



Planning & Transportation Commission

Excerpt Minutes: July 12, 2023

Council Chambers & Virtual
6:00 PM

Action Items

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

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: This is a continued meeting, but I did want to let you know that Staff won't be giving the full presentation but has a few additional slides to share later. So, if anyone would like to speak, who spoke before to something new, that would be fine but it isn't necessary, or even regular actually to speak again at a continued meeting. So, keep that in mind and groups of five, if we have any, get 10 minutes. One speaker for a group of five gets 10 minutes, so with that said I will go down the line and see if there are any disclosures. Commissioner Templeton?

Commissioner Templeton: No disclosures.

Vice-Chair Chang: I received an email from a member of the public inviting me to visit the... to visit Ellsworth Place and meet her. I did not meet with her but I did go visit on my own.

Chair Summa: Commissioner Akin or Lu?

Commissioner Lu: I got probably the same email and also did a site visit but did meet with the neighbor and also another neighbor who was on the street. I think everything we discussed was mostly captured in the Packet. I did ask if there... what compromises they would like to see and they did mention that they would actually potentially prefer a two-story building if it meant further setbacks and extensions of the pavement.

Chair Summa: Great. Commissioner Akin?

Commissioner Akin: I had a brief email exchange with Ms. Van Fleet and largely we discussed strategy and engagement. That she should continue to engage with Staff and rather than approaching the Commissioners individually, approach us all together.

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1
2 Chair Summa: Thank you and I'll conclude disclosures. I did get a call from a member of the
3 public but I didn't learn anything that wasn't in the public record. So, with that, we will go to
4 Ms. French for a brief Staff update.

5
6 Ms. Amy French, Chief Planning Official: Thank you. One moment while I share my screen. Let's
7 see, where did it go? Okay, that's where. Okay, and here we go. Good evening, Amy French,
8 Chief Planning Official. Speaking in my lower register tonight, recovering from being sick. So, on
9 the screen is the cover sheet for our slide presentation that was presented last time with one
10 difference. Noting today's date and noting the motion that did occur. It was the second motion
11 of the evening and it passed by a 3-2 vote. Noting that Staff sent the video link to the Planning
12 Commission, applicants and neighbors the week of July 3rd when it came out and then Staff
13 emailed the draft transcript, which we received on Monday this week, to the Planning
14 Commissioners, the applicants and neighbors and that was on Monday. And I'll just note
15 before I commence any further, we did receive three letters today which have been I believe
16 put At Places from the applicant team. Two letters from them and one letter from a William
17 Ross. Those were forwarded by email to the Commissioners and are At Place in case the
18 Commissioners have not had a chance to digest those. And I'll just note that in the past it has
19 been something that might be considered to take a break and a moment to read
20 correspondence that has not been digested if it came the day of so that's at the Chair's
21 pleasure.

22
23 Next, I'm just going to pass through all of the slides that were presented before. This is the
24 open items slide showing what Staff believes are the open items. I know at some point there
25 was discussion about Staff should say if we've addressed it or if it's still been open. So, if you'll
26 notice the trees on Mr. Dewey's property, we believe we answered that on June 28th and the
27 private street not owned by Palo Alto. We believe we answered that on June 28th, but here they
28 are at the end five and six. So, just starting... and we do have our City Attorney Albert Yang on
29 the call as well and I believe Garrett Sauls in case my voice should completely take a turn for
30 the worse. The first there is Code Section 18.38.150, Items A through E. The second one is
31 commitments for Ellsworth Place widening. The third is the sight triangle/visibility regarding
32 fences and vegetation. The fourth is about the delivery truck spot and spaces and maneuvering
33 for those. So, to that end, we did create a couple of -and- we altered a couple of the prior
34 slides to provide some updates and we have a couple of new slides. So, to the extent that this
35 will help answer the questions that were asked on June 28th.

36
37 I'm going to go back first to Slide 12, noted as altered here and you have these in your Packet
38 from last time, so this shows Staff's recommendations. Staff from Office of Transportation were
39 able to go out to the site and study the slope of that Middlefield Road as it slopes down to
40 Ellsworth and look at the existing conditions. And so, there's recommendations here on this

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1 screen with a lot of colors so we can come back to this slide as needed. Another slide that was
2 altered is this slide that was showing kind of where that flare might be approximately. That
3 would show a 28-foot wide curb cut here from on this side and then the things that would need
4 to be moved a bit to the north. The stop sign and the utility box.

5
6 Now, leading up to the slides to show that the study... the question about is this really the best
7 delivery truck spot going behind tandem spaces and or behind carport spaces in the last
8 iteration. This shows an option, this shows... first of all, those two areas that were discussed on
9 June 28th being the widened Ellsworth pavement and it shows a 90-degree delivery spot, 90
10 degrees from Ellsworth. It shows an alternative for parking spaces 13 and 14. One being in
11 tandem and one being not in tandem. The... there are truck maneuver diagrams showing how a
12 truck might back out of and back... drive into that spot and also, a maneuver showing how the
13 truck might go from Middlefield onto Ellsworth.

14
15 And this is the recommendation that I think, this would be something that Albert would talk...
16 speak to and I don't know if now's the time. So, I'm going to end there and see if Albert is on
17 the call and wants to present anything further.

18
19 Ms. Albert Yang, City Attorney: Sure Amy, if you just go back to the table. There were... there
20 was a question, the first open item there, about Palo Alto Municipal Code 18.38.150, specific
21 requirements that I apologize, Chair Summa, we didn't address at the last hearing. But your
22 question was how does this Code section... what implications does it have for this property and
23 this application? So, Section 18.38.150 provides for PC ordinance certain maximum heights
24 depending upon the situation as well as minimum interior yards and Daylight Plane regulations.
25 And in the past and our ongoing application of this section is that the Council may chose to
26 exceed or deviate from those standards in a specific PC because PCs are ordinances as in the
27 same the way that the that Code section was adopted by ordinance. And so, the City Council
28 may, in a specific PC, chose to deviate from those items.

29
30 Chair Summa: Thank you very much for that explanation. Did you have comments on other
31 issues?

32
33 Mr. Yang: Not at this time.

34
35 Chair Summa: Not at this time, okay thank you. Ms. French, are you... have you concluded?

36
37 Ms. French: I think so, I should note again we have Garrett Sauls who is on the call as well as
38 members of the transportation Staff and so I don't know if there's anything else to be added.
39 We do have... they are at the ready for questions regarding the site visit that was undertaken

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1 between meetings and the results of that. So, if it comes up in questions to pursue additional
2 information.

3
4 Chair Summa: Okay, thank you very much. I was thinking that if we wanted to take a little time
5 to read the two letters that we received this afternoon. We could maybe do that after we hear
6 from the public and the applicant because it will kind of... better time to take a break while
7 things are fresh. So, I think at this time I would ask my colleagues if that's agreeable to them,
8 that if they have any clarifying questions at this time for Staff. Not seeing any, I think we will
9 open the continued public hearing and Ms. Dao, do we have... what's the speaker situation look
10 like?

11
12 Ms. Veronica Dao, Administrative Assistant: Yes, and can give a couple seconds for those on
13 Zoom. I received on speaker card from William Ross who's here in person.

14
15 Chair Summa: So just... sorry, just two speakers?

16
17 Ms. Dao: One.

18
19 [note - unknown female speaker in the audience:] This is for the [unintelligible]

20
21 Ms. Dao: Yes, just one and no hands-on Zoom.

22
23 Chair Summa: Okay, then we will go ahead and call on the public speakers, please.

24
25 Ms. Dao: Okay, Mr. Ross.

26
27 Mr. William Ross: Good evening, Chair, Commissioner Members, Staff. I believe I represent
28 more than 10 people. There are... in addition to the residents that are listed I believe there's 18
29 there. I think there are four people online. Chen Wang, Caroline Garbarino, Kim Jackson,
30 Pamela Van Fleet that could also be counted so I would request 10 minutes.

31
32 Ms. Dao: Yeah, I see them on Zoom so we can have a group of five.

33
34 Chair Summa: Thank you, then please go ahead and take 10 minutes.

35
36 Mr. Ross: Thank you very much. I'm going to raise and parallel the issues that I've set forth in
37 my written communication on behalf of the residents. I'm going to make reference to
38 provisions in the PC regulations which are attached cumulatively as Exhibit A. I would not note
39 preliminarily that the regulations, which is the bases for a PC determination before you, are
40 replete with the word shall. Shall is a mandatory duty, I don't think there's any questions about

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1 that and it refers to the analysis that has to be accomplished by Staff after an application is
2 made which also has mandatory provisions. The summary of the argument presented by the
3 residences that there's incomplete or inaccurate representation set forth in the record before
4 you by the applicant and I think you have to construe it as both the owner of balances. A
5 balanced of a portion of the PC and the buyer. I note in the communication that there's an
6 inconsistency between what's set forth in the applicant's counsel's letter as to who the owners
7 are and what's set forth in the first section of the proposed ordinance as to who the owners
8 are. I would respectfully suggest that that's reflective of the balance of the record that there's
9 either inaccuracy or incomplete information set forth for you, the Commission, to make a
10 decision where mandatory findings are required.

11
12 I think the first one that I'd start with is 18.38.060 (c). The specific part that I think that is
13 different from all the other types of land use approvals that come before you is this section in
14 the Municipal Code requires that there be a consistency analysis and determination with
15 respect to the Palo Alto Comprehensive Plan. Normally, as a Charter City, the City has chosen
16 not to indicate that they would require constancy of land use approvals with the
17 Comprehensive Plan which is your General Plan. Let's respectfully say it this way, there's no
18 analysis by Staff in the Staff Reports. I note in the written communication and I think if you go
19 through them the Staff Report from your last Commission and the Staff Report for this
20 Commission meeting are identical. So, if a member of the public wanted to comment on the
21 additional information raised by Staff a moment ago. It wouldn't have been with respect to that
22 information that was furnished 72 hours before this hearing. I think that relates to this issue of
23 whether there's been a fair and impartial hearing on this matter, but let's go through the
24 consistency analysis.

25
26 Consistency, as defined by applicable case law, and again this is something that the City
27 normally does not do, can be summarized in probably I think there are 17 reported cases, about
28 half of the them before the Supreme Court. That say a consistency analysis should implore
29 some concept where the goals and policies of the General Plan are furthered without hindered.
30 Well, that's the comprehensive examination. You know, the case law also says you can't isolate
31 one portion of a General Plan. That you have to do that with respect to all applicable provisions
32 of a General Plan, but consistency analysis is a substantial land use decision. That's not present.
33 It's not satisfied as indicated in the communication by just listing some policies in the
34 Comprehensive Plan as the proposed ordinance does. That's not an analysis, right? So, for this
35 to go forward that analysis would have had to been in the record on the 28th or would have had
36 to been present now and been presented by Staff. And again, we're not talking about
37 something that's new to the concept of land use in California. You know, I looked right before
38 the hearing I think the first consistency case that I'm aware is 1974. So, that's a substantial
39 omission and lack of compliance with the provisions in the PC regulations before you.

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1 Next basis is the specific requirements that are set forth and I note in the communication and
2 it's legally relevant to the CEQA also. Is the extensive communication of adjacent residents
3 constitutes substantial evidence, substantial evidence as to the issue it's offered on? Both with
4 respect to the issue of consistency and more importantly with respect to the CEQA analysis. So,
5 are there other areas that aren't analyzed? Yeah, there are. The application itself triggers the
6 provisions of the Stream Med Protection Ordinance. The Public Records Act Request, which is
7 finally completely contained in the record before you, there's an email from an administrative
8 clerk at the Santa Clara Valley Water District about that. I find that unique because, like the
9 provisions of the PC regulation, it also has that use of the word shall and that obligation is an
10 obligation of Staff. Is it evident from the application? It certainly is, it's within 50-feet of a
11 designated stream bed. It doesn't matter that it's a confined channel. There are exemptions in
12 that provision but those exemptions aren't applicable to a PC Zoning request. So, another
13 specific mandatory section for a PC regulation is not analyzed.

14
15 Let's look at the CEQA exemption, I set it forth in the letter. It's stated in both Staff Reports
16 again because it's identical. A starting point in any CEQA analysis, anybody like me will say you
17 have to have a stable project description. It's not stable here, why? One of the reasons
18 advanced for this PC application is the supposed error in the General Plan. You know, I've set
19 forth in the communication and I'll say it here publicly. The error issue is irrelevant. Owners are
20 authorized to apply for a specific plan amendment, so it doesn't matter whether it's Dewey or
21 Handa. They're both authorized to apply for a PC Amendment. Is there an error? If there were
22 an error, I would think there would be an analysis by the City Attorney's Office about a liability
23 because there are several immunities. If... you know if I were a municipal attorney I'd be
24 advancing. The zoning sheets itself say it's not to be relied on, but if it's an error then why
25 weren't the immunities raised by the City Attorney's Office? Neither an individual nor the City
26 itself, would be liable for a negligently issued Land Use Permit.

27
28 Let's go on, again the testimony of the residents constitutes substantial evidence, and there's a
29 case site, the Salmon Case where CEQA Guidelines Section 15300.2 says look, even if there is an
30 exemption. If there are unusual circumstances that are supported by substantial evidence then
31 that exemption fails. I also believe that the screening application in this matter, one of the
32 Council Members said I'm aware of traffic access and safety at the location. The intersection of
33 Middlefield and Emerson. I think that's critical here. The exemptions not applicable. Staff
34 should perform an initial study and analysis.

35
36 So, keeping again within the 10 minute timeframe there are mandatory duties that haven't
37 been complied with in the analysis of this and finally, there's this issue if you look at the PRA
38 request response. This seems to have been decided offline. There's a communication that I put
39 in as Exhibit C where the principal planner, Ms. French, communicates directly with Cara Silver,
40 the former Deputy City Attorney. I don't know whether that was properly disclosed in anything

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1 under what I call the Ethic Law and asks her about a legal question concerning this project. That
2 should have been directed to the City Attorney.

