



Planning & Transportation Commission

Action Agenda: July 12, 2023

Council Chambers & Virtual
6:00 PM

6 Call to Order / Roll Call

7 6:01 pm

8 Chair Summa called the meeting to order.

9 Ms. Veronica Dao, Administrative Assistant, conducted the roll and announced all
10 Commissioners were present with the exception of Commissioner Hechtman and Commissioner
11 Reckdahl.

12 Oral Communications

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

14 Chair Summa invited members of the public to share their comments with the Commission on
15 matters not on the Agenda.

16 Ms. Veronica Dao, Administrative Assistant, announced there were no speakers for oral
17 communications.

18 Agenda Changes, Additions and Deletions

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

20 Ms. Amy French, Chief Planning Official, stated there were no changes from Staff.

21 City Official Reports

22 1. Directors Report, Meeting Schedule and Assignments

23 Mr. Rafael Rius, Senior Engineer, gave an update on the Lincoln and Middlefield evaluation
24 project. Staff held a community meeting on June 27, 2023 and will be holding follow-up
25 meetings with the nearby residents. The City discussed making changes to the site lines and
26 pavement markings in the near future. The project's website was still accessible and he
27 encouraged all residents to provide any concerns or feedback they have about the project.

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1 Ms. Amy French, Chief Planning Official, noted the Packet included upcoming meetings and
2 their associated items. August 9th was still being considered to be canceled to allow for a
3 summer break but Staff identified one item that was being targeted for that date. There were
4 no items targeted for the August 30th meeting. The Planning and Transportation Commission
5 (PTC) liaison to the Council was not needed for July.

6 **Action Items**

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

9 2. 2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend
10 Planned Community 2343 (PC 2343) and to apply the R-1 Zoning to 702 Ellsworth
11 Place to Enable the Development of a Single-Story, Single-Family Residence

12 Chair Summa announced the item was a continued item but shared Staff had a few additional
13 slides they wanted to share. She invited members of the public to speak about the item if they
14 had not spoken before or if they were speaking about something new. She invited the
15 Commissioners to share any disclosures they had.

16 Commissioner Templeton stated no disclosures.

17 Vice-Chair Chang mentioned she received an email from a member of the public who invited
18 her to visit the street. Though she did not meet with the member of the public, she did do a site
19 visit.

20 Commissioner Lu predicted he received the same email as Vice-Chair Chang and did a site visit
21 and met with several neighbors. He shared everything discussed was outlined in the Packet.
22 The neighbors expressed that the compromise they were interested in was for the applicant of
23 702 Ellsworth to have a two-story home if it meant further setbacks and extensions of the
24 pavement.

25 Commissioner Akin shared he had a brief email exchange with Ms. Van Fleet which discussed
26 strategies and engagement between the neighbors and Staff.

27 Chair Summa had a phone call with a member of the public but did not discuss anything that
28 was not already in the public record.

29 Ms. Amy French, Chief Planning Official, restated the motion the Commission took at its June
30 28, 2023 meeting. Staff sent the video link to each Commissioner as well as the applicants and
31 neighbors on July 3rd. Staff received and forwarded the draft transcript of the June 28, 2023
32 meeting to the Commissioners, the applicants and neighbors on July 10, 2023. Also, three
33 letters were received on the day of the meeting and were forwarded to the Commissioners. She

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1 noted it was common practice for the Commission to take a short break to review any late
2 incoming emails before deliberations. Staff believed they addressed the open items regarding
3 the trees on Mr. Dewey's property and the ownership of the private street at the June 28th
4 meeting. With respect to the other open items, Staff from the Office of Transportation visited
5 the site and studied the sight triangle. They provided additional recommendations to improve
6 safety. Staff included a photo of where a 28-foot wide curb cut flare may be located and what
7 existing items may need to be moved if that was approved. With respect to the delivery truck
8 space, Staff presented another option to widen Ellsworth Place with a 90-degree delivery truck
9 space and alternative parking locations for spaces 13 and 14. Included in the Packet were
10 delivery truck maneuvering diagrams.

11 Mr. Albert Yang, City Attorney, noted with respect to Code Section 18.38.150 and its
12 regulations for Planned Community (PC) Zones, Council may choose to exceed or deviate from
13 the standards in a PC because all ordinances have equal legislative weight.

14 Ms. French introduced Planner Garrett Sauls and members of the transportation Staff who
15 were available for questions.

16 Chair Summa suggested the Commission take a break after public comment to review the late
17 submissions from the public. She asked if any Commissioners had clarifying questions for Staff;
18 seeing none she opened public comment.

19 Mr. William Ross remarked he represented over 18 residents of Ellsworth Place and requested
20 10 minutes to speak.

21 Chair Summa granted the request.

22 Mr. Ross stated his verbal comments echoed the concerns he raised in a letter he sent to the
23 Commission on behalf of the residents of Ellsworth Place. With respect to the PC regulations,
24 he noted the regulations included the word "shall" and shall be a mandatory duty. He noted
25 there was an inconsistency within the applicant's counsel letter as to who the owners are of the
26 subject properties as well as outlined in the first section of the proposed ordinance. He
27 suggested that the ordinance reflect the balance of the record that there was inaccurate or
28 incomplete information set forth for the Commission to make a decision where mandatory
29 duties are required. With respect to 18.38.060 (c), the specific part that was different than
30 typical land use approvals was that the section required a consistency analysis and
31 determination to be made with respect to the Comprehensive Plan. As a Charter City, the City
32 chose not to require a consistency analysis of land use approvals with the Comprehensive Plan.
33 There was no consistency analysis in the Staff Report. Also, the Staff Reports were identical
34 which indicated there was not going to be a fair and impartial hearing because the public was
35 not allowed enough time to consider and comment on the new information presented by Staff.
36 He explained a consistency analysis should implore some concept where the goals and policies

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1 of the Comprehensive Plan are furthered without hindering any provision of the
2 Comprehensive Plan. Without a consistency analysis, there was no substantial land use decision
3 and that requirement was not satisfied by listing policies from the Comprehensive Plan in the
4 ordinance. Without the consistency analysis, that was a substantial omission and lack of
5 compliance with the PC regulations. He noted the extensive communication from the residents
6 counted as substantial evidence with respect to consistency and the California Environmental
7 Quality Act (CEQA) analysis. CEQA Guideline Section 15300.2 recognized if there was an
8 exemption, unusual circumstances that were supported by substantial evidence resulted in the
9 denial of an exemption. The CEQA exemption did not include a stable project description. The
10 argument to advance the application because of an error in the General Plan was irrelevant.
11 Owners are authorized to apply for a specific plan amendment and if there is an error, he
12 predicted there would be an analysis done by the City Attorney's Office regarding liability. He
13 concluded there was a communication submitted to the record as Exhibit C between Ms.
14 French and the applicant's counsel, Cara Silver, about the matter before the matter came to
15 any Board, Commission, or Council for discussion. He recommended the application be denied.

16 Chair Summa closed public comments and invited the applicant to share their rebuttal
17 comments.

18 Mr. Ken Hayes, Hayes Group Architects, a representative for Mr. Dewey, owner of 2901
19 Middlefield Road, stated the City made a serious mistake when it did not properly record a PC
20 development on the Zoning Map. He respectfully requested the City right a wrong and grant
21 approval to the application. He reiterated Ellsworth Place had been 20-foot wide since its
22 inception which brought along the safety concerns raised by the residents. The applications
23 provided numerous community benefits that justified the PC amendment and the R-1 rezoning.
24 The application also granted the other residents of Ellsworth Place an access easement as well
25 as improved vehicle, pedestrian and bicycle safety through a combination of improvements to
26 the street.

27 Chair Summa invited the Commission to ask questions of the applicant, the speaker, or Staff.

28 Commissioner Lu asked what a consistency analysis looked like.

29 Mr. Yang stated the City routinely does consistency analyses and the consistency analysis for
30 the amendment was included in the ordinance. Consistency does not mean that the
31 amendment be consistency with every Element of the Comprehensive Plan, but rather that on
32 balance it furthers the goals of the plan.

