



# Planning & Transportation Commission

## Action Agenda: June 28, 2023

Council Chambers & Virtual  
6:00 PM

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

Chair Summa: Item Number Two which is 2901 Middlefield Road and 702 Ellsworth Place. Request for rezoning to amend Planned Community 2343 and to apply R-1 Zoning to 702 Ellsworth Place to enable the development of a single-story, single-family residences. And before we get started, could we go down the line and are there any disclosures?

Commissioner Hechtman: Yes, I had a conversation with counsel for the applicant where we discussed the content of her June 8<sup>th</sup> 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.

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

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

3

4 Chair Summa: Pardon me?

5

6 Commissioner Templeton: I also have no disclosures.

7

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

10

11 Ms. Amy French, Chief Planning Official: Thank you. Amy French, Chief Planning Official and I  
12 have with me today Garrett Sauls who is accompanying on this project. We started off with a  
13 prescreening for this application, so next slide. This is the process for amending a PC. It's similar  
14 to establishing a PC for the first time. We do a Council prescreening, which we did in March and  
15 then we proceed onto the Planning and Transportation Commission to provide input and  
16 review an ordinance and forward that on. In this case, it is not a new development of a multi-  
17 family residential apartment building. It exists and so there would not be an Architectural  
18 Review Board Major Project Review because what is proposed is a single-story single-family  
19 home on the 702 Ellsworth parcel. The parcel exists, the parcel includes the pink shape there on

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1 the screen and Ellsworth Place as an easement across it. So, the Planning and Transportation  
2 Commission would provide a recommendation to Council for their consideration, next slide.

3  
4 This shows the parcels that exist. Mr. Dewey owns three parcels, APN 127-35-194 in the orange  
5 outline there and then Mr. Handa, who is here as well, owns Parcel A-4, 127-35-152 is the  
6 parcel number there. So, we're looking at four parcels that exist, three of those are on Mr.  
7 Dewey's parcel. One is on this property and is Mr. Handa's property. So, the proposal is to  
8 separate those out by returning Parcel A-4 to the R-1 Zone that shows on our Zoning Map and  
9 then retain PC zoning on those three parcels Mr. Dewey owns. So, moving on and this just  
10 shows that the Comprehensive Plan has been unchanged for decades showing 702 Ellsworth as  
11 single-family residential land use designation and the Dewey parcel as a multi-family  
12 residential.

13  
14 And then we have a little bit of history showing the former house that was there. A one-story  
15 home back in the day on Mr. Handa's parcel and Ellsworth Place as well on that parcel. Of  
16 course, that Ellsworth Place has served the homes on the back side of that first home for  
17 decades beginning in 1938 through '49 when those homes were built. Along comes a Planned  
18 Community that involved parcels along Middlefield, including the dentist office that I use to go  
19 there for my dentist growing up here, farther up north on Middlefield. That came through with  
20 a PC. Then later that PC was reduced in size and modified with a Conditional Use Permit to see

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1 the result that you see today which is a multi-family apartment building on Mr. Dewey's parcel  
2 and guest parking for that apartment building on 702 Ellsworth.

3  
4 Then we have the request, so the request is that again, to separate... to reduce the size of the  
5 PC and modify the ordinance to remove 702 Ellsworth from the PC. That is what's proposed and  
6 just noting there's... and the applicant has provided background regarding the purchase of the  
7 property and what was showing and still shows today on our Zoning Map. It shows Ellsworth as  
8 R-1 and it shows Mr. Dewey's property as RM-20. However, we know they're affected by the PC  
9 that was adopted.

10  
11 So, this just shows what was approved back through the Conditional Use Permit process  
12 following that Planned Community. It shows Mr. Handa's parcel in blue with guest parking  
13 spaces that still exist today, are paved with asphalt but are proposed to be removed and then  
14 the next slide shows the proposal to stripe open uncovered spaces on Mr. Dewey's parcel to  
15 provide for uncovered parking spaces. Two of those are in... actually, they're all in tandem  
16 fashion and then a delivery parking space on Mr. Dewey's parcel, as well as showing site  
17 distance triangle areas in that red dashed line for the corner areas where Ellsworth meets up  
18 with Middlefield. So, in the last several months, as things were going to prescreening with the  
19 Council, they modified several things such as moved the garbage and recycling truck pickup to

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1 Sutter Avenue. It had formally been taking place on Ellsworth where you see those proposed  
2 tandem pink parking spaces near the delivery spot that they're proposing.

3

4 And this was provided in the Council Packet as well as here we have a (or it might be in the  
5 presentation last time) a comparison table showing what the original PC was proposed, the  
6 proposed PC that reduces the site area of the PC, and then the proposed one-story home on  
7 the proposed home site, taking into account reduction of the street area from that area that  
8 provides the basis for the Floor Area for the proposed home.

9

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

12

13 Mr. Garrett Sauls, Planner: Good evening, Commissioners. My name is Garrett Sauls, so as Ms.  
14 French was noting. There was back in 2018 a tree removed on the... what was zoned the R-1 or  
15 single-family zoned parcel. That at the time was communicated ... the applicant had a  
16 conversation with the City's Urban Forester and with the understanding at that time that it was  
17 reflected in our Zoning Map as an R-1 property. The Urban Forester had said that that removal  
18 could take place and they wouldn't necessarily have to go through an Architectural Review  
19 process, which would otherwise normally be required for a PC district or a commercial property

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owner that chooses to remove any sort of landscaping or modify their approved landscaped plans.

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

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

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2 Additional items to note as a part of that submittal that was or that documentation that was  
3 provided to staff is that the applicant is not proposing any sort of basement. They were  
4 proposing to incorporate a wider driveway along Ellsworth Place such that as you can note on  
5 the bottom of the image that you see here. This represents the parcel line shared between Mr.  
6 Dewey's property and Mr. Handa's property. So, this represents a 20-foot distance which is  
7 what the current easement is right now and then beyond that what is being shown is this red  
8 line that you see over here. The applicant... Mr. Handa excuse me was proposing to have a  
9 building set back even further than that which would be 10-feet creating a visual space within  
10 this area of about 30-feet. The other things that they were noting as a part of that drawing was  
11 that they would have a shorter fence along Middlefield Road. So, that they can maintain or  
12 meet the City's required visibility triangle at those driveway intersections, and some of the  
13 other items that the applicant has proposed as a part of their application where to incorporate  
14 pavers along both Mr. Handa's property on the other side of the Ellsworth Place easement as  
15 well as what you'll see in a couple slides later some pavers on Mr. Dewey's property. Which  
16 again, would try to provide for additional visibility or additional visual width towards that  
17 driveway area; which is something that the City Staff has raised as part of the... some questions  
18 to the PTC about how that should be maintained going forward. Whether or not that would be  
19 adequate to be able to provide that actual meaningful visibility and capability for people to  
20 drive within that space is certainly a question that can be discussed.

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2 Ms. French: Here's another slide that we shared with the City Council at the prescreening.

3 There are a number, in fact, most, of the lots along Ellsworth are considered substandard...

4 technically substandard by Code definition. And that has something to do with the Matadero

5 Creek there - sometime decades back that kind of chewed some of the depth of those lots, but

6 you can see all the lots in blue are substandard. And then across the street, there are R-2 lots

7 also and then there's one that's not substandard, a lot at 705 Ellsworth that's a two-story home

8 - because it is not substandard by definition. So, the definition is at the bottom of the screen

9 there to understand that. With 702, because the street is on top of the lot at the parcel, you

10 would reduce the lot area for the purpose of calculating Gross Floor Area by the size of that

11 Ellsworth private street 2,000-square feet. So, it impacts the amount of Floor Area but

12 technically it doesn't become a substandard lot because the width of the lot does not subtract

13 the private street easement. So, it cannot be called a substandard lot as it exists today.

14

15 This is just another slide that I believe we showed to the Planning and Transportation

16 Commission. There's a bike network that shows a Class 2 lane that is planned from Moreno to

17 Loma Verde, so that's important because we're all looking at the potential safety concerns

18 along Middlefield as relates to Ellsworth. There are some bullets over here on the left that

19 began to summarize some of the concerns the neighbors expressed during the City Council

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1 prescreening. So, I believe that the folks are here to speak to this item will provide more detail  
2 on those concerns.

3  
4 And we just had another slide there that showed some... the easement. The City does have  
5 some easement across there to maintain the sewer pipes that are in that easement or private  
6 street on Ellsworth. That... they're on Mr. Handa's property and there are some other  
7 easements reflected there. And this is kind of an old map that you can see from 1958 on the  
8 right that shows what the parcels use to be zoned and it shows how the first PC that came  
9 through included those parcels to the north of Sutter as well to change those, the zoning there.

10  
11 So, I think that concludes our report, just that the Planning Commission is asked to conduct the  
12 public hearing - we have a number of speakers - and tackle the recommendation to Council.  
13 Thank you.

14  
15 Chair Summa: Okay, thank you for that and I think we should go to the applicant first for their  
16 presentation, thanks.

17  
18 Mr. Ken Hayes: Am I able to?

19  
20 Ms. French: [off mic] Or you can just say next slide.

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

Ms. French: [off mic] I know.

Mr. Hayes: No, that's fine. I'll... we'll just go from there. Good evening, Chair Summa, Members of the Commission. My names Ken Hayes with Hayes Group Architects. I'm joined tonight by my client Richard Dewey with RLD Land. Also joined by Gary Black ... he's our transportation consultant with Hexagon Transportation so he can answer any questions that you might have related to the safety of the pedestrian and traffic and so on. Also joined by Nitin Handa who is the current owner of 702 Ellsworth and the principle with RRP Homes and so he actually would like to say a few words when I'm finished tonight.

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

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

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1 Mr. Hayes: So, yeah, Garrett please... yeah, there you go. So, this hearing is for consideration of  
2 amending... number one, amending a 56-year-old uncodified, unrecorded PC Ordinance that  
3 involved two parcels of land. Number two, rectifying the recently discovered Zoning Map error  
4 that has persisted for 56-year-old and upon which two property owners relied for real estate  
5 transactions. Number three, creating an opportunity for a new single-family home, as staff has  
6 just discussed. Four, consolidating apartment parking on one parcel that is conforming to  
7 current City requirements for multi-family parking. Number five, modifying an ingress and  
8 egress easement to access other properties on Ellsworth. And lastly, increasing pedestrian and  
9 bicycle safety at Ellsworth and providing for a delivery truck space. (Next...stay there, I'm sorry  
10 go back. Back, back, one more, there you go).

11  
12 So, since our City Council prescreening in March, our team has met with the neighbors to  
13 understand their concerns. We understand their main concerns are public safety at the  
14 intersection of Ellsworth and Middlefield and the accommodation of this delivery truck space as  
15 well as the removal of two trees five or so years ago. On the tree removal mitigation, you've  
16 just heard from Staff we're working with them on native tree replacement. (Next slide, so that's  
17 good.)

18  
19 So, the existing PC 2343, as you see there, involves two adjacent parcels with an access  
20 easement between them. PC was created in 1967 on the parcel on the left there to allow a 12

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1 unit apartment building to be constructed upon the 2901 Middlefield parcel and to provide,  
2 next slide, the balance of the parking on the Ellsworth parcel. At the same time, next slide, this  
3 easement was created on the Ellsworth parcel there in yellow and that... we're not quite sure  
4 how that, next slide, how that easement effects or served the parcels further down on  
5 Ellsworth. Next slide. RLD Land bought the properties in 2017. The Zoning Map showed two  
6 parcels, one was zoned RM-15 and one R-1. In 2019, the RM-15 was changed to RM-20. The R-1  
7 parcel remained as an R-1 parcel. I should also say that the parcel reports that I commonly refer  
8 to when doing due diligence on properties also confirmed all of this zoning that I'm telling you  
9 about and that was reflected in the Zoning Map.

10  
11 In 2022, after discussing single-family development on the Ellsworth parcel with the City's  
12 planners. RLD Land sold the Ellsworth parcel to RRP Homes where Mr. Handa, who's here  
13 tonight, is planning on building a single-family home of one-story, 1,695-square feet, so it's a  
14 fairly small three-bedroom home. However, when Mr. Handa submitted plans for a Building  
15 Permit, he'd already prepared plans for a Building Permit and went to the City to submit, the  
16 City uncovered this mysterious unaccounted-for record of a PC 2343 and they informed Mr.  
17 Handa to his surprise that the Ellsworth parcel was not zoned R-1 but in fact, could not be built  
18 on.

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

9

10 So, the next slide just shows the owner's goals to extract the Ellsworth parcel from the PC  
11 Ordinance by amendment of the development plan, provide compliant required parking  
12 associated with the apartment building entirely on his property, revert 702 Ellsworth to R-1 as  
13 I've said and... where Staff just said a home once stood. And hopefully, a home will be built  
14 there again and then address the neighbor's concerns within the context of the site constraints.