3
4 In short, this matter needs to be decided in a public hearing, before you, consistent with these
5 mandatory standards. They aren't present in the record. I think your Commission should deny
6 the application. Thank you. If there are question, I'll be available to respond.

7
8 Chair Summa: Thank you very much. Do we have any other speakers?

9
10 Ms. Dao: No, that's just the one.

11
12 Chair Summa: Okay, thank you so much, so I am (interrupted)

13
14 Ms. Dao: Oh, well, Ken Hayes but if he gets a rebuttal.

15
16 Chair Summa: I know that's what I was going to say, so please come forward for your rebuttal.

17
18 Mr. Ken Hayes: This will be an interesting rebuttal and this is not a legal rebuttal. I... Ken Hayes
19 with Hayes Group Architects (interrupted)

20
21 Chair Summa: Just make it... yes, make sure we can hear you.

22
23 Mr. Hayes: Ken Hayes with Hayes Group Architects, good evening Chair Summa, Members of
24 the Commission. I'm here tonight with my client Richard Dewey, RLD Land, the owner of 2901
25 Middlefield, with... along with Ollie Zhou of Hexagon Transportation in case you have questions
26 relative to transportation safety. Camas Steinmetz, our counsel with Jorgenson, Siegel, McClure
27 & Flegel.

28
29 And the only reason we are here is because of a serious mistake that I pointed out last time
30 that everyone is aware ago... aware that was made 56 years ago of not properly recording a PC
31 development in the Zoning Map as it was required to do so. None of us here today had
32 anything to do with this but we're here trying to resolve this in a fair and reasonable way. I
33 respectfully request that the City's corporation in achieving this fair and reasonable resolution.

34
35 Quickly, by way of background, Ellsworth Place has been 20-feet wide since its beginning. The
36 15 homes and the apartment building that currently exist have been using Ellsworth Place for
37 access for at least those 56 years and safety concerns the neighbors have noted have persisted
38 for at least this period as well. As part of this PC Amendment, we've proposed numerous
39 community benefits that justify the PC Amendment and the R-1 rezoning which will resolve the

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1 decade-old Zoning Map error that was relied upon by my client and Mr. Handa when they
2 purchased their properties.

3
4 So, let me just note, we are granting the owners of the other parcels on Ellsworth Place an
5 access easement over a 20-foot by 100-foot strip of land called Ellsworth Place that here to for
6 has not been properly memorialized. We are improving vehicle, pedestrian and cyclist safety at
7 the intersection of Middlefield Road and Ellsworth Place by increasing the width of Ellsworth
8 Place by 4-feet for the first 35- to 40-feet of the length of Ellsworth Place. Through a
9 combination of dedicating a portion of the 2901 Middlefield property and a portion of the 702
10 Ellsworth property. And we plan on matching the paving of Ellsworth Place in those two
11 extensions. We are removing and rebuilding a wider driveway apron, 24-feet wide, to match
12 that width with a throat at the street of 28-feet wide to aid in maneuvering. We're going to
13 install no parking signs as they have further down the street on the fence in front of 702
14 Ellsworth so no one will park there. We're creating an enhanced 35-foot site triangle at the
15 intersection of Ellsworth Place and Middlefield. That includes moving the new fence that could
16 otherwise be at the property line at 702 Ellsworth an additional 4-feet away from the... well, 2-
17 feet in from the side or the property line, 4-feet in from the sidewalk at transportation's
18 request to make the intersection safer. Then that in effect is Mr. Handa loses another 2-feet of
19 his front yard. We're also going to be creating a temporary delivery truck parking space at 2901
20 Middlefield that Amy... Ms. French had shown you just a minute ago. That allows vehicles to
21 pass that otherwise might block... be blocked by a delivery truck on Ellsworth Place and we're
22 accommodating all current required parking for the apartment project on the 2901 Ellsworth or
23 2901 Middlefield property; reducing the cars on Ellsworth Place. And lastly, we're allowing for
24 the addition of a new 16,090-square foot single-family home to add to the housing stock and
25 furtherance of RHNA goals of the City.

26
27 So, accordingly we respectfully request that you allow Staff's or follow Staff's recommendation
28 and vote to recommend that the City Council approve the project as proposed and our team,
29 like I said, is here to answer any questions that might come up. Thank you.

30
31 Chair Summa: Thank you very much. I would like to ask my colleagues if they have any
32 questions for Mr. Hayes or Mr. Ross or our Staff at this time. Yeah, go ahead.

33
34 Commissioner Lu: I had one questions or I have a couple questions maybe for Albert and Mr.
35 Ross. Firstly, I wanted to ask, what does a consistency analysis actually look like? There were
36 some comparisons, existing lots, existing homes, existing kind of streetscapes. Does it need to
37 be codified in a certain way? Like what does that look like?

38
39 Mr. Yang: So, I guess I'd say we actually do consistency analyses all the time. They're a regular
40 feature of our Code. They're required for every ARB approval and the way that we've done it in

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1 this case is it's a part of the ordinance. And Mr. Ross may not think that that's good enough but
2 we disagree. That is the analysis that we have of consistency with our Comprehensive Plan and
3 consistency doesn't mean that it's consistent with every Element of the Comprehensive Plan.
4 It's that on balance, it is... it furthers the goals of the Comprehensive Plan itself so I think
5 we've... we feel we've shown that in the ordinance.

6
7 Commissioner Lu: Oh, sure.

8
9 Chair Summa: I think... oh thank you.

10
11 Mr. Ross: I'll respond and say a consistency analysis is as stated, that's the authority. You know,
12 it's not nearly setting forth the sections of the plan like I referenced earlier. What does it look
13 like? If it's accomplished, the goals and policies of the General Plan, here you call it the
14 Comprehensive Plan, as set forth and there actually is an analysis between them. So, that you
15 say look, here's a policy for example for neighborhood preservation. Here's a policy on
16 transportation safety, here's... and there is a mandatory duty to implement those policies in
17 Government Code Section 65103 (b). So, there is an analysis which usually is quite extensive,
18 not a portion of a page where those goals and policies are performed and analyzed by Staff in a
19 way that they can come to a conclusion that says these policies are furthered. These are
20 hindered, but based on that analysis. When they go through the mandatory seven elements,
21 which in the Comprehensive Plan are combined, I think there's five. They then come to a
22 conclusion of consistency. Mr. Yang is right in one portion of his consistency analysis where he
23 says there's no requirement that it's required to be consistent with all elements. That's why this
24 balancing standard that I referenced in one of a multitude of cases is how that's accomplished.
25 Once again, respectfully, and I understand... you know and again, I think this is reflective of an
26 institutional bias of the Planning Department. It's very clear what a General Plan analysis is. You
27 go through and you pick the relevant policies of the mandatory element of the Comprehensive
28 Plan. Say are they furthered or hindered by this development proposal, this PC Amendment?
29 Once again, respectfully, that's not present, thanks.

30
31 Chair Summa: Any other questions?

32
33 Commissioner Lu: I realize asking legal questions is dangerous. I would like Albert's
34 recommendation on how we actually move forward. So, we have all the facts on the ground.
35 The legal arguments I have no expertise or ability to comment on. Should... does anything bad
36 happen if we just make our recommendation and then the legal issues are sorted out offline?

37
38 Mr. Yang: Our opinion is you have sufficient material before you to provide a recommendation
39 to Council.

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1 Commissioner Lu: Thank you.

2
3 Chair Summa: Thank you. Commissioner Akin?

4
5 Commissioner Akin: I have two question. The first perhaps is for the Office of Transportation, if
6 not then for Mr. Zhu [note – not sure who he’s referring to]. Are we pursued that the widening
7 and other changes at the entrance to Ellsworth from Middlefield will improve safety over what
8 exists today?

9
10 Ms. French: Hi, this is Amy French, Chief Planning Official. I don’t know if we have... okay, she...
11 and I can... Sylvia, I can put up Slide 12 if that will help tell the story.

12
13 Chair Summa: So, Ms. Star-Lack is here to answer your question I believe.

14
15 Commissioner Akin: Okay, great. Shall I repeat?

16
17 Ms. Sylvia Star-Lack, : No, no I think I have it, thank you. Good evening, Commissioners, this is
18 Sylvia Star-Lack, Transportation Planning Manager for the City. Shrupath... my Transportation
19 Planner Shrupath Patel and I visited the site on Monday, July 3rd. We spoke with residents,
20 Shrupath and I did a simulation of car... of his car. He was driving his car out of Ellsworth Place
21 and our recommendation is reflected in what you see on this slide which is to pull back the
22 fence... yeah shorten the fence next to the creek if possible. Yeah, to 3-feet, pull back the fence
23 to 4-feet behind the sidewalk, the back of the sidewalk because when cars have to come to a
24 stop before the sidewalk. They need to be able to see people on the sidewalk before they can
25 cross the sidewalk. We’ve also reached out to Valley Water to eliminate the vegetation that is
26 overgrown at the corner of the... of their site at the creek and I think... oh and the driveway
27 widening will allow for an easier turn for vehicles when another car is... when is a car is at the
28 exit. Transportation Staff feel that these adjustments will be... will improve visibility and the
29 ability for people to get in and out easier.

30
31 Commissioner Akin: Okay, so this, in Office of Transportation’s opinion, this is an improvement
32 in safety at that entrance.

33
34 Ms. Star-Lack: Yes.

35
36 Commissioner Akin: Second question is possibly for Mr. Hayes, possibly for Mr. Dewey, I’m not
37 sure or Mr. Zhu [note – not sure who he’s referring to]. For me, the two key transportation
38 concerns here are safety at the entrance and also the ability to circulate along the length... the
39 initial length of Ellsworth. And given that we’re taking width away from Ellsworth, it seemed to
40 me that perhaps the only way to restore that functionality was to increase the width. The

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1 applicants have proposed to do that to some extent and the question is did you consider
2 increasing the width by undertaking other changes? For example, as I walked the site, it
3 seemed to me that removing or relocating the power pole next to the one that's closest to
4 Middlefield on Ellsworth Place could buy you as much as a 9-foot width increase. You're using
5 much of that already in your current proposal for but perhaps there's room for more. Was this
6 considered and if so, what was the rationale for not pursuing it?

7
8 Mr. Hayes: So, we looked at the power pole quite closely. We tried to get a hold of Palo Alto
9 Utilities probably, I don't know, I probably have a half dozen emails to them with no response
10 but that pole is sort of the end pole. It has guy wires that come down that help kind of rack the
11 forces of the line of power that strings entirely down Ellsworth. So, based on that, it's... we just
12 figured... it's not going to be possible or within the means of the project. However, we are
13 having to relocate a cable utility box and we don't really know what the implications of that are
14 at this point because we've not been able to get the cable folks out there to tell us what's in
15 that box but here we are agreeing to widening the street on that sort of Ellsworth Place on that
16 side by 30-inches.

17
18 I believe Hexagon's original... well, I know Hexagon's original report... review states that
19 Ellsworth Place is, in their mind, wide enough as it is to allow two cars to pass. Now I know we
20 have testimony from those that live there that say that it's not an so we're trying to work with
21 their concerns and provide a wider width. And so, we're going as far as we can go to guy wires
22 on our side but Mr. Handa is continuing the 18-inches on his side to the his... to where his
23 walkway intersects Ellsworth Place. Does that answer your question?

24
25 Commissioner Akin: Mostly, yes, I really do appreciate the flexibility that has been shown here.
26 Particularly, the recent change from Mr. Handa's perspective is significant. Yeah, I also looked
27 at that pole. There's an underground service entrance there so it would have to be rerouted
28 underground as well as (interrupted)

29
30 Mr. Hayes: That's right, I didn't mention that.

31
32 Commissioner Akin: Yeah, as well as the guy wires for supporting the pole string.

33
34 Ms. Camas Steinmetz, legal counsel: And if I may? I'm Camas Steinmetz, legal counsel to the
35 2901 Middlefield applicant. Just to correct for the record, I think you mentioned there would be
36 a reduction in the width of Ellsworth Place and just for the record that the width is 20-feet.
37 There will be an increase in the width, a proposed increase and the apparent extra width is a
38 private parcel. That's private property and not part of the Ellsworth Place
39 [unintelligible](interrupted)

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1 Commissioner Akin: Right, I apologize, that wasn't my intent.

2
3 Ms. Steinmetz: Okay, thank you.

4
5 Commissioner Akin: Simply that people do... people were using the parking lot for passing and
6 circulation purpose so I'm interested in being convinced that we're doing no harm here.

7
8 Ms. Steinmetz: Okay and we do have testimony from our property manager that's been on the
9 site for 6-years or more that he has not seen any use of that space for circulation or passing and
10 that's in our letter that we submitted in the record, thank you.

11
12 Commissioner Akin: That's it for the moment, thank you.

13
14 Chair Summa: Thank you. Commissioner Chang [note – Vice-Chair Chang].

15
16 Vice-Chair Chang: Thank you, Chair. I had a follow on question for transportation, for Ms. Star-
17 Lack. Is she there?

18
19 Chair Summa: Ms. Star-Lack, are you still with us?

20
21 Ms. Star-Lack: Yes, I'm here.

22
23 Vice-Chair Chang: Hello.

24
25 Chair Summa: Thank you.

26
27 Vice-Chair Chang: So, you had mentioned in response to Commissioner Akin that you believe
28 that there is an improvement in safety and so I wanted to ask you an improvement in safety
29 over what baseline? Over the current state where there's a parking lot or over the current plan
30 prior to your adjustment of moving the fence and contacting Valley Water and...?

31
32 Ms. Star-Lack: Over the current plan.

33
34 Vice-Chair Chang: Okay and what's your assessment in safety relative to the current state;
35 status quo if nothing were done?

36
37 Ms. Star-Lack: The... currently the visible... just speaking about the visibility, right now it could
38 be improved. What's existing could be improved because the vegetation, because of how the
39 incline is and how a car is screened from any kind of vegetation once a car is up on the... is
40 approaching the driveway, approaching Ellsworth Place. The Valley Water vegetation and the

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1 vegetation that currently exists on the site and in the planter stripe actually screen an existing
2 vehicle so that needs to be improved.