33 Mr. Ross remarked a consistency analysis is the authority and if accomplished, the analysis
34 identifies the consistencies and inconsistencies between the project and the goals and policies
35 of the Comprehensive Plan. Then it determines if the project would further, without hinder, the
36 Comprehensive Plan or not. Such an analysis was not present.

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1 Commissioner Lu requested Mr. Yang to guide how the Commission should move forward. He
2 acknowledged he had no expertise with respect to legal matters.

3 Mr. Yang stated Staff had provided sufficient material to the Commission to make an educated
4 and thoughtful recommendation on the project to Council.

5 Commissioner Akin inquired if the recommendations made by the Office of Transportation Staff
6 sufficiently addressed the neighbor's safety concerns at the entrance of Ellsworth Place.

7 Ms. Sylvia Star-Lack, Transportation Planning Manager, shared that Shrupath Patel and herself
8 visited the site on July 3rd where they spoke with residents and simulated the circulation in and
9 out of Ellsworth Place. Afterward, they submitted recommendations which were reflected on
10 Slide 12 of the Staff presentation. Those recommendations included reducing the height of the
11 fence near the creek to 3-feet, moving the fence 4-feet away from the sidewalk, exploring with
12 Valley Water about eliminating the vegetation on the corner of their site and pursuing the
13 widened driveway to allow for improved turning radiuses.

14 Commissioner Akin understood with those recommendations, safety would be improved.

15 Ms. Star-Lack confirmed that was correct.

16 Commissioner Akin mentioned his two concerns about the project was transportation safety at
17 the entrance of Ellsworth Place and the circulation along the length of Ellsworth Place. He asked
18 if Staff explored increasing the width of Ellsworth Place by relocating the power pole near
19 Middlefield Road.

20 Mr. Hayes confirmed moving the power pole was considered. Several emails were sent to Palo
21 Alto Utilities but no response was received. He noted the pole is at the end of that string of
22 poles and has guy wires. Based on those existing conditions, he predicted it was not possible to
23 relocate the pole. He pointed out a cable utility box will have to be relocated as proposed in the
24 application. He reiterated that in Hexagon's report, Ellsworth Place's existing conditions were
25 wide enough to allow two cars to pass.

26 Commissioner Akin appreciated the flexibility of the applicants and acknowledged that if the
27 pole were moved the underground service entrance would have to be moved as well.

28 Mr. Hayes agreed.

29 Ms. Camas Steinmetz, Mr. Dewey's legal counsel, corrected that Ellsworth Place was proposed
30 to be widened and the apparent extra width was on a private parcel and not part of Ellsworth
31 Place.

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1 Commissioner Akin appreciated the correction and stated he wanted to see evidence that if
2 approved the proposed improvements would not harm the applicants or the residents.

3 Ms. Steinmetz mentioned there was testimony submitted into the record from the property
4 manager of 2901 Middlefield Road who witnessed the existing parking lot not being used for
5 circulation or passing.

6 Vice-Chair Chang asked if the transportation Staff's recommendations improved safety over the
7 current conditions or over the current plan prior to adjustment.

8 Ms. Star-Lack answered over the current plan.

9 Vice-Chair Chang inquired what Staff's assessment was for safety relative to existing conditions.

10 Ms. Star-Lack agreed that currently, visibility could be improved by removing the existing
11 vegetation.

12 Vice-Chair Chang mentioned the existing conditions of Ellsworth Place and Middlefield Road
13 was unique because Ellsworth Place sloped down from Middlefield Road and Middlefield Road
14 was sloping as well. She shared she witnessed several cars going over 40 miles per hour during
15 her site visit. She asked how the existing slope and speeds effected the sight triangle
16 calculations.

17 Ms. Star-Lack answered with respect to speeds, that was not a unique condition because those
18 same conditions existed all along Middlefield Road. The sight triangle analysis assumed that the
19 roads were at the same grade. That was why transportation Staff visited the site and proposed
20 their recommendations as presented in the Staff Report.

21 Commissioner Templeton appreciated transportation Staff being present at the meeting. She
22 shared a recent experience she had with a delivery vehicle and a home with a long driveway off
23 a major road. She confirmed she did not want delivery vehicles parking on Middlefield Road as
24 well as didn't want delivery vehicles pulling in and then backing out. She asked if delivery
25 vehicles could enter the proposed parking space on Ellsworth Place but pull through and exit on
26 Sutter Avenue.

27 Ms. French answered it depended on the size of the truck.

28 Commissioner Templeton suggested Staff and the applicant explore a forward direction for
29 exiting delivery vehicles. She announced she was satisfied with the proposed plan with respect
30 to the safety improvements proposed at the intersection of Ellsworth Place and Middlefield
31 Road. She found the City's responses sufficient with respect to the issue of whether Ellsworth
32 Place was a private road or not.

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1 Vice-Chair Chang understood that PC 1810 stayed in effect unless amended by PC 2343 and
2 that PC 1810 had intended to widen Ellsworth Place. She asked what obligation did the City
3 have to implement the PC 1810's regulations.

4 Mr. Yang explained PC 1810 stated Ellsworth Place was to be modified based on the
5 development plan. Unfortunately, the development plan attached to PC 1810 was completely
6 illegible.

7 Commissioner Lu asked if the sight visibility of 35-feet was before the modifications proposed in
8 the newly presented proposal.

9 Ms. Star-Lack believed the sight triangle analysis was not done on-site.

10 Mr. Shrupath Patel, Associate Transportation Planner, added the 35-foot sight visibility had to
11 do more with the fence height. In typical scenarios, where the intersection is at grade, the City
12 allowed fences that were less than 3-feet in height, but because of the grade. Staff
13 recommended the fence be pulled back 4-feet from Middlefield Road. That would increase
14 visibility for vehicles on Middlefield Road as well as Ellsworth Place.

15 Commissioner Lu asked what length was typically required for sight visibility along Middlefield
16 Road or El Camino Real.

17 Mr. Patel reiterated 35-feet was more about the driveway and fence. Stopping sight distance
18 was based on the speed of the main street and was typically between 100 to 250-feet.

19 Chair Summa acknowledged that Mr. Ross's comments generally opposed how the City typically
20 does things and the Commission could not solve that issue now. She recommend the
21 Commission pursue a compromise that served both the applicants, the neighbors and the City.
22 She mentioned the residents of Ellsworth have indicated that every resident on the street has
23 easements to traverse the road. With that said, supplying the right to access the street should
24 not be considered a benefit. She noted the Zoning Maps are constantly being updated and so it
25 was hard to say when the mistake was made and how long it had been in effect. Also, if the
26 parcel remained a PC, the private street issue would become irrelevant because it would solve
27 many of the concerns raised by the neighbors. She announced the Commission would take a
28 short break to allow Commissioners to read the recent letters submitted by the public.

29 [The Commission took a 10-minute break]

30 Chair Summa inquired if the Streamside Corridor Protection Review Area was the same as the
31 streamside setback.

32 Ms. French requested a minute to review the Code.

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1 Vice-Chair Chang acknowledged that while she did not attend the last meeting, she watched
2 the video recording and was prepared to make informed comments. At the last meeting, a
3 speaker stated that two wrongs don't make a right and that comment resonated with her. At
4 the same time, the Commission was tasked with making sure a PC application is compatible
5 with the existing us as well as any potential uses. Also, safety concerns needed to be addressed
6 to the highest degree because it was well known that Middlefield Road is very dangerous. As
7 the City continues to build more housing in the area, there will be increased volumes of all
8 modes of transportation. So, safety should be considered now, and in the future, for all roads
9 along Middlefield and Middlefield itself. With respect to changing the zoning to R-1, prior City
10 Council's had stated that 702 Ellsworth Place was not a proper place for a residence but based
11 on the City's housing goals, maybe now was the time to place a house there. With that said,
12 there were still many safety concerns that come with a residence building built on the parcel.
13 She announced she supported keeping the parcel zoned PC but allow residential use within the
14 PC.

