



# Planning & Transportation Commission

## Draft Excerpt Minutes: August 9, 2023

Council Chambers & Virtual  
6:00 PM

Commissioners present: Summa, Chang, Akin, Hechtman, Lu, Reckdahl  
Commissioner absent: Templeton

**ITEM 3. LEGISLATIVE: 2901-2905 Middlefield Road and 702 Ellsworth Place: Review of Demonstration Structures Following the July 12, 2023 PTC Hearing and Recommendation on Rezoning to Amend Planned Community 2343 (PC 2343) and Create a New PC Zone for 702 Ellsworth Place to Enable the Development of a Single-Story, Single-Family Residence. Environmental Analysis: Categorically Exempt.**

Chair Summa: Okay, thanks. Alright so we're on to our second item which is 2901 to 2905 and 702 Ellsworth and this is a review of the demonstration items that were put up and also a recommendation on two separate PCs. So (interrupted)

Commissioner Hechtman: ~~off mic~~ Disclosures first?

Chair Summa: You know, it says it's legislative but we can do disclosures.

Commissioner Hechtman: Yeah, I think that at least because I was absent at the July 12<sup>th</sup>, the last meeting on this. I need to basically declare and disclose that I have reconstituted myself. I have watched the video of that meeting. I have read the minutes of that meeting. I've reviewed the Staff Report and the materials submitted by... submitted related to that meeting. So, I'm ready to participate and able to vote tonight.

Chair Summa: Thank you for that. Does anyone else have (interrupted)

Commissioner Reckdahl: Same for me.

Chair Summa: Okay.

Commissioner Akin: And I just wanted to mention~~ed~~ that I have made another site visit at which I did a whole lot of measurement of markings. Fencings and utility poles as well as tracking high voltage and low voltage lines in response to a public comment. Thanks.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Commissioner Lu: I also drove through. I did not take such detailed measurements.

3  
4 Chair Summa: I also... Vice-Chair Chang and I met together and visited the site yet again and we  
5 did some measuring as well. So, okay, so Staff (interrupted)

6  
7 Mr. Albert Yang, City Attorney: I'm sorry, just to interrupt. With respect to all the  
8 measurements that were taken, was there anything that differed from what's presented in the  
9 plans or in the Staff Report?

10  
11 Commissioner Akin: In my case, there was no substantial difference. The main things of concern  
12 where the locations of the poles in particular, but the other markings seems consistent with the  
13 description in the report for me.

14  
15 Chair Summa: For me, they seemed generally consistent, but you know, I mean a more precise  
16 measurement would I assume be done with survey markers. Going off of survey markers but I  
17 think it was, as far as I could tell, generally accurate.

18  
19 Ms. French: Are we done with disclosures?

20  
21 Chair Summa: We are so.

22  
23 Ms. French: I don't think that I need to disclose that I visited the site and made photographs  
24 myself.

25  
26 Chair Summa: Do we have a Staff Report?

27  
28 Ms. French: Yes please. On the screen is a list of to-dos in my estimation at the top of this  
29 screen. We're back here, ~~our~~ are meeting, after meetings on June 28<sup>th</sup> and July 12<sup>th</sup>. We have a  
30 number of photographs that document the installation that's out on the site. Following the  
31 plan for the installation that Staff received on July 17<sup>th</sup> indicating the sight distance triangles  
32 which follow the Code required 35-foot... you know according to the Code. And so, proceeding  
33 on, we do have this PC plan that documents what was shown to the Planning and  
34 Transportation Commission on July 12<sup>th</sup> with the delivery space perpendicular to Ellsworth. The  
35 four spaces on site, including one tandem that's space 13 and another tandem that's in the rear  
36 setback of the Middlefield apartment building property. We do have showing in this  
37 Development Plan the applicant's proposal, offer of 24-feet going back to the guy wire and the  
38 PTC 3-2 recommendation of a 26-foot width up to the pole guide wire which is... guy wire  
39 sorry.. the cable that attaches to that utility pole. So, the yellow arrow indicates 37-feet 9  
40 inches to the first anchor wire and then the truck delivery space is above in that drawing.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Then we have the 702 Ellsworth plan which the applicant has requested an R-1 Zone. The  
3 Planning and Transportation Commission recommended coming back with a PC. So, this is then  
4 the PC plan for that showing the setbacks. So, it's a 24-foot special setback at the front, that's  
5 the front of the parcel per Code, 16-feet for the rear of the home, half the home, and then side  
6 which is the side along the easement line. Also known as Ellsworth Place ~~r~~Roadway or partial  
7 pavement of that easement, and then 6-feet from the Matadero Creek property.

8  
9 So, moving on, on Packet Page 94, this was the drawing ~~July~~... on July 7<sup>th</sup> that Staff received and  
10 signed off on, as ~~CS-~~ yes, ~~t~~This is what you should show, the planned installations. I did a little  
11 montage here showing what's in and what's out. So, just to be clear, just because there's a  
12 hypotenuse of the triangle, which is indicated by those blue dashed ~~ed~~ lines, ~~i-~~It doesn't mean that  
13 now they have to remove everything ~~in~~-forward of that hypotenuse in the triangle. We allow  
14 trees, trees have to be limbed up to 9-feet above grade and shrubs typically cannot be more  
15 than 3-feet in that same area, 3-feet tall from grade so, but we have a number of things. We  
16 have a stop sign, we have ~~a~~ no outlet sign, the fire hydrant, utility boxes and nobody is saying  
17 those need to be removed as part of this application.

18  
19 This is documenting what was placed. There's the hypotenuse here as a string going past the  
20 redwood tree, so that they didn't have to paint the redwood tree, and you can see the sight  
21 triangles on the lower right measurement of 35-feet along the curb of Middlefield and 35-feet  
22 along the edge of the easement on Ellsworth. Some more images showing where the stakes  
23 were placed showing the hypotenuse of that right triangle... of the... it is a right triangle but  
24 the sight triangle, sight distance triangle with the sticks. Here's another image showing those  
25 installations. The multi-trunk tree again. It's a beautiful tree, we're not saying you need to  
26 remove it to have clear sight.

27  
28 This shows the orange plastic fencing indicating the 3-foot tall fence proposed within the sight  
29 distance triangle as well as continuing on past the sight distance triangle along Middlefield and  
30 along Ellsworth. Again, and this Handa's property, showing there's a fire hydrant and everything  
31 else within the sight triangle. Typically, well our Code in the Fence Code... sorry, it says 4-feet.  
32 It's... typically, it's a 3-foot fence allowed within the sight distance triangle I believe and then I  
33 think I read that wrong. I have the Code later in this presentation. So, what's proposed is a 3-  
34 foot ~~-~~tall proposal 4-feet back from the Middlefield sidewalk shown here and as far as  
35 placement, I mocked up what I thought was being said about the horizontal fence with  
36 openings that are 3-feet. This is not precise but it's to indicate what would be expected if a 3-  
37 foot fence were allowed in that sight ~~te~~ distance triangle with those spacings of 3-feet. So, I just  
38 kind of found something online and showing it here approximation of what I imagined.

39  
40 Vice-Chair Chang: 3-inches I think you meant.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Ms. French: 3-inches, what did I say, 3-feet? 3 inches, so this... for instance, this little example is  
3 to screen an air conditioning equipment or something and that is a 2 1/2... 2 1/4-inch space  
4 between the slats as per the spec and 2 3/4-inch slates. So, it would be larger, you know instead 2  
5 1/4 it's a 3 inch is what I heard the applicant, Mr. Handa, say. There's some other point of views.  
6 So, I literally got down on my knees and where the drive... where I would have stopped in my  
7 car and then I measured to my eyes to the pavement. And you know, I was taller when I was on  
8 my knees than when I was sitting in my car, it was kind of funny. Just because I was curious and  
9 then our planner went out, this is on the right. On the left is when I went out after the sticks  
10 were installed and... on the left and on the right is we had our planner go out and do the same  
11 but in a City car; stopped at the stop line and he's taller than I am. So, these are some more  
12 photos.

13  
14 I have some additional items as I mentioned. The Fence Code, this kind of shows the picture  
15 from our Fence Code Guidelines showing the 35-foot standard distance and then showing this  
16 3-foot maximum height in the sight distance triangle there so that's that. We also have about  
17 vegetation that I thought could be helpful where it talks about lim**bing**, you know trimming up  
18 the trees so that the lowest limb is up a little higher for bushy kind of trees.

19  
20 Again, this is that sight distance triangle and these are some more conditions... existing  
21 conditions prior to the trimming that happened out there. I thought I would show that because  
22 its interesting. You can see taller shrubs there. I think those have been cleared ~~or they have~~  
23 ~~been cleared~~ because I've seen that they're not there. So, those show kind of taller than 1-foot I  
24 think.

25  
26 Okay, so that's my presentation and we have the ability for the applicant to speak because it's a  
27 public hearing ~~but~~.

28  
29 Chair Summa: I was just going to ask the applicant if he wanted... they wanted to present.

30  
31 Ms. French: Would you like me to put back my presentation?

32  
33 Mr. Ken Hayes: Maybe just Slide 13 I think, let me look. Slide 14. Yeah, I'm going to keep this  
34 really brief. Ken Hayes with Hayes Group Architects, I'm here on behalf of my client Richard  
35 Dewey with RLD Land. Also, joined by Camas Steinmetz with Jorgenson, Siegel, McClure &  
36 Flegel and Nit**in** Handa is here as well, the owner of 702 Ellsworth.

37  
38 Our comments **are** really in the letter that we submitted so hopefully you had an opportunity to  
39 read the letter. I want to thank you for moving 702 Ellsworth in your recommendation at the

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 July 12<sup>th</sup> hearing and just wanted to make a comment regarding something that is very  
2 important to us and that is regarding the width of Ellsworth.

3  
4 So, we're not in agreement with your condition requiring the 26-foot width and the 30-foot  
5 curb cut at the driveway. Instead of the 24-foot width that we're recommending and the 28-  
6 foot curb cut at the driveway. The existing width is 20-feet and per our transportation  
7 consultant Hexagon. This is a sufficient and safe width for... it's sufficient and safe. Increasing  
8 the width to 24-feet as we propose is a 20 percent increase over what's recommended by  
9 Hexagon in terms of being safe and sufficient. This is a private street width and or private street  
10 and those private street width requirements are not triggered~~ed~~ by this project because it's not a  
11 subdivision. It's really just a modification to an existing development that proposes to get rid of  
12 eight cars and build a single-family home. So, burdening this project with an additional width  
13 would not meaningfully improve the safety, but it does create other issues that that's what I  
14 want to point out.

15  
16 The 24-foot width as proposed will require already the relocation of the fiber box that you see  
17 there in the lower middle. We've been in contact with the fiber communication company, they  
18 cannot tell us what the costs are to deal with that box, but my client has made a commitment  
19 that we're going to move the box. Increasing the width 26-feet add~~s~~ much more complexity and  
20 risk to the project, because in addition to the above, moving that box, ~~it~~ it will likely involve the  
21 relocation of an underground utility vault in the 2901 sidewalk which is right to the right of the  
22 vault but it's in the sidewalk. And that's a communication vault as well that we believe feeds  
23 the big green monument that's out in the landscape strip and possibly relocation of the fire  
24 hydrant on the other side, on the 702 side and you can see the fire hydrant there in the picture  
25 on the bottom left. The distance from the fire hydrant right now to where the 18... to where the  
26 24-foot wide driveway would be is essentially what's there today because after we've striped it  
27 we see that that 24-foot width is the edge of the pavement. It's 5 ½-feet from the fire hydrant.  
28 We ran it by ~~K~~Carl Schneider with the fire department, we ran it by Public Works. Public Works  
29 said ah, that's okay. ~~K~~Carl Schneider said he's not excited about it, believes the distance is a  
30 problem. So, if we go to 26-feet, now we're moving another foot closer to the fire hydrant will  
31 be 4 ½-feet away and fire department thinks that's a problem waiting to happen. So, we can't  
32 relocate the fire hydrant with this project. It's just not possible. We don't know what the risk is  
33 in this other underground utility vault so it's just not feasible. The 24-feet is something that we  
34 can do, let's keep the increased width at 24-feet. We know we can get this done and let's move  
35 on.

