whatever the appropriate cross-reference is. That's all I'm concerned
3 about and so if it is to 12.11, that's fine.

4

5 Mr. Shimizu: So, you're correct, I was mistaken earlier. It is... there... we're going to create a
6 new Chapter 12.11, the one you see in the ordinance and that will be the operative section. So,
7 we will address that in there, that's definitely the intention.

8

9 Commissioner Hechtman: So, you're already ahead of me because you've already built it into
10 the definition so I'm good.

11

12 Chair Summa: Okay, great. Commissioner Lu.

13

14 Commissioner Lu: Personally, I don't feel like we need to be super prescriptive about parklets.
15 There are many wondering parklets in San Francisco that do have some bike parking on them or
16 are basically just seating areas with some extensive art display that's just contributing to the
17 public street. And so, I personally disagree with adding extremely rigid requirements up front.

18

19 Chair Summa: Thank you for that, a broader concept of parklets. I am looking for comments or
20 a motion.

-
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2 MOTION

3

4 Commissioner Akin: I move that the Commission accept Staff's recommendation for this item.

5

6 SECOND

7

8 Commissioner Templeton: Second.

9

10 Chair Summa: Do you want... does Staff want more specificity in reading all the (interrupted)

11

12 Mr. Shimizu: No, that's fine.

13

14 Chair Summa: Okay thanks.

15

16 Ms. French: [unintelligible]

17

18 Chair Summa: Do I have a second?

19

20 Commissioner Hechtman: [off mic] Commissioner Templeton.

-
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2 Chair Summa: Excellent.

3

4 Ms. French: Commissioner Templeton.

5

6 Chair Summa: Speak... would you like to speak to your motion or second?

7

8 Commissioner Akin: No, I don't think so.

9

10 Chair Summa: Any other comments before the vote? Please conduct the vote.

11

12 VOTE

13

14 [note – Video skipped and missed half the Commissioner's vote]

15

16 Ms. Dao: Chair Summa?

17

18 Chair Summa: Yes.

19

20 Ms. Dao: Commissioner Templeton?

-
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Commissioner Templeton: Yes.

Ms. Dao: Motion carries 5-0.

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

Chair Summa: Thank you very much. Thank you and unless somebody needs a break we will move on to the final item which is Item Four.

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

Study Session

Public Comment is Permitted. Three (3) minutes per speaker.

- 4. Discuss Work Plan to Amend the Palo Alto Zoning Code to Implement Housing Element Programs 1.1 and 3.4.

Chair Summa: Discussion... discuss Work Plan to amend Palo Alto Zoning Code to Implement Housing Element Programs 1.1 and 3.4. Do we have a presentation?

Ms. Amy French, Chief Planning Official: We have yes, Jean Eisberg. I see she is unmuted. Jean, our consultant.

Chair Summa: Thank you.

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Ms. Jean Eisberg: Good evening, Chair, Members of the Commission. I'm Jean Eisberg, I'm a consulting planner with Lexington Planning. We'll try to keep this brief and then I'm happy to answer any questions. So, this is implementation of the Housing Element. I'm going to give a brief recap on the Housing Element and then describe the two key programs that we're looking to implement through Zoning Amendments over the next few months. Talk about an approach to those amendments and a timeline and Work Plan to get the work done.

So, as you may recall, the PTC recommended in May and the Council adopted the 2023-2031 Housing Element following many months of public review and engagement. In June, the City sent the adopted Housing Element to HCD for review. HCD has 60 days to review, so if there are any comments from HCD we would expect them in August. The Housing Element includes a number of programs, 20 about of those programs require change to the Zoning Ordinance and so this Work Plan addresses two key programs to address the Regional Housing Needs Assessment, the RHNA, as well as to encourage housing production.