15 Commissioner Templeton stated she had mixed thoughts regarding the proposal. She agreed
16 with Vice-Chair Chang that Middlefield Road was still too dangerous to support the City's vision
17 of making the city a walkable, bikeable, family-oriented community. She believed the proposed
18 improvements would make the existing conditions at the intersection of Ellsworth Place and
19 Middlefield Road safer. She also agreed that the communication error was unfortunate but the
20 problem went both ways with respect to the neighbors. The complexity of how the right-of-way
21 easements were granted and the dependency the residents of Ellsworth Place had with their
22 neighbors made the situation difficult for the Commission to single out any individuals interests
23 from the neighbor's interests. She was concerned about the setbacks along the creek but
24 acknowledged that the Commission was not being asked to evaluate that. With that said, both
25 applicants had offered concessions and accepted many compromises that meet the needs of
26 the residents of Ellsworth Place. Those proposals improved the safety of the street, community
27 and provided an opportunity to build a new home. If the Commission was not willing to place
28 the safety risks upon the other neighbors of the street, then it was not right to place all of the
29 concerns on the new resident.

30 Mr. Yang proclaimed with respect to losing control if the property were zoned R-1, the
31 Commission could require a deed restriction for 702 Ellsworth Place that included conditions
32 that should be preserved.

33 Commissioner Akin concurred he was also concerned about future owners of the property and
34 one advantage of leaving the property zoned PC was that the property would have to follow the
35 development plan. He supported that approach over changing the zoning to R-1. He predicted
36 there will be cumulative impacts as the State was pursuing limited parking requirements. He
37 predicted folks along Sutter Avenue would be impacted by the spillover of guest parking and

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1 delivery parking if the lot were converted to a home on Ellsworth Place. Nevertheless, the
2 proposed project had reached a level of compromise that he could accept.

3 Commissioner Lu asked what the differences were between a deed restriction and PC zoning.

4 Mr. Yang stated practically there was not much of a difference between the two. Both were
5 fairly difficult to change once adopted.

6 Chair Summa asked if Staff could answer her earlier question about the streamside setback.

7 Ms. French answered the Streamside Protection Corridor area was not 50-feet.

8 Chair Summa clarified she wanted to know about the setback which she believed was 20-feet.

9 Ms. French answered there was some discretion allowed for the Public Works Direction to
10 identify the streamside setback. The Director would determine that by studying the
11 Geotechnical Slope Stability Analysis.

12 Mr. Garret Sauls, Planner, confirmed that there were possibilities to allow for development to
13 occur within the Streamside Protection Areas, provided there was a Geotechnical Analysis that
14 demonstrated the impact would not impact the protected area. That did not apply so much to a
15 channelized creek, as was the case for the site, but Staff would have Santa Clara Valley Water
16 District review the plans.

17 Chair Summa asked if a Geotechnical Analysis had been completed.

18 Ms. French answered the City rejected the building application and that information was
19 typically reviewed with the building application.

20 Chair Summa inquired if Staff analyzed if there would be any impacts to Sutter Avenue.

21 Ms. French remarked circulation was an environmental impact as opposed to parking. Parking
22 was not considered to be an environmental impact.

23 Chair Summa agreed but outside of CEQA parking was a potential impact for the neighbors.
24 With that said, she believed the project would be fully parked. One of her biggest concerns was
25 not having proper setbacks for 702 Ellsworth Place, but that could be mitigated if the home
26 were developed as a smaller two-story home. A two-story home would allow Ellsworth Place to
27 be widened to become more consistent with the City's standard minimum private street width
28 of 26-feet. The neighbors have indicated that style of home and a street that was 26-feet wide
29 was satisfactory. Also, the additional width in the flare at the intersection of Ellsworth Place and
30 Middlefield Road would greatly improve ingress and egress. With respect to setbacks, she
31 suggested the proposed home observe the 24-foot special setback from Middlefield Road, a 20-

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1 foot setback from the stream, the regular 6-foot side yard setback from 705 Ellsworth and she
2 was open to suggestions for the setback along Ellsworth Street. Also, she wanted to see the
3 zone remain a PC.

4 Vice-Chair Chang predicted the proposed development plan may not be feasible if the City and
5 applicant did not have a geotechnical study of the stream.

6 Mr. Yang answered one way was to approve the PC with the proposed development plan with a
7 condition that the development plan be modified to accommodate a slope stability analysis. If
8 that approach was acceptable, the Commission could condition that the development plan be
9 reviewed by the Planning Director or a subgroup of the PTC for compliance with a slope stability
10 analysis.

11 Vice-Chair Chang stated she was less interested in being prescriptive about the new home and
12 more interested in being prescriptive about the safety of the street and intersection. The
13 Commission should consider melting the proposal with the concerns of the neighbors and the
14 requirements of the City to bring the project to a compromise among all parties.

15 Commissioner Templeton invited Mr. Yang to explain the minimum private street widths.

16 Mr. Yang explained that newly established private streets are required to be 32-foot wide
17 unless an Exception is granted. That did not apply to this project because the private street was
18 existing and there was no reasonable way to make the street 32-foot or 26-foot wide.

19 Commissioner Templeton recalled that the proposed width was appropriate for a driveway.

20 Ms. French answered that multi-family establishments were allowed to have a 20-foot width
21 driveway.

22 Mr. Sauls added that the minimum dimension for a two-way driveway was 20-feet.

23 Commissioner Templeton did not understand why the road should be wider in front of 702
24 Ellsworth and not in front of the other residents of Ellsworth Place. She found that proposal to
25 be unfair and was targeting a single property. That said, the proposal was to widen the street to
26 24-feet in front of 702 Ellsworth Place and that was a compromise between the existing
27 conditions of 20-feet and the Commissioner's desire to expand it to 26-feet.

28 Chair Summa remarked the City has a concept of grandfathering which did not require folks to
29 come into compliance with the current Municipal Code until there was an application for
30 redevelopment. The proposed project was an opportunity to increase safety on the street while
31 allowing the owners to receive benefits of their own.

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1 Commissioner Templeton agreed to disagree. Historically, the street was treated as a driveway
2 and was satisfied with the current proposal to widen the street to 24-feet. She agreed with
3 Vice-Chair Chang regarding the soil near the creek as well as her hesitancy to design the
4 proposed home. Regarding the zoning, she stated she was uncomfortable continuing with the
5 PC Zoning because the City had already told the applicant before the sale of the property that
6 the property was zoned R-1. She did not want to tie 702 Ellsworth to 2901 Middlefield Road.

7 MOTION

8 Vice-Chair Chang moved that the PTC recommend that City Council amend PC 2343 to add
9 single-family residential use to the list of Conditionally Permitted Uses of the PC Zone; and that
10 A) the width of Ellsworth Place easement running between 702 Ellsworth and 2901 Middlefield
11 be widened to 26-feet for the entire length of the easement; B) the easement shall be given to
12 the City of Palo Alto to settle any debate on who has right to access the street; C) that the curb
13 cut approach at Ellsworth/Middlefield shall be widened by 4-feet to a total of 28-feet at the
14 street flare; D) that the 35-foot sight triangle for the Ellsworth/Middlefield intersection must
15 not be obstructed by vegetation, fences or other objects with heights greater than 1-foot; E)
16 that four additional parking spaces shall be provided on 2901 Middlefield; F) that a temporary
17 loading zone for delivery trucks shall be provided at 2901 Middlefield; G) that green waste
18 garbage enclosure and pickup for 2901 Middlefield shall be moved off Ellsworth and that 2901
19 Middlefield trash pickup shall be moved from Ellsworth to Sutter; and H) regarding setbacks,
20 first the 24-foot special setback on Middlefield shall be observed; 2) that the creek setback will
21 be observed according to stability requirements; 3) that the front setback from Ellsworth be
22 determined based on safety requirements as reviewed by the Planning Director; and 4) that the
23 standard 6-foot side setback be observed from 705 Ellsworth. She remarked she felt strongly to
24 keep the parcel zoned PC.

25 Ms. French inquired if Vice-Chair Chang moved the street to be widened to 26-feet as opposed
26 to the proposed 24-feet.

27 Vice-Chair Chang clarified the street shall be widened to 26-feet and 30-feet at the street flare.

28 Commissioner Lu inquired if the motion needed specificity in terms of the asphalt or moving
29 the utilities.

30 Commissioner Templeton recommended that Vice-Chair Chang correct the motion on the
31 screen. She requested that Staff highlight the differences between Staff's recommendation and
32 the motion.