36  
37 Last comment, just some housekeeping comments regarding the drafted ordinances. In the  
38 draft ordinance for 2901, the 2901 special setback is 25-feet. At 702, it's also listed as 25-feet.  
39 It's really 24-feet and that's in Section E, triple I. The access easement on the Development Plan  
40 that we submitted on the 7... I'm sorry, on the 2901 property is shown at 37-feet. In the draft

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 ordinance, G double I, it says 35-feet so there's a disconnect between the two. I don't care  
2 which one you use, but you need to be aware of that and then as the reciprocal for the 702  
3 draft ordinance. 2901 special setback is 25, 702 is 24, D triple I says 25 for 702 and the access  
4 easement again it says 35-feet when we're showing 37-feet.

5  
6 So, we look forward to moving this on tonight and getting a recommendation from you that is  
7 favorable. Thank you.

8  
9 Chair Summa: Thank you, Mr. Hayes. Do we have any clarifying questions from the  
10 Commission? Commissioner Akin.

11  
12 Commissioner Akin: Hi, this is for Staff, have we had any contact with utilities concerning the  
13 feasibility or cost of moving the terminal utility pole in the string?

14  
15 Ms. French: I was detained by a spider.

16  
17 Commissioner Akin: I was afraid of that.

18  
19 Ms. French: Can you repeat that?

20  
21 Commissioner Akin: Have we had any information from utilities about the feasibility or cost of  
22 relocating that terminal utility pole in the string?

23  
24 Ms. French: No, no disclosures on the cost of that or feasibility.

25  
26 Commissioner Akin: Or, or yeah or feasibility at all?

27  
28 Ms. French: Correct.

29  
30 Commissioner Akin: So, I noticed there's a reference to having one of the braces removed in  
31 order to make room for the parking space.

32  
33 Ms. French: Right, right, that is something that can happen.

34  
35 Commissioner Akin: So, there's been some consultation but just not anything more substantial  
36 than that.

37  
38 Ms. French: Correct and I would concur about the... I meant to... I think I put it in my slide  
39 presentation. The 24-foot is the special setback for the 702 so that needs to be (interrupted)  
40

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Vice-Chair Chang: So, the feasibility regarding the comments that Mr. Hayes just spoke about  
2 regarding the widening of the driveway... like the flange.

3  
4 Ms. French: We did not invite fire or utilities here. We did have a conversation with Public  
5 Works Engineering where they assured us the distance was acceptable as far as Public Works  
6 Engineering is concerned.

7  
8 Vice-Chair Chang: Okay, so it didn't raise any red flags there at least because I wanted to... you  
9 know I imagine that they would know if there was a standard distance that we typically see  
10 from fire hydrants, etc.

11  
12 Ms. French: Oh, the (interrupted)

13  
14 Vice-Chair Chang: Okay, thank you.

15  
16 Ms. French: I can comment on the standard distance for a new fire hydrant and that would be a  
17 10-foot would be preferred.

18  
19 Vice-Chair Chang: Right but it's not 10-feet right now, okay.

20  
21 Ms. French: Correct.

22  
23 Vice-Chair Chang: Thank you.

24  
25 Chair Summa: Commissioner Hechtman.

26  
27 Commissioner Hechtman: Thank you, so let's see, I've got... let me start with a couple... so these  
28 are questions for the applicant group and I think probably the first couple could be Mr. Hayes  
29 but it's probably going to be Ms. Steinmetz to answer them. So, the first question is in the  
30 history of the paperwork here the applicant initially based apparently on a preliminary title  
31 report that they had which didn't show an easement for the 13 properties down Ellsworth. It  
32 had indicated that there wasn't an easement but as a part of this project that we're going to  
33 grant one. We subsequently received information from at least one of the neighbors that their  
34 title report showed that there was an easement and so... and I would imagine you're team has  
35 seen that. And so, I'm wondering if we've received any... if you have any clarity now as to  
36 whether 702 Ellsworth is or is not subject to an easement that serves those 13 or 12 parcels  
37 behind. Yeah, that's my first question.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Ms. Camas Steinmetz: Yes, so we did contact out title company and we... our title company  
2 concurs with Chicago Title that there is an easement over the property that serves the other 13  
3 residences.

4  
5 Commissioner Hechtman: Okay, so that was a... that's a good result for this process.  
6

7 Ms. Steinmetz: Oh, one thing I would like to note, in the letter from Chicago Title on Page 34 of  
8 the public comments. It does address that matter but it also states in the Chicago Title's letter  
9 that Ellsworth is a private way connecting to Middlefield, a public street. So, I think that also is  
10 conclusive on the status of Ellsworth.

11  
12 Commissioner Hechtman: Okay thank you and stay... put... at the lecture~~ur~~ne because I think this  
13 next one will be for you too, but I think that's very helpful because I think that maybe it will  
14 provide some comfort to all of the folks that live down Ellsworth that there's really... no longer  
15 question that there's an existing 20-foot easement across 702 Ellsworth severing all those  
16 properties. So, I mean I think that's a good... title companies make mistakes and it's good when  
17 they clear them up.

18  
19 Ms. Steinmetz: And that's for the existing way.  
20

21 Commissioner Hechtman: For the existing 20-foot -easement.  
22

23 Ms. Steinmetz: Correct.  
24

25 Commissioner Hechtman: Right, okay and my next question is actually related to that. I know  
26 that the combination of the two applicants are proposing a widening of the drive path. A total  
27 of... from 20-feet to widen it to a total of 24-feet which would be 2 ½-feet on the Middlefield  
28 side and 18 inches on the Ellsworth... on the 702 Ellsworth side for a particular distance which  
29 was mentioned by Mr. Hayes earlier. What wasn't entirely clear to me is whether the proposal  
30 that we're looking at is to simply improve that... those two stripes so that they are drivable  
31 surfaces or to grant an easement for the property owners... you know the 13 property owners  
32 that would essentially fold into their existing 20-foot easement. I just wasn't clear on the  
33 proposal.  
34

35 Ms. Steinmetz: So, the proposal is to improve the surface to match the existing paved Ellsworth.  
36 There... if the proposal would be... if the approval would remove 702 Ellsworth into an R-1  
37 zoning. Then the additional width would be documented in an easement and I think the idea  
38 would be that the PC... remaining PC for 2901 Middlefield would govern the additional width  
39 and that... the PC would document that width.  
40

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.



1 Commissioner Hechtman: Okay, so the... so if I'm understanding correctly, on the Middlefield  
2 side there wouldn't be an easement granted but the requirement of the PC Development Plan  
3 would be that you have to have this 30-inches, 2 ½-foot, of pavement (interrupted)

4  
5 Ms. Steinmetz: Correct.

6  
7 Commissioner Hechtman: That bleeds into the existing 20-foot private road.

8  
9 Ms. Steinmetz: That's right.

10  
11 Commissioner Hechtman: Okay, alright thank you, thank you. I think I've got a couple of  
12 questions for Mr. Handa and the first one is just regarding the slate fence that's been discussed.  
13 I just wanted to... Staff indicated that you were comfortable with a 3-inch gap between the  
14 slates and I just wanted to make sure I understood that right.

15  
16 Mr. Nitin Handa: Yes, that's correct.

17  
18 Commissioner Hechtman: Alright and then the other question I had and I don't think I've got a  
19 good diagram but it's really revisiting the first meeting we had where I was here and I asked you  
20 this question and I'm sorry I don't remember the response. But on your side of the private road,  
21 you're proposing 18-inches of pavement to blend into the existing pavement for the first I think  
22 it's 35-feet.

23  
24 Mr. Handa: Something like that, yeah.

25  
26 Commissioner Hechtman: Something... yeah, okay and then along the edge of the road my  
27 memory is and I'm sorry I don't have a... and maybe if Staff can pull up a diagram. There's a  
28 little bit of a gap and then we start your pavers which is like a sidewalk kind of feature that runs  
29 to your front door, along the frontage of the road and then it's your driveway back to your  
30 garage.

31  
32 Mr. Handa: Right, yeah connects to the driveway.

33  
34 Commissioner Hechtman: Right and so my memory was there's this gap between the... that 35-  
35 feet of 18-inch wide pavement and the start of those pavers as they run to your front door. And  
36 so, I'm curious what's happening... what improvements are going to be in that gap?

37  
38 Mr. Handa: You know, actually that... it might be 44-feet total then.

39  
40 Mr. Hayes: [off mic] 42.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Mr. Handa: 42-feet, it connects all the way to the sidewalk, that 18-inch (interrupted)

3  
4 Commissioner Hechtman: Okay, that (interrupted)

5  
6 Mr. Handa: Extends all the way to the sidewalk so that there's no gap in between. So, I think it's  
7 not 35, its 42 all the way to the (interrupted)

8  
9 Commissioner Hechtman: And really what I was getting at because I know I had been curious  
10 about that last time but I didn't remember if that had resulted. Okay, so now... so the proposal  
11 by the applicants is we're going to have basically it's going to be a hard surface really along the  
12 entire frontage of your property I think. Right, 18-inches for the first 42-feet and that's paved  
13 until it runs into the pavers.

14  
15 Mr. Handa: Right.

16  
17 Commissioner Hechtman: Right.

18  
19 Mr. Handa: Into the sidewalk pavers.

20  
21 Commissioner Hechtman: Right, sidewalk pavers which is a potentially drivable surface? I mean  
22 I know those pavers are going to ~~extent~~extend to your driveway so you're going to definitely  
23 driving on those.

24  
25 Mr. Handa: Right, right.

26  
27 Commissioner Hechtman: Okay, so that clears up my other question, so those are the  
28 questions. Thanks very much.

29  
30 Chair Summa: Other questions, Commissioners? [note – video skipped]

31  
32 Ms. Veronica Dao, Administrative Associate: Yes, we have a couple of speakers. First Kristen  
33 Van Fleet speaking as a group on behalf of Carolyn Garbarino, Chuck Effinger, Jessica Sheldon,  
34 and Mimi Wolf and she has a presentation.

35  
36 Mr. Kristen Van Fleet: Hi Commissioners, thank you for (interrupted)

37  
38 Chair Summa: Good evening.  
39

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Ms. Van Fleet: Hearing me again. Let her get the slides loaded. Alright, so we had five days with  
2 the poles installed correctly. We've done our best to make use of those five days. When they  
3 were originally installed I did email Amy the next day to say they're not done, they're not right  
4 and that was on July 27<sup>th</sup>. They were fixed last Thursday. A lot of people were out of town this  
5 weekend, it was the weekend before school started. So not everybody has seen them and  
6 commented but we'll give you what we have thus far and we'll go from there.

7  
8 So, next slide please. We want to definitely enforce that a PC needs to remain over this so that  
9 it is enforceable and we also want to say, especially after hearing Mr. Hayes's presentation.  
10 More harm is being done here than good at this point for the residents of Ellsworth Place and  
11 our circulation. They are not providing public benefits for us, they really aren't and we'll  
12 through... I'll through that in a few slides. And then the ownership of the road, yes it was  
13 mentioned in the Chicago Title letter that it's a private road and that's what they're going on  
14 right now. But the County maps don't lie and it's been saying it's a public road since 1968 so  
15 that needs to be solved. It's still an open question, I ~~tir~~ied to get that open with the City in an  
16 application over the last couple of weeks and I've gotten no-where with it. Amy sent me a reply  
17 that there's no such application that exists, so more has to be done there and that is a potential  
18 benefit of this whole project if we could add that on. And then all of the false information still  
19 needs to be corrected in the Packet and some of that was already mentioned and we'll go  
20 through more of that.