These are the two programs or two part in one of the programs. It's in two parts, the first is Program 1.1A which is the adequate sites inventory. There are a number of rezonings that are required to meet the RHNA and these have a statutory deadline of January 2024. That's 1 year after the required adoption date which was earlier this year. Part two of that program, 1.1B, is

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1 rezoning of the GM, that's General Manufacturing, and ROLM, Research, Office, Lite
2 Manufacturing. These are additional rezonings that are not required as part of the RHNA but
3 that were adopted by the Council and those, although they don't have a statutory deadline, are
4 also proposed to or required per the Housing Element be adopted by January of 2024. And then
5 third we have Program 3.4 which is the Housing Incentive Program. This is an expansion of
6 incentives to facilitate housing and that in terms of timeline, the Housing Element identifies a
7 date of December of 2024. However, in order to be impactful during this 8-year cycle of the
8 Housing Element, Staff is aiming to make those changes also by January of 2024.

9

10 Just a little bit about each program, so 1.1A, the key changes in terms of zoning amendments
11 are first to rezone certain zoning districts to allow housing as a permitted use. For example, that
12 General Manufacturing category does not currently allow housing. Second, to upzone to
13 increase residential density or Floor Area on specific Housing Element inventory sites and these
14 densities are specified in the Housing Element so that part is pretty straightforward. Third is to
15 modify a few other Development Standards to reduce constraints and ensure that development
16 is feasible at these planned new densities. So, for example, the Housing Element in Chapter 4
17 identifies a couple of constraints. For example, the Landscape Coverage Development Standard
18 in a couple of the zones. In the ROLM Zone, it also identifies potential height changes as well as
19 FAR and parking. And then lastly, this program requires completion of a few other amendments

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1 to meet statutory requirements. For example, allowing 100 percent residential uses on these
2 site inventory sites.

3

4 So, again the strategies for each of these rezoning are described in the Staff Report. I'll just go
5 through these briefly but basically, there's a number of places where the program calls for
6 increased density on residential... multi-family residential sites. The RM sites within a half mile
7 of Caltrain stations or other high-quality transit, for example on El Camino. Rezonings on
8 properties that currently don't allow housing like City-owned parking lots, the GM sites as I
9 mentioned as well as rezoning local faith-based institutions. Those are generally on RM or
10 single-family zone sites in order to accommodate higher-density housing. Last couple bullets,
11 there are three sites owned by Stanford University that the program calls to rezone to increase
12 densities and heights and to establish Development Standards and Design Standards. And then
13 lastly, increasing density on some additional sites that were identified by City Staff or where
14 there was developer interest.

15

16 Program 1.1B is just a short program. It essentially supersedes what I just describes on those
17 GM, ROLM sites within a specific area of the City around West Bayshore and near East
18 Charleston Road and Loma Verde Avenue. And so, this calls for upzoning to 90 dwelling units an
19 acre and as part of that change in density, there's some commensurate changes in

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1 Development Standards. Specifically increasing building height, decreasing parking ratio and
2 increasing the lot coverage limit.

3
4 These zoning amendments will require changes to the Comprehensive Plan. Under State Law,
5 even for a Charter City like Palo Alto, the Comp Plan amendments must be internally consistent.
6 So, the Housing Element needs to be consistent with the Land Use Element. Also, the General
7 Plan and Zoning Ordinances in California must be consistent. So, the Comp Plan land use
8 classifications need to be consistent with the zoning changes.

9
10 The last program, Program 3.4, is the Housing Incentive Program. So, this current program was
11 enacted in 2019 as an alternative to State Density Bonus Law. It's applicable in select
12 commercial mixed-use districts, particularly downtown, California Avenue, El Camino and San
13 Antonio... portions of San Antonio. So, basically, it provides some development incentives,
14 including no residential density restrictions, additional FAR, increased lot coverage and then
15 some additional flexibility in Development Standards for projects that are 100 percent
16 affordable. These projects are required to go through Architectural Review with the ARB unless
17 a project qualifies for streamlined review. However, in these last 4 years, this program has only
18 been used twice and so the Housing Element program says that the City wants to make changes
19 to this program. And so that includes extending it to different locations, specifically the RM
20 zones and to that ROLM/GM district within that West Bayshore area and then also expanding