33 Vice-Chair Chang worked with Staff to correct the motion.

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1 Ms. French asked if the widening of 26-feet pertained to the first 35-feet along Ellsworth Place,
2 as proposed by the applicant.

3 Vice-Chair Chang clarified it should be widened for the full 100-feet of the parcel.

4 Ms. French clarified Item B should read the City of Palo Alto has the right to determine who has
5 access to Ellsworth Place.

6 Vice-Chair Chang wanted the easement to be given to the City of Palo Alto to settle the debate
7 on who had a right to access the street.

8 Commissioner Templeton asked for all properties on Ellsworth Place or just 702 Ellsworth Place.

9 Vice-Chair Chang stated for all properties on Ellsworth Place. She clarified that all houses on
10 Ellsworth Place should be allowed to access the street.

11 Mr. Yang objected that the entire length of Ellsworth Place was not before the Commission and
12 that provision could only apply to the first 100-feet of 702 Ellsworth Place.

13 Vice-Chair Chang concurred that Item B was not necessary, but proclaimed that the easement
14 needed to be given to someone.

15 Commissioner Templeton corrected that the easement had already been given to someone.

16 Vice-Chair Chang clarified the easement should belong to someone if the street was widened.

17 Chair Summa suggested the language state that the new width of the first 100-feet from
18 Middlefield Road should be recorded with the City.

19 Vice-Chair Chang accepted that language change.

20 Mr. Yang recommended that the first 100-feet street easement be granted to all of the
21 neighbors on Ellsworth Place because Staff has indicated it was not interested in having a public
22 access easement or public right of way.

23 Commissioner Lu requested clarification on the applicant's proposal to widen the street.

24 Commissioner Akin explained existing conditions were 20-feet and the applicant proposed to
25 add 4-feet in two separate chunks. While he was all in favor of making the street wider, he
26 understood from the applicant that it would be difficult to make the street wider than 24-feet.

27 Vice-Chair Chang confirmed her motion was to go beyond the applicant's proposal.

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1 Ms. French recommended that the motion not include the word “front” when listing the
2 setbacks.

3 Commissioner Templeton re-asked if Staff could compare the motion to the diagram on Slide
4 12. She predicted the motion closely followed what was being proposed with minor differences.

5 Vice-Chair Chang concurred.

6 Ms. French explained there was a 35-foot setback from Mr. Handa’s property to 2901
7 Middlefield Road. The motion was suggesting there be a 10-foot setback from the edge of
8 Ellsworth Place to the proposed house. There was a 24-foot special setback from Middlefield
9 Road and that was considered the front setback. The side facing the creek would be the 6-foot
10 side setback and the rear lot was to be 14-foot setback from 705 Ellsworth Place.

11 Chair Summa agreed the motion and Slide 12 were substantially similar.

12 Commissioner Templeton agreed.

13 Chair Summa stated the only difference was a large setback on Ellsworth Place. She invited a
14 resident of Ellsworth Place to approach the mic to understand if the motion captured what they
15 were seeking with respect to the easement.

16 Mr. Yang encouraged the motion to receive a second before allowing members of the public to
17 speak.

18 SECOND

19 Chair Summa seconded and invited Mr. Handa to speak.

20 Mr. Nitin Handa, an applicant, asked if the proposed widening to 26-feet was to go beyond the
21 first 35-feet, as proposed, along Ellsworth Place and he requested clarification on the proposal
22 with respect to the rear yard setback.

23 Chair Summa predicted there was confusion about where the front of the house was.

24 Ms. French explained the Code was not specific about where the property numbers should be.
25 For many of the zones, the shortest property line that abuts the street is considered the front of
26 the structure.

27 Chair Summa understood Mr. Handa was not required to use all of the 6-feet. She invited a
28 resident to come to the mic and address her question regarding the easement.

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1 Mr. Yang recommended hearing from both applicants since the motion deviated from the
2 proposal.

3 Ms. Kristen Van Fleet requested clarification.

4 Chair Summa asked if the proposed easement with the widening was sufficient for the
5 neighbors.

6 Ms. Van Fleet believed it would be sufficient now, but there was still an unknown as to who
7 owned the road because Santa Clara County labeled the road as a public road. The property at
8 741 Ellsworth also owned the portion of the road in front of their lot and the City stated that
9 they would not receive the same benefits as 702 Ellsworth. Also, a section of the road was
10 abandoned and so while the proposal to widen the road to 26-feet in the first 100-feet was
11 sufficient, the issue of who owned the road had not been solved.

12 Chair Summa agreed but noted road ownership had not been agendized.

13 Commissioner Templeton asked if widening the road to 24-feet would be sufficient.

14 Ms. Van Fleet stated that would not be sufficient based on the evidence of the temporary fence
15 being damaged when it was placed at that measurement. With cars parked in the parking lot,
16 the residents were use to having 25 to 26-feet for circulation.

17 Commissioner Templeton remarked that did not quite answer her question because Ms. Van
18 Fleet was talking about the current status and not the proposed statutes. She thanked her for
19 her answer.

20 An unknown male speaker from the audience approached and stated there was a larger public
21 safety issue.

22 Chair Summa thanked him for his comments but stated he was not allowed to approach the mic
23 without being asked.

24 Mr. Handa remarked he proposed to widen the street to 24-feet, even though the traffic study
25 has identified the street as safe at its current width of 20-feet. His proposal also was for the first
26 35-feet, not the full 100-feet of the property. He asked if the motion was to widen the street
27 the full 100-feet of this property to 26-feet. That would require him to give up more land. He
28 restated that the minimum width of 26-feet was for new private streets, not existing streets.

29 Mr. Hayes agreed with Mr. Handa that 24-feet was sufficient and noted any wider than that
30 may not be possible due to the City's power pole on Mr. Dewey's property. The power pole was
31 holding up the lines and poles running down Ellsworth Place. If that pole were to be removed,

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1 the next pole on Mr. Dewey's property would require guy wires and those would essentially
2 eliminate the newly proposed delivery truck space as well as truck turnaround. He stated if the
3 road is widened further than 24-feet, the road becomes an access easement and access
4 easements are deducted from the site area. Mr. Handa had already deducted the 20-foot by
5 100-foot Ellsworth Place access easement which reduced the size of the house he would
6 construct. If the easement were widened further, Mr. Handa would not be able to build the
7 house he was proposing. The motion also states that there be no obstructions within the sight
8 triangle over 1-foot. He asked if that meant Mr. Handa was not allowed to have a fence and if
9 so, that was a safety issue for Mr. Handa.

10 Vice-Chair Chang stated what should have happened was the parcel should have never been
11 sold off separately and with the existing parking lot, the City could have easily widened the
12 street. Also, there was no analysis of the soils near the creek and there was still a question of
13 could a house even be built on that site. She stated there is a reason why the City's Municipal
14 Code required a new private street to be 32-feet wide. The motion was using the bare
15 minimum of 26-feet and though the existing 20-foot wide Ellsworth Place had been identified
16 as safe. There were many testimonies stating that the street was not safe long before the
17 property was sold. Those were her reasons to widen the street to 26-feet, but she
18 acknowledged she was not familiar with how the power pole would come into play. She said
19 simply because the Zoning Map did not properly reflect the ordinance, did not mean the City
20 needed to change the PC. She invited comments on how to approach the issue with the fence
21 and if Staff's recommendation to move the fence 4-feet back from Middlefield Road and allow
22 it to be 3-feet in height would be sufficient.

23 Chair Summa noted not every homeowner has a fence in their front yard. She believed the
24 proposal was removing something from the folks who had used the street for almost 60-years.
25 If the motion passed, the applicants could explore further if the regulations are feasible. Also,
26 the Commission could not address the legal issues. She reminded the Commission to share any
27 comments they had with respect to the newly proposed parking spaces on 2901 Middlefield
28 Road.

29 Commissioner Lu said it would be sufficient and simpler to move the Staff recommendation. He
30 confessed it was hard to visualize the street being widened to 26-feet and how that would
31 impact the development plan.