15

16 And so, the next slide shows the original site plan that Amy shared a minute ago. The 12-unit  
17 apartment building on the corner of Middlefield and Sutter has four two bedrooms; four, one  
18 bedrooms; and four studio apartments requiring 20 spaces previously. Under today's standard,  
19 however, only 16 spaces are required but 12 need to be covered. So, the 12 spaces, if you go to  
20 the next slide Garrett, are shown there in grey and then please go to the next slide and you'll

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1 see those same 12 spaces in that grey L-shaped space at the apartment building. The next slide  
2 would be where we propose the four red rectangles or where we're proposing the parking  
3 spaces in the existing asphalt parking lot, two in the side yard, two in the rear yard. The  
4 Ellsworth side of the property is considered the rear yard and this effectively reduced by five  
5 the number of cars that would be using Ellsworth. So, that inherently by itself will help mitigate  
6 some safety concerns and we won't have people crossing Ellsworth, that part there, to go to  
7 the apartment building in the future if that was a problem.

8  
9 Next slide. Since the neighbors are concerned about delivery trucks, RLD Land is allowing an  
10 area on his Middlefield parcel for temporary delivery truck parking which is shown in the green  
11 there. And RPP Homes is also allowing a 4-foot strip in front of his homes on 702 Ellsworth to  
12 create an effective 42-foot wide area that would be used for maneuvering and turning and to  
13 get the delivery truck, whenever it's there, out of Ellsworth drive aisle let's say.

14  
15 The next slide shows widening the driveway, I think it shows that. As you... as it necks down  
16 where the dustpan style driveway apron is Mr. Dewey is going to dedicate or not dedicate... he  
17 has a 2 ½-foot strip of land there that we would pave in pavers. That would match a 1 ½-foot of  
18 land on the 702 Ellsworth side, so we'd end up with a 24-inch kind of or 24-foot clear drive as  
19 you come in. And that would extend as far in if you go to the next slide, where we show in red  
20 the recommendations by Hexagon Transportation to provide a 35-foot site distance triangle

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1 where we would have nothing higher than 3-feet tall bushes or shrubbery, so that you can see  
2 traffic left and right. And Mr. Handa would erect a 3-foot high fence to enclose his backyard but  
3 that fence would consist of horizontal boards with gaps between them. So, you could actually  
4 see through that fence as well, but it would be a 3-foot-high fence.

5  
6 So, in conclusion, a previous unknown City mapping error that was relied upon by all parties has  
7 resulted in a situation that can be easily rectified with this proposed PC Amendment and at the  
8 same time, provide increased safety for the neighborhood, create a space to accommodate a  
9 temporary delivery truck and clear up an access easement for the rest of the Ellsworth parcels.  
10 We request that the Planning and Transportation Commission support adopting the draft  
11 ordinance, amending the development plan of PC 2343, to right-size the parking, make a safer  
12 neighborhood and create an opportunity for a single-family home.

13  
14 Now, Mr. Handa would like to say a few words as well.

15  
16 Chair Summa: Thank you very much.

17  
18 Mr. Nitin Handa: Yes.

19  
20 Chair Summa: Goode evening, Mr. Handa.

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2 Mr. Handa: Hey, good evening everyone. I'm just waiting for my slides to be shared so I can  
3 take you through that, but just before that, I want to give you some background here. I  
4 purchased this lot way back in November 2022, about 7-8 months back and our intent at that  
5 time was... you know my son is an 8<sup>th</sup> grader. He was an 8<sup>th</sup> grader, now he's getting into high  
6 school and we intend to build a house here so that we can get him to a great school district;  
7 Palo Alto High School. And as you will notice we submitted all the plans, even though we  
8 purchased in November. We submitted all the plans in January and the reason we moved really  
9 fast was that so that we can get this through and we can build the house if not by August, at  
10 least by November/December and my son can go to that high school. When we submitted the  
11 plans middle of January we got a huge surprise that the lot is not R-1 and as you all know,  
12 before I purchased the lot we had multiple meetings with the City, multiple email exchanges.  
13 [unintelligible] told this is an R-1 lot, it was so important for us and we can build a single-family  
14 home as it is shown in some previous slides. We relied on that and the City Planning Director in  
15 the pre-Council City meeting accepted... prescreening City Council meeting accepted there was  
16 no way that I could have found this out. That this was not an R-1 lot because all the required  
17 which were visible to me and also to the City planning Staff suggested it's an R-1 lot.

18

19 So, anyway, in January when we submitted the plans, we came to know it's not and we started  
20 working with the City. I started working with the neighbors also. We had multiple conversations

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1 with the neighbor on this. We did see some reservation there and at that stage, working with  
2 the neighbors, there were six changes that I agreed to the plans and the number one change  
3 was if you see the two plans I have shown here. The old plan and the new plan on the screen,  
4 the old plan you will see it does not show any pavers on the front. It only shows the lawn but  
5 we agreed to add pavers out there on the front, about 4-foot of pavers, so that it gives a little  
6 more space for the trucks and bikers to move around. You'll also notice that the driveway was  
7 much narrower in the old plan and then we decided to... agreed to widen the narrow driveway  
8 again, you know just to give more space for parking and for bikers to move around. We also  
9 agreed with the neighbors that a lot of bushes... there have been a lot of bushes in that... on the  
10 Middlefield side of the lot which has been blocking the line of sight and we agreed to cut the  
11 bushes. Not only just cut it but cut it regularly and we have been doing that for quite some time  
12 now. Initial plan was to build a bigger house with a basement. The neighbor's suggested no  
13 basement – it is not good idea. Even though the Code does permit to build a basement, we  
14 agreed not to build a basement at that stage. We also agreed what Ken already mentioned that  
15 we agreed to build a 3-foot tall fence on Middlefield and Ellsworth. Initially, we suggested 4-  
16 foot, but then because of again the line of sight issues and all that stuff, we agreed to do a 3-  
17 foot tall fence and you know, we did something more which will come in the next slide. And  
18 then there's a 24-foot easement on Ellsworth side which belongs to my lot and we are okay.  
19 You know, there has been some debate around it, we are okay to settle that and give the right  
20 to access to the City for that easement so that's not an issue.

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Ms. French: [off mic] Next slide?

Mr. Handa: Next slide, yeah. So, I mentioned that despite all these five, six things that we agreed with the neighbors. A couple more things that we have done recently which, despite the fact that we got to transportation report from Gary (he's here from Hexagon); the report, which was also reviewed by the City transport department and the report clearly says that Ellsworth Street is pretty safe. It has been reviewed by the City, peer reviewed by the City transport expert. Despite that, you know despite that we agreed that the fence along Ellsworth and Middlefield, the 3-foot... reduced 3-foot tall fence will have horizontal planks and it will have a 3-inch gap between each plank. So, there again, you can see through and through now. Even that's not ideal for us to have so much a gap on a busy Middlefield Street where everybody can see our house but we agreed to do that in the spirit of neighborhood there. Also, big thing was we agreed to give 18-inch, 1-foot 6-inch paved that area with pavers, 18-inches of space and Mr. Dewey graciously agreed to do 2 ½-feet of his side that we can widen Ellsworth to give more space for maneuvering. Again, it was not required, the report... traffic consultant report reviewed by the City clearly says it's very safe there but we are still going multiple steps forward to do that so that we can see this thing through as soon as possible. So, that's where I stand, I think that's... any questions for me? No, questions? Okay.

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

3

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

5

6 Chair Summa: Commissioner Hechtman.

7

8 Commissioner Hechtman: Thank you, just a couple of quick clarifying questions and I think that  
9 at least initially these are for Staff. So, Mr. Hayes mentioned that the original PC approval  
10 required 20 parking spaces. My understanding from the staff report is that number 20 is correct  
11 but the PC approval actually distinguished those. There were 12 parking spaces required on the  
12 apartment property, one for each unit, which apparently at the time was the standard. Plus, the  
13 additional eight spaces were particularly to be designated guest parking, which again was at the  
14 time a City requirement and those were the ones identified on the Ellsworth parcel. So, I just  
15 wanted to confirm that my understanding of the distribution of the 20 per the PC is as stated in  
16 the Staff Report.

17

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

19

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1 Commissioner Hechtman: Alright, thank you, and then the other question I had Mr. Sauls and  
2 that's I'm interested in the location of pavers on the Ellsworth property. So, the owner just  
3 showed us I think his second to last slide really showed two sections of pavers and I don't know  
4 if you can pull that up. I think it was the second to the last slide where it showed the pavers in  
5 the first 35-feet which are 18-inches wide. Mr. Sauls, I think will do it. Yeah, right here, so you  
6 could see again, we're just looking at the Ellsworth side, 18-inch width of pavers and then  
7 there's a gap and then there are the resumptions of pavers. That, again the owner referenced,  
8 which sort of connect his what I'm going to... I assume his is front entry walk and then run along  
9 Ellsworth to his widened driveway. So, the question I have is in the slides that Mr. Sauls'  
10 showed us toward the end of the Staff Report. That gap was connected with pavers and it was  
11 maybe two or three slides from the end of Mr... of what Mr. Sauls showed us and so I... because  
12 there was an inconsistency there. I would just like to get some clarity and understand what the  
13 current proposal is. It could... these projects evolve over time and that could be one of these is  
14 an older drawing perhaps, one of them is newer and I want to know what the proposal is. Mr.  
15 Sauls, were you able to find the slide I was referring to?

16

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

18

19 Commissioner Hechtman: There is it, thank you, thank you. Yeah so and again, I don't know if  
20 this is an older or newer slide than the ones that the owner showed but this seems to me, and

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1 maybe I'm misreading it, but it seems to show no gap between the pavers for the first 35-feet.  
2 And then the continuation of that until you get to the widened area connecting the entry  
3 sidewalk to the driveway. So, I'm wondering if Staff knows what the current proposal is, or if  
4 not, the applicant can tell us?

5

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

10

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

12

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

15

16 Mr. Handa: Yes.

17

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

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

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

Chair Summa: Commissioner Akin.

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

3

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

8

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

12

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

15

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

19

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

8

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

11

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

14

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

18

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

4  
5 Mr. Hayes: The two new spaces on... they don't effectively block the access from Sutter. You  
6 can still drive in from Sutter and park in those. You're talking about the two spaces on the side?

7  
8 Commissioner Akin: I meant that today it's possible to drive all the way from Sutter to Ellsworth  
9 but it would not be after the tandem parking spaces are established.

10  
11 Ms. Hayes: Oh yeah, (interrupted)

12  
13 Commissioner Akin: Is that an issue?

14  
15 Mr. Hayes: Yeah, no they don't want... Mr. Dewey doesn't want to cross-sight traffic through  
16 there. That would not be a safe thing. There were trash cans actually and the recycling  
17 prevented that kind of through traffic in the past, but that's all now been relocated to get the  
18 green waste and the waste removal over to Sutter, so to free up Ellsworth a little bit more.

- 19
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1 Commissioner Akin: Good, it's nice to know the history there, thank you. This is a hard one  
2 given that it requires a little visualization. Can someone walk me through the expected path of  
3 a delivery vehicle that's using this proposed delivery space? So, you can turn... suppose you are  
4 heading north on Middlefield, you turn right, where do you go to get in and get out?

5

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

7

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

10

11 Mr. Gary Black: Good evening, Gary Black with Hexagon Transportation Consultants, and the  
12 way that space is kind of drawn is where a truck might be able to stay for a while if it needed to  
13 park without blocking anything. But actually, if it's only going to be there for a short period of  
14 time, it might actually park at 90 degrees to that. Right now, there's 38-feet, that combined  
15 width is 38-feet and with this proposal that combined width will be 42-feet. So, there's actually  
16 going to be a little bit more space for the trucks to maneuver around. They could also park in  
17 that space and then if Mr. Handa has no car in his driveway. They could use his driveway to turn  
18 around so that would be an option as well. So, they would have various ways to get in and out  
19 of that space and then we also know that delivery vehicles come in different sizes and so we're

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1 looking at what we call a typical UPS truck when we look at things like that. They would be able  
2 to maneuver in and out of that space. There would be different options how they could do it.

3

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

8

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

11

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

13

14 Chair Summa: Okay, I do have a couple of questions also and I'll continue with the delivery area  
15 since we were just discussing that and I guess this is for staff or the applicant's team. It would  
16 block the four required covered parking spots. Is that... doesn't sound desirable but is that legal  
17 that we have a loading delivery area that blocks required parking?