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1 the HIP to make it more attractive. And so changing Development Standards, increasing density
2 allowances in order to improve the feasibility of the projects and so what the program says is
3 that this piece should be based on a feasibility study. So, the changes in response to Program
4 1.1 are much more specified in the Housing Element, so that should be more straight forwards.
5 These HIP changes are based on this feasibility study. You do see a preview of this study in
6 Chapter 3 of the Housing Element which starts to look at okay, what does our base zoning
7 getting in terms of build-out on a site? What does that build-out envelope look like? How many
8 units does that yield and if we start to modify some of these Development Standards, how can
9 we prepare or create additional yield while still trying to stay within that type of envelope? And
10 so, moving forward as we come back to your body, we'll be presenting the results of that
11 feasibility study which both looks at physical feasibility as well as financial feasibility of these
12 changes. And then lastly, Program 3.4 calls for changes to the Retail Preservation Ordinance,
13 including waiving certain requirements while as reducing those ground floor retail
14 requirements elsewhere.

15

16 The approach is to prepare two separate ordinances, one for each program. The standards for
17 Housing Element sites will generally modify existing base district standards and so we intend
18 most likely to develop a new chapter in the Code that addresses housing incentives. And
19 possibly consolidate both these rezonings and up zonings to meet the RHNA, consolidate the
20 existing Housing Incentive Program that's written into a couple different districts or district

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1 regulations or sections of the Code as well as potentially bringing in this Affordable Housing
2 Incentive Program, the AHIP, that already exists into one location. So, that it's clear what all
3 these housing incentive possibilities are.

4

5 And so last slide, this is the timeline, so here we are here. This is just a study session, this is just
6 to present this approach, the timeline for what we're expecting and then again proposing two
7 separate ordinances. So, this more straightforward Program 1.1, which is more specified in the
8 Housing Element, we would come back either last August or September with that ordinance for
9 your consideration and then move to Council in the fall so that we can meet that statutory
10 deadline. And then the second ordinance, Program 3.4 regarding the HIP, where we expect to
11 have more conversation about the showing of the feasibility results, discussing various options
12 for those Development Standards. We would come back for a study session, meet with the ARB
13 before going to Council next winter.

14

15 So, that concludes my presentation, I'm happy to answer any questions, thank you.

16

17 Chair Summa: Thank you very much. Do I have clarifying questions from Commissioners? Let's
18 see, Commissioner Templeton. So, this is going to come back to us once the Program 3.4, the
19 studies... feasibility studies have been completed, right?

20

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1 Ms. Eisberg: Right, so we'll come back first with the Program 1.1, that adequate site inventory,
2 that ordinance and then separately, we'll come back with the proposed HIP amendments in a
3 study session.

4

5

6 Chair Summa: Okay but you still want our comments in advance of the feasibility studies for the
7 HIP? You want comments on that tonight.

8

9 Ms. Eisberg: No, because you have not received that full feasibility study. So, all that's been
10 released right now, because it's still underway, is some preliminary results which are in the
11 Housing Element in Chapter 3.

12

13 Chair Summa: Do I have any comments from my colleagues or clarifying questions and then I
14 think we'll go to the public because I think we have some public speakers. I don't see any
15 questions from my colleagues so we can go to the public.

16

17 Ms. Veronica Dao, Administrative Assistant: Yes, okay we have two on Zoom. First again, Ardan
18 Michael Blum, you have 3 minutes.

19

20 Chair Summa: It's Mr. Gold Blum, is it?

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Mr. Ardan Michael Blum: No, no, no Gold Blum.

Chair Summa: Oh, go ahead.