32 Commissioner Templeton shared the Chair's intention of finding a compromise but felt the
33 motion was not a compromise. She struggled with the 26-foot widening as the proposal was
34 already going to 24-feet of widening which was an improvement of the existing 20-foot
35 roadway. She did not believe the neighbors were not losing anything because the way they
36 used 702 Ellsworth was not an authorized use and that concept should be placed on the new

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1 owner. She echoed Commissioner Lu's comment about moving the Staff recommendation
2 listed on Slide 12.

3 Chair Summa explained 702 Ellsworth created a more viable, functional street as parking spaces
4 and not a building. She asked if the maker of the motion was open to amendments or should
5 the vote be called.

6 Vice-Chair Chang appreciated Commissioner Templeton's comments but noted a PC is
7 supposed to have a public benefit. Even though the public benefit was not to improve the
8 circulation of Ellsworth, it just happened that way and that was observed as a public benefit by
9 the neighbors. If the PC is changed, a new public benefit should be identified. She invited
10 amendments from her colleagues if they had any.

11 Commissioner Lu understood Vice-Chair Chang and Commissioner Templeton's points of view.
12 With respect to the site triangle, he believed the fence and vegetation could be taller if that
13 were acceptable to the Planning Director or the Planning Director could set the height based on
14 the final safety analysis.

15 Commissioner Akin was reluctant to design projects on the fly. He agreed the utility pole was
16 the final pole in the string and it also was attached to an underground utility vault. It was
17 physically possible to move the pole, but that would result in a trench having to be dug back to
18 the underground utility vault. Also, he agree with Mr. Hayes that one of the new parking spaces
19 would be compromised. With that said, he did not oppose the proposal to widen the street to
20 26-feet but also found the current proposal of 24-feet to be a good compromise.

21 Vice-Chair Chang understood the existing conditions included eight parking spaces that took up
22 the entire length of 702 Ellsworth Place.

23 Ms. French clarified the parking started beyond the first 35-feet. The 35-foot site triangle
24 started at the curb of Middlefield Road.

25 Vice-Chair Chang asked how far back did the power pole go and how far could the widening go.

26 Ms. French clarified the space proposed to be widened on 2901 Middlefield Road was shorter
27 than 702 Ellsworth because of the power pole.

28 Commissioner Templeton asked if Vice-Chair Chang was asking how far were the applicants
29 proposing to widen the road along Ellsworth Place.

30 Vice-Chair Chang understood it was 35-feet.

31 Commissioner Templeton answered it was beyond 35-feet.

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- 1 Vice-Chair Chang predicted it was 40-feet in length for 702 Ellsworth.
- 2 Commissioner Templeton added it was shorted on 2901 Middlefield Road's side because of the
3 power pole.
- 4 Ms. French confirmed that was correct.
- 5 Vice-Chair Chang remained concerned about the front section not being wide enough.
- 6 Commissioner Templeton interjected that the existing 20-foot wide street was wide enough
7 and the residents had been using it for 60 years.
- 8 Vice-Chair Chang noted when the temporary fence was installed the fence was getting hit.
- 9 Commissioner Templeton reminded that at that time the parcel did not have the 4-feet of extra
10 paving.
- 11 Vice-Chair Chang understood when the fence was in place, the road was essentially 24-feet
12 wide.
- 13 Commissioner Templeton confessed she did not know.
- 14 Chair Summa understood according to Slide 12, the reddish-brown lines were the newly
15 proposed widths of the street and how far they would run down Ellsworth Place.
- 16 Ms. French confirmed that was correct.
- 17 Chair Summa inquired if there would be an advantage to increasing the width from 24-feet to
18 26-feet just in the area that was already proposed to be widened.
- 19 Vice-Chair Chang answered yes, it would make a difference.
- 20 FRIENDLY AMENDMENT
- 21 Chair Summa suggested the motion read, to increase the width to 26 in the distances that were
22 currently being proposed to be increased to 24 and that a temporary visual aide be put up for a
23 standard number of weeks to allow everyone to experience the change. Also, the sight triangles
24 and the 3-foot fence be marked.
- 25 FRIENDLY AMENDMENT ACCEPTED

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1 Vice-Chair Chang accepted the amendment. The fence was to be allowed as long as it was
2 setback 4-feet from Middlefield Road and could be no taller than 3-feet in height. The
3 vegetation however must be no taller than 1-foot.

4 Ms. French understood Staff was to mock up a 3-foot high fence.

5 Chair Summa added also a 26-foot wide distance and where the sight triangles are located. She
6 believed those mock-ups would help folks better understand the proposal.

7 Commissioner Templeton appreciated the idea of having a mock-up but still was not
8 comfortable with widening it to 26-feet as well as the suggestion of not allowing a fence around
9 the property. She recommended the temporary visual aides be placed at 24-feet and then from
10 there determine if the street would be wider.

11 Ms. Star-Lack shared that existing currently was a stop sign and cable box inside the 26-foot
12 area at the entrance of Ellsworth Place. Those could not be moved in a mock-up and so folks
13 should be aware of that.

14 Chair Summa predicted folks who use the road often would be able to visualize the space
15 without those hindrances.

16 Commissioner Lu asked what the next step would be once the mock-up was put into place.

17 Chair Summa understood the item would then come back to the Commission for further
18 discussion. She said if the maker was happy with the motion then the vote should be called.

19 Vice-Chair Chang stated she was happy with the motion.

20 Chair Summa called on the applicant.

21 Mr. Handa understood the recommendation was to leave 702 Ellsworth zoned at PC but he
22 asked if it would be a separate PC from 2901 Middlefield Road.

23 Chair Summa mentioned that Staff's recommendation was to keep the parcels as one PC.

24 Vice-Chair Chang clarified it was one PC but two parcels.

25 Ms. French confirmed there was one alternative recommendation to keep the parcels under
26 one PC but another alternative was to create a new PC for 702 Ellsworth.

27 Commissioner Templeton added another alternative was the Commission could rezone 702
28 Ellsworth to R-1.

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1 Ms. French confirmed that is correct.

2 Mr. Handa emphasized that it was very important to him that his parcel be separated from
3 2901 Middlefield Road and he preferred it be an R-1 lot with restrictions.

4 Chair Summa asked if the Commission could amend 2901 Middlefield Road's PC and then
5 return at a later date to determine the outcome of 702 Ellsworth.

6 Mr. Yang answered the Commission could do that but noted the current motion mostly related
7 to 702 Ellsworth.

8 Chair Summa reiterated the motion was to mock up a simulation so that everyone could
9 experience it.

10 Vice-Chair Chang confessed she didn't understand enough about the difference between a PC
11 versus an R-1 with restrictions.

12 Mr. Yang answered from Staff's perspective there was not a huge difference between the
13 various forms. Having one PC changed to two PCs did not change how the City could enforce
14 the provisions outlined in the motion. He did appreciate the simplicity of having two PCs
15 because then the two property owners would not have to coordinate when one wanted to
16 make an amendment.

17 FRIENDLY AMENDMENT #2

18 Chair Summa recommended the motion be to amend PC 2343 to remove 702 Ellsworth from PC
19 2343 and include the components listed in the motion for 2901 Middlefield Road. Then create a
20 separate PC for 702 Ellsworth and include the mock-up scenario outlined in the motion.

21 FRIENDLY AMENDMENT ACCEPTED

22 Vice-Chair Chang accepted the amendment.

23 MOTION RESTATED

24 Chair Summa restated the motion was to amend PC 2343 and add a new PC for 702 Ellsworth
25 Place. Also, to incorporate the proposed parking changes for 2343 Middlefield Road and a
26 mock-up for changes be done for 702 Ellsworth Place. She inquired if all the Commissioners
27 understood the motion and noted the intention was to bring 702 Ellsworth back to the
28 Commission for further discussion after the mock-up was established.

29 Mr. Handa wanted to understand where Ellsworth Place was being proposed to be widened.

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1 Ms. French explained the widening would take place along Ellsworth Place up to Mr. Handa's
2 walkway and then short for 2901 Middlefield Road because of the guy wire and power pole.

3 Mr. Handa asked if 2901 Middlefield Road and 702 Ellsworth were equally being asked to widen
4 the street to 26-feet or if it was to extend longer for 702 Ellsworth.