3
4 Vice-Chair Chang: Great, thanks. Then I have another question about the site triangle and
5 speeds of the road and this is a little bit of a follow on question to one that was asked by, I can't
6 remember which Commissioner, at the last PTC meeting when this item was discussed. When
7 somebody had asked, you know the site triangle, the 35-foot site triangle is designed for certain
8 speeds and also it's designed assuming that the grade of the intersection is all the same. And
9 this particular situation is a little bit unique because Ellsworth slopes down from Middlefield as
10 well as Middlefield itself is sloping at that (interrupted)

11
12 Ms. Star-Lack: Exactly.

13
14 Vice-Chair Chang: Or very close that intersection and then in addition, when I did my own site
15 visit there. The City has installed those little radar meters, whatever, telling people to slow
16 down because that section of Middlefield has people... drivers traveling very quickly. So, you
17 know, it blinks slow down, slow down at you and then flashes what speed. So, as I stood there
18 for five minutes, I watched numerous cars travel at 40 miles an hour and so I guess I wanted to
19 ask you with respect to... really what implication does that have for what the site triangle
20 should be if cars are traveling at 40 miles an hour sometimes and also if there's this... the
21 intersection is not necessarily at grade.

22
23 Ms. Star-Lack: So, those signs are called speed feedback signs.

24
25 Vice-Chair Chang: Okay, that's a... sorry, thank you for the technical term.

26
27 Ms. Star-Lack: Speed feedback signs and that condition that you're... the condition of cars
28 speeding and driveways on that road exists up and down Middlefield so it's not unique to this
29 location. The speed... the site triangles, that analysis does assume that everybody's at the
30 right... at the same grade and that was why going to the site and seeing it for ourselves was
31 important. There's always an element of engineering discretion and context sensitivity when
32 you do something like this. So, that is why our recommendation or our suggestion was to adjust
33 the fence height and location as is indicated in the drawing.

34
35 Vice-Chair Chang: Thank you.

36
37 Chair Summa: Commissioner Templeton.

38
39 Commissioner Templeton: Thank you, so first of all, thank you Ms. Star-Lack for being present
40 to answer our questions today. It's very helpful to hear from you. I had an experience this

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1 weekend where I went to a friend's property that was outside of Palo Alto and had a very long
2 driveway off of a major road. And as I was pulling up to pick up my daughter, I saw a delivery
3 vehicle there and so I was of course thinking about this project and watched what they did and
4 they didn't go onto the private property. They parked in front of but alongside what would be
5 the equivalent here of Middlefield and as we talk about the delivery process here I definitely
6 don't want that. We don't want the delivery trucks blocking Middlefield but also we heard from
7 people last meeting that were describing a number of small children that play at that
8 intersection; for better, for worse. What they should or shouldn't is not for me to say but if we
9 do have delivery vehicles circulating there and our proposal is that we have them pull in and
10 then pull back out for turning around purposes. I'm wondering if... yeah, if you could bring that
11 up that would be great, thank you, Ms. French. I'm wondering if this is optimal given that isn't
12 that possible to drive thru to Sutter. Instead of turning around, if they turned in to where you
13 have the green space on the design is that possible to go through?

14
15 Ms. French: I guess depends on the truck size. I'll bring up the other slide that shows the site at
16 2901 Middlefield.

17
18 Commissioner Templeton: Well, nonetheless, just while you bring that up, the person was
19 able... the delivery person was able to traverse the length of the driveways that's longer than
20 this road and drop off the package. So, I think... yes, I would be hopeful that we could find a
21 positive forward direction. Most delivery vehicles prefer that just for safety reasons, rather than
22 requiring them to back up. That's a side note, it's not a deal breaker here for me but that is
23 what I'm, as far as safety is concerned, recommending for you guys. So, to have a circulation
24 that's forward.

25
26 Regarding the safety improvements at Ellsworth and Middlefield, I'm satisfied with what has
27 been proposed here. I've driven the area, I don't find that the slope is... then again, I grew up in
28 a hillier place but I'm not too worried about the slope... the slopes intersecting there. I felt safe
29 pulling in and pulling out of Ellsworth Place. So, I think you've done a good job of answering the
30 questions.

31
32 The issue of whether or not it's private, it looks like it's been settled from the City's perspective
33 so I'm not going to get into that. I'm interested in reading the letters more thoroughly before
34 making more comments on the zoning question, but as far as the feedback that we had for you
35 last time. I really appreciate you putting together these responses, thank you.

36
37 Chair Summa: Commissioner Chang [**note – Vice-Chair Chang**].

38
39 Vice-Chair Chang: Thanks again, I had one more questions for Counselor Yang. So, I had read in
40 some of the public comments but didn't actually manage to find the old PC to which PC... to

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1 which the more current PC refers to but had read that the current PC says that the old PC stays
2 in effect. Except for whatever the current PC overrides and that the old PC had intended
3 originally to widen Ellsworth. So, I wanted to ask what's the City's... and yet, we the City seem
4 to have forgotten that this PC existed. So, what is the City's obligation to do what the PC... what
5 we said we would do in the PC, or to I guess hold the PC to task if my question (interrupted)

6
7 Mr. Yang: Yeah, so that older PC is PC 1810 (interrupted)

8
9 Vice-Chair Chang: Yes.

10
11 Mr. Yang: And it actually... it doesn't say very much. It shows that the land shown in the
12 development plan attached tier two is rezoned as PC and the development plan is approved
13 subject to the condition that the driveway to Middlefield Road be modified. So, then you would
14 look at the development plan that's attached to see well, how did that driveway look and
15 unfortunately it's illegible at this point. We have a scanned document where you just cannot
16 really see anything.

17
18 Vice-Chair Chang: So, we don't know (interrupted)

19
20 Mr. Yang: Yeah.

21
22 Vice-Chair Chang: Is the answer, okay thanks.

23
24 Chair Summa: Commissioner Lu.

25
26 Commissioner Lu: I had just a couple more questions about the intersection for Ms. Star-Lack.
27 So, you mentioned the site visibility was 35-feet, was that before the modifications in the latest
28 proposal since we saw this last time?

29
30 Ms. Star-Lack: I might need your help Shrupath for this. I mean I think the analysis was done but
31 I'm not... but I don't think it was done in... on site.

32
33 Mr. Shrupath Patel, Associate Transportation Planner: Good evening, Commissioners. Shrupath
34 here from Office of Transportation, so 35 site visibility is also has to more do with the fence
35 height I think. So, but I would note that in general, if there was no greater than a normal
36 scenario we allow a fence which are less than 3-foot in height. So, that's what Office of
37 Transportation recommended in the previous plans also and the fence was proposed 3-feet in
38 height on Middlefield frontage and also 35-feet on Ellsworth Place. But because of this grade
39 then there was... there's additional recommendation from Office of Transportation to put the
40 fence 4-feet back. So, that way stop sign will be stop... the fence will be 4-feet back from

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1 basically from the stop line. So, that will increase the visibility for Middlefield vehicles and also
2 Ellsworth Place. That fence won't be... won't fall on that visibility triangle and the traffic I think
3 going northbound on Middlefield will be able to the car or the vehicles easily because the fence
4 is already 4-feet back from the stop line.

5
6 Commissioner Lu: Okay got it, so basically the site line was 35-feet. Then to... but the incline in
7 practice makes it a little bit less but then the moving the fence makes it a little bit more again.
8 So, on balance, we're still in a reasonable ballpark, okay. Is it possible to also give any context
9 on whether 35-feet is good? What would we normally require along Middlefield or El Camino?

10
11 Mr. Patel: So, as I said earlier, 35-foot is more about like driveway entrance but based on other
12 site distance called stopping site distance. So, I think in the draft transportation study done by
13 Hexagon they have also mentioned that is based on the speed on the main street and basically
14 based on the street. I think [unintelligible] design [unintelligible] have more guidelines than
15 the... if there's no grade in the discussion then based on the speeds, stopping site distance
16 could be anywhere between 100-feet to 250-feet. So, that provides major street traffic to make
17 required actions if they see the cars coming out of the crossing street or for making right or left.
18 So, but as I said earlier, now with the fence its already back from the stop... 4-feet back from
19 the stop sign. Vehicles exiting on Ellsworth Place are required to stop before they make left or
20 right and then after they see that Middlefield Road is clear. And then... and the driver should
21 make call to move a little bit forward and they can go on their sidewalk or driveway
22 [unintelligible]. And then after that, once they check back on the Middlefield Road and then
23 they should make left or right. That's how the driver behavior when they're crossing major
24 street.

25
26 Commissioner Lu: Thank you.

27
28 Chair Summa: Thank you. I really want to sincerely thank everybody who came here today.
29 Especially the speakers and I think we have a difficult situation in evaluating Ms... Mr. Ross's
30 opinions because it is opposed to our City typically does things. So, and... so I don't think we can
31 resolve all of that today. Would... I would like us to resolve is to move forward with a
32 compromise that serves everybody's interest and that means all 13 properties on Ellsworth
33 Street plus Mr. Dewey and Mr. Handa.

34
35 I will note that it seems... there's so many unknowns and I think that's just an aspect of loss
36 memory and records in the City and nobody's followed... just what happens over time. But I did
37 want to mention a couple things that I have heard from the representatives of Ellsworth
38 residents and that is that they all have easements to traverse already. They... and I've heard
39 them say this more than one time so I don't think that suppling that is a benefit. It's great that
40 everybody has them because that's not a problem then.

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1
2 And I also wanted to say that I don't think... I don't know that we know when the mistake was
3 made on the Zoning Maps which are updated constantly and so I don't know if we can assume
4 it was all 56 years. The first time I ever heard about this project was because of neighborhood
5 association that I sometimes attend the meetings of, and I was able on that very day to locate
6 and I'm probably more familiar with using the City website than everybody, both 18.10 and the
7 1967. I don't mean the year 18.10, I mean the earlier and the ladder ordinances and they were
8 available. I mean older ordinances like that don't have all the detail in them that we have now,
9 so sometimes we have to kind of assume what the intention was I believe.

10
11 So, I'm not sure we're going to solve... I'm pretty sure we're not going to solve all the legal
12 issues tonight and I'm... I don't... I also think if we keep it a PC the private street issue becomes
13 irrelative because we can control the setbacks and those other issues since everyone's
14 easements are intact. So, I don't think we need to worry about that because we can control
15 those details and I just... we got a lot of emails very late today, this afternoon and we didn't get
16 a chance to read them as Ms. French mentioned. Would my colleagues like to take 10 minutes
17 to read them or would you just like to proceed?

18
19 Vice-Chair Chang: [off mic] I would like to read them.

20
21 Chair Summa: Okay, is 10 minutes good or? Okay, so we are going to take a 10 minute break so
22 we can give your hard work the thoughtful review it deserves, or at least a quick 10 minute
23 review and we will be back.

24
25 [The Commission took a 10 minute break]

26
27 Chair Summa: Thank you everyone, we're back from our little read and we will carry on with
28 our deliberation. So, do I have questions, thoughts? I have an additional question for Staff. Is
29 the Streamside Corridor Protection review area the same as the Streamside Setback and that
30 would be 18.41.40?

31
32 Ms. French: We'll have to give it a minute.

33
34 Chair Summa: Okay, we'll take a minute and think about that. Any other questions? Anybody
35 want to make a motion?

36
37 [note – unknown female Commissioner:] [off mic] [unintelligible] comments.

38
39 Chair Summa: Comments? Oh yeah, of course, go ahead. Sorry, Commissioner Chang [note –
40 Vice-Chair Chang]

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1
2 Vice-Chair Chang: I'll start with comments, so I should just say that I wasn't here at the last
3 meeting but I did spend 5 hours watching the video. So, I'm fully up to speed and I spent even
4 longer reading everything and I just wanted to say a couple of things.

5
6 There was a public commenter who said two wrongs don't make a right and that really sat...
7 that sat with me. In other words, the City... that there was an error on a map and the map says
8 don't rely on this to make your decisions and that being said I feel very badly for the applicant
9 because they find themselves in a bit of a pickle. But even though that's the case, there's a lot
10 of reasons that the neighborhoods very unhappy with this. So, I'm hoping that there's a way to
11 find a compromise here.

12
13 At the same time, we as a Commission are tasked with making sure that a PC shall be
14 compatible with existing and potential uses. So, there's the current use is an existing use and so
15 we need to be cognizant of whatever the existing use is. That's something that our Code says in
16 PCs.

17
18 And we also often say up here on the dais that safety is paramount and so I want to make sure
19 that we walk the talk. Particularly, because there's a school across the street, the Winter Lodge
20 is right next store, there's a yoga studio on the other side, Kim Grant Tennis is there. I've biked
21 there, it's harrowing to bike there which is why you see people biking on the sidewalk there.
22 When I did my site visit, two people biked by me. People drive quickly there, as I said it was 40
23 miles per hour repeatedly. There was also some very respectful people who drove 25 miles an
24 hour but many people blew by at 40 miles an hour. And then 2 years ago a friend of mine, her
25 child had a concussion not two blocks away. He was crossing Middlefield in the crosswalk on
26 the green and somebody ran the light because the sun was in their eyes. So, this is just a
27 harrowing stretch of road that is heavily, heavily used and in our Comp Plan, we say that we
28 want to really make this like a pedestrian and biker-friendly area because mid-town Palo Alto is
29 an area that we want to make like a vibrant CN neighborhood. So, I just really want to be... if
30 Palo Alto grows as we want it to with all the additional housing. There's going to be more
31 pedestrian, more bikes, more car traffic, more everything there. So, we just need to be careful
32 about what we're doing.

33
34 I'm also concerned... I heard a number of Commissioners last time raise the issue of what
35 happens to this parcel if we follow the Staff recommendation and make it a stand-alone R-1
36 parcel. And then we lose control over it in the future and it's such a weird spot where prior City
37 Councils had said we don't think this parcel is actually an appropriate place to develop a
38 residence. And granted, times have changed and maybe now with all of our desires to have
39 housing. We would love to see housing there but I'm also not sure given all the safety concerns
40 that we want to lose control of it.