Mr. Blum: I just want to discuss something that may not be in everybody's politically correct language. There's a large chunk, in fact, there's a huge chunk of people living in Palo Alto like myself seeing rent going up. So, what that means is we're not being dealt with, you know it's the very poor and there's a chunk of people here in town... I mean, of course, a caring for people is wonderful and I'm not going against that. But I do want to point out that it seems... what is it, 7 years I've been here. I started off on Forest Avenue at about \$2,500, I'm now at \$3,000 and I'm not at The Marc. I'm at a slightly down-level place charming as it is, this is not a suburb of Saudi Arabia and I think we need to draw attention and this is... I would like to draw attention to the idea that as much as these extra housing initiatives are valuable. Nobody seems to be addressing rent control which would immediately answer a lot for poor people, rich people, medium income, whatever income would immediately answer... it's the big elephant in the room. Thank you.

Chair Summa: Thank you very much and I think we have another speaker.

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1 Ms. Dao: Yes, second and last one is Albert Lustre.

2

3 Mr. Albert Lustre: Good evening Planning Commissioner. My name is Albert Lustre with the
4 Northern California [unintelligible] Local 45 and it's great to see a new zoning and new projects
5 for development in future Palo Alto. But it would also be great to adopt some language on
6 those new zonings or new future projects coming into the City [unintelligible] standards that
7 protect the workers in the area. Construction works which includes apprenticeship programs,
8 local hire and [unintelligible] and a livable wage. Having earned a livable wage shows that
9 construction workers themselves can afford rent, just like the gentleman said before and
10 [unintelligible] supports family like providing the basic needs. And I'll even check my check and
11 you... also that... they... you're not even check my check, you [unintelligible] construction
12 [unintelligible] opportunity to provide education for the kids and promote a better future for
13 the family and not just a dream. A livable wage prevents wage thief and fraud that happens
14 more often in the construction industry. Having a responsible contractor that pays healthcare
15 ensures that construction workers have healthcare for the entire family and not become a
16 burden to the system. Since 80 percent of construction workers are then on some type of
17 Government Eight. Apprenticeship programs for more training and education for
18 [unintelligible], women, minorities. Minorities and women, for a... that do a 4 year
19 apprenticeship and for some of us is the only opportunities to be successful and to be able to
20 earn a livable wage while getting trained at the train centers and also having a shot to the

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1 American dream. This program also provides the college credits to apprentices to continue
2 education and get a higher education and even a college degree. Local hire promotes quality of
3 life and becomes a quality for the construction worker by being able to spend more time with
4 his family and be involved in the community. Also, it benefits environment by reducing
5 pollution and not pushing local workforce away from our City. I would like to ask elected
6 officials, are we going to adopt this? Some type of language as the neighboring City of Menlo
7 Park, Redwood City, Foster City, which include livable wage, apprenticeship, local hire and
8 health care.

9

10 Also, since we're talking about zoning, we might want to look at the new legislation coming up,
11 AB 2011, AB... SB 4 and SB 423 which are streamlined by bills that are coming through. Thank
12 you, have a nice day.

13

14 Chair Summa: Thank you very much for your comments. I don't think we have anyone else, do
15 we?

16

17 Ms. Dao: No, that concludes public comment.

18

19 Chair Summa: Thank you very much, so I'll bring it back to the Commission. I see Commissioner
20 Lu is ready to go.

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Commissioner Lu: I just have a quick question about 1.1B and what we could productively scope into that. What we could productively give feedback or suggest for the Work Plan? I mean we keep talking about how we approve housing along San Antonio but we have no infrastructure, parks, so on and how regrettable that is, how we would love to address that up front. Is there any scope as part of this Work Plan to do things like, I don't know, talk to the big land owners and see how receptive they are to bigger developments that would donate land for [note – video skipped mid-sentence]

Ms. Eisberg: Specific program which is really just about the Zoning Ordinance changes but elsewhere in the Housing Element it does talk about that issue specifically. So, in terms of coordinating with property owners, with developers in the area that's already underway because there's... it's understood that there's... although there's service nearby. Including in Mountain View, connections to transit are important and other elements of making it more of a neighborhood. So, not part of this program, but elsewhere in the Housing Element.

Commissioner Lu: Thank you.

Chair Summa: Other comments? Oh, Commissioner Hechtman.