5 Chair Summa believed it could be equal if that was the will of the Commission.

6 Commissioner Templeton remarked the motion does not reflect the widening to be equal. She
7 confessed she was confused about where the Commission was and could not support the
8 motion as presented on the screen.

9 Chair Summa explained the motion was restated and Staff was currently writing it up. She
10 believed it was a simple motion that created two PCs with 702 Ellsworth being removed from
11 PC 2343 and 2901 Middlefield Road must provide the proposed parking spaces.

12 Commissioner Templeton interjected that the motion was not simple. It contained 12 bullets
13 and it was complicated. As stated, she could not support it and proposed the Commission
14 consider the Staff recommendation.

15 Commissioner Akin noted more proposals for PC 2343 were not listed in the motion, such as
16 the extended width. He confessed it will be difficult to determine how much land each PC will
17 have to give up in order to accommodate the new width of Ellsworth Place.

18 Chair Summa agreed.

19 Commissioner Lu agreed with Commissioner Templeton that the motion was complicated and
20 he was more comfortable advancing Staff's recommendation on Slide 12 as proposed.

21 Vice-Chair Chang explained the width was changed to 26-feet and each parcel's proposed width
22 extension was to increase by another foot.

23 Commissioner Templeton stated Commissioner Lu wanted the width to be 24-feet and she did
24 well.

25 Vice-Chair Chang understood but believed her explanation would help folks visualize how the
26 width would be accommodated for each property owner.

27 Commissioner Lu understood but still felt 24-feet was a reasonable compromise given that the
28 existing street was 20-feet wide.

29 The Commission worked with Staff to update the motion based on the discussion.

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1 Mr. Yang stated that based on the motion, 702 Ellsworth would not need to return to PTC.

2 Chair Summa believed the motion was a small change from the applicant’s proposal and
3 encouraged the Ellsworth residents to pursue the legal concerns in another manner.

4 VOTE

5 Ms. Veronica Dao, Administrative Assistant, conducted a roll call vote and announced the
6 motion passed 3-2.

7 MOTION PASSED 3(Akin, Chang, Summa) – 2(Summa, Templeton) -0 -2(Hechtman, Reckdahl
8 absent)

9 Commissioner Templeton could not support the motion because she did not believe the item
10 should come back to the PTC, it did not need the level of control that was outlined in the
11 motion, the widening to 26-feet was not a fair compromise and the owner of 702 Ellsworth
12 should be allowed a fence for safety reasons.

13 Commissioner Lu shared he could have possibly lived with the proposed widening of 26-feet
14 but agreed with Commissioner Templeton that the Commission did not understand the
15 differences between 24 and 26-feet.

16 [The Commission took a short break before hearing the next item]

17 **Commission Action:** Motion by Chang, seconded by Summa. Pass 3-2-2 (Hechtman, Reckdahl
18 absent)

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

32 Chair Summa invited the Commissioners to share any disclosures they had.

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1 Commissioner Templeton, Commissioner Akin, Chair Summa and Vice-Chair Chang announced
2 they had no disclosures.

3 Commissioner Lu shared his home is located near the site but was informed by the City
4 Attorney's Office that he does not have a conflict of interest.

5 Ms. Claire Raybould, Planner, acknowledged the project was often referred to by the address
6 340 Portage as well as the Cannery building or Fry's site. The project was located within the
7 North Ventura Coordinated Area Plan (NVCAP) and was a 14.65-acre parcel. Back in June of
8 2022, the Council held a closed session supporting the concept being presented to the full
9 Council by the Council Ad Hoc Committee. In August 2022, Council held a study session for the
10 Development Agreement (DA). There were numerous study sessions and hearings held with the
11 PTC, the Architectural Review Board (ARB), Historic Resources Board (HRB), the Public Arts
12 Commission and the Palo Alto Bicycle Advisory Committee (PABAC). On May 25, 2023, the HRB
13 made a recommendation on the project and the ARB made their recommendation on June 15,
14 2023. The meeting with the Commission was the last step before bringing the project to City
15 Council for a first reading on August 21, 2023. Since the PTC last saw the item, the DA was
16 revised to include revised language regarding requirements for the maintenance of the Cannery
17 building, clarifications regarding the use of the retail space if the space is vacant, clarification on
18 the timing of the Audi building conversion and terms related to hazardous materials on the City
19 dedication parcel. With respect to the Comprehensive Plan Amendment, the existing land use
20 designation was primarily Multi-family Residential with small pockets of service commercial,
21 single-family and light industrial. Retention of the commercial uses required a Comprehensive
22 Plan Land Use Map Amendment. The Comprehensive Plan Amendment was to rezone the sites
23 to one cohesive zone. The Comprehensive Plan Amendment also proposed revised text to read
24 "generally range up to 0.4 but may exceed this threshold in a planned community zone" to
25 allow for the Cannery building to exceed the Floor Area Ratio (FAR) on the newly created
26 parcel. The proposed language was to make it more restrictive and any future use would
27 require a Planned Community (PC) application process. With respect to the rezoning of the site,
28 the PC zoning would apply to all five newly created parcels. No physical improvements were
29 proposed for three of the parcels. With respect to the Vesting Tentative Map with Exception,
30 the project was merging 11 parcels into five and required an Exception to allow the private
31 street to have a width of less than 32 feet clear to above. The ARB recommended the width be
32 reduced to 29-feet from the ground to the floor and 23-feet clear to above to allow for a wider
33 paseo. The City published a Draft Environmental Impact Report (DEIR) and the proposed project
34 in the DEIR was for the 200 Portage Avenue Townhome Project. The Final EIR was published in
35 May 2023 and then a Revised Final EIR was published in June of 2023. The proposed DA project
36 was evaluated in the EIR as Alternative 3. Page and Turnbull evaluated the project and
37 determined that the Cannery building and office building at 3201 Ash Street were eligible for
38 the California Register of Historic Resources under Criterion 1. The DA required partial
39 demolition of the Cannery building which was identified in the DEIR to be a significant and

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1 unavoidable impact. The EIR identified mitigation measures to reduce the impact on biological
2 resources, hazardous materials, noise and traffic. With represent to traffic, the identified
3 impact was related to an inconsistency with the Bicycle, Pedestrian Transportation Plan and the
4 County-wide Trails Plan. To come into compliance, the proposed project proposed a new bike
5 path and public access easement across the site. Staff recommended that the PTC recommend
6 that the Council approve the DA, the Comprehensive Plan Amendment and Land Use Map, the
7 ordinances amending the zone districts and the Record of Land Use Action.

8 Chair Summa invited the applicant to share their presentation.

9 Mr. Evan Sockalosky, an architect for the applicant, introduced his team and shared that the
10 group started discussions with the City in 2011 when Sobrato purchased the site. He noted his
11 presentation would focus on the proposals for parcel one, the townhomes, and parcel 3, which
12 housed the Cannery building. The project had gone through significant revisions since its
13 inception. The project's design was based on historic guidelines that were drafted by the
14 Architectural Resources Group (ARG), an architectural historian. The project's design
15 maintained the historic integrity of the Cannery's façade, it celebrated the monitor building,
16 saved trees, articulated the townhomes and enhanced the materials, it proposed a wide paseo
17 and included a depressed parking garage. Also included was a bike path to connect Portage to
18 Park Avenue and public art.

19 Mr. Matt Davis, ARG, announced he had been working on the project since 2022 to develop a
20 series of preservation development guidelines for the Cannery building. The guidelines
21 addressed height and bulk, roof forms, cladding, fenestration, entries and canopies, and the
22 interior. The focus of the guidelines was to honor and maintain the historic character through
23 repairs and replacements in kind.

24 Ms. Jennifer Easton, the applicant's public art consultant, introduced the project's artist
25 Kyungmi Shin. Ms. Shin could walk the line between the cultural historic and community nature
26 of the project. The team had begun researching the site to better understand its history and the
27 community's interests.

28 Mr. Sockalosky shared several imagines of the proposed project that included a site plan, the
29 entry to the monitor building, the depressed parking garage, the retail façade with its plaza, the
30 entrance to the office building, and the amenity space between the office building and the
31 parking garage. Depressing the garage created an amenity space as well as reduced the profile
32 of the garage. In the monitor roof building, skylights were added to the retail space to honor
33 and showcase the beams.