21  
22 We'll reiterate that this has been... sorry, the next slide. This has been our road circulation for  
23 this Ellsworth Place for 50 years plus, actually 56 years plus. The current plan is to remove every  
24 benefit of the current PC, that is our road circulation and they want to replace it with less. What  
25 they're replacing does not improve our~~t~~e road circulation, it makes it worse and we were directly  
26 impacted by a fence that was set 4-feet back from the property line. It had been hit by trucks, it  
27 had been pushed back a couple of feet. So that... it wanted to be at that 26-foot line and that  
28 was a nightmare. We all sent in code enforcement complaints about that and here they are  
29 wanting to give us less than that. So, next slide~~e~~e please.

30  
31 As I'd mentioned before, the proposed public benefits are inadequate and we are potentially  
32 losing our ability to get deliveries. This was mentioned by planning Staff during an onsite  
33 meeting of July 3<sup>rd</sup> that transportation was considering banning delivery trucks from our street.  
34 That's a problem in today's day and age when most of us deliver... we all depend on deliveries  
35 or we can't really live here in Palo Alto without them. We want to preserve that ability and we  
36 want to maintain our line of sight or actually to improve our~~t~~e ~~linegh~~lineght of ~~sight~~sighte as we exit and  
37 we'll... I'll mention that in a next slide on how we think it should be done. Not what they're  
38 proposing which we disagree with. There is inadequate street circulation by this, so right now  
39 the parking lot, even if cars are parked there.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 [note – video skipped] away from us and replacing 24-feet, which is 2 ½-foot increase over what  
2 it is now, it is currently 21 ½-feet if you look at where the white line is for the 20-foot mark out  
3 there. They keep saying its 20, we're living with 21 ½-feet. They're going to give us 2 ½-feet of  
4 driveway width over the first 25-feet of the actual road because mind you 10-feet is the  
5 sidewalk and driveway itself. So, they're going to give us 25-feet of road at 24-feet and narrow  
6 us down from our 26 that we have now down to 20-feet is what they're doing with it. That's  
7 okay with us. That driveway entrance is the only benefit they're offering us and it's not enough.

8  
9 Next slide, it says perceived width in the Packet and this is again, I heard Hechtman clarifying  
10 the materials that they want to use. That path of even if it's paved is going to end in his pavers  
11 where his family walks. We don't find that safe. We want that all the way across to the fence  
12 because having paved road end at somebody's pavers is crazy to us. Like who comes up with  
13 that? It's dangerous and we don't want to live in a situation that's dangerous. Plus, they've  
14 changed those placement again. They call it landscaped strip, they've called it pavers, they've  
15 called it paving. We don't know what it is. It's still unclear and every time we show up here  
16 there's a new plan in place. Including last time when we were here, there were new slides that  
17 the public hadn't even seen that you were going to vote on and we hadn't even been allowed  
18 to make comments on them. So, we want clarity in this and we want to make sure that it's a  
19 safe situation that does give a public benefit because right now we are really not getting a  
20 benefit of any kind at this point. Oh, and the one that they were telling us we were going to get  
21 with them giving us easement, that's already been proven that we already have that.

22  
23 So, next slide, the parking lot, I'll show you this again. This is our cul de sac. We are use to 26-  
24 feet width of road over this parking lot. It doesn't matter if the whole thing is full of cars. We  
25 have 26-feet. They want to narrow us down to 20, keep that in mind, next slide.

26  
27 So, I did some mock ups here over using Google Maps and you can see what we are used to  
28 working with now in the yellow on the left. What they're proposing is that they'll give us this  
29 24-feet over the entrance. As I said we currently have 21 ½-feet, so they want to give us  
30 basically 2 ½-feet of extended width over the first 25-feet of road. That's it and you can't drive  
31 on someone's pavers. We all know this, next slide.

32  
33 So, we've come up with some options that do provide public benefit. As I mentioned, if they  
34 extend these road widths for the full length of the road and maintain our 26-feet, including 26-  
35 feet at the driveway. We already have 26-feet, we are used to 26-feet, we want to maintain  
36 that and also have it go over the driveway. That's a public benefit and there are a couple ways  
37 that that can be done. Obviously, the utility pole needs to be investigated. Can it be moved? I  
38 did find a... I found a solution online where they make poles that are end poles. I don't know if  
39 we have those in California but it is there. So, can we take the pole before it and... that's where  
40 the electricity seems to end anyway and make that the end pole and then underground

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Comcast and a telephone. It's not that much is going to that last pole, so if they can  
2 underground that or do some other configuration to remove the utility pole and open up  
3 circulation. It solves a lot of problems. It needs to be investigated. If they can't then you can see  
4 that you can still take the 6-feet on Handa's side and he can still build a house so go to the next  
5 slide. The house still fits there and the other thing about this is that his house footprint [note –  
6 video skipped] 1,090-square feet. So, this will be the largest home on the block by a lot, by 55  
7 percent larger. If the house had to reduce in size a small bit to keep the safety and circulation  
8 on our road. We actually don't see a problem with that and it would be more in scale with the  
9 community.

10  
11 Next slide and again, this is our goal. It's not about preventing his house, it's about keeping our  
12 circulation and safety intact and how we integrate with Middlefield Road and the pedestrian on  
13 the sidewalk. Next slide. So, they keep saying that 20-feet is sufficient. If you notice they're little  
14 car diagram has it stopped at the stop bar. In order to see to get out, we're on the side walk  
15 right now with the current conditions. Even that orange netting, we can't see over it so we're  
16 on the sidewalk to get out. I tried to do a little photoshop demonstration to move the car into  
17 the sidewalk and you can see if another car tries to turn in while someone is trying to turn out.  
18 You'll have an impact so right now we end up backing up and then someone goes around over  
19 the parking the lot and that's how we've dealt with it. We would like the situation improved,  
20 next slide.

21  
22 We are looking to this point of the sidewalk where the curve is. That's where the road narrows  
23 down and the sidewalk follows it. That is where we're looking when we leave and we only really  
24 care about this sight line on the creek side. The apartment side, the olive tree, the sweet maple  
25 or not... what is that thing called? The sweet... I'm not using my cards. Liquid amber tree,  
26 they're not bothering us and neither are those utility boxes that are tall. We... they don't... none  
27 of that bothers us. It's the creek side and we've said this over and over and over again. We  
28 need about a car width back from what would be the stop bar. Visible to that point basically  
29 where the creek fence is. That's about where that corner is. There's still room for his fence, it  
30 just has to be moved back. His patio is untouched. It would be a good compromise all around  
31 but right now where the fence is located with the orange netting. It does not work; every  
32 neighbor has complained. Next slide and the six of us that went out and took pictures. You can  
33 see this is our reality and there's another slide of these as well if you want to go to the next  
34 slide. And there you can see what it's like when the pedestrian is coming down the street. He's  
35 already gone by the curve and when I took this picture of my neighbor there. She actually  
36 backed up to allow him to pass. That happens a lot. We always give right of way to pedestrian...  
37 to the pedestrians and this is what we could get done in the five days we've had so.

38  
39 Additionally, we've asked can we have an asphalt approach. That would probably solve it, right?  
40 If you're on a regular street, you have an asphalt approach so you actually get to go past the

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 sidewalk and the pedestrian stops. But when you're on a sidewalk, the pedestrian has the right  
2 of way so you have to back up. That causes the problems, so at an asphalt approach with things  
3 like bumpy plates on the sidewalks. Things that tell pedestrians hey, there's a road here. Maybe  
4 a step down curve or a well, wheelchair or bicycle friendly type curve. It would make them  
5 aware that there's a street there. They'd stop running into our cars because this has happened  
6 many, many times. It should show Key School on the other side of the street that there's a  
7 street there. It would fix a lot of things and right now to get out of Ellsworth Place. We go up an  
8 incline but it's actually kind of over a hill. Like a little bump, so if that was smoothed out with an  
9 asphalt approach. It might solve a lot of our issues getting on and off Middlefield Road. In  
10 addition to having that road width there of 26-feet. As I said, right now we're used to 21 1/2 .  
11 They keep telling you 20, we have 21 1/2. That needs to be stated over and over and over.

12  
13 Next slide and we asked about this. They mentioned they're going to move that bracing. Well, if  
14 they're going to look into moving that bracing, can they look into undergrounding the pole?  
15 Because right now that's not a useable spot and undergrounding or getting rid of that pole just  
16 causes or I mean it just helps solve a lot of problems. Thank you.

17  
18 Chair Summa: Thank you very much. Do we have other speakers?

19  
20 Ms. Dao: Yes, we have Susan Light who's I believe going to speak on some later slides.

21  
22 Ms. Susan Light: Yeah, well you know I think I'm going to be really short and hopefully Kristen  
23 will forgive me. The real question that has come up is who owns the street and I came up with  
24 the analogy of being an adopted child and growing up in a household and then not getting  
25 invited to Thanksgiving dinner. We have Palo Alto on our address, we send our kids to school in  
26 Palo Alto, Palo Alto utilities is an important part of our lives and when something happens we  
27 call the Palo Alto police. So, the idea that our street is not part of Palo Alto is really difficult and  
28 when... I don't know what the exact number of feet of streets there are in Palo Alto, but adding  
29 500-feet from Ellsworth is not going to be a huge impact on the budget of the City of Palo Alto.  
30 But it would solve a lot of problems and that's the... that's why the adopted child analogy I think  
31 is something to think about. We want to be adopted, we want to be legally adopted by the City.  
32 I'll leave it at that.

33  
34 Chair Summa: Thank you.

35  
36 Ms. Dao: And then one more, Ms. Bill Ross.

37  
38 Chair Summa: Thanks.  
39

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Mr. Bill Ross: Good evening. I'd like to make a couple points for purposes of the record. One  
2 was in a communication to you tonight. It's from the handbook for the Commission and the  
3 duties of the Staff liaison which also happens to be the principal planner for this project.  
4 There is a 7-day requirement for all material to come to not only the Commission but also  
5 members of the public. Ellsworth residents don't waive that.

6  
7 Upon review of the revised Staff Report, we raised the same issues. Specifically, the PC  
8 ordinance isn't complied with. The ordinance itself is the mode is the measure of the power.  
9 We mentioned last time and it's still not here. There's no analysis of the consistency of this  
10 project, which is a zone change, with the Comprehensive or General Plan. There's a cherry  
11 picked section in the ordinances now that picks out I think six goals. That's how you do a  
12 Consistency Analysis. You got to do it where you balance and examine goals and policies of the  
13 General Plan. It's not done.

14  
15 I... with respect to the CEQA analysis, I'm going to make this analogy. This is a zone change,  
16 almost from the beginning of CEQA, zone changes are characterized as projects that are not  
17 other wise exempt, right? What's Staff's done on Page 239 is to try to add mitigation to an  
18 exemption. You can't do that so and that's an adjudicatory function. Evidence based, it's not  
19 legislative. We made that clear in the first go around, it's applicable the second go around. So,  
20 the Consistency Analysis, a real CEQA analysis, which would need an Initial Study. This is a zone  
21 change, it's not what's characterized as any of the exemptions on Page 239 and withstanding  
22 that, we raised the issue under CEQA Guideline Section 15300.2. That you have again,  
23 substantial evidence by the neighbors raising genuine issues about access, transportation,  
24 visual clarity based on safety and those are issues that could be easily examined in an Initial  
25 Study by Staff. So, you know, these aren't inconsequential, you could go back to the beginning  
26 and say look, if the Staff liaison who's also the principal [note – video skipped] still lacking an  
27 analysis for both Streambank Protection and for the PC analysis. You can't cherry pick those  
28 things. You have to go down and establish them.

29  
30 Finally, I'd like to note for the record that as far as I'm aware there's no... any type of urgency  
31 ordinance that's in effect, either in Covid, either locally or in a State-wide basis. AB 214... 2449  
32 is applicable to decision makers. Right, it allows for participations in adjudicatory hearings and  
33 the CEQA part of this hearing is adjudicatory and I think the evidence based that's required to  
34 come into compliance with the PC Zone is also evidence based. Staff's got to come up with that.

35  
36 Right, my point is I'd have no idea whether counsel to the Commission is watching now,  
37 whether it's online and I see the cameras when I've looked on what's available to the public  
38 and you can't see what's going on here. There are evidentiary conclusions that are before you  
39 that you have to make. I'm suggesting that's an additional element of due process that's not  
40 present for this hearing. Counsel and Staff should all be present. I don't know where counsel is.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.