-
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1
2 So, where I'm leaning right now is towards an alternate... one of the alternate Staff... one of the
3 alternate choices in the Staff Report which is to keep it within the PC but to allow a residential
4 use within the PC and so that's my comment for now.

5
6 Chair Summa: Commissioner Templeton.

7
8 Commissioner Templeton: Thank you. I have a lot of maybe mixed thoughts on this property
9 and what we've been asked to do. I will start by agreeing with my colleague here that
10 Middlefield is still too dangerous for our walkable, bikeable, family-oriented community vision
11 and we have to do something about it. I'm not sure how much that weighs in on this property
12 when we speak about it in the safety of Middlefield in general and I do think that the proposed
13 improvements for safety will make it better than it currently is so we have that positive.

14
15 I also agree that this communication error is really unfortunate, but I also think that that knife
16 cuts both ways. So, if you are saying... if we are saying on the one hand it's unfortunate that
17 there was this mix-up and that this is affecting the buyer of the property. We have to also say
18 that for the other neighbors which I think is really hard to say. You know, these were previously
19 parts of other parcels and this was subdivided and the entrance to their homes is through a
20 right of way. An access that has been granted through dependency on your neighbors and it's
21 so complex that it makes it really difficult for us to single out any person's individual interest
22 here and come to solution that will satisfy everybody. I think that's really the challenge that
23 we're dealing with.

24
25 So, I am concerns about the proximity to the creek. However, I don't believe that's what we're
26 being asked. I would like to know the answers to the question that was raised about making
27 sure that we have proper setbacks and won't be degrading the creek in any way by the
28 construction or the structure.

29
30 How I'm leaning, my leaning at this point is I think a lot of compromises and concessions have
31 been offered by the applicant that meet the needs of the residents of Ellsworth. That will
32 improve the safety of their street and their community and will provide an opportunity to bring
33 another unit online. So, how do we do that? Do we do that through breaking out the R-1 out of
34 the PC, or do we keep it included? I feel confident that any concerns we could have about this
35 property, we could have about any other R-1 properties that were nearby. If we don't feel the
36 need to control those or put the whole neighborhood on a PC. Then I'm not sure why we would
37 want to do it for this particular property. So, those are some thoughts from me at this point,
38 thank you.

39
40 Chair Summa: Mr. Yang?

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1
2 Mr. Yang: I just wanted to address an issue that had come up in Vice-Chair Chang and
3 Commissioner Templeton's comments on the idea of losing control if this is zoned as R-1. One
4 mechanism we could use is to require a deed restriction be recorded on this property that
5 includes the conditions that we would be interested in preserving. Like the fence location, then
6 fence height and keeping the vegetation clear as well as the expended pavement width. So,
7 that is one tool we could use that could be paired with an R-1 zoning if that's the direction the
8 Commission wanted to go. I just wanted to mention that because this idea of losing control had
9 been mentioned a few times.

10
11 Commissioner Templeton: Very helpful, thank you.

12
13 Chair Summa: Thank you, then I will go to Commissioner Akin.

14
15 Commissioner Akin: That's a good segue on the loss of control issue. Yeah, I was also concerned
16 about what might happen to future owners of the property and if I understand the PC process
17 correctly. One significant advantage of sticking with PC, in this case, would be that we have a
18 set of plans which we believe are acceptable to all the parties that have a stake in the decision.
19 And rather than have to innumerate a set of restrictions that may yet turn out to be
20 inadequate. We have a plan that we can deem adequate today. So, my inclination is to lean
21 towards retaining the PC designation and amend it.

22
23 On a general issue, this is taking place in the context of changes in State policy that reduce the
24 viability of private vehicles in almost all context and so far, haven't provided adequate
25 alternatives. So, this kind of problem is going to come before us again and again as parking
26 disappears for example. I think of the folks who live on Sutter who are going to deal with the
27 spillover from at least guest parking, if not delivery parking because we've made it more
28 difficult for those things to happen on Ellsworth. Repeat this enough times and you have a
29 serious cumulative impact.

30
31 Nevertheless, for me, I think this proposal had cross the line from something I was not willing to
32 accept to a compromise that I could. So, that's what I'm feeling at the moment.

33
34 Chair Summa: Thank you. Commissioner Lu?

35
36 Commissioner Lu: A quick question for Albert, is there... what are the practical differences
37 between a deed restriction and a PC Zoning? Just for whatever motion we make tonight.

38
39 Mr. Yang: Practically, I don't think that there's very much. They're both... they'd both be fairly
40 difficult to change. A PC might actually be a little bit easier to change than amending a deed

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1 restriction, but it's probably about the same. In both cases, the property owner would need to
2 come to the City and seek the City's approval.

3
4 Commissioner Lu: Cool, thank you.

5
6 Chair Summa: Ms. French, did you have the answer to the streamside setback, or do you need
7 more time?

8
9 Ms. French: Yes, so it was... there was a little bit of confusion as to whether you had said
10 Streamside Protection Corridor, which is the title of a section of the Code versus the other
11 which is the Streamside...what is it called? Streamside Review Area, so I mean the protection
12 area is not 50-feet if that was the intent of your question. I don't know if it was.

13
14 Chair Summa: I was looking for the setback which I thought was 20-feet from either the toe of
15 the bank or some calculation of (interrupted)

16
17 Ms. French: Yes, top or toe of the bank (interrupted)

18
19 Chair Summa: Angle (interrupted)

20
21 Ms. French: Depending and the channelized creek is not as much of a concern because this is a
22 channelized creek.

23
24 Chair Summa: Yes.

25
26 Ms. French: So, it is... there is some discretion given to the Public Works Director on these
27 matters.

28
29 Chair Summa: I see Mr. Sauls, maybe he had something to add.

30
31 Mr. Garret Sauls, Planner: I'm just popping in. I'm turning my camera on and off, don't worry
32 about me.

33
34 Ms. French: It relates to the Geotechnical Slope Stability Analysis.

35
36 Mr. Sauls: What Ms. French is identifying is correct. There are possibilities for individuals to still
37 develop within those Streamside Protection Areas provided there's a Geotechnical Analysis that
38 demonstrates the impact won't impact to that Slope Stability Protection Area and with
39 channelized creeks that's certainly less of a concern. We typically will review projects with the
40 Santa Clara Valley Water District and many of their concerns are focused on any sort of

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1 outward forces impacting the stability of their channelized... you know concrete wall. So, that
2 would... that's typically what they'll be looking for.

3
4 Chair Summa: So, has there been any investigation into the soils and what would be required in
5 this case of a setback from the channelized streams is what I'm looking for I guess.

6
7 Ms. French: So, the City rejected the Building Permit application what would have provided
8 the... because it wasn't R-1 zoned. So, that kind of thing would be reviewed ~~th~~at the Building
9 Permit application phase for constructing a home.

10
11 Chair Summa: Okay, so that comes later in the process is what you're saying. Okay, thank you
12 and then piling onto what Commissioner Akin just said. Was there any evaluation of potential
13 impacts on Sutter or was that just not looked at, at all? I don't believe I remember seeing it in
14 the traffic analysis.

15
16 Ms. French: So, the... so impacts, I mean circulation would be an environmental impact as
17 possible to parking, parking is not reviewed. Are you think CEQA wise or what are you thinking?

18
19 Chair Summa: Either way, CEQA I guess is circulation or parking.

20
21 Ms. French: Well, and Albert might want to weigh in on that, but my understanding of CEQA is
22 that circulation is the factor that's reviewed as opposed to parking being it parking is not
23 considered an environmental impact.

24
25 Chair Summa: No, but outside of CEQA it is a potential impact for the neighbors, but anyway we
26 feel that it will be fully parked at this time and in a future... in the future with the four
27 additional. And then so one of my biggest concerns about this was not having property setbacks
28 on 702 and that restriction can certainly be lifted if we have a smaller footprint and go to a two-
29 story house; which I see is more desirable for everybody on Ellsworth getting along and still
30 having a sense of not being closed in. And what they had experienced in the past was of course
31 sort of more emptiness there because of the parking lot and they had a situation where they
32 had a functional 25-foot street. And they only have a 20-foot street and our minimum street...
33 private street width in Palo Alto is 26-feet. That is the width that is supposed to serve I think up
34 to four houses. The maximum is 32 and that's the number of houses it would be served would
35 require that but I have heard the Ellsworth people say that they would be satisfied with 26-feet.
36 And that would be... we would be able to achieve that now just in the first 100-feet between
37 2901 Middlefield and 702 Ellsworth. So, I would be interested in seeing that done at this time
38 and that in addition to the standard type of turning ratio or flare, whatever it's called that the
39 traffic engineer feel is appropriate. I think would really increase the safety at the point at which
40 it's dangerous which is at the intersection and you really can't... people... I was there too in my

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1 car. Well, the first time I went I parked on Sutter because it sounded dicey but it's not scary or
2 anything but you can't really pull in and out. You can't have one person pulling out and one
3 person pulling in. There just isn't going to be enough room, so what I heard from the residents
4 was that would improve the situation enough for them and I think it's a compromise because it
5 is less than our standard.

6
7 So, and I would like to also establish setbacks for the house that allow the house to go up or
8 down if appropriate but not be such a big footprint. And the Ellsworth setback for 702 is kind of
9 a mystery to me because it's not... it cannot be the regular corner lot situation in Palo Alto
10 because it would take up too much of the lot. And that's one of the advantages of a PC in this
11 situation is because we have an ability to, without going through a Variance process, just set
12 that. But I don't know what it should be and some of the houses on Ellsworth I don't think
13 there's a standard. Some are close and some are further but I would almost think that the 24-
14 foot setback for required special setback from Middlefield, a 20-foot setback from the stream if
15 in fact the toe or the angle of that is required. The regular 6-foot side setback since Ellsworth is
16 the front from 705 and I almost don't know what to say about the Ellsworth setback. I certainly
17 think it's not going to be consistent with any standard we have and it might want to be
18 somewhat flexible I think because I think it depends a little bit on the person building the
19 property there, how close they want to be. I think that would... I think those are kind of my
20 interests but the PC does allow us to have more control over those things for what I still... I
21 believe is a substandard lot.

22
23 So, but we don't have to solve all those issues, whether it's a substandard lot or whether it's a
24 private road if we're keeping it all a PC and trying to find a really good solution that works for
25 everyone so those are my thoughts. I'm not sure who was next.

26
27 Vice-Chair Chang: [off mic] I was.

28
29 Chair Summa: Oh okay, Commissioner Chang [note – Vice-Chair Chang].

30
31 Vice-Chair Chang: I actually liked a lot of your thoughts Chair Summa. I did have a question for
32 Counselor Yang about... so since the stream stability component is usually done... so I have a
33 question about how we do a PC because usually a PC is done with a specific set of plans as I
34 understand it, or at least that's what I gathered from watching the last PTC meeting recording.
35 But it sounds like we don't know about the stream bank's stability, soil stability, I'm not using
36 the right technical terms here. So, it's possible that that set of plans wouldn't work anyways, so
37 how would we proceed in this situation?

-
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1 Mr. Yang: Well, there's... you know one way is to have the set of plans that's before us be the
2 development plan but have it conditioned that it will... if necessary it will be modified to
3 accommodate whatever stream slope stability analysis that's performed.

4
5 Vice-Chair Chang: Okay.

6
7 Mr. Yang: And then I guess it would depend on who you wanted to review that, [unintelligible]
8 that change. It could be the Planning Director, it could be a subcommittee of the PTC or
9 something like that.

10
11 Vice-Chair Chang: Is it possible... I mean where I'm landing with this is I'm more interested... I'm
12 less interested in being prescriptive about the residence because I don't... I'm interested in the
13 safety. I'm not interested in prescribing what somebody's house looks like. That's up to the
14 resident, but I think that the... what the applicant's have already been flexible with. You know,
15 we want to preserve some of that as well as some of the additional concerns of the neighbors.
16 We want to preserve those things as well as some of what Chair Summa mentioned about the...
17 you know as a City we prescribe that the minimum width of a private street serving more than
18 four residences is 26-feet. It's actually supposed to be 32 I think is the minimum but we can go
19 with the Director's discretion we can go down to 26 I believe. So, that all makes sense to me
20 but then doing so would require some significant rejiggering of plans. And I've heard from other
21 Commissioners that a basement or a second story might make sense here; whether it's up or
22 down and I don't know what makes sense and we don't know what the soils. So, I would rather
23 be prescriptive about the intersection and the street than about the house. And so, can... could
24 I try and... well, I don't want to... I know the (interrupted)

25
26 Chair Summa: [unintelligible -off mic]

27
28 Vice-Chair Chang: Right, I know there's other lights but I have a motion that I think I could try
29 and throw out there.

30
31 Commissioner Templeton: [off mic] Can it wait?

32
33 Vice-Chair Chang: Yes, I will wait, yes.

34
35 Chair Summa: Thank you, we'll go to Commissioner Templeton and then Commissioner Lu.

36
37 Commissioner Lu: [unintelligible – off mic]

38
39 Chair Summa: Oh okay.
40

-
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1 Commissioner Templeton: Oh, thank you so much, I appreciate your flexibility. So, Mr. Yang,
2 can you please speak to this 26-foot thread we have going on because that's surprising and I
3 want to make sure I understand exactly what it is from your perspective.

4
5 Mr. Yang: We're talking about the street width?

6
7 Commissioner Templeton: Do street... do private streets need to be 26-feet wide?

8
9 Mr. Yang: So, newly established private streets in a subdivision generally have to be 32-feet
10 wide unless an Exception is granted. That doesn't apply here because we're not creating a new
11 private street. It's... there's an existing 20-foot wide private street and there's not really a
12 reasonable way of making it 32-feet or 26.

13
14 Commissioner Templeton: Okay, thank you and I read someone in a Packet or a letter, I'm sorry
15 I don't recall, that this is being... the width that's being used is appropriate for a driveway, is
16 that correct? Is that where the 20-feet comes from? That that's (interrupted)

17
18 Mr. Yang: That's not something I can answer.