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1 Commissioner Hechtman: I think the PTC has something else called a Work Plan, don't we? It's
2 the thing we adopted earlier this year where it's what we plan to do and we had done some
3 priorities in that. So, and frankly, I understand... thank you for the report Ms. Eisberg and I think
4 it's very clearly laid out in the Staff Report, in your presentation and this is... these are the steps
5 we need to take. And I have really no feedback other than I look forward to the substantive
6 steps that are coming our way later this year, but this is really a question for Staff. We have a
7 Work Plan and I don't know... that we already approved and I think it goes to Council and if we
8 change it or if there's a need for a change, we have to maybe go to Council for an amendment
9 and I guess my question is do these steps that we're contemplating here, are they already in
10 our Work Plan or do we now have to start a process to change our Work Plan to address these
11 things that we know are coming to us?

12
13 Chair Summa: No, our Work Plan was already accepted by Council.

14
15 Commissioner Hechtman: Right, Right (interrupted)

16
17 Ms. French: Yes.

18
19 Chair Summa: And we (interrupted)

20

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1 Commissioner Hechtman: But it gets amended. Part of that process is if we change from that,
2 we have to go back to Council and amend it. So, I'm asking is what we're being asked to here
3 already in our Work Plan for the year or do we have to go back to Council and ask them to
4 change it?

5
6 Chair Summa: Somebody might be bringing it up but it very much I think emphasized the
7 amount of time we would need to spend on the Housing Element if I recall.

8
9 Ms. French: Hi, Amy French, Chief Planning Official, I'm sharing our Work Plan that was adopted
10 and shared with the Council and is on our screen. It's on our webpage for the Planning and
11 Transportation Commission, so Project Goal 5 is all about Housing Element adoption and
12 implementation. So, this goes into the bucket of implementation.

13
14 Commissioner Hechtman: Okay, that's helpful. Yeah, so then this looks broad enough because
15 it's not just the adoption which we've already... it was behind us, but it's the implementation
16 and in the middle, the Staff begins to prepare the required zone changes and Comp Plan
17 amendments which is exactly what Ms. Eisberg described. So, okay, good, good so we don't
18 have that make work, it's ready built-in and Staff foresight to get it there. So, I'm... like I said, I
19 don't really have any feedback. I appreciate the progress we're making toward creating these
20 opportunities within the City of Palo Alto.

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2 Commissioner Akin: Just a brief comment, I once again am impressed by how quickly you
3 expect to accomplish these goals and I very much appreciate the unbelievably hard work that
4 Staff is putting into getting these things done so quickly so thank you.

5

6 Commissioner Lu: Actually, one thing that I'll flag is for Program 3.4 in the Housing Element...
7 oh, I hope I'm reading this right but it says the timeframe is to complete by December 31, 2024,
8 but then on Packet Page 147 I guess the Program 3.4 is going to the Council December to
9 January. So, it seems reasonably likely that we would actually do it in January or otherwise go
10 past our deadline. Do we have any concerns about that? Are there any consequences and yeah,
11 if so, maybe we should move that up.

12

13 Ms. Eisberg: The only statutory requirement in the Housing Element requirement in terms of
14 deadlines are for Program 1.1 to be completed in January of 2024. The Program 3.4, the
15 Housing Element says we should complete it by December of 2024. We and Staff, are just trying
16 to do it earlier and part of this is part of HCD's encouragement of us wanting to accomplish
17 programs that can have an effect on housing production, specifically for below-market-rate
18 households, earliest in the planning period. So, the idea is we offer the incentives as early as
19 next year, they can have more of an impact and so we're going to try and do this not quite at

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1 the same time as Program 1.1, but right on its heels in order to try to accomplish it also by the
2 beginning of 2024.

3

4 Commissioner Lu: Okay, sorry that totally makes sense and I'm seeing the timeline is actually
5 more aggressive and moving it ahead by a year and I just misread that.