1 You know, I've been informed several times but I don't know that there's a policy for that for  
2 participation of Palo Alto employees in another state. I've raised it, 2449 is applicable to  
3 decision makers. As far as I can see there's no exemption for Staff but the principle issues are  
4 with respect to compliance with the PC Ordinance and the CEQA analysis. Thank you for your  
5 consideration.

6  
7 Chair Summa: Thank you Mr. Ross. Was that our final speaker?

8  
9 Ms. Dao: Yes, I have no raised hands on Zoom.

10  
11 Chair Summa: Okay, thank you for that. Oh, would the applicant like to speak?

12  
13 Mr. Hayes: Hi, Chair Summa, Ken Hayes again with Hayes Group Architects. So, this is really  
14 getting blown out of proportion. We need to remember why we were here. We were caught in  
15 a situation where there were inaccurate City records that created big problems for my client  
16 and Mr. Handa and so we're trying to fix that mistake from 1976. The safety concerns that the  
17 neighbors are bringing up, you know I'm not going to dispute them. If they feel they have safety  
18 issues, but how is our project creating those safety issues? You know, we're removing eight cars  
19 from traveling on Ellsworth. We've removed the trash pick up on Ellsworth. We've provided a  
20 space for a delivery truck to park on our property off of Ellsworth, not blocking cars, that sort of  
21 thing. So, I just don't see... and the home that we're building is actually set back further outside  
22 of the 35-foot sight triangle than if there were vans parked in those existing eight guest parking  
23 spaces. Because as those spaces got closer to Ellsworth they would block or I'm sorry closer to  
24 Middlefield. They would block sight lines. We're improving all of that to get through this  
25 process.

26  
27 The road is 20-feet legally for their access. We're willing to make that a foot and a half wider on  
28 Mr. Nitin's side. Yes, just so happens that's where the existing pavement is today but they don't  
29 have the right to be on that part of the street right? It's private property but we're now giving  
30 them the right to drive on that part of the street that is now defined by that asphalt edge.

31  
32 Undergrounding the utilities, honestly if we need to underground more or move [note – video  
33 skipped]. It's... we just can't do that is what I've been told. It's just not going to happen. So,  
34 we're making improvements that we truly believe we can do to help mitigate this. The road's  
35 going to be 20 percent wider than it is today. The ownership of the public way or I'm sorry of  
36 this private street, it's irrelevant. I don't... we don't care who owns it. It's not pertinent to what  
37 we're trying to do tonight, alright? We're giving our private property to them ~~visa~~ via an  
38 easement or a PC Development Plan and that's what we're doing. I don't care who owns the  
39 road, so if they have an issue with road ownership. That's outside of this project in my opinion.

- 40
- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.



1 And then lastly, just and then I'm done, the public benefits, really? We're widening the road 20  
2 percent, giving them access to private land, we're doing a new driveway apron curb cut, the  
3 sight triangle. It's not really public benefit, I had it listed. It's required by the City. We are  
4 creating fewer cars using Ellsworth. We're creating a temporary delivery truck space on private  
5 property. We've already moved the trash from Ellsworth and let's not forget, we're creating a  
6 single-family home. Alright, so thank you very much.

7  
8 Chair Summa: Thank you, Mr. Hayes and with that we will bring it back to the Commission for  
9 discussion. So, who would like start us off? Anyone? Okay, oh Commissioner Hechtman.

10  
11 Commissioner Hechtman: Yeah, I'll start off just very briefly with kind of a simple one. One of  
12 the... a part of the motion at the last meeting had to do with the setback of the building from  
13 the creek and the way the language was translated and it appears on Packet Page 89. The  
14 condition is the setback from the creek shall be determined by a slope stability analysis. So, I  
15 wanted to ask Staff just a couple of questions about that. It looked to me like the applicant's  
16 proposal for the house utilized a 6-foot setback from what is said... what is described as the  
17 creek property. And so, I wanted to understand if that... if we have some guideline that tells us  
18 what a standard setback from the creek property is absent of soil stability analysis?

19  
20 Ms. French: Well, the 6-foot setback is indicating the interior side setback, so that's what that 6-  
21 feet is.

22  
23 Commissioner Hechtman: Because in the absence of the creek that side of that (interrupted)

24  
25 Ms. French: To the property line.

26  
27 Commissioner Hechtman: Edge of the house is considered the side, right?

28  
29 Ms. French: Correct because Middlefield Road is the shorter of the property's facing... and is a  
30 facing a street. Right so that's the front and the right side is to the property line of the creek of  
31 the ownership of that creek.

32  
33 Commissioner Hechtman: Okay so I... and I just want to focus on that setback from the creek.  
34 So, and I'll just finish tackling this issue and then I'll come back to do some other ones but on  
35 the slope stability issue, and I think Mr. Sauls, I don't know if he's here tonight or not.

36  
37 Ms. French: He's watching.

38  
39 Commissioner Hechtman: At the last meeting he kind of explained... I mean we can understand  
40 what the issue is in general. Right, you're building a structure which will have weight and

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 density and that could... will put pressure on the soil beneath it and if you're close to a creek.  
2 You don't want that pressure to basically push the dirt toward the creek in a way that will cause  
3 it to erode or crumble and effect the creek. Right and I think Mr. Sauls explained at the last  
4 meeting that here, Matadero Creek, is a channelized concrete culvert and so there is no dirt to  
5 get pushed into the creek. You would have to have enough force to actually bust the concrete  
6 and force it into the Matadero Creek. So, I don't know that a slope stability analysis is really  
7 necessary here but I don't really have a problem with utilizing it. The concern I had is the way  
8 this condition was written, drafted, is we have a setback and that setback is 6-feet. And that  
9 should be the setback unless the slope stability analysis says a larger setback is needed. And  
10 that's really what this condition should say and hopefully there won't be an objection because  
11 my concern is if we get a report back that just says the slope is stable, a house won't effect it.  
12 The soils guy or gal won't necessarily tell us what the setback should be. So, I'd like to put that  
13 6-foot marker in there and then the slope stability analysis can say if that's to o close or not. So,  
14 anyway, that's... we're not anywhere near motions but when we get to it. I would like to see  
15 that changed in that condition, so I'll leave it with that issue for now. I've got more later.

16  
17 Mr. Garrett Sauls, Planner: Good evening, Commissioners. This is Garrett, hello. Yes,  
18 Commissioner Hechtman, what you reiterated is what I had said previously. That it is the  
19 outward forces of that foundation of the structure putting pressure towards the channelized  
20 culvert wall that the Santa Clara Valley Water District has had more issues with. Obviously,  
21 again as you mentioned before, that it would either rupture, bust or damage that integrity of  
22 that culvert wall. Such that obviously it would collapse, so that would be what an analysis  
23 would demonstrate is whether or not those outward forces would create that impact so.

24  
25 Chair Summa: Are you...?

26  
27 Commissioner Hechtman: [off mic] That's it for now.

28  
29 Chair Summa: That's it for now, okay. Do I have other lights or? Okay, well I will say a few things  
30 then and that is that I would concur with Mr. Hayes that there's some... those... there's  
31 inconsistency in the proposed ordinance that he already mentioned. And I think Staff would  
32 agree with that and that needs to be fixed.

33  
34 And then I want to clarify that no... we are not proposing that any significant trees be removed  
35 from the sight triangle. Most particularly, I would like to call out the multi-trunk olive tree  
36 which is of some age and I would also agree with the comments from the public that turning  
37 right isn't the issue. It's the other side that's an issue and it has to do with two grade changes.  
38 One as you slope on the sidewalk to Ellsworth Place and you slope up to the sidewalk from  
39 Ellsworth Place. And it's also where the... there's a curve in the sidewalk and the street narrows

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 and that's what makes it so tricky. So, I think any of the existing trees, there's was no intention  
2 ever to remove them, especially that large mature olive.

3  
4 I... sadly we haven't been given real determining information on what it would take to remove  
5 utilities that are in the way and it seems like though maybe not ideal the hydrant is alright. But I  
6 have another question and that is that the way the language is in the proposed ordinance, I  
7 don't... find the page. In both... oh here it is... in both cases, [note – video skipped] regardless of  
8 whether it's 24 or 26-feet as a swath of pavement along-side Ellsworth Place. Now what  
9 Ellsworth Place is legally is a 20-foot easement that we generally believe all the parties that  
10 have an interest in it have a right to traverse. I'm really worried about this language I wonder  
11 what I means and maybe it's a question for our legal counsel. It's... there's no mention of  
12 adjusting or the easement or making it a condition of granting either of both PCs that that be...  
13 that the widening of the street be guaranteed in perpetuity as far as I'm reading it. And I think...  
14 so maybe Mr. Yang can help with this but I don't see anything except a swath of pavement  
15 which gives the impression of a useable area. But I don't think it's guaranteed and I think that  
16 we know what happens when sort of institutional memory, especially of PC, is lost and I'm... I  
17 mean we have direct information here. And when I read this, I think about somebody in the  
18 future thinking well, if that's my land, I'd like to put on that little paved area pots of geraniums.  
19 So, I don't see how this is guaranteed at all the way it's written, so I see our counsel.

20  
21 Mr. Yang: Yeah, [unintelligible] that this paved area would be incorporated into the PC  
22 Development Plan for each site would ensure that it would remain in that state. But I  
23 understand your concern that maybe something like something could be placed on top planters  
24 or something like that. So, it could be included as a condition that the area shall remain clear.

25  
26 Chair Summa: Yeah and I would say probably for perpetuity. I mean and it's... that was... that  
27 concept of... because what they had before was sort of the feel of a 26-foot wide street  
28 because of the extra space in the parking lot basically. And so, I think to have anything  
29 successful happen here we have to either condition it as a prerequisite of the PCs and that it  
30 should be required to survive these two PCs as a concept, or that I don't... that an additional  
31 easement be created. It's so essential and I agree that that is... so that needs to be resolved and  
32 it's just totally missing from the proposed draft ordinance.

33  
34 And I would say the other problem for me (interrupted)

35  
36 Commissioner Reckdahl: Can I have a follow up? Why would we not do an easement? I don't...  
37 it seems strange that you would make the... it's effectively an easement but you're making it a  
38 condition of the PC and that seems rather awkward.

- 39
- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Chair Summa: It's neither right now and it has to be. There has to be some reason why  
2 somebody's not going to be able to just say oh, there's no... they don't have a right to be... drive  
3 there. It's not guaranteed the way I read it and I think Mr. Yang agreed just now. I mean that's a  
4 pretty essential part of this situation.

5  
6 So, that would need to be resolved for me before I could make any recommendation and -the  
7 other issue [note – video skipped] along Middlefield is two high still. It's to high, it seems  
8 even higher than it is because of the grade and I believe it needs to be... the fence needs  
9 brought back. Mr. Handa or whoever occupies that house would be able to use all the area in  
10 front of the fence but it's blocking and it's very difficult to see small people there especially and  
11 by that I mean children. So, it was my observation that that was not adequate and I think I don't  
12 know exactly how far back it needs to go because it's not something I can imagine but I would  
13 think a reasonable place would be kind of outside of his patio where he wants it there to  
14 protect that area. And the rest of the yard would still be his yard but it just wouldn't be fenced  
15 in and I would say it is not the case that everybody has a fence. You know, most people can  
16 have a 3-foot fence across their front yard but many people do not. I don't... I mean I don't  
17 know, I cannot say with any certainty the percentage of people in Palo Alto that do and don't,  
18 but I would say most yards that I can think of, of people I know don't have that kind of fence.  
19 Some people like it and it's fine and I think if Mr. Handa wants a fence, he should have a fence,  
20 but it should be placed... this is a different intersection because of the grade change. And he  
21 should certainly have a fence but it should be in a location that does not obscure the view of  
22 exiting vehicles. Particularly for, you know, because of the grade, so I am going to leave it there  
23 for now and Commissioner Akin.