18

19 Ms. French: I mean it's... a PC has options for considering configurations. So for instance, if that  
20 was not an acceptable location for a delivery truck for this PC, you could have the two tandem

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1 spots in front of the other, the covered tandem spots and put the delivery truck where those  
2 tandem spots are shown - I forget which numbers those are - as another option. I think  
3 anything's possible with a PC to consider such placement. It's not illegal to offer temporary  
4 location for delivery.

5

6 Chair Summa: Okay.

7

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

9

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

13

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

17

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

19

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

3

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

6

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

10

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

13

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

16

17 Chair Summa: Thank you so much and then so I have so many questions and I probably won't  
18 ask them all now because some of them will come out in discussion but this is about 2901  
19 Middlefield and I was wondering since the PC is an older PC from '67. There are some special  
20 requirements for PCs that are still there. It's 18.38.150 if I'm remembering correctly, A through

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1 E, and it seems to me... so my question is would 2901 because the PC is being opened up.  
2 Would they be required to comply with those special requirements and/or the special setback  
3 along Middlefield? Could they be asked? I suppose they... but those special requirements are  
4 not discretionary, whereas most things with PCs are of course.

5

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

9

10 Separately, just to your previous question, I was able to confirm in the Zoning Code, it's in  
11 18.54.20 that tandem parking does require that those parking spaces be used by the same  
12 residential unit.

13

14 Ms. French: In a multi-family situation.

15

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

17

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

19

- 
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1 Mr. Sauls: Whichever unit is going to be using the tandem spaces, that has to be used by  
2 whoever will be using the tandem spaces - by the same residential unit, so if there are two  
3 people living in one of the units they can coordinate as you were saying for entering and exiting  
4 the space.

5  
6 Chair Summa: Okay and if one unit gets two spaces. The other... the totality of the site is still  
7 correctly parked, right?

8  
9 Mr. Sauls: That's correct.

10

11 Chair Summa: Thanks, and then, let's see, oh, do we have any very definitive information on  
12 how frequently the eight spots on Ellsworth are currently being used? There was kind of sort of  
13 two different ideas that I read amongst the submissions and maybe the traffic study, I'm not  
14 sure, or staff report.

15

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

18

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

20

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

5

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

7

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

9

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

11

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

13

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

16

17 Chair Summa: Okay.

18

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

20

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

4  
5 So, about 702 Ellsworth and the way we are looking at it, describing it as abutting 2901. I... it's  
6 hard to imagine how we can call it a corner lot if it abuts on its side 2901 and if it doesn't have  
7 Ellsworth Street and Middlefield to define it as a corner lot. How it's a corner still, so if you  
8 could help me understand that?

9  
10 Ms. French: When we were looking at the setbacks and such, we had considered that to be an  
11 interior lot because again, it's not abutting the street, it includes the street and so perhaps  
12 technically not a corner lot but functionally - and if our City Attorney would wish to weigh in on  
13 this - functionally speaking it would feel like a corner lot even if it's not technically a corner lot.

14  
15 Mr. Albert Yang, City Attorney: Well, so I believe it actually is technically a corner lot because  
16 we define a corner to be the intersection of two streets and that can include a private street  
17 which we would consider Ellsworth to be a private street.

18  
19 Chair Summa: Okay.

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

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

7  
8 Mr. Sauls: Sure, let me go ahead and share the screen again. In general, the City has a sight  
9 distance triangle at all streets, which is what is reflected in the applicant's proposal, as any sort  
10 of fence within this space within the sight distance triangle can't exceed 3-feet in height. So,  
11 that's just a standard City rule for fences anywhere, for all types of properties and corner lots of  
12 course are the ones where this is actually happening. So, that's kind of also part of this whole  
13 complexity of this unique and weird situation but give me one second to pull that up.

14  
15 Chair Summa: So, 3-feet is a standard height (interrupted)

16  
17 Mr. Sauls: So that (interrupted)

18  
19 Chair Summa: In this situation?

20

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

7

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

10

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

18

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

- 
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Ms. French: The property line is Mr. Dewey’s property. That’s the property line that’s on the other side of Ellsworth.

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

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

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

Ms. French: Yeah, yes (interrupted)

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

2

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

4

5 Chair Summa: Thank you for clarifying that and then so I drove in and out of Ellsworth Place and  
6 I'm not the tallest person in the world. It's pretty hard to see and I'm wondering if the  
7 standards take into account how far down you are... the slope because the slope is kind of more  
8 than you would think it might be. And you... I really had to get all the way up on the sidewalk to  
9 have any sight line south and that's also because of the curve in the road. So, I was wondering if  
10 there are different standards when there is... and it's usual for a street to have that much of a  
11 slope up to another street in Palo Alto.

12

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

14

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

19

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

- 
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1

2 Chair Summa: Thanks. I guess one last question, this is kind of a big one so I don't want shock  
3 anybody but if the Council ultimately were to grant what we want here. Would we... how would  
4 we have any assurance that... a lot of things can happen in construction and building. How  
5 would we have any assurance that a subsequent person at any time who owned the property  
6 or anybody might want to build something very different just under the regular R-1  
7 Development Standards because it's R-1? They... anybody who owns that property is eligible for  
8 the same R-1 standards that everybody else has. So, how would we have any control over the  
9 very nice plan that we have here, which a lot of neighbors are still... how would we have...  
10 retain control to make sure it was what was being proposed here?

11

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

18

19 Chair Summa: Yes, so that was kind of my point. We lose control over being able to craft this R-  
20 1 property specifically or this house, if it becomes R-1 if we change the zoning, may not be built

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1 and something else could be built there. So, thank you for answering that, that we don't have  
2 any control over that and unless my colleagues have any other questions at this time we will go  
3 to public comment.

4  
5 Ms. Veronica Dao, Administrative Assistant: Yes, our first speaker is Gala Beykin.

6  
7 Chair Summa: Ms. Dao?

8  
9 Ms. Dao: Yes?

10  
11 Chair Summa: Could you tell me how many speakers we have in total?

12  
13 Ms. Dao: Yes, so I have seven in-person single speakers, two groups, and one virtual on Zoom  
14 currently.

15  
16 Chair Summa: Two, 15-minute groups?

17  
18 Ms. Dao: Yes.

19  
20 Chair Summa: Okay, thank you for that.

- 
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1

2 Ms. Gala Beykin: Good evening everyone, good evening Commissioners. My name is Gala, I  
3 have a slide deck if we can have it... oh, thank you so much. So, before I jump into the slide  
4 deck, I do want to mention a couple additional points. As of right now, cars cannot go out of  
5 Ellsworth towards Middlefield and in at the same time. The current situation is that a car  
6 coming into... from Middlefield towards Ellsworth require the cars tending in Ellsworth just too  
7 backward for the other car to come in. This area provides the circulation and otherwise, it's  
8 not... waiting in Middlefield for a long time is not very safe. This road is driven with very fast  
9 speeds.

10

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

20

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

5  
6 So, that's another view on the top left from 2017. You can see all those trees, nice trees and  
7 tree number five is a valley oak tree. It's a protected tree and then in 2018, you can see this  
8 picture where a crew comes in and just cuts all these trees down. When neighbors approached  
9 and asked for permits. None are provided to them and then you can see 2022 how it looks like  
10 and then unfortunately 2023 with this pile of dirt and the fence. I'll go to the next slide.

11  
12 So, protected trees defined by specifies as well as that diameter of a tree and in the specific  
13 case of valley oak tree with a diameter of 11.5 and higher is considered to be a protected tree.  
14 I'll go to the next slide. So, these are protected tree? The answer is yes. There is a survey by  
15 Canopy that provides information that this tree is a valley oak tree with a diameter of 17, which  
16 is by percentile. It could not be just a measurement error. I'll go to the next slide. This  
17 information is available to the City as well. There was another survey provided with similar  
18 information. A private survey done by the previous apartment owner shows that the diameter  
19 of the trees 15-inches; again, a protected tree. I'll go to the next slide.

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

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

13  
14 So, in addition to that, there's also violation of the landscape plan. When these apartments  
15 were built, there was a landscape plan provided which was supposed to be permanently  
16 maintained so that's another issue here. I'll go to the next slide. We sent this information to the  
17 City and I'll go to the last slide, and this information was accepted by Director Lait. Thank you so  
18 much for your time.

19  
20 Chair Summa: Thank you.

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1

2 Mr. Jeff Levinsky: Alright, good evening Commissioners and Staff. I'd like to begin by talking  
3 about the corner lot issue that came up before. We heard slightly different things from  
4 different Staff members. What the Code actually says is that in order to be a corner lot, you  
5 have to have two abutting streets and there's a certain definition as to what the angle of  
6 intersection has to be. But Ellsworth is not abutting this parcel, Ellsworth is inside this parcel  
7 and you can see that clearly on Packet Page 29. If a street is inside the parcel, the parcel doesn't  
8 abut it. You can't abut something inside. It's like saying that the United States abuts California.  
9 It makes no sense, so this is not a corner lot by our own Code's definition. There's another  
10 curious thing in how the Staff Report treats this.

11

12 The very same paragraph on Packet Page 16, claims that the side setback for the house on the  
13 north side should start on its north property line adjoining the apartments. That is across  
14 Ellsworth from where the house will be and thus the Staff is claiming that the road running  
15 through the parcel can be counted towards the required setback. But as the letter I sent in this  
16 morning explains, our Municipal Code for R-1 homes doesn't actually require a side setback. It  
17 requires a side yard, so what the Staff report is saying is that part of the side yard for the house  
18 is going to be in the street, that is in Ellsworth. Does that make any sense? That is can you claim  
19 that your yard is in a street, in a publicly accessible street? Of course, not and it's a terrible  
20 precedent. If builders can claim that roads along side their new homes count towards required

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1 side yards. We're going to have awfully small yards in our town. So, please insist that both of  
2 these problems get cleaned up. If you remember the basement issue with Castilleja that took us  
3 several rounds to that cleared up and this is similar, where the definition needs to be followed.

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

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1 those 13... sorry 19 aren't around Ellsworth Place or Sutter. The RM-20 parcels near this PC  
2 aren't contemplated for any such upzoning. So, a key question before you is whether it's  
3 appropriate to upzone this one piece of land by 33 percent when we're not doing that for most  
4 other RM-20 parcels in the City.

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

12  
13 Now this is a PC and the rules for PCs require that there be sufficient public benefits to merit all  
14 the extra value being given to the apartment owner, but when you look carefully at this  
15 proposal. The public benefits don't add up to much. Let me walk you through some. One, the  
16 100-feet of Ellsworth next to Middlefield is mostly going to get narrower, not wider. That will  
17 make it much harder, not easier, for cars to pass on the street. Two, some pavers are proposed  
18 right at Middlefield but as my letter points out. The improvements on the R-1 side, and I think  
19 you just heard this too, aren't guaranteed to stay there because once you remove the R-1 from  
20 the PC. You can't govern it. You lose the ability and if you read the Staff ordinance... the draft

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1 ordinance closely it actually even admits that. That there's really going to be no enforcement  
2 on the R-1 side. Three, as for the proposed easements, other residents on Ellsworth already  
3 have a base... easement from their homes all the way to Middlefield. So, they're not getting  
4 anything new. Four, the proposed delivery parking space... delivery truck parking space isn't  
5 legal under our current laws. It's not and because it blocks tenant parking and delivery vehicles  
6 won't dare park there even if you tell them go ahead because they don't want to be responsible  
7 for someone not getting out of their space. Five, the existing guest parking, which you see being  
8 used, will be removed. Six, the open space next to the creek will be lost, so what are the public  
9 benefits? When you add them all up, frankly nothing. This amendment will make things worst  
10 for neighbors. There's no public benefit, it's a public loss. In sum, this amendment give the  
11 owner... PC owner a million dollars or more while the public loses. It simply doesn't meet the  
12 basic threshold for amending a PC.

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

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

5  
6 Chair Summa: Thank you.

7  
8 Ms. Dao: Next group is by Kristen Van Fleet speaking on behalf of Jake Margolis, Venkata Kurra,  
9 Andrea Alberson and Chuck Effinger.

10  
11 Ms. Kristen Van Fleet: Good evening, thank you... sorry. Good evening, thank you for hearing  
12 from the Ellsworth Place neighbors. I am speaking for many people tonight.

13  
14 So, some of this will be repeated from the City Council notes but I don't think either of you...  
15 any of you have heard these yet. Our street was established in 1937, it became annexed by Palo  
16 Alto in 1947, the apartments came around in 1967. Our houses were there 20-years before  
17 those apartments were. The Ellsworth Place owners or homeowner and residents do not want  
18 the PC 2343 lifted from the R-1 parking lot. We feel this does not provide a public benefit and it  
19 will make the situation on Ellsworth Place worse than it currently is.