19
20 Ms. French: Yeah, I believe that multiple-family residential apartment buildings and such can do
21 a 20-foot driveway. I believe that was an Office of Transportation Staff comment.

22
23 Commissioner Templeton: Thank you, I appreciate (interrupted)

24
25 Mr. Sauls: [unintelligible] minimum dimension for a two-way driveway is 20-feet.

26
27 Commissioner Templeton: That is very helpful, so now we understand where the numbers are
28 coming from and why it's not the same as the road or street numbers. Personally, just to... I'm...
29 I don't know why we would make the road width so different at this property without also
30 requiring all the other properties to expand. It feels very unfair and that it's targeting a single
31 property whereas this street abuts many properties, so I feel that's unfair.

32
33 That said, we have talked... it looks like the proposal here is 24-feet. So, I think that is a
34 compromise between 20 and 26 if they're offering 24. I feel that that is enough, however, if the
35 whole street wants to get together and agree to expand it to 26. That's fine but that's a
36 separate issue. So (interrupted)

37
38 Chair Summa: May I offer (interrupted)

39
40 Commissioner Templeton: Sure.

-
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1
2 Chair Summa: An observation on that?

3
4 Commissioner Templeton: Yeah.

5
6 Chair Summa: So, we have a concept of grandfathering that is broadly across our Municipal
7 Code and (interrupted)

8
9 Commissioner Templeton: I'm familiar with it.

10
11 Chair Summa: It is because and we don't require people to come up to Code or change things
12 until they have an applicant or a demolition or they're going to rebuild something and I think
13 that's the reason why. And it may be kicking the can down the road a little but we have an
14 opportunity here and we have two properties, 2901 and 702, that have... are going to have
15 substantial benefits from allowing this PC change; financially and maybe in other ways. You
16 know, I don't know what's... I can't... I don't know what's in their head about it but certainly
17 financially and so I think it's reasonable. Unless it is absolutely 100 percent impossible and I
18 know that utilities can be relocated and I just think it's an opportunity... I think it's a great
19 opportunity for 702 also to have a more spacious situation. I think it benefits them and that's
20 why we want to be flexible with that front Ellsworth setback because I think they should have a
21 great say in it.

22
23 Commissioner Templeton: And that's absolutely fine, we may disagree on this. We're talking
24 about one foot on either side so it's not a major disagreement. And my perspective is informed
25 by that this is being treated as not a new road and historically as a driveway. And I know that's
26 not how it's been used but that's where the numbers have come from. So, I'm satisfied with the
27 current proposal because I think it comes very close to the desired width and is improving what
28 is currently very narrow.

29
30 So, I don't... I agree with Commissioner Chang... Vice-Chair Chang that I'm not exactly sure
31 about the soil condition and what's going to be possible there. I'm nervous because it's on a
32 creek side that is this even going to be something that can have a basement at all, right? Or
33 certain serve the foundation of a two-story home and I would like to not prescribe that as well.

34
35 As for what other areas of compromise, I think I'm very satisfied with what has been offered
36 because I think that's going to really improve the safety of the residents and their children and
37 people who use the sidewalk because it will be expanded as well so I'm very hopeful.

38
39 Again, with a PC versus R-1, PC is an option. I'm... I still feel uncomfortable given that this was
40 stated as an R-1 by the City and has neighbors who are R-1 and I just I hate to tie this property

-
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1 in perpetuity to the property across the street. I'd like to sever it because that's what the
2 applicant's seem to want. Thank you very much.

3
4 Chair Summa: I am not seeing any other lights. Do I have any other comments? Commissioner
5 Chang [note – Vice-Chair Chang] indicated that she wanted to make a motion so why don't we
6 go ahead to the motion?

7
8 MOTION
9

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

27
28 And so that's my motion and I felt pretty strongly about keeping the parcel within the PC
29 because this was a PC. I know it... just to... sorry? Okay, I will wait for it to be seconded, sorry.

30
31 Chair Summa: Do we have a (interrupted)
32

33 Mr. Sauls: Point to clarify? Ms. Dao, were you able to capture all of those? I think there was A
34 through H items and then three or four subitems within H. So that maybe we could share it on
35 the screen and everyone can be sure to respond.

36
37 Ms. French: Yeah, there's one point that was mentioned. I want to make sure that what you
38 said was 26-feet as opposed to the 24-feet because when it's widened from 24-feet it gets to
39 28-feet at the curb. So, do you mean 26-feet?
40

-
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1 Vice-Chair Chang: So, maybe it should be 26 to 30 at the curb then I guess. I don't know what
2 the right (interrupted)

3
4 Ms. French: That's what it would be if following the City standards.

5
6 Vice-Chair Chang: Yes, then 30 at the curb.

7
8 Commissioner Lu: Can I? As part of this motion, do we need to specify details like the asphalt
9 or moving the cable boxes or anything else like that?

10
11 Vice-Chair Chang: I don't know.

12
13 Commissioner Templeton: I was going to ask if first of all, is this motion correct? It looks like
14 there's a blank line. Is there something missing?

15
16 Vice-Chair Chang: I think there are things that are missing so.

17
18 Commissioner Templeton: Yeah, so if you can correct the motion and then I would ask Staff to
19 highlight the ones that are not part of the Staff proposal. So, we know the delta between what
20 you were proposing and what she's proposing.

21
22 Vice-Chair Chang: So, A, the width of the Ellsworth easement to be widen to 26-feet.

23
24 Ms. French: It's not specific to the length of that. Did you mean within that 35-feet site triangle?

25
26 Vice-Chair Chang: For the full 100-feet. I don't know if the parcel's exactly 100-feet but for the
27 full length.

28
29 Ms. French: It is.

30
31 Vice-Chair Chang: Yeah, so then the curb cut would be 30-feet at the street flare I think, right?

32
33 Ms. French: I think that B we... it says easement be given to the City of Palo Alto. I think what
34 was said was City of Palo Alto has a right to determine who has access. Is that... did I hear that
35 right?

36
37 Vice-Chair Chang: Sure.

38
39 Ms. French: Somehow.

- 40
-
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1 Vice-Chair Chang: I think the easement should be given to the City of Palo Alto to settle on any
2 debate on who has right to access the street.

3
4 Commissioner Templeton: For just this property or for all properties on Ellsworth Place?

5
6 Vice-Chair Chang: For all properties on Ellsworth. I mean I don't know what the right issue is but
7 all of the houses on Ellsworth Place need to be able to access this. I think there... I'm copying
8 from some language that was in somewhere in the Packet.

9
10 Commissioner Templeton: But for the length of the entire road.

11
12 Vice-Chair Chang: Yes.

13
14 Mr. Yang: I'm sorry (interrupted)

15
16 Commissioner Templeton: [unintelligible]

17
18 Mr. Yang: We can't... the entire roads not before us. It's just... we're only talking about the...
19 that first 100-feet of that parcel.

20
21 [note - unknown female speaker:] See, it's not necessary.

22
23 Vice-Chair Chang: Well, then maybe it's not necessary but (interrupted)

24
25 Commissioner Templeton: The whole point?

26
27 Vice-Chair Chang: The easement needs to be given to somebody.

28
29 Commissioner Templeton: The easements have already been given.

30
31 Vice-Chair Chang: If it's widened.

32
33 Chair Summa: Oh, perhaps you want to... I don't know but perhaps you want to change the
34 language to say the new widen of this easement for the first 100-feet from Middlefield shall be
35 recorded with the City. Something like that but (interrupted)

36
37 Vice-Chair Chang: Yes, that; the new width of the easement for the first 100-feet shall be
38 recorded with the City, sure.

- 39
-
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1 Mr. Yang: So, we would actually recommend that it be granted to all the neighbors on Ellsworth
2 just because right now... you know that would basically have... the City has a right to these little
3 strips along the edges and the City also has... Staff has said that we do not have an interest in
4 having a Public Access Easement or public right of way.

5
6 Mr. Yang: Great, thank you, Mr. Yang. Let me check the other ones, curb cut (interrupted)

7
8 Commissioner Lu: In the Staff proposal the road was 20-feet, then I guess it wasn't an
9 easement. It was adding 30-inches on Sutter and taking or sorry, okay.

10
11 Commissioner Akin: Yeah, we're starting with 20-feet and then we're adding 4 in two separate
12 chunks and (interrupted)

13
14 Commissioner Lu: Oh okay, right, right because of the PC because it's a PC [unintelligible]
15 (interrupted)

16
17 Commissioner Akin: While I'm all in favor of making it wider, I think we had the discussion with
18 the applicants and it may be very difficult to make it wider and that's not what's being
19 proposed by the applicant. So, I just wanted to be clear that that's what we are proposing.

20
21 Vice-Chair Chang: That's what I'm proposing because I'm... I mean I'll speak to it in a second and
22 we can go backwards and we can play with this but. Then for D, that the site triangle not be
23 obstructed by plants or fences or any other objects taller than 1-foot. And then for E, that four
24 additional parking spaces shall be provided on 2901 Middlefield. F is that a temporary loading
25 zone for delivery vehicles be provided at 2901 Middlefield. G is that garbage pickup and
26 enclosure for 2901 specifically be moved from Ellsworth to Sutter which is already... so E, F and
27 G already been agreed to. H is regarding a number of items regarding setbacks, so the first one
28 is 24-foot special setback observed for Middlefield. Creek setback observed according to... yep,
29 stability requirements. The next one is that the front setback from Ellsworth be determined
30 based on safety as reviewed by the Planning Director because I don't know how to make that
31 determination.

32
33 Ms. French: It might be clearer if you don't say front because that would not be the front in our
34 Code.

35
36 Vice-Chair Chang: Okay, so... sure, setback from Ellsworth, whichever the side of the lot we call
37 that and then that the standard 6-foot side setback from 705 Ellsworth. So, it's four different
38 setbacks, four sides of the lot.

-
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1 Commissioner Templeton: And can you, or Staff, compare these proposed numbers to what's
2 on the diagram on Slide 12?

3
4 Ms. French: Sure, I'll show that.

5
6 Commissioner Templeton: Because I think it's mostly the same.

7
8 Vice-Chair Chang: I think it's mostly the same too. We just didn't have evaluation of the creek
9 side.

10
11 Ms. French: So, this is why I think it's important to talk about... am I sharing? This is important
12 to talk about, so this is the property line of Mr. Handa's property. So, this is a 30-foot setback
13 right now from the property line to the house that is shown. So, what you're saying is a setback
14 from Ellsworth for safety, so if it's from this edge of the roadway to the house, that's -10-feet as
15 shown here. Right now, on this side, we're showing a 24-foot... the special setback from the
16 property line which is correct to meet the special setback on what we would call the front of
17 the property here because it's the shortest of the four lines. This is then the side facing the
18 creek, that's a side property line, the 6. This would be then what you said was based on
19 stability. This is... would be the rear and that's to the neighbor here showing that they have
20 observed the 20-foot setback as in R-1 Code with an encroachment into the setback which is
21 allow for R-1 properties to a 14-foot setback here with the garage in the rear setback as allowed
22 in the R-1 Zone.

23
24 Chair Summa: It's substantially similar.

25
26 Commissioner Templeton: Right, I just want to highlight the differences so that I can decide if to
27 support it.

28
29 Chair Summa: Yeah and I think one of the differences is it might be a little bit less on... it might
30 be a little greater, the setback, on Ellsworth because of the widening. I was wondering if we are
31 capturing what needs to be captured with regards to easements. And if I could ask myself if I
32 can ask one of the members of Ellsworth to answer... to approach the microphone and answer
33 that because I want to make sure we're capturing what is correct here.

34
35 Commissioner Templeton: What do you mean?

36
37 Chair Summa: Regarding the easements.

38
39 Commissioner Templeton: Would Mr. Yang know that? Like are you asking a legal question of a
40 neighbor?

-
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1
2 Chair Summa: No, no, I'm just asking if they're... to make sure that they're comfortable with the
3 way the easement was... is stated... issue is stated in the motion.

4
5 Mr. Nitin Handa: So, I don't know, can I speak? I'm the applicant.

6
7 Chair Summa: Yes.

8
9 Mr. Yang: So, actually Chair, have we had a second to the motion?

10
11 Ms. French: We have not.

12
13 SECOND

14
15 Chair Summa: Okay, I can do that first. Do we have a second? Okay, I will second the motion.
16 Thank you and Mr. Handa, did you want to speak?

17
18 Mr. Handa: Yes, so you know, Item E said that you are proposing widening Ellsworth 26-feet.
19 Our proposal was 24-feet in the first 35-foot area, so are you proposing something different
20 from what we proposed? And then my second question is on the setback on the left side of this
21 house, it's 14-feet. I saw something saying 6-feet or something like that. It's 14-feet and also
22 with a garage, I think it's only 1-foot or something, whatever the Code requires it to be or I
23 don't know if it is on the property line. So, I need clarification on that proposal regarding these
24 two items.

25
26 Chair Summa: So, I think there's a little confusion about what the front of the house is. So, I'm...
27 so if we're still going to call the front, I don't understand why it's not a Middlefield address
28 then.

29
30 Ms. French: The... if I may, the Code is not specific to where you put the property numbers.
31 It's... our Code, for at least R-1 lots and many other zones, the shortest line of the four... if it's
32 four property lines, that's abutting the street on a... if it were a corner lot. That shortest line is
33 the front lot line and then opposite that is the rear.

34
35 Chair Summa: That's right, that's right.

36
37 Ms. French: Then the sides are the sides.

38
39 Chair Summa: Thank you for reminding me. Okay, so it... but Mr. Handa's... would... it... the 6-
40 foot is not more restrictive. I mean he's not required to take it the 6-feet, so I think that there's

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1 a little confusion there but as to asking the neighbors if the easement situation was recorded
2 accurately. It's because it seems a little confusing but if other... so I would like to get an answer
3 to that. Is that okay, Mr. Yang?

4
5 Mr. Yang: Yes, and I would just add now that we have the motion seconded and it does deviate
6 from the proposal. We should hear from both the applicants as well.

7
8 Chair Summa: Thank you for that.