34 Ms. David Burton, KTGy, highlighted that the townhomes were to be located on the left side of
35 the site. The design of the building layout was intended to provide maximum engagement with
36 Park Boulevard and create an active streetscape. All the buildings had one, if not two or three,

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1 elevations that faced the street and the buildings in the center faced a landscaped paseo. The
2 primary exterior materials were stucco, a wood looked stained siding, tongue and groove fiber
3 cement siding and standing seam metal. The front doors were painted in a variety of colors to
4 provide lightheartedness to the elevations with different canopy elements. The original design
5 included one building style with multiple color schemes. The ARB recommended the project
6 include more stylistic variation and so the proposed project incorporated two more styles to
7 the original project. The buildings had various roof lines, asymmetrical compositions, and
8 different materials in each style and each building had a unique way it met the ground. Along
9 Olive Avenue, the site elevations had been revised, based on feedback from the ARB, to add
10 more color and a variety of materials. Also, more landscaping was added to the side to screen
11 more of the buildings. With respect to the paseo, the ARB recommended the paseo be widened
12 and so the project decreased the distance between the buildings on the private street on the
13 backside of the buildings. This increased the width of the paseo by 6-feet.

14 Chair Summa suggested the Commission hear public comment first and then ask questions
15 afterward.

16 Mr. Yugen Lockhart shared he lived and owned six houses on Olive Avenue near El Camino Real.
17 The neighborhood continued to watch this project, along with the others coming in and felt
18 that the neighborhood was being isolated and inundated with project. He mentioned Olive
19 Avenue was used as a cut-through road for El Camino Real and many folks used the
20 neighborhood to circumnavigate the area. He strongly requested that Staff and the Commission
21 put an aggressive look on the circulation of traffic within the Ventura Neighborhood as it
22 applied to not just the proposed project but all projects in the neighborhood. He believed a
23 dedicated right turn lane onto Page Mill would alleviate a lot of Olive Avenue's cut-through
24 traffic as well as help circulation for public transit. Overall, he found the project adequate but
25 stated it could have been bigger if it was more cohesive and thoughtful instead of a
26 hodgepodge of micro projects. Lastly, he encouraged the City to pursue a way to reopen the
27 movie theater that was shut down recently near Palo Alto Square.

28 Mr. Jeff Levinsky stated the Cannery building was not just an unusual roofline but rather an
29 incredible piece of the history of Palo Alto. He argued a plaque or street name was not
30 sufficient to remember such an iconic building and its story. The entire building, its magnitude,
31 and its grand scale were part of what made it important. Saving the Cannery building should be
32 a top priority and there were many ways to preserve it while providing economic and public
33 benefits. The proposed mix of uses did not comply with the City's zoning laws and required lot
34 line changes which were discretionary. Now was the time for the Commission to suggest
35 creative ways to preserve the Cannery and improve the overall site. One approach was to park
36 the cars inside the 40 percent of the Cannery that was to be demolished. Then build more
37 condominiums where the new garage was proposed to be built. This approach was dismissed in
38 the EIR stating significant character-defining features would need to be made but he felt

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1 minimal changes were needed. Other alternatives were possible to save the Cannery building
2 but those were not explored. Now was the time for the Commission to take action and provide
3 alternatives to save the building.

4 Mr. Terry Holzemer spoke on behalf of Scott Van Duyne, Karen Holman, Carol Kiparski and Ian
5 Irwin.

6 Chair Summa announced Mr. Holzemer would have 15 minutes because she gave him the
7 wrong information.

8 Mr. Holzemer thanked everyone for their presentations. He read comments that were prepared
9 by Palo Alto's former Mayor, Karen Holman, which reflected the thoughts of the group
10 regarding the preservation of the Cannery building. The project proposed to demolish 40
11 percent of a California-eligible historic resource. The HRB did not approve the demolition of the
12 Cannery and their motion focused on what should happen. The public and the Council relied on
13 PTC to make its own analysis and its own recommendation. The building, and the site, were a
14 monument to the accomplishments of Thomas Foon Chew, a Chinese American entrepreneur
15 who was honored by over 25,000 people when he passed away in the 1930s. His
16 accomplishments were even more remarkable because they took place at a time when Chinese
17 Americans were being strongly discriminated against. The California Registry for Historical
18 Structures had high standards that buildings must meet in order to be eligible and the building
19 and the site satisfied those criteria. The FEIR contained several conflicting conclusions and
20 statements. Under Response 3.8, not all feasible alternatives were explored. He asked why an
21 alternative considered placing 281 housing units inside the Cannery building when 75 to 91
22 units were being proposed. He argued there were numerous and creative examples of how
23 other cities had reused their industrial buildings for community use. Numerous times there was
24 a request made by the North Ventura Coordinated Area Plan (NVCAP) Working Group that the
25 City conduct a feasibility study for the reuse of the building but that never happened. He
26 requested that the City conduct a true feasibility study. He questioned how the Commission,
27 and the Council, could consider a Statement of Overriding Consideration when it was absent of
28 several major studies and conclusions. The Cannery building was a very rare surviving example
29 of the City, county and state's architectural past. The Staff's response was insufficient in their
30 response to CEQA's Regional Cumulative Impact because it did not consider the Cannery's
31 rarity. With respect to Section 4.2 of the FEIR, it identified that if 40 percent of the Cannery
32 building were to be demolished. It would then lose its historical value under the Secretary of
33 the Interior's Standards. The Council moved at their August 2022 meeting that the remaining
34 building would be treated according to the Secretary of the Interior's Standards and asked that
35 the monitor rooves be added to the local inventory. It seemed not important to do that if the
36 building would lose its historical designation anyway if it were demolished because the newly
37 rebuilt portion could not mimic the historical characteristics. While compiling historical
38 information was desirable, that was not sufficient mitigation. There was no mitigation for the

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1 loss of a cultural resource because historical structures could not be replaced. The City is
2 displacing culture and legacies when the past is erased.

3 Ms. Becky Sanders read Ms. Gloria Hom's letter into the record that she send to the NVCAP
4 Working Group in July of 2020. Ms. Hom was an educator, economist, civil leader, Lifetime
5 Achievement Award winner and granddaughter of Mr. Thomas Foon Chew. The letter read as
6 follows: *"It's critically important to recognize that these buildings are not just another series of*
7 *old industrial structures that are not unneeded and torn down. These buildings have played a*
8 *major significant role in not only Palo Alto history but California and our country as well. Largely*
9 *forgotten by current residents, Santa Clara Valley, known as Silicon Valley today, was once*
10 *called the nations Valley of the Hearts Delight. Long before there were silicon chips the valley*
11 *was known as one of the most important fruit-growing areas in our nation. The land that now*
12 *contains our largest corporations Google and Apple was once the best and most fertile area for*
13 *growing fruits and vegetables in California. So, as part of that important past, the Bayside*
14 *Cannery, which became the third largest cannery company in the world and built a fruit cannery*
15 *operation in the early 1900s. Established by my grandfather, Thomas Foon Chew. The Mayfield*
16 *Cannery focused on canning fruits, apricots, peaches and tomatoes. In addition, even after his*
17 *death in 1931, the cannery continued to be a major supplier of canned foods to the US military*
18 *during World War II. Millions of cans of fruit and vegetables were canned and produced at the*
19 *Mayfield facility for our service people and for the nation at war. I, Gloria, here encourage you*
20 *to recognize the significance of these buildings in our own backyard and how they could be*
21 *adaptively reused to serve future generations to come. These structures tell an important story*
22 *that all future California and Palo Alto generations can benefit from. I support the efforts to*
23 *retain and reuse the 340 Portage buildings as part of our history."* Ms. Sanders reminded the
24 PTC that Ms. Chew was the first to discover how to pack asparagus and take them to market.
25 She echoed that comment that Mr. Chew was able to obtain his fortune during a time when
26 Chinese Americans were being discriminated against. He also hired an aspiring Chinese Stanford
27 engineer graduate who could not find a job due to racial prejudice. He provided housing for his
28 employees. Here was a chance for the City not just pop a plaque but preserve a historical
29 resource while meeting the goals of the property owners.