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1 We note that nothing is enforceable, I think I'm the third one now to mention that. Thank you  
2 for asking those questions about that earlier and for Jeff also mentioning this as well. But if the  
3 PC, as it stands now, is lifted from the R-1 parking lot. They'll be able to do anything to that lot  
4 and that will be at the detriment of the rest of our street. That is our circulation. We have no  
5 other way to turn around. That is our cul-de-sac. The letter from the attorney keeps mentioning  
6 this is a street with a cul-de-sac. We have a dead-end street at the end and there is no place to  
7 turn around. So, the cul-de-sac is the parking lot and that would be removing that from our  
8 circulation and that make... it would increase the already dangerous situation with how we  
9 interact with cars on Middlefield Road going in and out. Especially turning right onto Ellsworth  
10 Place because there's the hill from Matadero Creek and kids do use the sidewalk there for their  
11 bicycles too. It's a fun hill to ride down, you should try it sometime. Next slide, please.

12  
13 In 1967 they asked for putting the four lots together to make the apartments and it was  
14 supposed to be for the greater good of the community. That was 56 years ago, and it's done  
15 pretty well. Yes, we have some problems with circulation but overall, no one's really  
16 complained a whole lot.

17  
18 Next slide and as I said, this is our cul-de-sac. Here's a better picture that's not taken with a  
19 width a wide angle lens. I'd like to invite you to come out to the street if you have not already. I  
20 know some of you have. Because you really can't get a feel for this until you come out, drive on

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1 it, walk on it, understand what we are dealing with and why all 15 addresses and the residents  
2 in them. Including the tenants and the homeowners are really upset about what's going on  
3 here and really worried for our safety on the street; next slide.

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

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

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1 only spot they have on our street to get stuff to both the Ellsworth Place homeowners and to  
2 the residents of the apartments.

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

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

18  
19 Going over their proposal to solve these problems. It's already been mentioned that the  
20 delivery space blocked the carports. I did ask our delivery driver, one of our drivers who's been

- 
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1 delivering our route since the '90s, before I lived there. I've been there for 19-years, so this is... I  
2 can give you some history. And they said that they would not use it because it blocks cars. They  
3 cannot legally park there so it's not a viable delivery space that they're offering and the of  
4 course, we already mentioned the tandem parking. I have that on my slide. Those have to be  
5 assigned to the same residents, so I'm not sure how those work. Are they going to cover them,  
6 like I don't know. Anyway, you've got an issue where one of the carports isn't of size and so  
7 you're already down a space there; next slide.

8

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

15

16 Then we get to the traffic review. This really we found interesting. We feel like the traffic  
17 review is biased. It was paid for by the developers. It should have been done blindly, paid for by  
18 the City. It should be an actual study, not a review. You had about just over two pages of text  
19 and four maps and didn't really talk about much. It's very incomplete, as I said it was a review,  
20 not a study. It was based on a plan from a landscaper according to how it's written. We actually

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

- 
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1 they're offering no extra width of actual drivable space. We are currently at 21-inches and or  
2 21-feet and we know that we need to at least get to 26-feet minimum to even start having this  
3 conversation. And then it missed information, so it missed the fact that Middlefield Road is a  
4 major arterial classification according to Caltrans and it also missed the fact that bicyclists use  
5 the sidewalk. I know they mentioned earlier that bike lanes might be going in there but kids are  
6 still not going to use the bike lanes there. They're still going to use the sidewalks, that's what  
7 kids do; next slide.

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

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1 [note – video skipped] whole different versions on this map. Go to the next map, when you talk  
2 about a parking space or a parking entrance for a multi-family unit. There is no actual street or  
3 road drawn on a map. It's just a line, so if you do down the road from us. There are apartments  
4 that you can go into and they're multi-family and those are between 24 and 26-feet wide or so.  
5 They're drawn with a line, they have Middlefield addressed. They are not a road, so that needs  
6 to be corrected; next slide. What is a minor arterial classification? It means that you can push  
7 traffic through faster. We're a minor arterial; next slide. Palo Alto was going to vote in 2015 to  
8 up the traffic through Middlefield Road and make us a major. They might do that again in the  
9 future, especially with more housing going in. That needs to be thought of now and you want to  
10 connect us with 20-feet of road into a major arterial? That's not okay with us. New  
11 construction, as I said, would be required to be 26 to 32-feet wide.

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

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1 1810 ordinance was supposed to widen it. The current PC refers to 1810 and we talked about  
2 this before. This is how we're asking to have our road widened at the front at the driveway  
3 entrance which is what was 1810. I sent a letter early today with that attachment to it. PC 2343  
4 says on Section 4 that all other parts of 1810 are to be followed. 1810 was not included in our  
5 Packet and it should have been; next slide.

6

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

10

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

15

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

20

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1 Let's go back... keep going, one more slide to the next one. Who actually owns Ellsworth Place?  
2 Two of us have claims in with our title companies and it's right where the ownership of  
3 Ellsworth Place Road would have been back in the day and they're still working on it. We  
4 submitted... I submitted mine I think like February 28<sup>th</sup> was my first email. Got my letter on  
5 March 3<sup>rd</sup>. I just got a letter yesterday, they're still working on it. It is that complicated and to  
6 us, nothing can be decided until road ownership is solved. They're trying to take the road from  
7 us we feel and use that in their boundary. They're calling it their property and saying we're  
8 driving over it illegally. This needs to be solved. This is something that you can't just go oh, let  
9 him build and use those Codes and then we'll figure it out later. Once it's built, it's hard to get it  
10 removed; next slide.

11

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

20

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1 According to Santa Clara County, Palo Alto has actually owned our road since 1968. We actually  
2 wonder if in the research for the last times, these came through for the PCs. If Palo Alto actually  
3 did take ownership of the road because it is that complicated. I have asked for this information,  
4 this history. No ones gotten it so I think we need to ask for that. It should be in the archives and  
5 then finally in conclusion. The R-1 is only enforceable if it stays in the PC. Anything they're  
6 asking for, it has to stay in the PC for that to be enforceable. So far there's no public benefit  
7 provide for us. We lose more than we would gain by the requested changes and as it is now, we  
8 will live with the situation we have now. We would like our driveway widened, but at the time  
9 being the parking lot is necessary for the circulation on our street. It was designed with our  
10 street in mind and it's very much an integrated park of our street. Thank you.

11  
12 Chair Summa: Thank you very much.

13  
14 Ms. Dao: Next is Bhanu Iyer.

15  
16 Ms. Bhanu Iyer: Good evening, Commissioners. I'm here to support my neighbors and all the  
17 hard work that Kristen Van Fleet and Robert Chang have put in to gather all the information.  
18 Just to reiterate what has been said before, the traffic study, which is supposed to address our  
19 main concerns of safety. It's not objective because that was commissioned by the two... the  
20 applicant and the apartment owner. This lot should have never been sold and we're going to fix

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

14

15 Chair Summa: Thank you.

16

17 Ms. Dao: Paul Bigbee.

18

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

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

12  
13 Second, the statement of public good has to [note – video skipped] no evidence presented here  
14 that the net public good has met a threshold that can be deemed objectively positive. And  
15 point of fact, the net result here in my view is negative.

16  
17 Finally, our civil codes and local norms need to matter. They create expectations for the  
18 responsibilities we have to one another. The precedent of violating multiple Codes with no  
19 enforcement is an example to the community that anyone with sufficient financial incentives

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1 can out wit and outlast the local community, the people we elect and the people we hire to  
2 regulate a balance of our collective interests.

3  
4 In summary, I would ask you to support Alternative One, denial of the application. Thank you.

5  
6 Chair Summa: Thank you.

7  
8 Ms. Dao: Next is Robyn Ziegler.

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

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

4  
5 And I'm also pretty concerned about the idea of putting a bike lane that will be right at  
6 Ellsworth and Middlefield or down Middlefield. That's kind of ominous too. So, that was the  
7 point I'd like to make, thank you.

8  
9 Chair Summa: Thank you very much.

10  
11 Ms. Dao: Next is Robert Chen.

12  
13 Mr. Robert Chen: [unintelligible] Good evening, [unintelligible] Commissioners for this... give us  
14 this chance to speak about our situations over there. I'm an Ellsworth resident for almost one  
15 decade over there.

16  
17 First of all, yeah I wish our street is as wide as shown on the architect... architecture...  
18 architect's slides. Unfortunately, it's not, okay. I would like to speak... give you the two  
19 accidents. I, my family experienced it. One was my son, he was in high school. In one early  
20 winter morning, he was biking to Palo Alto High. When we he passed behind the parking spot of

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1 the apartments. One car back up almost hit him and he tried to avoid and he fall on the ground.  
2 That's one accident over there right in the... behind... in the open space over there. Another  
3 accident is in... I remember... and this accident that occurred before 2017. Before this current  
4 owner bought in. Another accident I personally had in one evening, I think it was almost dark, I  
5 tried to get out of Ellsworth but because I have to pull forward to the sidewalk in order to look  
6 around to make sure there's no cars go through on Middlefield because the cars driving over  
7 there. They don't notice... a lot of times they don't notice there is a street over there driving  
8 over there on high speed. So, I almost bumped into a guy. He is walking or he or she I don't  
9 remember. They... he or she is walking on the sidewalk. That... thank god I didn't hit anybody,  
10 but the guy he bump... he patted my car in the front. Okay, those two accidents, my personal  
11 experience.

12  
13 So, with that said I'm, as a resident... community members over there I'm strongly against the  
14 [unintelligible] of the parking lot from the apartment and against the change of the PC 2343  
15 zoning ordinance.

16  
17 Another regarding the tree, the other members... other community members said, I would say  
18 the violation against the tree... tree requirement over City should not be encouraged, should be  
19 tolerated. Nor in order should we repeat respected, especially in China... especially in the US.  
20 Not in China, sorry. Yeah, I'm from China, yeah.

- 
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Okay, per the PC Zoning Ordinance, the... actually the earth was not... the parking lot is used by then to combined to use to increase the buildable units for the apartments development. In addition, it made open space as a safety buffer... safety traffic buffer between Middlefield Road and the neighborhood, including part of the apartments. So, per the PC Zoning, approval of those both the City and the apartment developer are [unintelligible] that Ellsworth Street would potentially be widened in the future. Both parties recognize that Ellsworth Street is just too narrow, even for the 1950's standards.

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

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

Mr. Chen: Okay.

Chair Summa: Thanks.

- 
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1 Mr. Chen: In conclusion, yeah I would be strongly against this change to the PC Zoning. Thank  
2 you for your listening.

3

4 Chair Summa: Thank you.

5

6 Ms. Dao: Next is Susan Light.

7

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

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1 other questions that they or either or conclusions were incorrect in the traffic report. Thank  
2 you.

3

4 Chair Summa: Thank you.

5

6 Ms. Dao: Next is Karen Mangum.

7

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

18

19 Also, valid concerns, as everyone has mentioned, are the safety getting in and out. That steep  
20 decline from Middlefield downward onto Ellsworth Place is not normal and as you sit at

- 
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1 Middlefield... for me it's mostly making a left turn. It's kind of... you know have to have some  
2 faith going down. When I exit, ii have to put my front wheels up onto the sidewalk in order to  
3 see clear enough to get out. These are all very, very valid concerns for safety.

4  
5 For my own personal upbringing, my family are attorneys and there are two PCs intact right  
6 now. PC 1810 from 1958 and PC 2343 from 1967 and as I understand it, unless the law is made  
7 invalid. It is still applicable and PC 2343 specially mentions that all of instances mentioned in  
8 18.10 are still active. I don't understand why we can't say there was a mistake made. This  
9 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  
10 sense to me why it could just be invalidated and the ownership of the road, as has been  
11 explained to me, is very confusing. Who owns the road? How can a chunk of road be attached  
12 to one parcel where all of the rest of the road is not attached to any of the parcels? There are  
13 some very confusing elements in this whole thing and I really do agree the elements like this  
14 need to be decided before you can really make a valid argument for breaking up the PC 2343  
15 into an R-1 and as I understand now, upzoning the apartment side.

16  
17 So, as other people have made presentations regarding safety, I agree with those, but I also  
18 think that you Members need to really examine the foundational law aspects of the PC 18.10  
19 from 1958 and PC 2343 from 1967 and those still stand. Thank you.

- 
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1 Chair Summa: Thank you.

2

3 Ms. Dao: Next is Mariah Slattery.

4

5 Ms. Mariah Slattery: Thank you, Commissioners, others. I come to support a friend who lives on

6 Ellsworth and I read some of the information about the situation. And I've been to visit Kristen

7 in the past and certainly noticed the side of the street and didn't know anything about it but I'll

8 be very brief. I took a trip there today. There no one else on the street. Traffic on Middlefield

9 was not heavy. There were children and I had to... I first noticed when Ms. Summa...