9
10 Ms. Kristen Van Fleet: I would like to understand your question better. If you're asking how our
11 easements work on our deeds?

12
13 Chair Summa: I was just double-checking to make sure that the way this easement... the new
14 easement is being proposed to be recorded which is just increasing width. If that should
15 happen, is sufficient from your point of view because (interrupted)

16
17 Ms. Van Fleet: I... sorry.

18
19 Chair Summa: Go ahead.

20
21 Ms. Van Fleet: I believe it would be sufficient now in terms of that's what our deeds say. There
22 is still some unknown... while the City says it's a private road and we're going to go with that for
23 now. That's the 26-foot wide, that's where that came from. Santa Clara County still says this is
24 public and that has not been established and so we're talking about maps being... R-1, he gets
25 an R-1 because the City map said it. Do we get a public road because the County maps say it
26 and so is that what we're starting with here? I know that this is not extending to the full length
27 of Ellsworth, and maybe that needs to come back for a separate session, but we have a section
28 of road that's actually abandoned after this 100-foot strip that use to attached to it. And all of
29 our easements go over that and so this is sufficient for that but it still doesn't establish road
30 ownership. And so, when Amy is saying that it's 30-feet of his road, that road use to be a flag lot
31 and when I asked Garrett this question about the 741 property. He said that they would not get
32 the same benefits that Handa is getting, even though they own the road to across from their
33 property.

34
35 So, there's a lot of ambiguity about the street itself and the ownership and that was why in the
36 letters we said we need to establish that but if we want to move past that. I believe that the 20-
37 foot easement or 26-foot easement would be sufficient over the 100-feet to start from for now
38 and then we can establish road ownership for the rest of Ellsworth Place later because it is an
39 issue.

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1 Chair Summa: Yes, and I understand that the neighbors are very concerned about that but that
2 is not agendized and can't (interrupted)

3
4 Ms. Van Fleet: I understand.

5
6 Chair Summa: Even really be discussed tonight. What is up for... what is agendized and up for
7 discussion is their PC Amendment so thank you so much.

8
9 Commissioner Templeton: Ok, hold on, hold on. You only asked if 26 is sufficient, is 24
10 sufficient?

11
12 Chair Summa: I didn't ask but is 24 sufficient?

13
14 Ms. Van Fleet: We believe that is not sufficient based on where the fence... the temporary
15 fence was pushed back and it was at about the 24-foot line. And it kept getting hit by trucks and
16 you can see on the photos where it was dented in in the center and that was being pushed back
17 a foot to two. Right now, we have over the parking lot, if a car is parked there, we have
18 between 25 and 26-feet behind the cars is what we're use to. So, that's why I was looking at the
19 Codes and saying okay, that's the minimum, just using a Code. It's not me making this up that
20 get to 26 and I think you'll have that circulation because that's what would be on a private
21 street for four houses according to what was already established. Does that answer? I think 24
22 is too narrow.

23
24 Commissioner Templeton: It doesn't quite answer because some of the property hasn't been
25 paved yet so that's why it's confusing. So, you're talking about the current status, not the
26 proposed status, but thank you. I got it, thank you.

27
28 Ms. Van Fleet: Okay, thank you.

29
30 Chair Summa: Thank you.

31
32 [note – unknown male speaker:] [unintelligible]

33
34 Chair Summa: I'm sorry, you just can't come and speak. You have to be called.

35
36 [note – unknown male speaker:] Because there's a wide bigger safety issue... public safety issue
37 over there because on the [unintelligible].

38
39 Chair Summa: Thank you very much, thank you. I think we were going to let Mr. Handa and Mr.
40 Dewey speak to this.

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1
2 Mr. Handa: So, I don't know Richard, do you want to go first or can I go first?

3
4 Mr. Hayes: Yeah, go ahead and this is Ken.

5
6 Mr. Handa: Okay, [unintelligible]. You know, I think Amy, if you can share the map once again.
7 That slide that shows what we were proposing there. So, I just come back to that, that we did
8 propose a 24-feet. Now that is despite the fact that the seat... the street is deemed as safe as is,
9 the way it is 20-feet. All of the neighbors have 20-feet only but we still gave... agreed to do 24-
10 feet by giving up about 18-inch on my side and 2 1/2 -feet on Mr. Dewey's side as whatever
11 restriction or whatever we might call it as. We were willing to do that thing and 24 was a big
12 compromise for the... and you know, we only proposed it for the first I don't know, wherever
13 this red line is. That's the proposal from our side.

14
15 Now, I didn't... where I'm trying to get clarification is, is the Planning Commission proposing to
16 make it all 26-feet and what does that mean? Does that mean that I need to give more land
17 through the street? That's one clarification I'm trying to seek and secondly, the most important
18 thing, 26-feet which is probably coming from the idea of the street has to be minimum of 26-
19 feet in some Codes like Albert mentioned earlier. That's for the new street, not for the existing
20 streets. It's if a new subdivision is being proposed and once again, I want to reiterate the fact
21 that even at 20-feet it was deemed safe and Ms. Star-Lack can jump in here. Even at 20-feet it
22 was deemed safe but we really being very generous here offering that extra 4-feet in the first, I
23 don't know, 40-feet of the street to help with the vehicle maneuvering.

24
25 Chair Summa: Thank you.

26
27 Mr. Hayes: Great, so Mr. Handa makes a good point and we concur with that. That 24-feet is...
28 seems to be sufficient, but any wider than that might not be possible. The City power pole and
29 we looked at it. Let's say you got rid of the power pole that's about 35-feet in from Ellsworth,
30 maybe it's 40-feet in, I'm sorry, from Middlefield on Mr. Dewey's side of the property. The...
31 that power line that runs down Ellsworth needs a counteracting force to keep that line and that
32 line of poles erect and right now, that last pole has the guy wires that come down. If that pole is
33 removed, where does that counteracting force come from because the physics don't change
34 and then if you have to install guy wires at the next pole in. That's going to obliterate where the
35 loading zone is and any possibility of providing a place for the trucks to turn around. So, it's
36 complicated, I don't think it's doable, I leave it there.

37
38 The other thing about making the roadway wider is that it becomes an access easement I
39 believe and I know that access easements are deducted from the site area. Just like we've
40 already deducted the 2,000-square foot, 20 by 100-foot Ellsworth Place access easement from

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1 Mr. Handa's site area, which reduces the size of the house that he can construct there. So, if
2 that is extended 3-feet on his side, 3-foot on our side, whatever to get to 26-feet. He's not
3 going to build the house that he's proposed and it's only a 1,690-square foot house.

4
5 The last point I wanted to make was I think there needs to be a clarification also in our motion. I
6 believe I heard you say no obstructions within the site triangle more than 12-inches high. Does
7 that mean we don't have the fence? So, you don't have a yard? So, somebody can walk off of
8 Middlefield into my backyard and take my barbeque, take my kid's ball or his tricycle or
9 whatever? Alright, that doesn't quite make sense, thank you.

10
11 Chair Summa: Is your light on Commissioner Templeton?

12
13 Commissioner Templeton: I want to hear Vice-Chair Chang speak to her motion.

14
15 Chair Summa: Okay.

16
17 Vice-Chair Chang: So, the reason I started at the point I did was because this... so, if we start
18 from what should have happened. What should have happened is this R-1... this proposed R-1
19 parcel should have never been sold off separately. We should have... the neighbors have been
20 saying for a very long time that this... that there are safety issues here and the City had... there's
21 a PC in place. We would have had control over a parking lot and we could have easily at that
22 point widened the street and so that's what should have been done. There wouldn't have been
23 the issue of a... of the need to build an R... of the need to build a house there. There's still some
24 question actually as to whether a house can actually be built there because we're not sure what
25 the soil stability is. So, that's why I started with 26, looking at safety. There's a reason why our
26 Code says that a new private street has to be in fact 32-feet serving this number of residences.
27 It's suppose... like 26 is a bare minimum and only in several circumstances which this street
28 does not meet with the Director's discretion.

29
30 And even though you can technically... even though a number of people have said this is safe.
31 There's... in the record there have been complaints from the neighbors long before this
32 property was sold complaining about safety issues here. So, that is why I started with the 26
33 because that would boulevard the ideal doable. We can't make it 32 here, so that would be the
34 ideal situation that's doable here. Now, I don't know if it is actually doable given the power pole
35 on that one side but maybe it is on the other. So, I don't know enough about the... I mean it's
36 not all in the drawings. I'm not familiar enough with it all but that's why I started there.

37
38 We do have a PC, if I start at... again, two wrongs don't make a right simply because there was...
39 the... simply because the math didn't properly reflect the ordinance. Doesn't mean that we

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1 then need to change our PC. There's just still an application process that needs to be followed,
2 so that's why I started with this.

3
4 Now, whether this is doable, I mean maybe we need to modify some things and you're... and I
5 hear what was said about okay if we really want an R-1 house. Do we need to allow for a fence
6 and I would be interested to hear what my fellow Commissioners say about whether moving
7 the fence 4-feet back and keeping it at 3-feet is sufficient. I'm concerned because I've tried
8 making turns around fences and it's difficult but I haven't seen what it looks like in this
9 particular situation. So, I can't be the judge here but it sounds like transportation has said that
10 that should be sufficient there. I... you know but other... I don't know, I think transportation also
11 said that 20-feet was sufficient and the neighbors have said that that isn't sufficient. So, I... it's
12 just hard for me to be the judge of that.

13
14 Chair Summa: Yeah and my second, I wanted to have more time to discuss this and hear about
15 it. And I think... I mean I don't know, not everybody has a fence in their front yard anyway right
16 on the sidewalk, or as close to the sidewalk as you can legally put it. I don't really... I don't but I
17 mean so... but I have a weird corner lot situation with a private road so anyway.

18
19 I... we were trying to find a compromise here because something is actually being taken from
20 the people who have use this street for since almost 60-years and it's... since somebody else
21 purchased it but when it was all part of the PC. It... since somebody else purchased it but when
22 it was all part of the PC it was... it didn't come up. I came up because of this purchase which
23 may or may not have been a mistake. I'm sure there was no intention on anyone's part
24 deliberately to do something but I think it's an issue that should be addressed and if the
25 applicants would like to take... should this motion pass as a suggestion to figure out if they
26 could do it this way. I think that's a reasonable approach but until we rule that out. I feel like...
27 and we're not able to deal with the issues that Mr. Ross brought up because they're not issues
28 that our legal department sees the same way but another attorney has represented them as
29 unfair to these people also. So, I can't do anything about that and so maybe what we can do is
30 change the motion and I would like to add at this time. There's another thing that we didn't
31 opine on and that was the new configuration of the four spots that Ms. French provided. It
32 wasn't in the motion but I wanted... we can bring it up separately after this because we didn't
33 discuss that.

34
35 So, I see that I have another light, Commissioner Lu.

36
37 Commissioner Lu: Sorry, me or Cari [note - Commissioner Templeton]?

38
39 Chair Summa: You can go.
40

-
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1 Commissioner Lu: Okay. Personally, I just feel like it is sufficient and simpler to take the Staff
2 recommendation. It's very hard for me to visualize or I think it's hard for everyone to interpret
3 what exactly that 26-foot easement would mean in practice to the plans. I don't truly know
4 what that would actually mean for the utility pole or the additional asphalt that would be
5 needed instead of pavers.

6
7 To me, it feels like it introduces complexity and I would personally prefer a motion that is
8 aligned with Slide 12 in the Staff Report.

9
10 Chair Summa: Commissioner Templeton.

11
12 Commissioner Templeton: Thank you and thank you for this detailed motion and giving us a
13 chance to have something to react to. I know it's hard to go first and hats off to you.

14
15 I also share the Chair's intention of finding a compromise. What I'm struggling with is I don't
16 feel like the compromise that has been proposed has been viewed that way. We keep moving
17 the starting line for them because these are some proposed changes and I think it's good to
18 see. And 24-foot is much closer to 26 than 20-foot was, so I think that's a huge win for the
19 neighbors.

20
21 As far as something being taken away from the neighbors, I'm struggling with getting on board
22 with that concept because the uses that they're claiming a right to are not authorized uses of
23 that property. So, they were using it, yes, but I'm taking in my mind taken back to my friend
24 who lived between two empty lots and was able to play on those lots and spend time with her
25 family on both of those lots. One of them was sold and turned into a home and while that did
26 take away "her ability to enjoy that space". It wasn't her space to begin with and the owners
27 had a right to do with it. She learned she bought the other lot and... on the other side of her
28 house and now it's a beautiful garden. But I think about that in terms of the use of a space that
29 wasn't theirs in a way that was allowed or intended but had been indulged and that should be
30 held against the new property owner. I'm really struggling with, so those are some comments in
31 response to our discussion.

32
33 I would love to see this comply more with Slide 12 as well and for the similar reasons that
34 Commissioner Lu mentioned. I feel very uncomfortable extending into the utility right of way
35 which is even more complicated than these driveway right of way. I promise it really is difficult
36 to move those things and sometimes not wise and that's what we're hearing right now from
37 the engineers who studied it. So, I am not supportive of this motion as is and if we want to get
38 into a discussion of how we can adjust it together and come to something we can agree with.
39 I'm totally supportive of that, thank you.

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1 Chair Summa: Just a couple responses, I was not suggesting they park on there as a matter...
2 the Ellsworth neighbors don't use it as parking. What it created was a more viable, functional
3 street because it was parking spots and not built on. So, it just... that's what they've had... that's
4 what they've used for nearly 60-years. I'm not an attorney so I'm not going to go into it. I would
5 be... I would like to know whether the maker of the motion would like any amendments or
6 would you like to call the vote because I think it's time to.

7
8 Vice-Chair Chang: I would just like to make one more comment and I appreciate your analogy
9 about the neighbor who had a house between two empty lots. And this situation is a little bit
10 different because while the other Ellsworth property owners don't own the PC land. The PC is a
11 PC which is suppose to have a public benefit and even though the public benefit wasn't
12 specifically to make... to improve the circulation of Ellsworth. It did do that and there was... that
13 was part of the public benefit. You know, maybe not the 100 percent stated public benefit. It
14 did become the public benefit and that was the use over the last many years. And so, the PC
15 has a public benefit and in changing a PC we need to also be creating a public benefit and we're
16 losing a public benefit in this situation and so, that's what I'm trying to address.