24  
25 Commissioner Akin: Thank you, Chair Summa. I don't have any dispositive comments to make  
26 here but a few observations. Yes, I agree that the 3-foot fence still interferes with visibility in an  
27 area where it's important. A shorter fence might solve that problem. There are other  
28 alternatives that the applicants might want to consider. As someone who lives near... lives at a  
29 6,000 vehicle a day corner where noise from traffic is a constant problem and is a fraction of  
30 what the noise at this site near Middlefield would be. The yard... the front yard is not going to  
31 be useable as a front yard. So, it's not wise to place too much weight on that particular use, but  
32 there are things that can be done to improve that space and one is to build a larger interior  
33 fence. Setback sufficiently so that greater height is possible and make it out of some dense  
34 material like concrete and that's a sound wall. That's what you need to make that patio space  
35 useable, despite the traffic on Middlefield. So, I would suggest that that might be worth  
36 considering if the original 3-foot fence farther out proves not to be viable for other reasons.

37  
38 There was some debate at the last meeting about 24 versus 26 and I ended up supporting the  
39 minimum of 26 because I believe it does add value, particularly at the intersection with  
40 Middlefield. However, I could see expecting 24 if the bottle neck that's caused [note – video

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 **skipped**] more flexibility along the length of the road which is where it exists... which is what  
2 exists today. But it allows the other sections of the road not to be widened as much as what  
3 otherwise be needed. So, there's I think room for compromise there as well if we had the key  
4 information about whether that pole could be moved or eliminated. It does appear that the...  
5 those are low voltage lines at that terminal pole. So, there... it seems to me that there's some  
6 hope that could be done provided the strictly mechanical requirements of support for the  
7 penultimate pole are taken care of. I don't know any way to do that other than asking utilities  
8 or Public Works about their standards for the span lengths and support angles whether that's  
9 feasible in the space that we have available. So, we just don't have the information we need to  
10 know whether that's doable. Alright, I think that's everything I have for the moment.

11  
12 Chair Summa: Thank you. Commissioner Lu.

13  
14 Commissioner Lu: **off mic** Commissioner Chang **[note – Vice-Chair Chang]** had her hand up  
15 first.

16  
17 Chair Summa: She was first, oh okay. Commissioner Chang **[note – Vice-Chair Chang]**.

18  
19 Vice-Chair Chang: Thank you, Commissioner Lu. So, I do remember my original motion asking  
20 for the wider easement to be granted to all the neighbors and yes, that's a good catch that  
21 Chair Summa made that the actual PC language doesn't grant that easement. And so, on Packet  
22 Page 81, the top of the page for 2B, it does say the new width of the easement be granted to all  
23 the neighbors on Ellsworth. So, we just need to make sure that that actually gets properly  
24 reflected in the two PCs.

25  
26 And then I concur with my colleagues who visited the site and said that the 3-foot fence height  
27 does obstruct visibility. One of my thoughts, but I... one of my thoughts was that because of the  
28 very unusual topography at Ellsworth and Middlefield with the sloping of Middlefield as well as  
29 the sloping of Ellsworth. It make a conventional sight triangle kind of insufficient and it really  
30 isn't the Dewy side as everyone has noted. And so, one of my thought was that it's not that a  
31 fence... a front yard fence isn't possible, but that the fence shouldn't be within the sight triangle  
32 and not only within the 35-foot sight triangle but also right along Middlefield in the front... I  
33 don't know. If you're looking at A-2.0 in the architecture sheets, kind of in the lower right  
34 corner of the property so at the corner here Matadero Creek meets Middlefield. That's also a  
35 real problem area for where a fence would be and so if you could push the fence further back  
36 than 4-feet in that corner. That also helps and so actually when I was listening to the public  
37 comments. The diagram drawn by... the diagram shown by... I'm so sorry... by Kristen. I can't...  
38 her last name is escaping me at this particular moment. Where she proposed a compromise for  
39 where the fence could be is... that actually makes a lot of sense I think in terms **[note – video**  
40 **skipped]** from Middlefield than 4-feet. But actually, I think that the compromise that was... that

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Kristen drew was a much more elegant solution and creates a much nicer front yard, but  
2 achieves the same goal. But I think essentially what she drew puts into drawing what I observed  
3 at the site which is where the obstruction to vision occurs. So, those are my comments.

4  
5 Chair Summa: Commissioner Lu.

6  
7 Commissioner Lu: I'll make a few quick comments and welcome any additions or thoughts from  
8 other Commissioners on this. Firstly, I definitely agree that the language on the easement  
9 should be clear. Visiting the site, I didn't get a... I mean it's always difficult to truly imagine the  
10 day to day lived experience but I didn't see as much of a large qualitative difference to me  
11 between the 24 versus 26 feet. But I did feel like the wider flare would actually be a material  
12 improvement as you actually pull out and to that point, I find some of the framing around the  
13 sight triangle a little bit odd. In the examples that Ms. Van Fleet presented, it seems like most  
14 cars really just pull up right up to the stop sign right on that little hump and that kind of goes a  
15 little bit past the fence anyways. And so, from that perspective you area little bit higher, maybe  
16 a foot higher and you have a more clear view at the very base of the sight triangle. So, I kind of  
17 understand how that would be the preferred way to pull out regardless and that's where you  
18 would really start looking at Middlefield. To me the sight triangle is important for peripheral  
19 vision as you pull out but its like... it's not like the critical point. I think the sight triangle does a  
20 lot of work for cars that are turning right onto Middlefield, to have a sense who is pulling out of  
21 Ellsworth, but qualitatively, you know it just gets so tricky. It's hard for me to really make clear  
22 statements about how the fence should be or how the intersection should work besides the  
23 wider flares.

24  
25 The last point that I'll shout out is that we discussed last time that we should keep this as a PC...  
26 as a separate PC. I think it's actually... there's a reasonable case to make, if we decide to move  
27 forward just on the merits of the project at all, to just keep it as an R-1 with deed restrictions.  
28 The PC symbolically has more continuity but it's also marginally worse for the applicant. If we  
29 actually think this project should move forward, I don't know if it makes sense to have any sort  
30 of minor symbolic, almost punishment of keeping it as a PC versus having it as an R-1 with deed  
31 restrictions. I don't know that that would actually make a practical difference, but seems like  
32 the more lenient or generous thing to do and so I think we should do that if we move forward.

33  
34 Chair Summa: Commissioner Reckdahl.

35  
36 Commissioner Reckdahl: Could Staff bring up Slide 3 in the Packet, in the presentation Packet?  
37 Yeah, so the think that bothers me is that the visibility really is bad when you pull up to that  
38 side [note – video skipped]. I mean you're going to be hugging that curve and then the curb

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

comes out just at the wrong time and that current sight triangle doesn't protect you against that... the bicycles that are down the street. So, I really do think that having that flatter so it doesn't have to go... doesn't have to be as deep on Ellsworth but it should extend flatter, more parallel to Middlefield to protect you again that... those bicyclists and pedestrians who are coming around that curve there. That's a really dangerous feature.

The other thing that's problematic is the fact that that sidewalk is higher. Is transportation online?

Ms. French: They are.

Commissioner Reckdahl: A question for them is this is a private street and really is treated like a driveway. Other places in the City where we have private streets, are they treated more as a street crossing? The public comment had expressed making this appear more like a street as opposed to a driveway and I wonder how uniform are we around the City?

Ms. Sylvia Star-Lack, Transportation Planning Manager: This is Sylvia Star-Lack, Transportation Planning Manager, good evening Commissioners. I can't speak for all of the private streets in town. This one is built as a driveway. I don't know why it was built that way but that is how drivers should treat it. It is a private street but it should be used the way that one would use a driveway and just to clarify, the proper maneuver for leaving this private street that is built with a driveway entrance is to stop before the sidewalk, check if the sidewalk is clear and then move forward and stop before the roadway, check if the roadway is clear.

Commissioner Reckdahl: Okay, so on other private streets do you have a feeling about... are they usually like driveways or do you not have...?

Ms. Star-Lack: I don't have a working knowledge of all of the private streets in town. It just depends, yeah.

Commissioner Reckdahl: Fair enough, okay thank you.

Commissioner Hechtman: Alright, so two little issues and then a big issue. First of all, on the fence issues on 702, you know I'm... I saw the design of the fence and I'm hearing concerns from Commissioners that notwithstanding the 3-inch gap between the slates. We're still going to have issues of visibility so I wanted to ask Staff if these... I guess it's a front yard. Basically the 3-foot version of the fence is the front yard fence, right? Okay.

Ms. French: Correct.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.



1 Commissioner Hechtman: And is there a prohibition in Palo Alto from using wrought iron for  
2 a front yard fence?

3  
4 Ms. French: No.

5  
6 Commissioner Hechtman: Okay, so I would just like to put that out in the atmosphere for  
7 people to think about. Wrought iron fences are typically a more open design, so you could  
8 see better through them. My perception is part of the reason the owner wants a 3-foot fence  
9 and at this location is they... it's really sort of a modest security to dissuade people from just  
10 walking in or like stepping over a 2-foot fence. You know, you got to have a pretty good stride  
11 to get over a three and so this might be something that solves the visibility problem while  
12 allowing the fence to remain... I think it's proposed at 4-feet back, right? So, I'm not [note-  
13 video skipped]

14  
15 First of all, I agree that at a minimum 702 and Middlefield Field should have separate PCs. It's  
16 not good practice to lump properties owned by separate people in one PC. So, there does need  
17 to be a division that way and Middlefield needs to stay in a... it's in a PC. For 702, I don't know  
18 that I have a real strong impression. I mean my gut and training is that while I can't say that a  
19 PC has ever been used in Palo Alto before for a single-family home. I don't know that, but I  
20 know that PCs are definitionally built to be flexible. You could use them in almost any kind of  
21 setting and they have benefits in that way, whereas R-1 I've very seldom seen conditions  
22 imposed upon a standard rezoning and gives me a little bit of cause for concern. So, I'm... I  
23 don't feel strongly about that, but I would say I feel more comfortable with a PC Zone and I  
24 haven't really understood from the applicant what their level of discomfort is with it that makes  
25 the conventional zoning with a deed restriction more desirable to them.

26  
27 Alright, so those are the smaller issues, here's the big issue and I'm sorry I wasn't here at the  
28 last meeting to articulate it. There's a natural inclination when a proposal is made to develop a  
29 property to kind of look not at the project being proposed but at the surroundings and ask  
30 yourself well, okay they want to do this on this land. What problems can we solve while they're  
31 doing this on this land and there can be in that process over reaches. You would... how do I  
32 explain this. There are limitations on conditions that we can impose or require and for example,  
33 we have limitations in CEQA if there's... you can't impose... you can't require a mitigation  
34 measures if there's not an impact that needs to be mitigated. And even outside CEQA, you can't  
35 exact rights from property owners unless [note – video skipped] impacts. So, there are real  
36 limitations in doing that, so where you often see this is in -with public street where somebody  
37 wants to develop something and the City wants them to improve a public street and you have  
38 to go through this analysis. Well, is what they're doing creating a traffic impact because if it's  
39 not creating a traffic impact then you can't make them fix the public street. It's just a public  
40 street that needs to be fixed and [note – video skipped] because we don't have a public street.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.



1 We have a private street and what the Commission is talking about doing last time and a little  
2 bit tonight is requiring one private property owner to give its property rights not to the public in  
3 relation to some impact of the project, but actually to 13 other private property owners. That's  
4 what we're talking about when we talk about requiring that these owners grant easements to  
5 the folks down the street and I don't believe we have the power to do that as a City. To  
6 require... you know, anymore than we would have to say gosh, this new development is  
7 impacting the value of your 13 properties. So, we're going to make the property owner give  
8 each of you \$10,000. Right, we can't do that and it's particularly troubling here where again, if  
9 we look at the impacts of what is being proposed. The only traffic impact on Ellsworth from the  
10 totality of the proposal is a beneficial traffic impact. It's beneficial, right compared to the  
11 existing conditions, the long existing condition which according to the photographs we've seen  
12 for example, has had shrubs on the Matadero side for who knows how long. I know Mr. Dewey I  
13 think has owned the property since 2017 and we didn't hear anything from the neighbors that  
14 they've been on him routinely to cut those shrubs down but now they're gone and they will  
15 stay gone. Staff has been in communication with the water district to trim the farther shrubs  
16 closest to Matadero Creek and actually, it was odd because I thought the Staff Report said it  
17 had been done but then when I was out there today and I did visit the site today. It seemed like  
18 there were shrubs right up against the concrete abutment and so I wasn't entirely clear  
19 on that or whether there were some more shrubs that needed to be removed.