10 Commissioner Summa [note - Chair Summa] mentioned sitting in your car and not being able

11 to see onto Middlefield. And that's been mentioned many times, but I think it's a really

12 important thing to consider in terms of actually narrowing the street making it more and more

13 difficult.

14

15 I wanted to say that it's a shame what happened with the person... the gentlemen who bought

16 this property and has a need for it and it's a shame that things were missed and anyway, thank

17 you very much for your time.

18

19 Chair Summa: Thank you.

20

- 
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1 Ms. Dao: Yes.

2

3 Chair Summa: We have more?

4

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

7

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

15

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

20

- 
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1 Regarding the tree that was removed, since this was an oak tree. Will Sutter Arms be adding  
2 oak trees to the Sutter Arms landscape? They say they will be native trees but I know that over  
3 the past year, the landscaping was redone on the Sutter Arms and that's... and this included  
4 removing some of the olive trees, which I don't believe are native, and maybe adding some  
5 western redbuds. But these are not going to make up for the canopy that was given by the oak  
6 tree that was removed and it does not appear that any additional trees will be added to the  
7 Sutter Arms landscape. Since there's no enforcement with the Safeway landscape along San  
8 Carlos and Middlefield, will there be any enforcement of the proposed landscape at Sutter  
9 Arms?

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

- 
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1 commute and when the tennis and skating activities are open. Thank you, that's all I have to  
2 say.

3

4 Chair Summa: Thank you.

5

6 Ms. Dao: Next is Yevgeny Khasin.

7

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

- 
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1 I don't see any by the plan that was presented if it's possible any other than just backing up to  
2 Middlefield. Thank you.

3

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

5

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

7

8 Chair Summa: Thank you.

9

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

11

12 Ms. Dao: Yes.

13

14 Mr. Blum: Outstanding. If we look at Palo Alto as a whole and not the self-entitled people that  
15 have just been going on and on about their little street. There are some major, dangerous  
16 places that are totally unrelated to this location on Alma. All of the avenues, all of the small  
17 streets that go out of Alma go out to Alma are highly dangerous. Now using that model in mind,  
18 all that is needed for the current case are mirrors, lots of them. Possibly camera-related images  
19 where you have a camera that relies an image. Now all over Palo Alto, we have cell towers. I  
20 mean it's like a Monopoly board for the cell towers. Nobody raises up even the slightest

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1 opposition or very, very few people do so. So, there should be no problem whatsoever, and by  
2 the way for the record, until proven it's a public road that we're talking about. It's not at all a  
3 private road until proven and for the record if it's a private road. Then the charges for the  
4 cameras go to the resident who claims that it's a private road I would assume. But this whole  
5 story should be switched into a completely different mode, and I'll end on this note, which is  
6 use technology, thank you.

7

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

10

11 [The Commission took a short break]

12

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

15

16 Mr. Hayes: Okay, alright, thank you, Chair Summa. I... the City has not recognized this PC for  
17 over 56 years and even as recently as 2019 when they changed the zoning from the RM-15...  
18 the RM-12 I mean. The PC didn't even come into the equation, so I think we've lost sight of the  
19 issue which is there's a mistake that has been made where people have relied upon information

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1 from the City. And they've suffered financial hardship and there's consequences potentially  
2 with that sort of thing. S

3

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

8

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

15

16 Our attorney has written a list of public benefits, I won't talk about that, but in terms of safety  
17 again. The parking lot... the City has reviewed our traffic engineer's report and really had no  
18 questions. Again, to improve safety you slow things down. The sight triangle, if you think about  
19 having eight cars parked there today. Those eight cars are about where Mr. Handa's 4... the  
20 back of those eight cars will be or are 4-feet from the easement line. That's where Mr. Handa is

- 
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1 proposing to provide his pavers. Right now, you're going to have eight cars, which is 75-feet of  
2 vehicle potentially if the neighbors are saying that cars park there. They've got a worse  
3 situation today with sight lines than they will when our house is pushed back 24-feet and  
4 everything's lowered to 3-feet. I mean how can you see Middlefield at all if you've got 5 ½-foot  
5 tall cars extending all the way out to much closer to Middlefield than our house ever would and  
6 our fences are at 3-feet? Nitin wanted to say... I'm sorry Nitin. Thank you, is this over?

7

8 Chair Summa: Pardon me?

9

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

11

12 Chair Summa: You can finish if you want to.

13

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

15

16 Chair Summa: Sure.

17

18 Mr. Handa: One of the questions that came up was whether whatever we are proposing for a  
19 building a single-story home, how do we ensure that I end up building that? Willing to give a

- 
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1 commitment for that, willing to give an affidavit that what we are proposing is what we will be  
2 building. So, whatever, a written affidavit, a legal affidavit is required, I'm willing to do that.

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

8  
9 Chair Summa: Thank you very much. I will bring it back to the Commission now for discussion  
10 and I'm... am I seeing any lights?

11  
12 Commissioner Templeton: I'll raise my hand, Chair.

13  
14 Chair Summa: Okay, I think the order is Commissioner Hechtman, Commissioner Akin and  
15 Commissioner Templeton.

16  
17 Commissioner Hechtman: Thank you, Chair. So, in... I'm just going to ask some questions in this  
18 round and reserve comments for a future round. So, one... I'm... obviously we've heard a lot of  
19 discussion tonight and I want to thank both the applicant team and the all the neighbors, both  
20 here and joining us on Zoom for contributing to this dialog. It's really important to us to hear

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1 your voices and to understand multiple perspectives as we wrestle with these issues. So, I  
2 appreciate everybody's participation.

3  
4 I'm... a couple of things I was... I heard that I was curious about. We've heard from the applicant  
5 about their intent for what house they would develop on this... on the Ellsworth parcel and  
6 we've heard some concerns that once they... once we rezone to R-1 there's really no  
7 enforcement mechanism to ensure for example that while we've heard that they don't intend  
8 to build a basement. If they applied for a house with a basement under R-1 the City wouldn't  
9 really have the discretion to say no. So, one question I had is right now we've got this PC 2343  
10 zoning that applies to the whole property and what we're proposing to do is actually scale that  
11 back. So, as I understand it, it will continue to apply to the Middlefield property where  
12 incidentally it allowed in 1967 12 units and that's the exact number of units. So, that's going to  
13 be modified, that the coverage of PC is going to be modified and if I'm understanding correctly  
14 in the development plan there's actually going to be some modifications as to the Middlefield  
15 property. Such as the requirement of the four on-site tandem spaces and possibly the delivery  
16 space. So, I'm wondering if it is a possible alternative to an R-1 zoning of the Ellsworth property  
17 to retain the 2343 zoning for the entirety of this land mass but to provide in a new  
18 development plan that 702 could develop with a single-family home and these would be some  
19 limitations. No basement, 35-foot triangle site space, the 18-inches of pavers at the front and  
20 then widening to I'm not sure we got a dimension once they hit the sidewalk but whatever that

- 
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1 is. So, I'm wondering if that's a vehicle we could use to ensure that the vision that we're hearing  
2 from the applicant and that everyone is hearing from the applicant is what could be developed  
3 on that location. You know, subject to approval of development plan and subsequently Building  
4 Permits. So, that's the first question.

5  
6 Mr. Sauls: So, overall the answers yes, you know that could be another alternative as to... it  
7 would still be considered as a rezoning but it would be instead of PC 2343 and R-1. It would be  
8 PC whatever the number would be with those additional restrictions and land uses provided for  
9 in that document and that development plan.

10  
11 Commissioner Hechtman: Thank you, so that's something I would like us to be thinking about  
12 and I'd like the applicant team to be thinking about to whether there's any reason that that  
13 might not suit their needs.

14  
15 Second question I had really has to do with the access to and from Ellsworth. And now this is an  
16 existing situation and apparently, it's existed this way since whenever the apartment was built.  
17 Sometimes I guess shortly after 1967, but so I've really got two questions because I'm really  
18 focused on the portion of Ellsworth that's before us tonight which is just the part that is sitting  
19 on the parcel 702. Right, the rest of Ellsworth travels back from that, that's not before us.  
20 We're not here to look at improvements to that existing condition, but as to this portion of

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1 Ellsworth that is part of 702 and meets Middlefield. I'm looking at Packet Page 42, which is... it's  
2 an aerial photo from the Hexagon report and what I am seeing... what I appear to be seeing is  
3 shrubbery, I'm guessing it's shrubbery, not trees, but it could be trees, right up against the  
4 sidewalk sort of framing Ellsworth Place where it meets the sidewalk. And so, I think that  
5 those... that were sight-blocking vegetation on both sides of Ellsworth. I read in the letter from  
6 the counsel dated June 8<sup>th</sup> that the... actually the vegetation... it's not clear to me if the  
7 vegetation on both sides has been removed or just on the 702, but at least I think that has  
8 already been done, if not on both sides. So, I wanted to find out from staff first is there... am I  
9 looking at that aerial right? That there was historically vegetation on both sides of Ellsworth  
10 right up behind the sidewalk?

11  
12 Ms. French: There were photos that were provided that showed vegetation shrubs that were  
13 taller than 3-feet right there at the edge on 702. There... I believe there's just the tree there  
14 that's showing on Dewey's parcel in that triangle.

15  
16 Commissioner Hechtman: Okay.

17  
18 Ms. French: The rest of it is low ground cover on Dewey's parcel.

- 19
- 
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1 Commissioner Hechtman: Alright, so one thought I had and again, hearing the residents of  
2 Ellsworth Place talk about the challenges of really entering from Middlefield. That the right turn  
3 motion onto Middlefield and I think the... sorry, right turn motion onto Ellsworth from  
4 Middlefield and also, the right turn motion from Ellsworth onto Middlefield, so those two  
5 motions. Part of what I'm seeing is this is like it's a straight line 20-feet whereas in normal  
6 development, I think even my house, there's kind of a flare to the apron right where... like at  
7 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  
8 wondering if this is something that staff and the applicant have discussed and those flares  
9 incidentally they're not super wide. You know, what I was thinking here is because I think it's  
10 like a standard flare site might be 26-feet wide at the beginning of the mouth. So, you're  
11 looking at kind of a small triangle within this clear sight area that is 3-feet on the 702 side. It's 3-  
12 feet and then you know, it's basically a triangle that pinches to zero and then it would also be  
13 start at 3-feet on the Middlefield property owner side. And so, I'm wondering if that... and if  
14 you put those wedges in and they were paved. Then that provides a softening of this  
15 experience that the Ellsworth residents are experiencing and of course, the apartment  
16 dwellings on Middlefield will benefit from that as will the resident of 702 because they get to  
17 enjoy that same enhanced safety. So, I'm really... I'm sorry it's a long way to explain it but I was  
18 wondering if staff has had dialog with the applicant... with the two property owners about that  
19 possibility of it would be a... it would actually I guess have to be... because this is not a public

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1 street. It would have to be sort of included in the easements that were granted to serve  
2 everybody up the street.

3

4 Ms. French: Staff did have conversations when this concept of widening with pavers came up.

5 You know, the question is, is that asphalt, what is that? What about widening the easement

6 there to capture that area? I put on the screen just a Public Works engineering's diagram of one

7 of their specs that showed the flare at about two feet from if you were to say that's a 20-foot

8 wide Ellsworth and then it expands two feet on each side at the sidewalk edge on Middlefield.

9 That gives it 24-feet if you were to have the flange there, the widened apron per this particular

10 spec I found in the course of a few minutes. There may be other designs that are in our Public

11 Works (interrupted)

12

13 Commissioner Hechtman: Alright, thank you.

14

15 Ms. French: [unintelligible]

16

17 Commissioner Hechtman: Yeah, thank you, Ms. French. So, I'm interested... I want to hear from

18 the other Commissioners first, but ultimately I'm interested in this idea and I'd like to

19 eventually hear from the applicant whether this is something they'd be amendable to; or as it is

20 entirely possible, am I not thinking of something that really makes this attainable for some

- 
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1 reason? For example, if could marginally effect the square footage of the house evening  
2 planned for 702. I don't know think it's many square feet but if you're right... if you're bumping  
3 up against the max. It could make it lose a couple square feet so I'd like to hear from the  
4 applicants eventually on that. So, those are my initial questions, thanks.

5

6 Chair Summa: Commissioner Akin.

7

8 Commissioner Akin: Yeah, we may have to come back for another round, but I'm... I would like  
9 to see the project go forward because I would like to see the additional housing developed.  
10 However, what I'm hearing suggests to me that we're getting insufficient public benefit to  
11 offset the public cost. So, that leads me to the question of how much additional flexibility the  
12 applicants might have. One concrete example is as I walked the property the space that's to the  
13 south of I believe it's 2905 Middlefield could be employed to widen Ellsworth all the way out to  
14 Middlefield. There's no crucial vegetation there that I noticed. It would mean sacrificing a rear  
15 yard but currently, there's no significant landscaping there. I believe there was a tree that  
16 looked like an olive to me but not a protected tree.