17
18 I would be open to amendments if somebody has a better suggestion, taking into account what
19 I'm trying to do here but I don't know if anybody has anything.

20
21 Commissioner Lu: Not to the core point, though I definitely agree in general with your analysis
22 of taking things away or maybe halfway between you and Cari... and Commissioner Templeton,
23 I'm sorry.

24
25 On the site triangle not to be obstructed by plants, fences or objects taller than 1-foot. We
26 could change that to allow it to be taller of the... if the Planning Director approves though. I
27 think that gives more flexibility or it can be no more than 3 but the Planning Director can set
28 the height later based on whatever the final safety analysis is.

29
30 Chair Summa: Commissioner Akin.

31
32 Commissioner Akin: Thank you, Chair. I'm, as you know, I'm always reluctant to dive into
33 designing on the fly. So, let me elaborate on the utility pole just a little longer so you can see
34 what we're getting into. So, that is the final utility pole in the string and it is braced as Mr.
35 Hayes described and it also... the line dives into an underground service access point at the
36 bottom of that pole. It's actually braced in a couple of different ways. Now, while it's physically
37 possible to move that pole, to relocate that pole so that it's further down along the same line
38 and then guyed out in much the same way that it is now simply farther away. You then have to
39 trench to get back to the underground service entrance and relative to the complexities that we
40 could get into. Chair Summa mentioned we haven't looked at the proposed new parking places.

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1 Doing all of those changes that I just described eliminates one of those places. Right, so there's
2 an interaction there that it's hard to characterize in the scope of just one attempt.

3
4 I don't mean to say that I'm opposed to this extra width. In fact, I think it's doable and I would
5 prefer that it be wider. However, what has been proposed is a good compromise. So, given the
6 interaction with the other elements that are part of this proposal, I don't know what to do.

7
8 Vice-Chair Chang: Well, so that wasn't exactly an amendment but what I'd like to see... I mean
9 part of my concern also with this is that the 24-feet that was proposed was I think 35-feet deep.
10 So, not very deep if I... if... Ms. French, could you pull up the diagram? Yeah, and there was
11 another... at some point, somebody had shown a photo of how far deep it is and it just isn't
12 very.

13
14 Ms. French: I'm sharing my screen.

15
16 Vice-Chair Chang: Far (interrupted)

17
18 Ms. French: Can you see the distances? Beyond 35-feet the... I can toggle back and forth
19 (interrupted)

20
21 Vice-Chair Chang: Yeah because right now if you visit the site the entire length is the eight-car
22 widths of parking, correct?

23
24 Ms. French: No, if I... I'll go to that screen. The parking doesn't start for some distance. The
25 parking... sorry, the parking starts beyond that first 35-feet. The 35-foot site triangle starts from
26 the curb of Middlefield. So, it's some like here, the 35-feet, so the parking spaces don't start for
27 some (interrupted)

28
29 Vice-Chair Chang: Right so the 35-feet isn't very far at all and I think that was my concern. So, I
30 guess my question is how far back does the parking... does that power pole go and how far back
31 can we go? So, if not the full 100-feet (interrupted)

32
33 Ms. French: So, I'm going to (interrupted)

34
35 Commissioner Templeton: And can you (interrupted)

36
37 Ms. French: I'm going to share the screen that shows, so the 35-foot site triangles stop about
38 right here. It's drawn to the curb of Middlefield.

- 39
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1 Vice-Chair Chang: No, but then the width of the... 24-foot width was proposed to go further
2 back than the site triangle I think.

3
4 Ms. French: Yes.

5
6 [note – several folks started talking at once]

7
8 Ms. French: To here (interrupted)

9
10 Vice-Chair Chang: Yes.

11
12 Ms. French: And then the guy wires and the pole are up here. So, this is why on Dewey's
13 property this was the terminus of that width extension.

14
15 Vice-Chair Chang: Because of the guy wire.

16
17 Ms. French: Because of the guy wire and the pole and then this is where the proposed space
18 was going to go to avoid being a tandem space.

19
20 Commissioner Templeton: And Vice-Chair Chang, where you asking on Slide 12 how deep that
21 red block is?

22
23 Vice-Chair Chang: I think it's 35-feet if I understood correctly.

24
25 Commissioner Templeton: She said it's more than 35-feet, much more.

26
27 Ms. French: This here?

28
29 Commissioner Templeton: No, please go to Slide 12, the red block.

30
31 Ms. French: This is yeah, much deeper than... because the 35 (interrupted)

32
33 Vice-Chair Chang: Yes, how deep is that?

34
35 Ms. French: Stops about right here between Middlefield and here is where it stops.

36
37 Vice-Chair Chang: Okay so how deep is it from the front of the property line?

38
39 Ms. French: Well, the property line is right here.

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1 Vice-Chair Chang: Right.
2
3 Ms. French: So, that's going to be... I would ask the architect to state (interrupted)
4
5 Vice-Chair Chang: It's about 50 or 40-feet or something like that.
6
7 Ms. French: I think it's more than 50.
8
9 Vice-Chair Chang: Well, if the whole thing is 100 so it's less than half.
10
11 Ms. French: Oh okay, so (interrupted)
12
13 Vice-Chair Chang: Yeah, 40-feet or something like that.
14
15 Ms. French: Okay so this is shifty, about right here so just the red thing is probably... and of
16 course, I drew the red thing to go all the way to the sidewalk, back of sidewalk. So, it stops...
17 here's the property line, here's the property line, but the 35 is from here to about here.
18
19 Commissioner Templeton: But it's not as deep on the other side. It's a few feet short on the
20 other sides because of the pole.
21
22 Ms. French: Yes, I'll go back to this diagram that shows.
23
24 Vice-Chair Chang: Yeah, I mean I still remain concerned though about that front section about it
25 just not being wide enough. Especially given the neighbor's concerns about where the fence
26 was so I don't know what to do about that.
27
28 Commissioner Templeton: It's currently wide enough like they use it. They've been using it for
29 60-years at the current width, right?
30
31 Vice-Chair Chang: And then when the fence was put in there were dings in the fence.
32
33 Commissioner Templeton: Because they don't have this paved extra part. We're talking about
34 adding 4-feet.
35
36 Vice-Chair Chang: You mean the other side?
37
38 Commissioner Templeton: We're talking about adding 4-feet.
39

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1 Vice-Chair Chang: I'm not sure I understand. I think we're talking about adding the feet on the
2 other side.

3
4 Commissioner Templeton: [off mic] It's both sides, it's on both sides.

5
6 Vice-Chair Chang: If I understood correctly, when you add... when the fence was there it was
7 24-feet.

8
9 Commissioner Templeton: They said they moved it a few feet so I don't know.

10
11 Chair Summa: [unintelligible – off mic]

12
13 Vice-Chair Chang: Can you ask them in the mic?

14
15 Chair Summa: So, can you clarify that the sort of reddish brown lines that proceed sort of
16 those?

17
18 Ms. French: Yes.

19
20 Chair Summa: Those are the new proposed widths.

21
22 Ms. French: Correct, this is 30-inches wide (interrupted)

23
24 Chair Summa: Right.

25
26 Ms. French: Until you get to the guy wire. This is 18 inches wide until you get to the walkway.

27
28 Chair Summa: Would it be an advantage... I mean we're talking about a foot on each side.
29 Would it be an advantage to increase the width to 26 from 24 just in the area that's ready being
30 increased to 24?

31
32 Vice-Chair Chang: Yes, it would. I mean I know it sounds... I know that the 2-feet sounds
33 ridiculous but as my architect told me in a remodel and the architects in the audience can see if
34 they say this to their clients. But you know, 2 out of 26 is something like less than 10 percent
35 which is significant, right so it's as a percentage of what is there and it is significant and
36 particularly right at the mouth. That is where it's a significant amount so maybe that's what we
37 need to do.

38
39 Chair Summa: May I make a suggestion (interrupted)

- 40
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1 Vice-Chair Chang: Sure.

3 FRIENDLY AMENDMENT

5 Chair Summa: In a form of an amendment that we amend it to read, to increase the width to 26
6 in the distances that are being... currently being proposed in an increase in 2 and that we have
7 story poles put up for a described number of weeks, whatever is the standard and also, to
8 represent this stuff. So, people on Ellsworth, everybody, can experience it and see how it's
9 going to work. We don't use these kinds of things often enough and I think the illegal fence
10 wasn't really providing that sort of information. So, I think we might be able to resolve some of
11 these issues if people could see what it felt like by using a story pole type of thing. And also, we
12 could mark the site triangles and the 3-foot requested fence. Leave that up for 6-weeks or
13 whatever is standard Ms. French and then have the... have everyone comment on it. It might be
14 quicker than resolving it in a motion this evening.

16 Ms. French: With a... if I may, with qualification I don't think we want to put story poles to block
17 the triangles. I think that would want to be tape or something (interrupted)

19 Chair Summa: Well, yeah.

21 Ms. French: At the ground level.

23 Chair Summa: Yeah, just [unintelligible](interrupted)

25 Ms. French: So as not to cause (interrupted)

27 Chair Summa: Just open poles with, not solid but with you know tape so everybody can see
28 what it's going to look like and see if it serves the role of the best compromise we can make.
29 Would that be...?

31 FRIENDLY AMENDMENT

33 Vice-Chair Chang: Yeah, I think that's a great idea, accepted.

35 Chair Summa: Accepted, okay.

37 Vice-Chair Chang: And so, we're reintroducing the fence as suggested, 4-feet setback as Ms.
38 Star-Lack had suggested too. So, we're not going to say... we'll keep the plants no taller than 1-
39 foot but we can reintroduce the fence at 3-feet height, right?

-
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1 Chair Summa: Yes, in a form of temporary visual aide so people can experience. Story poles is
2 just the word I knew. It may not be the right term. Temporary visual aid so people can
3 experience what this is going to be like in actual use and I think that would help Commissioner
4 Lu also.

5
6 Ms. French: So, we're mocking up a fence, a 3-foot fence? Is that part of the (interrupted)

7
8 Chair Summa: And a 26-foot wide distance.

9
10 Ms. French: Okay.

11
12 Chair Summa: And I would also indicate where the site triangles are. I mean it's not a
13 complicated thing to do and I think it might elevate a lot of concerns and I don't know how
14 typically... how long you typically have to leave that up to ensure that people will experience it.

15
16 Commissioner Templeton: I have my hand up, Chair.

17
18 Chair Summa: Yes, go ahead.

19
20 Commissioner Templeton: So, I do love the idea of rabbit prototyping it. I still not sold on why it
21 needs to be 26-feet there and I'm very uncomfortable at the idea of even suggesting that they
22 couldn't have a fence around their property when they're adjacent to a major street like
23 Middlefield. I mean you want to talk about safety, that's not very unsafe. So (interrupted)

24
25 Chair Summa: Wasn't suggest that they couldn't have a fence, it was to say that if it interfered
26 with the site (interrupted)

27
28 Commissioner Templeton: I'm... sorry, I was talking about the original motion and she was
29 (interrupted)

30
31 Chair Summa: Oh, okay sorry.

32
33 Commissioner Templeton: Suggesting no fence, so I... we're still not there as far as if I would
34 support this motion because they need to be able to have a fence for sure. And if the story
35 poles are going to go up we should do it at 24-feet because that's what the compromise offered
36 by the applicant and when then we'd see whether that works or not. And then they would have
37 a better case for making if they need 26-feet or not, so those are some feedback on the
38 changes.

39
40 Ms. Star-Lack: Chair Summa?

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1
2 Chair Summa: Yes.

3
4 Ms. Star-Lack: Hi, sorry I just... Sylvia Star-Lack, Transportation Planning Manager, I just... sorry,
5 just wanted to note that the story poles, adding those so that folks will be able to experience a
6 different width, is a little bit of a misnomer because the stop signs exist in the current location
7 within the area that you're discussing. As does the cable box I believe that the applicant talked
8 about having to relocate. So, I just want to make sure that everyone understands there's some
9 existing things in that zone.

10
11 Chair Summa: Yeah, but I think that the people that use this road all the time can kind of see...
12 can kind of see around those things.

13
14 Ms. Star-Lack: Okay, I just wanted to make sure everyone is aware it's not going to be an actual
15 simulation of the actual width. There's stuff in the way, thank you.

16
17 Chair Summa: Okay, thank you for that.

18
19 Commissioner Lu: So [unintelligible – off mic], oh so just so I understand how the motion is
20 going to work. We're going to have placeholder numbers as... well, not placeholder but default
21 numbers, this 26 and 1-foot and then do the poles. So, that when this gets to Council they can
22 decide or like how would that work? Like when do we make [unintelligible](interrupted)

23
24 Chair Summa: I think it has to come back to us. If you are happy with the motion we should call
25 the vote.

26
27 Vice-Chair Chang: I'm happy with the motion as it is.

28
29 Chair Summa: Okay, Ms. Dao, will you conduct the vote, please?

30
31 Commissioner Lu: Oh, there's a hand from the applicant.

32
33 Chair Summa: Oh.

34
35 Ms. Handa: Hey, can I speak?

36
37 Chair Summa: Yes, please.

38
39 Ms. Handa: I just want to be sure, number one the PC Amendment you are suggesting, which
40 basically tells me that my lot will also be a PC, that's the recommendation. I presume it's going

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1 to be a separate PC, it's not going to be within the same PC that exists today which means I am
2 [unintelligible] the whole thing with Mr. Dewey. It's going to be separate independent PC for
3 me. That's the amendment being suggested, is that correct?

4
5 [Note - unknown female speaker:] No.

6
7 Chair Summa: What the Staff alternate recommendation was to keep it all one PC as we
8 discussed on June 28th.

9
10 Vice-Chair Chang: It's one PC but two parcels.