20  
21 But you know what is... the totality of the proposal is they're taking pavement that is... well,  
22 first of all, there's really two sections to this Ellsworth Road that I think we can break into. One  
23 is most of it which starts at the very back and it comes up until the point where you have to be  
24 concerned about the intersection with Middlefield and whether that's one car length or two  
25 length, whatever it is. So, that back section, that's 20-feet. It's been 20-feet for over 50 years  
26 and I went to the back of it today and what I noticed is that at least half of those folks that live  
27 in those houses have either a fence or dense shrubbery or a curb that closes down that 20-feet  
28 or closes it down to 20-feet in that area. So, and then the other thing I noticed was a few  
29 people have pavers in the front which they park on and I was curious about the... you know a  
30 comment of the... one of the commenters that can't park on pavers. That's how they're used on  
31 the street in a number of places and that's the intention I think of Mr. Handa, to have his  
32 driveway which will be drivable pavers that can be used that way. So, you've got this back  
33 section that's 20-feet and it's necked down by a lot of the neighbors who are feeling put upon  
34 by this development. But those neighbors, and this is a point that Commissioner Templeton  
35 raised last time, those neighbors are not saying hey, we really need 26-feet here. Right, this  
36 road really needs to be 26-feet and so we are each willing to give the City 3-feet... the 3-foot  
37 frontage of our property to make it a 26-foot public road. We're not hearing that. What we're  
38 hearing is a frustration by these neighbors that property they don't own, that happens to be in  
39 front of us for development, isn't going to 26-feet which is as near as I can tell it's never been at  
40 least at the front part which is the most important part up at Middlefield. Because that's where

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 the action is and that's where I think the public benefit of what's being proposed really exists  
2 because that's where it is expanding from 21 ½-feet which it is currently; 20-foot easement plus  
3 another foot and a half of pavement. It's going to now be widened by another 2 ½-feet so that's  
4 24-feet and then it's going to, again this is part of the proposal, bow out to 28-feet which is  
5 actually happening on City property because that's the... that sidewalk is City property. So, and  
6 then what we've learned is so it's going to start at 28, neck down to 24 which is wider in the  
7 most important area than it currently is, it's going to travel at 24-feet back I think 35-feet and  
8 then it's going to have if I'm understanding correctly another 7-feet on the Ellsworth side at 18-  
9 inches. So that section is 21 ½-feet and then past that you actually have the pavers on the 702  
10 side which again, create more space and this temporary parking area on the Middlefield side so  
11 it widens out again. So, I think in the most critical area we have clear traffic safety improvement  
12 and public benefit and we can't require private property owners to give other private property  
13 owners rights over their property.

14  
15 Now a quirk in that rule is that while we can't require it, if they volunteer it, we can take it and  
16 make a condition and that's really what's happened here is these private property owners have  
17 offered to provide these improvements to widen the road. I think I understood Ms. Steinmetz  
18 to say that if we did an R-1 rezoning then they would grant an easement on the 702 side for the  
19 18-inch wide strip which I think is 42-foot long and I think I also heard her say that they  
20 wouldn't be offering an easement on the Middlefield side for it's 30-inches for roughly I think  
21 35 or 37-feet. But instead, that would be a requirement in the PC Development Plan which  
22 could only be changed through a PC Development Plan Amendment, which would not make it  
23 permanent to address the Chair's concern but it would require a public process to make that  
24 change which I'm sure if... I can't imagine it ever being tire. But if it was, you would have 13  
25 residents behind expressing the same kinds of concerns we've heard about necking down their  
26 street.

27  
28 So, I am... I'm supportive of taking as much as we can get from these applicants, as much as  
29 they will voluntarily offer. I would encourage them to consider the concerns regarding the  
30 permanence of that 30-inch travel way on the Middlefield side that you've heard from other  
31 Commissioners. And I would just kind of close on this, this really... this issue really also impacts  
32 the utility pole issue because again, we... what we'd be talking about there is requiring that  
33 utility pole to be removed. Actually, not... that's not actually a public benefit because it's really  
34 for the private benefit of the 13 residents... 13 homeowners who live down the street and so I  
35 just don't think we can do that. So, I'm going to be supporting something more in line with  
36 what the developers are offering, so thank you for giving me an unusually long time to make  
37 that... make those remarks.

38  
39 Chair Summa: Commissioner Chang [note – Vice-Chair Chang].  
40

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Vice-Chair Chang: I would just like to provide a different perspective with what Commissioner  
2 Hechtman spoke about. I actually agree with a lot of what Commissioner Hechtman said in  
3 terms of it is not our job to reassign property rights but in this situation its actually a little bit  
4 different. The application at hand that we were first asked to consider was to amend a PC and  
5 in that situation we're being asked to grant a property owner additional rights which was to  
6 give them the ability to build an additional house where one is not allowed and permitted right  
7 now. And so, we're actually being asked to give rights and in exchange, we're asking to make  
8 something safer. Not necessarily to give rights to only 13 property owners but really what we're  
9 doing is trying to make things safer for all... for the rest of our City. For all the people who  
10 traverse that opening on Ellsworth. There's quite a lot of bicyclists and pedestrians who are  
11 using that sidewalk. Particularly, given the proximity to the Midtown shopping area and also  
12 lots of young children using it to get to Winder Lodge and the Kim Grant Tennis Center and just  
13 lots of pedestrians in general. Those of us who did site visits I'm sure saw lots of pedestrians  
14 and bicyclists and in addition, there's the school across the street and the Middlefield itself is a  
15 really busy thoroughfare so lots of cars. And so, we're just trying to make this area safer  
16 because no matter what those... no matter what those 13 households do have to use Ellsworth  
17 for ingress and egress and if we make it safer for them to go in and out at that opening. We  
18 make it safer for everybody else at that intersection and so that's how I looked at it.

19  
20 And I agree 100 percent with Commissioner Hechtman that it is the front section, the front  
21 most section that is the most important and the reason when I was making the motion last time  
22 I heard this. That I settled on 26-feet was because I looked at our City's own ordinances and  
23 what is currently considered the bare minimum in terms of safety for a private street serving  
24 this number of residents and the bare minimum is 26-feet. In fact, it requires special Director  
25 approval to go down to 20 and usually it's not in this type of situation. There's actually a whole  
26 bunch of other situations mentioned but not this situation. Usually its if there's parking  
27 separating a building and the private street and there just isn't any of those things in this  
28 situation that would grant the exception to be... that would allow a Director to make that  
29 exception. That said, I understand that this is an existing situation but also, we're... it's an  
30 existing situation and we are granting the applicant the ability to change the existing situation.  
31 And so that's why it's incumbent upon us as the Planning and Transportation Commission to  
32 make sure that it remains safe for the rest of Midtown Palo Alto. There's lots of accidents that  
33 happen on Middlefield, lots and lots of accidents that happen on Middlefield. So, that's an  
34 alternative perspective and why at least regardless of how we decide to do this. An execution  
35 PC or R-1 with deed restriction, I think it's pretty important to do it. Thanks.

36  
37 Chair Summa: Thank you. Commissioner Akin.

38  
39 Commissioner Akin: I'd just like to put in a word of support for the section of Ellsworth that's  
40 not immediately at Middlefield. Folks have pointed out that we have a delivery vehicle problem

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 and its recognized that it's difficult enough for delivery vehicles to get in and out, but the  
2 applicants are generously willing to reserve some space to allow the delivery vehicles to park.  
3 And when I raised the question of what the turning movements would be at the previous  
4 meeting. The transportation consultant described well, you would pull in there and then you  
5 would back up into Mr. Handa's driveway so that you could complete the turn and then exit. So,  
6 we find ourselves in this odd position of arguing on the one hand that this property that  
7 comprises the parking spaces now is private property and not useable for the folks who live  
8 further down on Ellsworth. And yes, the only solutions we can come up with involve using other  
9 private property to solve the same problems. So, I think there's a clue here that there is just not  
10 enough space for a simple answer. Thanks.

11  
12 Chair Summa: Put those thoughts on hold for a second, it's not 10:30. Do we want to... we have  
13 I think Staff waiting for Item 3. Do we want to... I think we should let them go if we're thinking  
14 we're not going to get to that item, but I'm happy to go ahead and try to get that item done  
15 too. What are my colleagues thinking?

16  
17 Commissioner Lu: I'm personally also happy to get to it but also want to be sensitive of... I mean  
18 restriction for anyone else.

19  
20 Ms. French: I was going to note, we don't... I don't think we have Staff. I think we have  
21 consultants here and then we (interrupted)

22  
23 Chair Summa: Well, their feelings count too.

24  
25 Ms. French: I know, I'm Staff for the project and possible George Hoyt is here. He's not here,  
26 okay, so they're getting paid.

27  
28 Chair Summa: Commissioner Hechtman, your... did you want to...?

29  
30 Commissioner Hechtman: I can go either way.

31  
32 Chair Summa: Okay, let's just carry on then. I don't see any lights so I'm going to make a  
33 comment and I also agree with some of what Commissioner Hechtman said but I feel like... and  
34 I have a lot of respect for Commissioner Hechtman but he is not our City Attorney. He's a very  
35 fine attorney I'm sure and I... so I don't know. That argument was unusual. I didn't hear from  
36 our City Attorney and but I will note that as an R-1... the PC allows Mr. Handa more flexibility  
37 than he would have as an R-1 property because the City doesn't even have to grant... the City  
38 does not have to allow a new non-conforming property to be built on it at all. So, I think the PC  
39 initially... I also recall that I think Mr. Handa wanted his own PC and the PC gives us a little

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 control but also gives Mr. Handa much more flexibility and the final decision makers and what  
2 Mr. Handa it does give him more flexibility.

3  
4 I'm very moved by what Commissioner Akin just said and I think it's... if I heard him right he was  
5 expressing concern that there's sort of conundrum here that we don't have enough space to  
6 need what we... to do what we need to do in this location. And that's kind of the Palo Alto... I  
7 won't say process but the problem that I often see is and my analogy is somebody with a size  
8 ten foot is trying to squeeze into a size 6 shoes. So, we have... we really need to compromise  
9 here to get something that makes everybody happy and I believe there was overreach in the  
10 process and we have not allowed that. For instance, the determination of private or public  
11 street was not our Agenda as much as I know the people... people really care about it. It wasn't  
12 agendized, it wasn't part of this process but this is an amendment of a PC and a creation of a  
13 new PC and those are supposed to have public benefit.

14  
15 I cannot find a way to think that 26-foot, which is a minimum width for a private street in Palo  
16 Alto, and by the way does not serve a street with that many houses at the end of it legally. So, it  
17 is a real compromise, the 26 and I do not think it keeps... I think Mr. Dewey gets to do what he  
18 wants to do and that makes me happy. I think Mr. Handa gets to do what he wants to do with  
19 maybe a slight change to where his front fence is or the nature of the fence. Meaning material  
20 and how open it as Commissioner Hechtman pointed out. And it also gives the other people  
21 that use this private street, their guests and all the future people that will own houses or own  
22 properties that are served by this a real improvement to the intersection. So, I don't know,  
23 I'm... I don't think it's an unreasonable compromise at 26-feet and I really appreciate that all  
24 the parties have offered so much.

25  
26 I also think Commissioner Akin had an interesting idea earlier this evening in proposing that if it  
27 was 24-feet but the last pole, which doesn't have high... what does it have? It doesn't have a lot  
28 of equipment on it.

29  
30 Commissioner Akin: Yeah, it's not power, just low voltage stuff.