17

18 And I touched on the question of second stories and basements. Specifically, to think about are  
19 there ways to reduce the footprint of the house that's proposed for lot 702 and by doing so,  
20 one additional option might open up for providing easements that would both widen Ellsworth

- 
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1 and provide better access for deliveries and services. It's beyond our scope to do this sort of  
2 design on the fly, so the question I have is whether the applicants would be interested in  
3 considering additional design and coming back to the City with other proposals. That's it, thank  
4 you.

5  
6 Chair Summa: Commissioner Templeton.

7  
8 Commissioner Templeton: Thank you. I agree in part with both my colleagues have said about  
9 understanding the scope would be helpful here. And I've gone back and read what we've asked  
10 to do, and we have not been asked to approve a project. We have not been asked to approve a  
11 housing design. We've not been asked to approve a driveway expansion, flange, anything else.  
12 All we have been asked to do is look at whether or not the person... Mr. Handa has the ability to  
13 build a house here as the City stated he did when he purchased it and to me, this is a real risk  
14 for the City. We need to understand what we have been asked to do and why and I'm not sure  
15 we have entirely understood the scope of the risk for the City and what it means if we deny this  
16 applicant. What they were told by the City, an official body, would be possible when they  
17 purchased the property?

18  
19 So, I'm very concerned about what it means if we aren't able to deliver on this request and I  
20 also think that, despite a plethora of very empathetic comments that we have received from

- 
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1 neighbors, friends, applicants, etc, that many of these comments have been outside the scope  
2 of what we've been asked to do here because those are the easier arguments. And the  
3 argument before us is can we deliver what the City promised would be possible with this  
4 property and what are the mechanisms to do that. So, I'm not sure I'm very comfortable with  
5 what my colleague Commissioner Hechtman has suggested which is to not deliver that, but to  
6 deliver most of the understanding of that because the City already said yes, you'd be able to  
7 build. This is an R-1 property. So, I'm really confused, and I love our Staff but this report doesn't  
8 answer a lot of questions. It doesn't answer what the risk is, it doesn't answer what you've  
9 promised, it doesn't answer a lot of the commentary about safety that has come up with the  
10 public.

11  
12 On that note, I will just say we know that Middlefield is dangerous, we know. We have lots of  
13 collisions on this street and we're not able to deliver safety improvements because we're  
14 focused on other things. Just like tonight, we're here in a housing and zoning question and  
15 we're faced with all these transportation thoroughfare safety questions. And those need to be  
16 addressed and we didn't even have a member of the transportation department show up  
17 today. So, I'm very frustrated as somebody that is, as you are as well, listening to the  
18 comments. The sincere concerns about safety from our residents. This is why we need to have a  
19 much more collaborative discussion. However, that's not before us tonight. As much as I want

- 
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1 to talk about it, and I want to talk about it at every Commission meeting. That's not what's  
2 before us tonight.

3  
4 What's before us is a very emotionally fraught situation where we have a brand new resident or  
5 intended resident facing off with his neighbors because there's a misunderstanding at the City  
6 staff level when there was a discussion prior to purchase. That's the kind of welcome I want to  
7 give our new residents and I know that's what our neighbors want. We want this all to be  
8 resolved peacefully and in a way that works before everybody and that would be the  
9 community benefit in my opinion. Is finding a way to resolve this where we can have one more  
10 new home and one more new home full of residents and a safer street that provides as much as  
11 possible the comfort that they currently have. So, that's my two thoughts... two cents at this  
12 point and like Commissioner Akin said, I'd love to have another round after we hear from  
13 everybody. Thank you.

14  
15 Chair Summa: Great, thank you. We will have another round I'm sure. Commissioner Lu.

16  
17 Commissioner Lu: Yes, I will leave more comments for another round. I definitely agree with  
18 Commissioner Templeton and I'm also receptive to some of the proposed compromises you  
19 mentioned Commissioner Hechtman.

- 
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1 Maybe a couple of quick questions. Can the staff give more comments on visibility and safety?  
2 There's a small blurb in the packet but like, of the balance of concerns we've heard tonight; can  
3 you give your assessment of them?

4

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

10

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

13

14 Commissioner Lu: Yeah, definitely.

15

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

19

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

3

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

8

9 Commissioner Lu: I agree with that. I think the ultimate balance of the safety improvements or  
10 also negative aspects are subtle and not really clear to me. One more question, is there any  
11 summary of what actually happens with the apartment tenants? Do they have any  
12 compensation? Do they have any perspective that we've gathered overall?

13

14 Ms. French: Oh, Staff has not interviewed the apartment tenants at 2901. We did have  
15 conversations with the apartment manager out on site but did not have individual  
16 conversations with apartment tenants.

17

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

20

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

2

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

4

5 Commissioner Lu: Oh, the question was firstly just what happens with the apartment tenants?

6 Do they get any compensation? What really changes for them and do they have a fair  
7 perspective or opinion on this?

8

9 Mr. Hayes: I suppose... Ken Hayes, Hayes Group Architects, in talking with my client. I would  
10 assume that if the residents of the apartment building had any concerns or issues. They would  
11 have shown up tonight but there's no compensation for them as part of this and the guest  
12 parking is more convenient on Sutter than it is on Ellsworth.

13

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

16

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

18

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

20

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

3

4 Ms. Van Fleet: Alright, having friends at the apartments, I know that they're afraid that their  
5 rent is going to get raised or they'll be evicted. If you've read the book Evicted, you would  
6 understand the situations our renters have. I know people that have been priced out of those  
7 apartments when they were with the former owner. So, I don't think you're going to get  
8 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  
9 can't give names or anything at this point and they want their interests protected. So, I don't  
10 know, I mean I love that you're looking out for them. I think they would too, but also realize  
11 what you could possibly open up in their lives by asking such questions. So, I'll just caution you  
12 on that and read the book Evicted.

13

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

15

16 Mr. Richard Dewey: [from the audience] Thanks, I appreciate that. I'm Richard Dewey, I just...  
17 I'm offended by the comment and the reaction that somehow there's going to be retribution.  
18 We take good pride in our project, we think we have good relationships with those folks. I was  
19 told one of them wrote a positive letter for this, whether it was sent or not, I don't know but I

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1 was told she did. So, I just... I'm sorry, we've been sitting here about 2 ½-3 hours and I'm a  
2 little... I didn't take that well so thank you.

3

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

5

6 Chair Summa: Okay, I will take a minute to make some comments and then I think we're going  
7 to have at least one more round on this for sure. And I want to start out by asking... thanking  
8 everybody for coming tonight and acknowledging what a difficult situation this is because on  
9 the one hand, we have people that live on a beautiful little street that's very... when I visited it  
10 was very private. It's a really nice place to live. It has a history and it has some issues because of  
11 the nature of the street and the physicality of the street and stuff. And we have a... someone  
12 who owns properties, spent good money on it, but I don't see the issue as delivering a result in  
13 that regard to the property owner. I see the issue is the PC process has always been troubled in  
14 this community because of the public benefit required and the community's feeling that the  
15 public benefit was not reliably delivered or vanished over time. I know the PCs are all supposed  
16 to be checked I believe by our Code every 3 years. I doubt that they are and maybe that's an  
17 aspect of institutional memory in a City and those sorts of things.

18

19 But I will say one thing that really troubles me about this situation is we have an opportunity  
20 because the applicant wants to open the... wants to amend the PC, to make things better and

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1 the neighbors, they feel it's going to make things worse. And that's what I think we don't want  
2 to do while also respecting both of the property owners.

3  
4 So, I also... so I have... I find myself in the odd position of agreeing with all my colleagues, even  
5 though they didn't say the same sorts of things because... and I will say that Chair...  
6 Commissioner Templeton put her finger on it. This staff report left more questions for me. I  
7 answered maybe... I asked maybe a third of the questions I had and I'm sure I could have  
8 thought of more. This staff report didn't answer enough questions and I realize some of these  
9 questions are maybe sort of proprietary information of the property... existing property owners  
10 but one really glaringly large thing to me is the status of Ellsworth Street. And the reason is one  
11 of the big things is the County thinks it's a street and it looks like every other street in Palo Alto.  
12 Except it's older which is an aspect of it being an old part of Palo Alto and it was... that tract was  
13 developed before it was in the City and there no Development Standards applied. I mean it's  
14 why my block in College Terrace has... I kid you not, my one block has three different lots that  
15 are L-shaped around two sides of another lot. And it's just how... and one of them is my house  
16 is in the crotch of one of the L's but it's just how things are in older neighborhoods and it's why  
17 it's very important as we move forward this... with this, I think to really understand what the  
18 actual facts are about Ellsworth, and to understand the easements.

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

5  
6 I am very troubled by the concept of a corner lot that this... one of the streets that creates a  
7 corner is contained by the lot itself and how that affects setbacks and use of the land. And I'm  
8 very worried that if we grant the amendment today, we will have done so without considering  
9 all these details and I just really struggled.

10  
11 I mean I even struggled with... there was sort of a... I forget what packet page but we... staff  
12 showed it as a slide. There was sort of a zoning comparison table but it wasn't a real zoning  
13 comparison table because it didn't go through all the Development Standards and compare  
14 them. And I don't... if the view triangle is correct, if that is really the realistic way people need  
15 to see when they're coming out of there. I don't know why there should be a 3-foot fence. I  
16 know I'm shorter than a lot of people but I'm sort of standard size, low end of standard and it  
17 was really hard for me to see if... until I got my front wheels full on the sidewalk. So, I think we  
18 need to think more creatively about the fronts of both properties since we do have some  
19 control as they are in the special 24-foot setback.

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

5  
6 I just, in general, I don't feel we have the information we need to make this decision now and I  
7 also think that we don't know anything... we know the map had a mistake on it. And I will say  
8 that each page of our Zoning Map has a disclaimer on them stating that you can't use this  
9 because there could be mistakes. Mistakes are made in development a lot in the City and we  
10 try to resolve them as best we can. And the reason is because it's super complicated and some  
11 of the documents kind of get lost in history. And it's really hard and I think everybody tried their  
12 very best up until now. I will commend all sides involved and our staff for its great work but I  
13 just think we need to do more and resolve some of these issues.

14  
15 I'm particularly concerned that the County, which is a body of government that supersedes our  
16 own because it's broader. Just like the State supersedes the County and the County supersedes  
17 the City. That they maintain this is a City street.

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

4  
5 Commissioner Templeton: I have my hand up, Chair.

6  
7 Chair Summa: Go ahead, Commissioner Templeton.

8  
9 Commissioner Templeton: Thank you. I'm inclined to agree with you that we would be in a  
10 good... better position... the best position that we have in front of us tonight is probably to ask  
11 staff to come back with a more complete staff report that answers the open questions. I'd like  
12 to hear what the other Commissioners think as well, but you know I also want to through that  
13 out there because we have all these really good questions that have come up that aren't on this  
14 specific item. The fence is another good one. We listed a few before, but we need to have the  
15 ability to engage with staff on these questions because for me, in my mind, I'm like well maybe  
16 the 3-foot fence is a discussion when we have an actual plan in front of us to approve versus at  
17 this point. But maybe it is a transportation safety question, and we don't know because we  
18 don't have the ability to interact with staff on that. So, that's just another reason it might be  
19 better to come back.

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

9  
10 Chair Summa: Commissioner Hechtman.

11  
12 Commissioner Hechtman: Thank you, Chair. So, let me start by saying that I am supportive of  
13 finding a path that yields a new single-family home on 702 Ellsworth. I'm not sure that R-1  
14 zoning is the best way to go about it and I'm eventually going to ask the applicant if they're  
15 open to considering basically folding that into an amendment to the existing PC. So, it would  
16 still be PC zoning that would accommodate really everything that we're seeing in these plans.  
17 Folded into a new PC which will have as I understand it from Mr. Sauls a new number. Right,  
18 just like 1810 was the original, that was replaced by 2343. 2343 would now be replaced by  
19 some new PC number.

- 
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1 So, but I do... I am supportive of it. I do think that there's community benefit. It's listed in our  
2 staff report, it's listed in the letter from the counsel, and to me one of the biggest community  
3 benefits... and again, the community benefit is not the local community. It's not people within  
4 300-feet or 500-feet. It's the community of Palo Alto and if anything is clear to those of us on  
5 the Commission and I think residents of the City who've just gone through the trauma of  
6 adopting a new Housing Element. One of the biggest things the City needs, one of the biggest  
7 benefits to the City is to provide more housing units and this applicant seeks to do that.