30 Chair Summa invited the application to share their rebuttal comments.

31 Mr. Sockalosky announced he had no comment.

32 Chair Summa stated given the hour, she asked if the Commission wanted to continue the item
33 to a date certain or move to clarify questions.

34 Commissioner Templeton invited the new Commissioners to ask their questions.

35 Commissioner Akin liked the design and agreed that the proposed housing was much needed.
36 Nevertheless, there was a question of whether the City was receiving enough in return for the

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1 loss of the building and the area. He believed parts of the proposed could have higher density,
2 the ARB had suggested that and he recommended that it be discussed later. With respect to the
3 Terms of the DA, he asked where the term of not modifying zoning or approved uses in the first
4 10 years came from.

5 Mr. Albert Yang, City Attorney, answered what was proposed by the applicant.

6 Commissioner Akin requested that the applicant speak to that at a later time. Related to that,
7 the construction of the townhomes was dictated by the market, which was also affected by the
8 expiration of the 10-year term. The housing units were included in the updated Housing
9 Element and he asked if it made sense for the expiration of the townhome construction to fall
10 outside of the current Regional Housing Needs Allocation (RHNA) Cycle. He pointed out he liked
11 that the members of the Homeowner Association were prohibited from using the Residential
12 Preferred Parking Program and that was a provision he wished to see in more new
13 developments.

14 Mr. Yang answered with respect to timing, there was not much the City could do in terms of
15 requiring that the townhomes be built. With that said, the DA included language that if the
16 townhomes are not built within the DA term then the developer was required to pay the City
17 the \$5 million payment.

18 Commissioner Templeton asked when the housing units count towards the RHNA cycle.

19 Ms. Raybould answered it would be counted when the Building Permit was issued.

20 Commissioner Templeton asked where the issuance of a Building Permit was in the timeline.

21 Ms. Raybould concurred it was one of the last steps.

22 Mr. Tim Steele, with Sobrato, added that the townhomes were to be constructed in multiple
23 phases. As the townhome project pursues a Building Permit, concurrently the land will be
24 donated to the City for affordable housing and the park. If the townhomes are not built within
25 10-years, an additional payment of \$5 million will be paid to the City.

26 Commissioner Akin remarked an interesting aspect of the project was that construction would
27 happen with third-party builders and so there were other parties involved in the project.

28 Commissioner Lu asked if the incentive structure could be changed if the Cannery was
29 demolished but the townhomes are not built. This scenario recently happen with Google in the
30 City of San Jose. He asked if the project included a woonerf, as recommended by the NVCAP.

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1 Ms. Raybould noted the project did not fully align with the NVCAP because the City did not
2 have a draft plan when the project started nor did it have an approved plan now. The project
3 was in alignment with the key goals of the plan with respect to bicycle and pedestrian
4 connections.

5 Commissioner Lu asked if the City discussed being more ambitious for the Audi building at 3250
6 Park Avenue.

7 Ms. Raybould shared that the Audi building was a key piece of the negotiations with the Council
8 Ad Hoc Committee. Currently, the building was under parked and Sobrato did not have an
9 interest in reducing the parking.

10 Mr. Yang added there was a discussion about how to reconfigure the parking, but it was limited
11 to that. A more intense redevelopment of the site was not discussed because the applicant did
12 not express an interest in that nor did the City.

13 Commissioner Lu wanted to see the Audi parcel be upzoned for housing or mixed-use to allow
14 for underground parking and more green space.

15 Vice-Chair Chang asked why Staff proposed the sites be zoned service commercial (CS) as
16 opposed to Neighborhood Commercial (CN). The description of CS did not fit the sites because
17 the area was not supposed to be traffic intensive.

18 Ms. Raybould recalled it was considered to be rezoned to CN but it did not align with the uses
19 listed in CN. CN was typically used for shopping centers.

20 Vice-Chair Chang agreed but believed the proposal did not fall under the CS description either.
21 CS described the area as being car-centric. She felt the City was not zoned for what project the
22 City wanted, but rather had a project and was trying to see what zone it fit into.

23 Ms. Raybould saw Vice-Chair Chang's point but mentioned the existing uses were considered as
24 well as what were the land uses in the area already and how the project would fit in with those.
25 With that said, the CS zone was already surrounding the area and the multi-family designations
26 were to remain multi-family.

27 Vice-Chair Chang agreed to disagree.

28 MOTION

29 Commissioner Templeton moved that PTC continue the item until a date certain of July 26,
30 2023.

31 SECOND

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1 Vice-Chair Chang seconded.

2 Commissioner Lu announced he would not be attending the next meeting but agreed to
3 continue the item due to the lateness of the hour.

4 VOTE

5 Ms. Veronica Dao, Administrative Assistant, conducted a roll call vote and announced the
6 motion passed 5-0.

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

8 **Commission Action:** Motion by Templeton, seconded by Chang. Pass 5-0-2 (Hechtman,
9 Reckdahl absent)

10 **Approval of Minutes**

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

12 4. Approval of Planning & Transportation Commission Draft Verbatim & Summary
13 Minutes of June 14, 2023

14 MOTION

15 Chair Summa moved to approve the Planning and Transportation Commission draft verbatim
16 and summary minutes of June 14, 2023.

17 SECOND

18 Commissioner Templeton seconded.

19 VOTE

20 Ms. Veronica Dao, Administrative Assistant, conducted a roll call vote and announced the
21 motion passed 5-0.

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

23 **Commission Action:** Motion by Summa, seconded by Templeton. Pass 5-0-2 (Hechtman,
24 Reckdahl absent)

25 **Committee Items**

26 None

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1 **Commissioner Questions, Comments or Announcements**

2 Chair Summa shared she noticed the PTC's Bylaws were out of compliance with the Boards,
3 Commissions and Committees (BCC) Handbook in terms of when Staff Reports are released. She
4 recommended that the topic be agendaized for a future meeting.

5 Mr. Albert Yang, City Attorney, did not believe it needed to be agendaized but rather discussed
6 during Commissioner questions, comments and announcements.

7 Chair Summa agreed it should be discussed at a future meeting.

8 Commissioner Templeton asked if the Commission was interested in discussing norms about
9 when Commissioners should attend and not attend a meeting. Specifically, if folks are sick and
10 if they should attend a meeting or not.

11 Mr. Yang concurred the Commission could discuss that under Commissioner questions,
12 comments or announcements.

13 Commissioner Templeton shared that her place of work required all employees to take a Covid
14 test twice a week and if one does have it, they don't come in or wear a mask. Palo Alto often
15 saw surges of Covid and wanted to understand how the Commission can be courteous to the
16 other Commissioners when feeling ill.

17 Vice-Chair Chang stated if someone is not feeling well, they should not attend the meeting in
18 person.

19 Commissioner Templeton asked what if someone is feeling well but is contagious.

20 Vice-Chair Chang answered then they should test, but the Commission had formalized its rules
21 about attendance and health concerns.

22 Ms. Amy French, Chief Planning Official, stated the excuse would be just cause.

23 Vice-Chair Chang agreed and any Commissioner who was sick would not be penalized.

24 Commissioner Lu reported if there was any doubt that one was not feeling well or could be
25 contagious, they should not attend an in-person meeting. With that said, the Commission may
26 need to discuss how quorums are established because that had been an issue in a past meeting
27 where a Commissioner dialing in was not counted towards the quorum.

28 Mr. Yang noted the rules regarding a quorum were outlined in State Law.

29 Ms. French answered four Commissioners must be present to hold a meeting.

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1 Chair Summa acknowledged that Covid was unique, but noted she would not be attending a
2 meeting if she were sick. She suggested the Commission discuss the topic when all
3 Commissioners are present.

4 Commissioner Templeton said there was also an issue around disclosures and though it was not
5 required, she invited folks to share if they have been sick, are sick, or could be contagious
6 without symptoms.

7 Chair Summa agreed it was not required to disclosure but the Commission could agree to
8 disclosure when needed.

9 Commissioner Templeton agreed to revisit the discussion when all Commissioners are present.

10 Chair Summa adjourned the meeting.

11 **Adjournment**

12 10:37 pm

13

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