31  
32 Chair Summa: Yeah, it's just internet and stuff, it doesn't have power. You know that... all...  
33 even... you know at one point we were going to underground all the power poles in Palo Alto  
34 and that has been abandoned but this is just one pole. So, we have to find a compromise here  
35 and I'm not sure exactly what to do but I do see Mr. Yang.

36  
37 Mr. Yang: Yeah so I just wanted to comment that I think many of the principles that  
38 Commissioner Hechtman laid out are correct and there are potentially some limitations on the  
39 City's ability to exact more than what the applicant is offering here. Specifically, the difference  
40 between 24 and 26-feet, but it's something that I would want to look into further and so if that

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 did make it into a final recommendation from the Commission. I guess I would just request that  
2 there be a caveat subject to additional legal research.

3  
4 Chair Summa: Okay and I would like to suggest that another caveat that we... the... regardless  
5 that any body considering this be brought real information about the cost of underground poles  
6 or removing poles and that sort of thing. Because I think that would be helpful to for the City  
7 Council or us if this should happen to come back to us again. Would... oh, I see Commissioner  
8 Reckdahl has a light.

9  
10 Commissioner Reckdahl: I had a question for Mr. Yang. This original PC is many years old and  
11 people have been using this extra width for many years. Have they met the threshold for a  
12 prescriptive easement?

13  
14 Mr. Yang: I'm not able to comment on that. I think it's unlikely but yeah, I can't provide a  
15 definitive answer.

16  
17 Commissioner Reckdahl: Okay, thank you.

18  
19 Chair Summa: Commissioner Hechtman.

20  
21 Commissioner Hechtman: Yeah, kind of comment and a question. First just to point out to the  
22 Vice-Chair Chang that the sort of the premise that here's why we can do what we're trying to  
23 do. They've come to us asking for permission to do something that they currently can't do.  
24 Well, that's true, it also perfectly describes every permit application in the City because that's  
25 the only time you apply for a permit is when you can't do it without a permit and so I think that  
26 that is a distinction. The fact that they are... the thing they are asking to do is build a house  
27 doesn't really change the rules.

28  
29 I was curious about one of the suggestions that Ms. Van Fleet had mentioned because I hadn't  
30 thought of it and I hadn't heard about it before but her comment was on the apron. You know,  
31 the apron that connects Middlefield to the asphalt of Ellsworth and how it's concrete  
32 composition makes it feel more like a driveway whereas an asphalt composition would make it  
33 feel more like a street. And I think she even mentioned, you know maybe you put bots, those  
34 little bumper bots like we do our streets, to make it feel more like a street and I think the  
35 concept there is to alert bicyclists and pedestrians approach that this is a street. This is more  
36 like a street because it again, it's feeding 13 plus houses and maybe even to have that kind of  
37 effect on the travelers along Middlefield who see something that looks more like a street  
38 emptying into their drive path. And so, I'm just wondering, of course I realize that would be an  
39 extra expense to the developers but I was... what I'm mostly wondering is whether in Staff's  
40 discussion with the applicants was this ever explored? Are there reasons why it can't be done?

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Ms. French: Sorry, I was thinking about the next item and the people but the suggestion was to  
3 make the pavement go (interrupted)  
4

5 Commissioner Hechtman: Yeah, so this idea of... yeah, this asphalt... so some work is going to  
6 have to be done on that apron right now to widen it out to 28 as proposed, 30 as the motion  
7 last week. So, works... it's going to be torn up and the question is could you tear out the rest of  
8 it and make it asphalt so it looked more like... the streets in both directions. Those are asphalt  
9 coming into Middlefield and so I don't know if we have... because it's a private road it's not  
10 allowed to have asphalt in that location?  
11

12 Ms. French: So (interrupted)  
13

14 Commissioner Hechtman: I don't know if Ms. Star-Lack is still with us.  
15

16 Ms. French: Maybe... Sylvia Star-Lack is here but then... so I mean obviously having pedestrians  
17 step down, we'd want to have ADA curb from the sidewalk. If you're carving in (interrupted)  
18

19 Commissioner Hechtman: It would have to be just like the streets, right? They have a required  
20 grade down with those bumper bots and then it's flat across the street. There also may be  
21 drainage issues because of the way this... right and so all of that would have to be taken into  
22 account.  
23

24 Ms. French: Sure, it would have to be studied.  
25

26 Commissioner Hechtman: I'm just wondering if it's... I'm mostly wondering was it ever  
27 discussed and discarded or just never came up before?  
28

29 Ms. French: It wasn't... it didn't come up during this process. It would have to be studied. We'd  
30 need Public Works Engineering at the table.  
31

32 Commissioner Hechtman: Okay, thank you.  
33

34 Chair Summa: Okay I guess at this point I should be looking for motions from colleagues.  
35 Anyone like to take a stab at it? Well, it would be... Commissioner Hechtman, are you hitting a  
36 button?  
37

38 Commissioner Hechtman: Yeah, I was waiting to see if anyone else... I'm... again I don't like to  
39 hog all the motion making but I'm happy to take the first stab at it.  
40

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 [note- video skipped]

2  
3 Commissioner Akin: I don't have any sense of... I don't have any feeling of consensus so there's  
4 a... are we just developing something to shoot down and the move on to the next? Sorry, as my  
5 experience is limited, I'm not quite sure how to proceed.

6  
7 Commissioner Hechtman: Well (interrupted)

8  
9 Chair Summa: I can (interrupted)

10  
11 Commissioner Hechtman: I'm willing to take a... yeah, why don't I put a motion on the table.  
12 Maybe if somebody could second it for discussion purposes and then we can start picking it  
13 apart and finding where the issues are. Alright?

14  
15 Chair Summa: If that's what you'd like to do, thank you.

16  
17 MOTION #1

18  
19 Commissioner Hechtman: Yep, okay. Before I make the motion, I just want to mention that  
20 when I read the two draft ordinance which are attached as Attachment A and B. One thing I  
21 noticed is that there was kind of a bleed over in the first one, the Middlefield, of a bunch of  
22 stuff about 702 Ellsworth. And in the 702 Ellsworth, it was kind of the flip, a bleed over of the  
23 Middlefield stuff and that kind of... and so the result was things particularly for example, when  
24 you had the environmental provisions there. They got kind of... the distinctions got kind of  
25 blurred. So, I did bring that to Mr. Yang's attention earlier today that I thought you really don't  
26 need all the redundancy and repetition. What you really just need is in each of the ordinance  
27 which is already in Subpart C, kind of a cross reference that we had this one PC that covered  
28 two properties. Now we're doing two separate PCs and so there may be... Mr. Yang and our  
29 legal counsel have to decide how to handle that but that... so the motion I'm going to make is  
30 basically subject to whatever sort of these non-substantive changes that Staff may make to the  
31 ordinance as it travels to Council.

32  
33 So, with that background, I will move that the PTC recommend to the Council adoption of the  
34 attached draft Planned Community PC Ordinances and the accompanying development exhibit  
35 plans for... well, I guess I got to read all this. PC 2343 Amendment Ordinance, Attachment A for  
36 the existing 12 unit apartment building at 2901 to 2905 Middlefield Road; to remove the parcel  
37 at 702 Ellsworth Place, expand the width of the roadway onto the property at 2901 to 2905  
38 Middlefield as proposed by the applicant meaning 30 inch expansion; provide one on site  
39 delivery truck space to serve Ellsworth Place frontage properties and four on site uncovered  
40 parking spaces and relocate a purtenances to enable the Ellsworth Place road widening.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.



1  
2 B) 702 Ellsworth Place PC Ordinance, Attachment B, to able the removal of the apartments  
3 guest parking lot previously required with PC 2343 and the development of a single-family  
4 residences show in the Development Plan with indicated specific minimum setbacks. Including  
5 a 6-foot setback on the creek side unless a greater setback is determined through a soil stability  
6 analysis; the expansion of the width of Ellsworth Place roadway by 18-inches for approximately  
7 42-feet as proposed by the applicant; and the restrictions on the front yard height and  
8 landscaping with a suggestion that the applicant consider utilizing a 3-foot rod iron fence in  
9 place of a wood fence with 3-inch wide slates between.

10  
11 Chair Summa: I think you might have meant 24, not 42.

12  
13 Commissioner Hechtman: Sorry, it said a 42-foot long 18-inch strip.

14  
15 Chair Summa: Oh [unintelligible]

16  
17 Commissioner Hechtman: Is... right, the 24-feet is a different measurement. Yeah, that's the  
18 special setback, right and then I'm proposing that that is per the ordinance... per the draft  
19 ordinance which references with the correct as Mr. Hayes noted and Staff also noted in their  
20 slides. It's 25-feet for the Middlefield and 24 for the Ellsworth. There's actually different special  
21 setbacks for those. Okay, so I think that is the complete motion.

22  
23 Chair Summa: Do I have a seconder?

24  
25 SECOND

26  
27 Commissioner Lu: I'll second.

28  
29 Chair Summa: Seconded by Commissioner Lu. Discussion or would you like to speak to your  
30 motion? Sorry.

31  
32 Commissioner Hechtman: Well, just very briefly to say I think this is the right way to go. I think  
33 it's the way we need to go. I want to deliver to our City Council a recommendation that ideally  
34 they would just adopt and I'm concerned that the alternatives considered for this motion may  
35 present them a situation where they can't adopt our recommendation an are wondering why  
36 we made it. So, I have some what of a concern about our credibility with the Council and  
37 wanting to avoid risking that. Recognizing that they have the ability to themselves explore a  
38 wider initial portion of the road than we might recommend.

39  
40 Chair Summa: Commissioner Lu, did you want to speak to your second?

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Commissioner Lu: I generally agree with Commissioner Hechtman. I think urban infill is  
3 generally how we should build and I mean specially when you compare it to the open space  
4 project that we were just looking at. I think the concessions from the applicants are reasonable.  
5 I think the safety issues are largely preexisting. I think there's still a lot of problems that need  
6 solving but it's hard for me to clearly reconcile how this project makes those worse. So, yeah, I  
7 second.

8  
9 Chair Summa: Thank you. I don't see any lights so I will say that I think the Council would find  
10 equally creditable the very small difference between 24-foot street and 26-foot street, a fence  
11 further back or as Commissioner Hechtman recommended a fence that is largely open. Really  
12 largely open but sort of symbolic of like don't come across... up this. But what I find entirely  
13 missing from this is any idea... any... that it does not address my concern that this is something  
14 that could evaporate because it does not contain a... any new easement or even a condition of  
15 approval for the PC that would give certainty that this was available for everybody to use as  
16 part of the road. And my example earlier was what if somebody some day decides they want to  
17 put pots of geraniums in the 18-inches or 2 ½-feet or whatever it is. And I think built into a PC  
18 Zone is the idea of public benefit and I think negotiating that I have never known negotiating  
19 the public benefit to be considered not legal for some reason. I'm just... I never have. I mean it  
20 is a real negotiation so I don't find the lack of credibility compelling. I find a slight difference in  
21 the two things but with a fence and a 26 versus 24-feet. But it completely lacks any certainty  
22 that the additional whatever it ends up being part of the street would remain... would be  
23 guaranteed for everybody to use. Including people in the apartment building and anybody who  
24 lives in any of the Ellsworth addresses or owns them. So, that's where I'm at. Comments?  
25 Commissioner Chang [note – Vice-Chair Chang].

26  
27 Vice-Chair Chang: Sure, as written I won't be supporting this motion. I would have supported a  
28 motion that recommended the Staff recommendation with a few modifications. The change  
29 about the 6-foot setback with the creek unless [unintelligible] back is recommended makes  
30 sense to me. The rod iron fence, I would support fence that's largely see through up front. That  
31 would be fine or no fence or a very short fence. And then I'm... I concur with Commissioner  
32 Summa's or with Chair Summa's comments about needing something that indicates that the  
33 widening of the private street is a Condition of Approval or an easement or something that is  
34 more permanent. And I stand by needing the 26-feet which is kind of where we had landed last  
35 time.

36  
37 Chair Summa: Commissioner Lu.