6

7 Chair Summa: I'm not seeing many lights. I just wanted to thank you for an organized Staff
8 Report and I'm just... I think I share Commissioner Lu's concern that we're not doing enough.
9 We say we're concerned about making a real neighborhood, livable neighborhood and what I
10 call like Southeast Palo Alto but we're not actually doing anything about that and that those
11 opportunities will be lost if we don't make some requirements.

12

13 And then I will just say that Program 1.1A (2) and (3) which is upzoning sites within half mile of
14 Caltrain stations to allow densities equivalent to 40 to 50 units per acre. I still think that there
15 are some places and I don't expect any... to see any changes from this comment but just to
16 make it that there are some places within a half mile of a Caltrain station that... where that may
17 not be appropriate. And I would like to... I think if there was some sort of acknowledgment that
18 a specific situation like that might exist where it would be inappropriate.

19

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1 And then I continue to believe that high-frequency bus transit corridors are somewhat too a
2 femoral in nature to base zoning changes on but that's just my personal opinion since you
3 asked.

4
5 And then everything else in here I believe that this is stuff we have to do and the timeline looks
6 good so thank you. Any other comments or I would entertain a motion? Oh, we don't need a
7 motion, it's a study session so.

8
9 Commissioner Lu: Yeah, no other comments. I guess the only feedback I would just reiterate is
10 try to think about the neighborhood or if there are any small extensions to the work that could
11 be helpful for the development of the neighborhood around Southeast Palo Alto and so that's
12 my only feedback.

13
14 Chair Summa: Yeah and I'll just piggyback on that. One of the things I think we could do along
15 San Antonio and maybe some other arterial streets is make a policy to use special setbacks for
16 safe bike lanes. And I mean it may sort of be almost too late to do that already but I think we
17 should be thinking about things like that and aggressive tree requirements because it's very...
18 there's no canopy there to speak of and what little there might be will be cut down for
19 buildings so.

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.
 2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
 3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Commissioner Templeton: I don't want any aggressive trees, Chair. Only nice trees.

2

3 Chair Summa: Nice trees but aggressively planted and I've also wanted to have standards,
4 which I think would be more of an ARB thing, for rooftop open space that specified the amount
5 of green that had to be up there to put it in general terms.

6

7 I am not seeing any other lights so if there are no more comments I think we can call this one
8 closed. Thank you very much Ms. Eisberg and we have... the Commission has one set of minutes
9 to approve.

10 **Approval of Minutes**

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

12 5. Approval of Planning & Transportation Commission Draft Verbatim & Summary
13 Minutes of May 31, 2023.

14 Chair Summa: Draft verbatim and summary minutes of May 31st.

15

16 [note – Commissioners spoke off mic, couldn't hear who moved and seconded]

17

18 Chair Summa: Okay, let's conduct the vote, please.

19

20 VOTE

21

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1 Ms. Veronica Dao, Administrative Assistant: Commissioner Lu?

2

3 Commissioner Lu: Yes.

4

5 Ms. Dao: Commissioner Hechtman.

6

7 Commissioner Hechtman: Yes.

8

9 Ms. Dao: Chair Summa?

10

11 Chair Summa: Yes.

12

13 Ms. Dao: Commissioner Templeton?

14

15 Commissioner Templeton: Yes.

16

17 Ms. Dao: Commissioner Akin?

18

19 Commissioner Akin: Yes.

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 Ms. Dao: Motion carries 5-0.

2

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

4

5 Chair Summa: Okay and so that concludes all of our items.

6 **Commission Action**: Motion by [?] seconded by [?]. Pass 5-0-0-1 (Chang, Reckdahl absent)

7 **Committee Items**

8 None

9 **Commissioner Questions, Comments or Announcements**

10 Chair Summa: If we have any Commission comments or reports or anything of that nature, we
11 could do that now or we can adjourn the meeting; whatever my colleagues would prefer. Not
12 seeing any lights or any hands we will adjourn this meeting. Thank you very much, everyone.

13 **Adjournment**

14 10:57 pm

15

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