8  
9 Additionally, what I'm seeing is that while perhaps some refinement is necessary, this  
10 application is seeking to improve a bad situation in terms of traffic safety at the beginning of  
11 Ellsworth. The part that's controlled by this property and I do see... now that's more of a local  
12 benefit because not that many people go down Ellsworth. The residents obviously and their  
13 guests but that I see as a benefit too and so I'm pretty satisfied that an adequate showing of  
14 benefit can be made.

15  
16 I am also satisfied that this... at least this first leg of Ellsworth that is located on 702 is not a  
17 public street. There are only two ways that you make a public street. One is you offer it for  
18 dedication and that offer is accepted. The other one is where it's either not offered or offered  
19 but not accepted. The government nonetheless may over time maintain and repair it and treat  
20 it like a City street and my impression from the staff report is that neither of those scenarios is

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1 true here. So, it's private property and these owners behind it... behind Ellsworth have some  
2 rights to cross it and it sounds like part of this proposal is to crystalize those rights. So, I don't  
3 think that that particular issue should be a hindrance to us to finding a solution or finding a  
4 path to achieve the request embodied in the application.

5  
6 I also find that the sole purpose of the function of 702 as envisioned by the City Council in its  
7 adoption of 2343 is to provide guest parking, period. It was not provided to... as a defecto cul-  
8 de-sac for the residents of Ellsworth farther down. It was not provided as convenient overflow  
9 overnight parking for the apartment residents. It was required because at the time City Code  
10 required some proportion of guest parking and that requirement is no longer there. So, I don't  
11 see the removal of that guest parking consistent with our current Codes as taking away  
12 something that anyone was entitled to because I'm not seeing that there is much if any, true  
13 guest parking on that site. And it seems from what we're hearing is most of the guest parking,  
14 when there are guests for the apartments and I'm sure there are, is happening over on Sutter.

15  
16 On the two-story versus the one-story and the basement, I guess the only thing striking me,  
17 first of all, there's been some concerns expressed about the basement and we've heard those  
18 in other contexts many times. And so, I'm not really wanting to push on that, but in the two-  
19 story versus one-story, the thing that is occurring to me, and while the design is not before us,  
20 it could be if this turns into a Development Plan Amendment to the PC is that the benefit to the

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1 owner of the one-story is that a two-story... well, first of all, I think because of the constraints of  
2 the site and its size. They already have a constraint on square footage. So, they... they're  
3 building I think it's - I wrote it down here, 1,690 or 1,600 and something square feet. If you go  
4 two-story, you're going to take up some amount of that square footage in the stairwell and so  
5 maybe it's only 100-square feet but that's the equivalent of a 10 by 10 room. And that's one of  
6 the concerns I have given that the house won't be particularly large. Although it will be on the  
7 larger side compared to the Ellsworth neighbors. It's not very big and that could make a  
8 significant difference, and I also feel like it's not the responsibility of 702 to fix the access issue  
9 that has always existed with a 20-foot wide road. I think that they've taken steps to ameliorate  
10 it beyond maybe what the Code requires, but perhaps it's a benefit to them because it's part of  
11 the benefit that they're offering up. So, I... that's the thought I had about sort of pushing too  
12 hard on the two-story.

13

14 Just two more quick points. One is I'm... we're sensitive to the issue of trees but that's not really  
15 before us. A tree cut down in 2018 after or after apart consultation with the City's arborist and  
16 to the extent a mistake was made, so be it; but we're not here to adjudicate that, but  
17 nonetheless, we see it as part of the development plan that would be approved by this  
18 application. The planting of replacement trees, which it's my understanding from staff, would  
19 have been the result of the process had the City arborist at the time given the correct advice

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1 and the process occurred; which is a replacement of the canopy at the appropriate ratio which I  
2 think I heard is four to one and they're replacing at six to one.

3  
4 And the... I kind of want to conclude on this and that is just the... it's kind of the thrust of State  
5 Law and our local ordinances now is really the promotion of housing to some extent at the  
6 expense of parking. Right, we see... and we had a recent item before us that we were looking at  
7 where... in the NVCAP where we were looking at no parking requirements as a possibility. Right,  
8 residential with no parking requirements and so here, to the extent that we're in a sense  
9 looking at trading some guest parking, what is designated guest parking, for a house. The trend  
10 seems to be to allow that replacement so those will be my comments.

11  
12 I would like to ask actually at this point to hear from the applicants on two questions. Number  
13 one, and I think we have to hear from both of them because they're both affected by this. One,  
14 are they open to an examination of whether this process could be better accomplished in a PC  
15 rezone, understanding that that would take more time. They would not get a recommendation  
16 from the Commission tonight, but rather maybe a recommendation that we continue to a time  
17 that staff would tell us. And number two, I'd like to hear from each from each of the applicants  
18 about their thoughts or concerns about the possibility of folding into that path, if we do it, this  
19 concept of providing a flare where their property meets Middlefield to allow a little more traffic

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1 safety on the entry and exit to Ellsworth. So, I'd like to hear from the applicants on those if  
2 they're willing to answer.

3

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

8

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

12

13 Commissioner Hechtman: Okay, thank you.

14

15 Mr. Handa: Sure.

16

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

18

19 Ms. Cara Silver: Thank you, Cara Silver, I'm an attorney for the Dewey applicant and I thought  
20 I'd just reference one question. That is the ability to fold the R-1 into the PC. I think that was

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1 referenced in the staff report as an option and it could be feasible if we can address the time  
2 concerns that Mr. Handa has. Although, it really is difficult to have two separate property  
3 owners with two very separate sets of issues in a single PC. I respect the enforceability issue. I  
4 think that's what you're trying to get at and I think there is a way to deal with the enforcement.  
5 Perhaps through the dedication of the easement. Mr. Handa is going to have to dedicate the  
6 easement to the public and perhaps that agreement could then attach the requirements for his  
7 property. And then of course all of the obligations for the Dewey property can be codified in  
8 the PC amendment.

9  
10 And then as to the flare, we believe... we looked at the plans, we believe that the flare would be  
11 on public right of way and so that would be something that obviously the City would have to  
12 approve. There is an existing flare on the sidewalk, and we think it's about 1 ½ -feet rather than  
13 2-feet on each side.

14  
15 Commissioner Hechtman: So, I did hear from I think both of the property owners an interest in  
16 getting a sense from Staff on timing if this were... if we were to continue this tonight. So, that  
17 staff could explore with both property owners and their consultants a slightly different path  
18 that would maybe put a little more firmness on some of the proposals from the owner of 702.  
19 Staff have a sense given its workload and what would be involved in those discussions of when  
20 we might... when it might come back to us?

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1

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

6

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

12

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

16

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

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Chair Summa: Okay.

Commissioner Hechtman: Thanks.

Chair Summa: Commissioner Lu.

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

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

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

4  
5 Chair Summa: I don't see any lights, so I think of course the Council will, but the Council does  
6 expect us to consider these issues as well. So, I don't think for me the issue is not a matter of  
7 whether there is another unit... dwelling unit which is now on 702, or it could be more than one  
8 dwelling unit frankly. It could be two small units, but the issue is opening the PC Amendment  
9 and doing it in this way right? I mean typically we don't even... we don't ever look at single-  
10 family homes unless they're... it's an appeal. It's not in our purview and it's not specifically our  
11 area of expertise. So, I think designing it on the fly is difficult, to say the least for us and the  
12 question is if we change it... if we vote to change it tonight to R-1. We lose control over what  
13 happens there, and I agree with some of the comments from my colleagues that this... the  
14 safety situations and the configuration of the street were not created by this applicant request.  
15 So, but it doesn't mean we shouldn't use this opportunity to improve conditions and I think  
16 that's why Commissioner Hechtman asked about a much... a more significant flare. And I would  
17 say that would... I think the fence would need to be rethought, the 3-foot fence, for the same  
18 reason.

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

6  
7 And I'm concerned that we're not seeing a public benefit really by granting this amendment  
8 and that we aren't getting any affordability in our housing that's being created. But I'm... I mean  
9 I think... I'm not against the... Mr. Dewey providing legal parking on his parcel if he's willing to  
10 do so. I mean I think that's a fine use and having then this little parcel.

11  
12 I'm concerned about the precedence we're creating by allowing corner lots that basically  
13 contain their own side street on their... in their lot and the possible... I don't know if there's any  
14 other lot like that in the City. Maybe Staff would know, and I also don't know if that creates a  
15 precedent for people to create situations like that.

16  
17 And I don't know if this will embolden other PCs that really, really need their parking, big  
18 mixed-use commercial PCs that really need their parking, to ask for their parking to be  
19 eliminated also.

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

3

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

5

6 Chair Summa: Go ahead.

7

8 Mr. Yang: So, I just wanted to address the question about the Ellsworth Place being a public  
9 street or a City-owned street. That's something that we looked into and based on the records  
10 that we found. We didn't find any evidence of that and as Commissioner Hechtman noted,  
11 there is a clear process for the dedication of a public street. And it requires acceptance by the  
12 City and we weren't able to find any evidence of that sort of acceptance by the City. There are  
13 still a few documents that we're trying to make legible to confirm every possible avenue, but  
14 we haven't seen that in what we've seen. And in addition, it's not been a street that the City  
15 has maintained or acted like it has owned.

16

17 Chair Summa: So, I'm not... I guess you're trying to enhance the, through digital means, the  
18 readability of certain documents. So, that... I mean that sort of reinforces my concern that  
19 we're working in the dark a little bit here and, you know, we know that mistakes can be made,  
20 and documents can be lost and that sort of thing so. One of the applicants showed us a

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1 document that did seem to suggest in '49 or '47 or something like that. That the City adopted  
2 the street so I just want to be really careful about it because I think we could... that... I know the  
3 applicants would like us to resolve this as quickly as possible. But I also think there's some  
4 value, Commissioner Templeton mentioned this, in continuing this and getting a little bit more  
5 data. Commissioner Templeton, did you want to speak?

6

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

11

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

14

15 Chair Summa: Well, I'm also... yes and I'm also kind of concerned regardless of what we  
16 recommend. That the Council... in opening up the PC I think there's a certain amount of liability  
17 that Mr. Dewey might... that comes with that because the Council could say sure we'll let you  
18 do this, but now 20 percent your housing has to be inclusionary below-market rate. I don't  
19 know that they will do that and that's why I asked also about c under that clause because I

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1 don't know if... and I'm not representing the applicant, but these are possible things that could  
2 happen through this process of opening up a PC. I think (interrupted)

3

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

6

7 Chair Summa: Yeah.

8

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

12

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

16

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

20

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

8

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

12

13 I guess I'd also ask staff are there any other mechanisms for enforceability of some of these  
14 changes? Are there contracts, deed restrictions, like anything that we've done in the past?

15

16 Mr. Sauls: Maybe Commissioner Hechtman and Chair Summa remember we have a pretty poor  
17 example of one we've done in the past where we required it on a Parcel Map. A condition on a  
18 Parcel Map about how high a structure could be built, and that was something that was  
19 probably one of the only times that was done in the entire City; which prevented ... prevents a  
20 homeowner still from being able to develop a home, that based on the size of their lot they

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1 could build a two-story home or something more typical. That's an edge case again, but it is not  
2 common that obviously, we have those.

3  
4 Commissioner Lu: Yeah, makes sense, I don't want to create wonky edge cases for us either.

5  
6 Ms. French: I'll jump in and just say other things that we've seen through planning have  
7 included covenants in Development Agreements. You know, it's not typical to have... use a  
8 Development Agreement process for a single-family home. Covenants more often have been  
9 placed, but are usually related to historic preservation and this kind of thing.

10  
11 Commissioner Templeton: Mr. Yang's hand is up again.

12  
13 Chair Summa: Thank you.

14  
15 Mr. Yang: So, I just wanted to jump in, again back to the street ownership issue. The 1949  
16 document refers to the dedication of Middlefield Road and that's the sort of document that we  
17 would expect to see for Ellsworth Place, were it ever actually dedicated and it's not something  
18 that we've found.

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

6  
7 Commissioner Hechtman: Thank you, Chair. Yeah, I actually hadn't focused on that alternative  
8 and I guess I'm wondering if staff having heard the discussion tonight and for my part at least,  
9 an interest in being able to secure some of the proposals that we've heard on the 702 side.  
10 Such as the 35-foot triangle which I think can be secured inside of a PC but you can't really  
11 impose requirements on straight rezoning to R-1. Whether Staff would have enough  
12 information to work with the applicant, as this moves to Council, to sort of refine things. And  
13 that I think might better serve Mr. Handa's concerns about speeding this along to the extent we  
14 can to... I don't know if we can get you in... I don't know how it works getting... where you have  
15 to be at the start of the school year. So, you know, no commitments there but certainly that's a  
16 faster path than to go away and come back here on July 26<sup>th</sup>. So, I guess I'm going to ask Staff  
17 what you need to hear from us if we were supportive of alternative two to give you sufficient  
18 direction to move this forward to Council?