11
12 Ms. French: In fact, yes the Staff Report said an alternative is to keep it a PC and add the single-
13 family use but I believe also at some point, there was a statement that there's options for that
14 alternate recommendation that include an individual PC for Mr. Handa's parcel.

15
16 Commissioner Templeton: Or an individual R-1 with lot restriction or property restrictions of
17 some sort.

18
19 Ms. French: Right, that's the other approach so.

20
21 Ms. Handa: Yeah exactly, you know having it as an independent lot for me is very important.
22 You know, if it is part of the same PC and same piece of land that Mr. Dewey has, it's basically
23 very complicate in terms of selling it or in terms of having clear ownership. So, having it as an
24 independent lot for me, preferably as R-1 lot because that's what the City told me. It is R-1,
25 preferably R-1 lot with the restrictions we are proposing through some deed restriction,
26 whatever way Mr. Yang might suggest. That could be an approach, you know okay with that but
27 having it as part of same PC as Mr. Dewey has today and not having it as an independent lot
28 doesn't serve the purpose.

29
30 Chair Summa: Thank you. Commissioner Templeton, do you have your light on again? No, okay
31 thank you. So, okay, I think we need to talk to Mr. Yang at this point because I think we can do
32 one thing tonight. We can amend Mr. Dewey's PC and then come back with a separate hearing,
33 is that possible still to decide what to do exactly on 702 or is that not possible at this time?

34
35 Mr. Yang: You could do that. You could have a motion that applies to the 2901 parcel and then
36 continue the 702 Ellsworth piece, but I guess just looking at the motion on the board right now
37 this mostly relates to 702.

38
39 Chair Summa: The motion on the board right now basically is to mock up a situation so
40 everyone can experience it and it's... it can be limited to that. If that gets us... I'm a little

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1 concerned about our schedule and keeping everybody here for this kind of circular
2 conversation so.

3
4 Vice-Chair Chang: And I don't think I understand enough... because it wasn't in our Staff Report
5 about detailing sort of the pros and cons and differences between a PC versus an R-1 with
6 restrictions and the various intricacies and differences between those two and the implications.
7 So, I don't feel like I can on the fly right now make a motion that distinguishes between... I
8 understand from Mr. Handa's perspective that there's definitely a benefit for one over the
9 other but I don't know what I'm trading off, if anything.

10
11 Mr. Yang: [unintelligible]

12
13 Vice-Chair Chang: So, I just don't have enough information.

14
15 Mr. Yang: I think from Staff's perspective there's not an appreciable difference between the
16 various forms that this could take. So, having one PC versus two PCs doesn't change how the
17 City would be able to enforce any of these items and I think we do... I do appreciate the desire
18 not to have these two separate property owners governed by on PC because then if one of
19 them wants to make an amends. They have to coordinate with the other and the application
20 process for that is sort of unnecessarily complicated.

21
22 FRIENDLY AMENDMENT #2

23
24 Chair Summa: So, then the zone... the motion would have to be amended to say, amend PC
25 2343 to add single-family residential... no, amend PC 2343 to remove blah blah blah portion
26 from it and do the following to 2343. And then we would have to end this motion, create a
27 separate PC for 702 and the first step of that would start with this mockup situation so we
28 could all experience it.

29
30 Vice-Chair Chang: Can... is that a suggested amendment Chair?

31
32 Chair Summa: Yes.

33
34 Vice-Chair Chang: I accept that amendment.

35 MOTION RESTATED

36
37 Vice-Chair Chang: So, we are... so what we are doing is amending PC 2343 and adding whatever
38 PC it will be for 702. We are proposing the parking changes for 2343 and we are suggesting a
39 mock-up for changes that are being asked for at 702.

- 40
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1 Commissioner Templeton: So, point two goes at the top, Veronica. I think you've got them
2 (interrupted)

3
4 Ms. French: So, on the very first sentence we would say, amend PC 2343 to remove 702
5 Ellsworth from PC 2343 and, and then we would have a one and a two each governing each PC
6 and we'll have to move those things so this could take a while. Thank you, Veronica.

7
8 Chair Summa: If everybody understands the intent of that which is to amend PC 2343 by
9 removing 702 from it and to create a new PC for 702 and the requirements on 2343, which is
10 basically four new parking spots only. And then we would like PC... the new PC to come back to
11 us after this trial has happened. If everyone's clear about that I think we can vote, except I see
12 that Mr. Handa has a hand up.

13
14 Commissioner Templeton: I have a comment as well.

15
16 Ms. Handa: Yeah sorry, you know the most important thing on Item A where you are suggesting
17 the width of Ellsworth Place to be widened to 26-feet. Amy, just show the map once again, that
18 slide so that we are sure where exactly it is getting widened.

19
20 Ms. French: Yes, one moment. Oops, gosh, sorry. There we go, is this what we want shown, Mr.
21 Handa?

22
23 Ms. Handa: Yeah, I mean so it says that it's going to be widened in the area which was shown as
24 24 which I believe cut somewhere because of the guy wire. It cut somewhere 1... 2/3 part of
25 that red area, right?

26
27 Ms. French: I'm going to share this slide that's in tonight's deck that shows the brown around
28 yours, Mr. Handa, goes all the way up to your walkway whereas Mr. Dewey's is short because
29 of the guy wire.

30
31 Mr. Handa: And the 24-feet which we were proposing was up to where Mr. Dewey's guy wires
32 are located, right? That's the area you are suggesting to widen to 26 total.

33
34 Ms. French: Mr. Handa is asking if the area to the left that goes to the guy wire is the limit of
35 the 26-foot width that's being proposed with this motion. Would it be equal on both sides of
36 the street? If I understand you correctly Mr. Handa.

37
38 Mr. Handa: Yeah, yeah.
39

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1 Chair Summa: It could be. I think what we should... well, I want to hear from my colleagues but
2 it could be that. I don't know what the difference is in feet because this view doesn't show it
3 but it could be if that's what agreeable to everyone, but I want to call on Commissioner Akin.

4
5 Commissioner Akin: I differ to my colleague.

6
7 Commissioner Templeton: I'm sorry, I definitely want to hear from you and I just wanted to
8 check the motion that she has written doesn't sound anything like what you guys just said and
9 I'm a little concerned we're not on the same page. So (interrupted)

10
11 [note – someone spoke off mic]

12
13 Commissioner Templeton: Veronica.

14
15 Ms. French: Back to you, Veronica.

16
17 Commissioner Templeton: Sorry and I know it's really hard, that's no dis on you. Veronica is
18 amazing everybody. It's just we changed a lot and it doesn't... I was going to propose when we
19 said we were going to vote either... it's changed a lot since then. Do you want to (interrupted)

20
21 Vice-Chair Chang: [off mic] Restate it?

22
23 Commissioner Templeton: Restate it, withdraw it, change it. Like I don't know where we are but
24 I'm... I would not... I'm not ready to vote for this, what's written.

25
26 Chair Summa: No, I think we did restate the motion and I think (interrupted)

27
28 Commissioner Templeton: It's not written (interrupted)

29
30 Chair Summa: Staff is writing it up. I don't think they're done with it (interrupted)

31
32 Commissioner Templeton: Okay.

33
34 Chair Summa: And it's a very simple motion that creates two PCs.

35
36 Commissioner Templeton: It is not simple.

37
38 Chair Summa: It's pretty simple. It creates two PCs, 2343... PC 2343 has 702 removed from it
39 and has to provide four additional parking spots.

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1 Commissioner Templeton: It has 12 bullets, it's like complicated, but I want to just throw that
2 out there that as stated I can't support it and I would propose the Staff motion if we go forward
3 with this. But I would love to change it to what you guys described but we don't have that yet.
4 Thanks.

5
6 Chair Summa: No, we're working on it with Staff's help. Commissioner Akin.

7
8 Commissioner Akin: Right, just to clarify, there's a lot more that has to go into 2343 than just
9 the four parking spaces because the extended width is part of the equation for 2343 too. So,
10 how you manage the tradeoffs between the two separate PCs is a very interesting and
11 complicated question in its own right. That was the advantage of keeping it as one PC, there's
12 one decision to be made.

13
14 Chair Summa: I agree, I had assumed that's what the Staff... I thought that's what we were
15 talking about in... on June 28th but. Commissioner Lu.

16
17 Commissioner Lu: Personally, I feel... yeah, this just gets really complicated and very difficult for
18 me to image what the 26-feet looks like. Very just in terms of like in this would we actually need
19 to specify how many feet come off from each side? I would personally be comfortable just
20 advancing Slide 12 as is, just kind of full stop, but otherwise, I would suggest amending this
21 motion to change the defaults to be 24-feet and 3-feet. Simply so we can (interrupted)

22
23 Vice-Chair Chang: I think we got there, I think we were there. In other words, so we had to
24 change it to 26-feet in the distances that are currently proposed as 24-feet by increasing by 1
25 foot on each side; that describes how.

26
27 Commissioner Templeton: But he said 24 and I'm also at 24 just to let you know.

28
29 Vice-Chair Chang: I understand that but that's... but that would help visualize it and that would
30 not make it complicated to visualize then so.

31
32 Commissioner Lu: [off mic] It's the utility pole for me. That [unintelligible](interrupted)

33
34 Vice-Chair Chang: But no, we won't... we're not reaching the utility pole anymore. Right, so
35 we're just... we're solving my problem which is (interrupted)

36
37 Commissioner Lu: Got it.
38

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1 Vice-Chair Chang: Which is upfront, I don't think it's wide enough according to what the
2 neighbors are saying. So, upfront where there's no utility pole and there is space to widen. We
3 widen by 1-foot on either side.

4
5 Commissioner Lu: Okay, sorry things totally make sense to me now I believe.

6
7 Vice-Chair Chang: Okay, okay.

8
9 Commissioner Lu: I would still believe 24-feet is a reasonable number given that the current
10 choke point is 20-feet.

11
12 Vice-Chair Chang: Right.

13
14 Commissioner Lu: And yeah, but (interrupted)

15
16 Vice-Chair Chang: So, we can agree to disagree there.

17
18 Commissioner Lu: That's just [unintelligible].

19
20 Chair Summa: Okay, let's clean up this motion and vote on it really quickly now because we're
21 really behind schedule also. So, let's vote on a motion that amended PC 2343 to remove 702
22 Ellsworth and to require the garbage pick-up enclosure, so G would stay with it. H would stay
23 with it, that would be for both. I mean... whoops. It went bye-bye.

24
25 Commissioner Templeton: And we don't want the other property to be R-1, do we? So, we got
26 to change that first bullet.

27
28 Vice-Chair Chang: [off mic] It's not suppose to be R-1, it's suppose to have a second PC.

29
30 Chair Summa: I would remove B, I think it's unnecessary because we're not going to do that
31 that way. The curb cut at Middlefield applies to both. So, we can identify the standards that
32 apply to both sides right now and achieve the (interrupted)

33
34 Mr. Yang: Sorry, if you just wait for one minute. Veronica, [unintelligible] this point this
35 updated.

36
37 Chair Summa: Yeah.

38
39 Mr. Yang: Sorry.

- 40
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1 Chair Summa: Okay.

2
3 Chair Summa: Curb...

4
5 Mr. Yang: So, the one clarification that I have is the idea of coming back to the PTC. Just looking
6 at the motion for 702, everything is very well defined in a way that wouldn't need to return to
7 the PTC.

8
9 Chair Summa: I think it looks good and I don't... I think it is a very minor deviation from what
10 Mr. Dewey and Mr. Handa wanted. And I think it might be the best we're going to get now and
11 I'm very sorry but I think the Ellsworth people are going to have to pursue some of the issues
12 by... in a different way; whether it's with the City or in another manner. So, I would say, if
13 everybody is comfortable with this as written, that we vote on it. Ms. Dao?

14
15 VOTE

16
17 Ms. Dao: Commissioner Akin?

18
19 Commissioner Akin: Yes.

20
21 Ms. Dao: Commissioner Lu?

22
23 Commissioner Lu: No.

24
25 Ms. Dao: Vice-Chair Chang?

26
27 Vice-Chair Chang: Yes.

28
29 Ms. Dao: Chair Summa?

30
31 Chair Summa: Yes.

32
33 Ms. Dao: Commissioner Templeton?

34
35 Commissioner Templeton: No.

36
37 Ms. Dao: Motion carries 3-2.

38
39 MOTION PASSED 3(Akin, Chang, Summa) – 2(Summa, Templeton) -0 -2(Hechtman, Reckdahl
40 absent)

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1
2 Chair Summa: Thank you very much. Thank you to everyone who came here this evening. Oh,
3 would you like to speak to your no-motion? Commissioner Templeton.

4
5 Commissioner Templeton: Yes, I don't support this because I don't think it needs to come back
6 to the PTC. I don't think it needs to have this level of control and I specifically am opposed to
7 the 26-feet. I think 24-feet is a compromise that was offered in good faith by the applicants and
8 I think feel that it is surprising that the... that there are people that want more because that is a
9 tremendous improvement over the street already. And that would be taking away property
10 from the applicant whereas nothing has been taken away but instead given to the
11 neighborhood by the compromised proposal... proposed compromise I mean.

12
13 I also think that we have made a lot of improvements. We've seen a lot of improvements from
14 the applicant for safety at Middlefield as well and I think that obviously, we need to have a
15 fence available for the property owner. So, I totally object to Point 2 (d) in every way, thank
16 you.

17
18 Chair Summa: Commissioner Lu?

19
20 Commissioner Lu: I think I could ultimately live with the 26-feet but I generally agree with Cari
21 [note – Commissioner Templeton] and don't think... sorry, Commissioner Templeton and don't
22 think... I don't think we can productively understand 24 versus 26-feet any better next time and
23 would be very comfortable advancing 24-feet as is, so that's my take.

24
25 Chair Summa: Thank you very much for that and thank you to everyone in the room. I think
26 we'll take a little itsy-bitsy short mini-break but come back as quickly as you can, please.

27
28 [The Commission took a short break]

29
30 **Commission Action:** Motion by Chang, seconded by Summa. Passed 3-2-2 (Hechtman, Reckdahl
31 absent)

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