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1 Ms. French: I mean we put alternative two there. It's a viable option as far as staff is concerned  
2 to move the project forward. We don't have a lot more research we would do. We've done a lot  
3 of research on this, but certainly having more conversations with the applicants as to what  
4 could be presented to Council related to option two, if you were going that direction. I'm not  
5 sure what we would bring back to you on the 26<sup>th</sup>.

6  
7 Commissioner Hechtman: Well no, if we did alternative two, so I'm looking at the possibility of  
8 making a motion for alternative two which would move forward with the development  
9 proposal but not as an R-1. Rather as a new PC, which hasn't really been flushed out in this staff  
10 report. I wouldn't expect it to come back to us. The expectation would be this is our  
11 recommendation to the Council, and by the time it gets to the Council. Staff will have worked  
12 with the applicant to for example, if the development plan for 702 is to include a no basement  
13 requirement, which you can do in the context of a PC. Then there'd be a plan that the Council  
14 would see with a line to the house that said no basement. Something like that, right and in that  
15 time, you could explore with the transportation department and the applicant whether there's  
16 some additional flaring that could enhance the safety and be acceptable to the applicant; or  
17 acceptable or not to the applicants, that transportation thought was desirable for the enhanced  
18 safety. Again, not only for the people down Ellsworth but for the occupants of the applicant.  
19 The apartment on one side and the future house on the other. So, do you think you have

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1 enough... have you heard enough from all the Commissioners that you could shape that  
2 conversation and produce something to the Council?

3

4 Ms. French: I think we have and as always with our staff reports to Council we can say the  
5 Planning and Transportation Commission recommends X and this is another alternative to X  
6 and this is more research if we have more research to do. So, I mean I think if it's the pleasure  
7 of the Commission with a motion to proceed along the time you're stating, then it doesn't have  
8 to come back to the Planning Commission.

9

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

16

17 Chair Summa: Commissioner Templeton.

18

19 Commissioner Templeton: Thank you. I'm really concerned that we would be moving ahead  
20 with something that we don't even know if the applicant wants if we were to take that action

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1 today. It's a new consideration that they haven't thought about and we haven't thought about,  
2 Staff hasn't thought about and we'd be forwarding something very half-baked to Council. So,  
3 are you concerned about that?

4

5 Commissioner Hechtman: Who's the question to?

6

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

8

9 Commissioner Hechtman: Okay, alright, I didn't want to presume. Well, I guess I'm not  
10 particularly concerned because staff listed it as one of our options on Packet Page 17,  
11 alternative two, which is really what we'd be doing. Again, I think I've heard from more than  
12 one Commissioner some concern that straight R-1 zoning doesn't... we lose control. I think  
13 that's the way one of the other Commissioners put it and so alternative two would avoid that  
14 issue. And of course, if the... when I asked the applicant I think I heard from their attorney not a  
15 strong objection to being folded in, but some problems that I think could be worked out in the  
16 dialog between the applicant and staff in terms of too much tying of the properties owned by  
17 separate people together. Right, those things I think can be worked out on the road to the  
18 Council and then I think I can identify as our Counsel Yang suggested, anything that's not in the  
19 plans that we've seen. Some of these things that we're trying to lock in, that we would like... at

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1 least have staff examine as this travels to Council. So, I'm comfortable moving forward with a  
2 motion.

3  
4 Chair Summa: However, to address Commissioner Templeton's concern, I think it should come  
5 back to us for a quick view before we recommend it because we want to make sure we know  
6 what we're recommending to Council. That would... if you get a second, I would be willing to  
7 make a couple of amendments and it sounds like staff needs a little for specificity on your flare  
8 idea. I would put it more broadly as 'address visibility issues at Middlefield'. And I think there's  
9 still a few questions to be answered but I think staff could do that and come back to us about  
10 setbacks and PCs so.

11  
12 Commissioner Hechtman: Shall I try a motion or are there other Commissioners who want to  
13 make a comment and then we'll see if we get a second and a vote?

14  
15 Commissioner Lu: I think I'd be happy to second your motion actually, but I think... I'm not sure  
16 if we definitely need to hear this again. I assume good intent from someone who's building a  
17 home to actually live in and I assume staff can figure this out. So, I don't personally feel like we  
18 need to see this again, but otherwise, I'll second or sorry, you haven't made a motion. Yeah,  
19 sorry.

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

2

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

8

9 Ms. French: Are you asking staff or the (interrupted)

10

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

12

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

17

18 Commissioner Akin: Yeah, we're not... we're all tempted to design this as we go and we have to  
19 resist that, but nevertheless, those ideas are things that should be forwarded in some manner  
20 to Council. I find the basement thing amusing because as basement space doesn't count against

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1 your Floor Area Ratio, that's a way to get a lot of space in a comparatively small footprint and  
2 for those of you who have lived on busy roads. Bedrooms in basements are cool and quiet  
3 whereas bedrooms imminently facing traffic on the scale of Middlefield are anything but. So,  
4 there are a lot advantages there that I think an applicant might consider if they were  
5 encouraged to do so. We're... we seem to be putting a lot of the burden on Mr. Handa here, but  
6 I think Mr. Dewey might have valuable contributions to make as well. That certainly can be  
7 negotiated as part of the Amendment to the PC but it won't be unless someone brings it up as  
8 part of the process. It doesn't need to be accomplished by revisiting the discussion here, but it  
9 needs to be accomplished to Council somehow.

10  
11 Chair Summa: That was a pretty compelling comment and I do think that the... one of the  
12 advantages of keeping it a PC but allowing for housing where the eight parking spots were. That  
13 it takes away concerns about the corner lot precedent or certainly takes away mine because we  
14 don't have that issue at all anymore. The residents on Ellsworth already have an easement that  
15 is sufficient, and I don't think there's any intention to take that away. And so, I think if we can  
16 get to a motion that contains all these, I think we're in a better place.

17  
18 Commissioner Templeton: May I make another comment, Chair?

19  
20 Chair Summa: Yes, please.

- 
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1

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

12

13 Chair Summa: Well, I would rather see it again too, but I have to tell you, I don't think a  
14 majority of us feel that way and so it's one thing I can let go of to move this process forward for  
15 all the parties involved. Especially if some of my esteemed colleagues trust the process and I  
16 don't think we're telling Mr. Handa to put in a basement. We're saying he shouldn't be  
17 restricted from putting in a basement, should he care to put in a basement, and it solves  
18 another problem for me is that I think the setbacks on this property are insufficient. And that  
19 has to do with the fact that it's a corner and that the easement of Ellsworth is a road. So, I think  
20 that... I think having smaller setbacks on what is actually, truthfully a substandard property

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1 because there is road there, is of great benefit to the people and on Ellsworth. And I think  
2 having a quieter living space as part of their house when they live on Middlefield would be  
3 good. Particularly, since they're not going to be able to have any high fence, because of the  
4 visibility issues.

5  
6 So, I'm willing to let go of it coming back here because I know that a majority of us do not feel  
7 that way.

8  
9 Commissioner Templeton: I was just making a pitch to see if they'd change their minds.

10  
11 Commissioner Hechtman: If I could make a motion, Chair?

12  
13 Chair Summa: Please.

14  
15 Commissioner Hechtman: Alright.

16  
17 Chair Summa: Please do.

18  
19 MOTION #1  
20

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

- 
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1 the Dewey company on one side and some land owned by Mr. Handa on the other. So, that  
2 would be my motion.

3

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

5

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

9

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

12

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

14

15 [note – several folks started talking at once]

16

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

18

19 Chair Summa: Mr. Sauls?

20

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

9

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

13

14 FRIENDLY AMENDMENT

15

16 Chair Summa: I'm wondering Commissioner Hechtman if it would be easier to say not with the  
17 Development Standards currently being proposed but with these things in mind; addressing  
18 visibility; setbacks. I mean I think you're... I can't guess what people are thinking but I think  
19 what we want to give them is more flexibility to do what would be a project there with less  
20 impact in terms of setbacks. I don't think heights are particularly the issue, as there are two-

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1 story houses on Ellsworth, but what we want to do is address the visibility at Middlefield which  
2 is very important to you and I'm not even sure I want to be so prescriptive. We want to see  
3 something different come back that everybody sitting out there wants and is happy with. And it  
4 may not be, at this point, limited by... it may not be that... that may not be the outcome if we  
5 limit it by some of the conditions that were already agreed upon because we're going down a  
6 different process. Does that make any sense to anyone?

7

8 FRIENDLY AMENDMENT DENIED

9

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

16

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

19

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

13  
14 Chair Summa: So, but we... I have not reviewed the plans for... those plans. I reviewed what we  
15 got here, so now I think... so, I think it does have to come back to us then. So, we can see what  
16 they come up with but I don't want to just say build exactly what was in this proposal or exactly  
17 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  
2 they 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: No.

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 12<sup>th</sup>, 11<sup>th</sup>, 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 continue the item with no  
9 new staff report because (interrupted)

10

11 Commissioner Templeton: Correct.

12

13 Ms. French: Because it's July 12<sup>th</sup> 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 do unearth a map that has more specificity or clarification for  
19 the subdivision. We can share that in a PowerPoint and then we have the plans that they had  
20 submitted back in January but modification since then showing pavement etc. along the sides

- 
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1 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  
7 new 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?

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)

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

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

10  
11 Commissioner Hechtman: Yeah, well I'm just looking for clarification because I don't know... if I  
12 don't know what the open items are. I'm (interrupted)

13  
14 Commissioner Templeton: The fence, the sight line, the (interrupted)

15  
16 Chair Summa: Commissioner Hechtman, would you like the maker to list the open items in the  
17 motion? Would that clarify for you?

18  
19 Commissioner Hechtman: Well, I'm wondering if that would provide the best direction to staff  
20 and not... I don't want to just put the pressure on Commissioner Templeton. I think this could

- 
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1 be a collaborative effort among the Commissioners identifying whatever's in their head as an  
2 open item that would be brought back. And so that way we would know that staff has clear  
3 direction and we don't have a surprise in two weeks when, incidentally I won't be here, staff  
4 comes back. They have given us 12 open items, which they think is the universe of open items  
5 but one or more of us has other open items that they didn't respond to. So, I think it would be a  
6 good idea to list them.

7  
8 Commissioner Templeton: I would refer you to the transcript of tonight's meeting. I mean I  
9 don't know what to say. Like if you have additional questions, please send them in writing to  
10 the staff.

11  
12 Chair Summa: Does staff find the open items phrase troubling or do they feel they can hone in  
13 on the biggest concerns from interested parties and realize they've already dismissed those?  
14 You've already proven they're not an issue or address them because I feel like... I hate to... I  
15 would never want to rush a decision like this, but I think we need to make a motion and vote on  
16 it here. So, if staff is okay with it?

17  
18 Ms. French: Well, we won't have a transcript to thoroughly read before the next meeting I don't  
19 think, before July 12<sup>th</sup>.

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

8

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

10

11 VOTE

12

13 Ms. Dao: Commissioner Templeton?

14

15 Commissioner Templeton: Yes.

16

17 Ms. Dao: Commissioner Hechtman?

18

19 Commissioner Hechtman: No.

20

- 
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1 Ms. Dao: Chair Summa?

2

3 Chair Summa: Yes.

4

5 Ms. Dao: Commissioner Lu?

6

7 Commissioner Lu: No.

8

9 Ms. Dao: Commissioner Akin?

10

11 Commissioner Akin: Yes.

12

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

14

15 Commissioner Templeton: Passed 3-2.

16

17 Ms. Dao: It passed 3-2.

18

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

20

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

4

5 **Commission Action:** Motion by Hechtman, seconded by Lu. Failed 3-2-0-2 (Chang, Reckdahl  
6 absent)

7 **Commission Action:** Motion by Templeton, seconded by Akin. Passed 3-2-0-2 (Chang, Reckdahl  
8 absent)

- 
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# Palo Alto Planning & Transportation Commission

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Chair Doria Summa  
Vice-Chair Bryna Chang  
Commissioner Allen Akin  
Commissioner Bart Hechtman  
Commissioner George Lu  
Commissioner Keith Reckdahl  
Commissioner Carolyn Templeton

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Write to us. Email the PTC at: [Planning.Commission@CityofPaloAlto.org](mailto:Planning.Commission@CityofPaloAlto.org). Letters can be delivered to the Planning & Community Environment Department, 5<sup>th</sup> floor, City Hall, 250 Hamilton Avenue, Palo Alto, CA 94301. Comments received by 2:00 PM two Tuesdays preceding the meeting date will be included in the agenda packet. Comments received afterward through 2:00 PM the day of the meeting will be presented to the Commission at the dais.

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