38  
39 Commissioner Lu: I'll just agree that we should make the language about the easement explicit  
40 in the recommendation.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Chair Summa: So, would you like to withdrawn your second or would you like to suggest an  
3 amendment or...?

4  
5 Commissioner Lu: I'm reading it and thinking about an amendment but I'll... get back to me.  
6

7 Chair Summa: Other comments?  
8

9 Commissioner Hechtman: I have a couple. Sorry and really just responsive. First, the Chair,  
10 even though this won't sway you to support the motion. Mr. Yang did mention earlier that this  
11 concept of including language in both PCs about... and what I wrote down here as this view is to  
12 effect that the areas that this 30-inch wide either... I can't... I don't know if it's 35 or 37-foot  
13 long strip on the Middlefield parcel and this 18-inch wide, 42-foot long strip on the Ellsworth  
14 property parcel. That will be paved and blended into the pavement of the road be kept clear of  
15 impediments to traffic travel. So, I would add that... make that amendment to my own motion  
16 to address that. It doesn't solve the permanence problem with I acknowledge but because  
17 we're moving... again, my belief is we can't extract easements and what we've heard from the  
18 applicant is that they are not offering to grant any easement on the Middlefield side. They  
19 would only grant the easement on the Ellsworth side if we were using conventional R-1 zoning,  
20 which my motion does not do. It uses the PC Zone and so we don't have in my estimation an  
21 offer to grant and easement and for the reasons I expressed before. I'm not wanting to include  
22 that in the motion. So, our protection will be the PC zoning, the same reason that people are  
23 here today to change... to make a change to the PC zoning that exists, the 2343. This is the  
24 process that you would have to go through to get rid of that 30-inch strip on the Middlefield  
25 side or the 18-inch strip. Right, you'd have to apply to the City for a permit, there would be  
26 public hearings and notice to neighbors and that's our protection. That it's permanent unless  
27 something different comes along and a decision making body of this City decides that that  
28 different thing justifies a change.  
29

30 Chair Summa: Commissioner Lu, did you want to... are you still thinking?

31  
32 Commissioner Lu: [unintelligible -off mic]  
33

34 Chair Summa: Okay, yeah I think it would be better done as an easement to be honest and I  
35 guess that this whole case really is proof of why I think that would be better done that way  
36 because PCs... the meanings of PCs get lost over time and I don't find this strong enough. And I  
37 also think... I think you might find that giving the Council a range from 24 to 26 for them to  
38 decide might be a more successful type of motion here because I think a lot of people really feel  
39 it's reasonable the 26. I mean a significant benefit; financial benefit has been given to both  
40 sides and there are other benefits. Such as a nice new home in Palo Alto. No one denies that

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 but I just think we've kind of lost perspective a little bit. That we can offer a range to the  
2 Council and let them decide what they think is better since they are the decision making body  
3 and that might be more agreeable to a majority of the Commission.  
4

5 Commissioner Hechtman: I feel like Chair, at least you may not be... well, if you understand the  
6 nature of my motion and its reasoning. You know that I can't offer... the only range I could offer  
7 is a reduction. Since my range is premised, since my motion is premised on the most that we  
8 can ask for is what they are offering. That's a premise is so I can't make a motion consistent  
9 with that premise that includes more than they are offering and so and I'm not going to do that.  
10 It may be that my... it could be that Commissioner Lu, you know now that I've clarified that I  
11 don't want to make easements explicit. In fact, I explicitly don't want to include easements.  
12 That may cause him to withdraw his second that and that's fine and if so then then motion will  
13 die for lack of a second and somebody else can make a motion with a range or with some other  
14 figure.  
15

16 Chair Summa: Okay. Commissioner Lu, are you (interrupted)  
17

18 Commissioner Lu: Can we briefly check with the applicants just to confirm that they are... would  
19 not be willing to have easements on both sides for two PCs zones?  
20

21 Chair Summa: We can but we... we could do that if you need to but I thought you were  
22 considering either withdrawing your second or suggesting an amendment. And I (interrupted)  
23

24 Commissioner Lu: Well, if the applicants agree to that then we can add an amendment with  
25 explicit reference to easements and I would be happy to keep the motion as it is.  
26

27 Chair Summa: Okay so (interrupted)  
28

29 Commissioner Lu: Or, I think both Commissioner Hechtman and I would be open to that  
30 amendment and I think it would maybe make some other folks happier too.  
31

32 Chair Summa: Because I am kind of concerned we're getting a little in the weeds here and we  
33 should vote on this pretty soon if (interrupted)  
34

35 Commissioner Hechtman: I like Mr. Lu's [note – Commissioner Lu] suggestion and it may well  
36 be that the applicants are not comfortable offering easements on Middlefield or with a PC on  
37 Ellsworth. And if so, then we'll have that answer and that Mr. Lu [note – Commissioner Lu] can  
38 decide whether to withdraw his second.  
39

40 Chair Summa: Okay, why don't you pose your question to the applicants.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Commissioner Lu: I think they understand the question.

3  
4 Chair Summa: Okay.

5  
6 Commissioner Lu: Hopefully, yeah I think or just the way we've used our terminology  
7 (interrupted)

8  
9 Chair Summa: You're probably not (interrupted)

10  
11 Commissioner Lu: Yeah, the way we've used our terminology over the last two meetings has  
12 been a little bit sloppy so I think this point is not actually clear to me.

13  
14 Mr. Hayes: I'm sorry, I had to take a minute there.

15  
16 Chair Summa: That's fine.

17  
18 Mr. Hayes: I can only speak on behalf of my client and so that would be the Middlefield parcel  
19 and we would be willing to make an easement as part of the PC for that 30-inch portion. Mr.  
20 Handa would have to speak for himself.

21  
22 Mr. Handa: You know, for my parcel I would still prefer if you can do it as R-1 zoning and then  
23 we can do it as an easement but if that doesn't work and you know, there's... that option is  
24 completely out of table and the only way forward is to make it as an easement as PC. Then you  
25 know that... then it is what it is.

26  
27 Chair Summa: So, the option of R-1 is not on the table right now so if you would like to answer  
28 the... Commissioner Lu's question it might be helpful.

29  
30 Mr. Handa: I'm sorry, can you repeat the question that is...?

31  
32 Commissioner Lu: I think he did answer. I think you said as very un-ideal but it would be  
33 acceptable to have an easement on an additional PC.

34  
35 Mr. Handa: Right.

36  
37 Commissioner Lu: Yeah.

38  
39 Mr. Handa: If that's the only way to move forward, you know then (interrupted)  
40

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Commissioner Lu: Sure.

2  
3 Chair Summa: Thank you, Mr. Handa.

4  
5 MOTION AMENDED BY THE MAKER

6  
7 Commissioner Hechtman: And so, then I would clarify that the motion I made, which in this  
8 regard relates to the proposals of the owner of Middlefield and of Ellsworth, includes the  
9 proposals that they've just verified. That the specified paved strip, 30-inches by either 35 or 37-  
10 feet on Middlefield and 18-inches by 42, would be the subject of an easement granted  
11 respectively by each of those two owners to the owners of the existing 20-foot wide easement  
12 for Ellsworth Place and that's voluntarily offered by each of those two property owners. So, I  
13 would clarify that that is the intent of my motion.

14  
15 Chair Summa: Thank you, Commissioner Hechtman. I'm just going to read it really quickly.

16  
17 Commissioner Hechtman: [note- video skipped – began mid-sentence] finish typing and then I  
18 have at least one correction to get the language right. You ready?

19  
20 Ms. Dao: Yeah, what's your correction?

21  
22 Commissioner Hechtman: So, in B, the fourth line that start "6-foot setback from"... it's the  
23 creek part property. Yeah, "unless", and "it's a greater setback is recommended by the stability  
24 analysis" rather than a lesser so it could be more. It's not going to be closer than 6-feet but it  
25 could end up being more. Okay, alright and in B, the next line, "expansion of the paved" lets put  
26 "paved width of Ellsworth Place by 18-inches for" it's the first 42-feet. The first 42-feet length.

27  
28 Ms. French: Commissioner Hechtman, can I just throw out there something because you're  
29 talking about the paved width and as we know it's not... the paved width is currently beyond  
30 the 20-foot easement so a factor.

31  
32 Commissioner Hechtman: Oh, "by 18-inches" I guess we would say "from the edge of the 20-  
33 foot easement". That would... that should work. After 18-inches, "from the edge of the 20-foot  
34 easement".

35  
36 Chair Summa: Commissioner Hechtman, do you want to add language that is analogist to the  
37 42-feet for the other?

38  
39 Commissioner Hechtman: Yeah, I do, I do. So, I just want to make sure we got this right. Yeah,  
40 so now let's go up to A and its "expand the"... so in the second line, "expand the paved width of

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Ellsworth Place roadway on the property at 2901 to 2905 Middlefield by" ... here's where we're  
2 going to add "by 30-inches from the edge of the 20" ... well, it's actually from the property line,  
3 right which... because that easement runs... right? "For the first" and here Staff, is it 35 or 37-  
4 feet?

5  
6 Ms. French: 37 is to the guy wire.

7  
8 Commissioner Hechtman: Okay, 37-feet, "for the first 37-foot length"

9  
10 [note – several folks started talking at once off mic]

11  
12 Commissioner Hechtman: Okay, "the first 37 length as proposed by applicant". Okay, so  
13 because we've... and then C, we have now the specified "paved strips would be the subject to  
14 an easement which has been voluntarily offered to the residents on Ellsworth by both  
15 applicants respectively". Okay, so let me just point out that with this iteration of the motion,  
16 this idea that the area has to be kept clear of impediments, we don't need that because the  
17 nature of an easement is it has to be useable for it's purpose. And so, like that's why we don't  
18 have to tell the Ellsworth person he can't put stuff in the middle of the 20-foot roadway. Yeah,  
19 so I'm just saying that's why I'm not including it here (interrupted)

20  
21 Chair Summa: Yes, thanks.

22  
23 Commissioner Hechtman: Because we've not got it covered in C in a better way and I thank the  
24 applicant, both of them for considering this. Hopefully this is the path forward, we'll see.  
25 Alright, so that my revised motion and I guess the question for you, Commissioner Lu, is are you  
26 standing by your second?

27  
28 Commissioner Lu: Yes.

29  
30 Chair Summa: Awesome, thank you for that and thank you to the applicants for being flexible.  
31 So, unless somebody has something to say, I'm going to call... ask for the vote.

32  
33 Mr. Sauls: I did just want to clarify one last item on B. Just at the end about the 3-foot  
34 wrought iron fence, if there's any sort of specific location as was discussed earlier, that  
35 should be referenced too.

36  
37 Commissioner Hechtman: So (interrupted)

38  
39 Mr. Sauls: Meaning, you know is this respective to the sight distance triangle or other locations  
40 shown on the plans.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Commissioner Hechtman: So, my intention was to utilize the location of the fence shown on the  
3 plans submitted for 702 Ellsworth, which as I understand it are 4-feet behind the sidewalk. Is  
4 that right?

5  
6 Mr. Sauls: Correct.

7  
8 Commissioner Hechtman: Yeah, so my motion does not propose a relocation of that fence  
9 beyond what... from the location proposed by the applicant.

10  
11 Mr. Sauls: Okay, thank you.

12  
13 Chair Summa: Everybody ready to vote? Okay.

14  
15 VOTE

16  
17 Ms. Dao: Commissioner Akin?

18  
19 Commissioner Akin: With great reluctance, yes.

20  
21 Ms. Dao: Vice-Chair Chang?

22  
23 Vice-Chair Chang: No.

24  
25 Ms. Dao: Commissioner Hechtman?

26  
27 Commissioner Hechtman: Yes.

28  
29 Ms. Dao: Commissioner Lu?

30  
31 Commissioner Lu: Yes.

32  
33 Ms. Dao: Commissioner Reckdahl?

34  
35 Commissioner Reckdahl: No.

36  
37 Ms. Dao: Chair Summa?

38  
39 Chair Summa: Nope.

- 40
- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.



1 Ms. Dao: Motion fails 3-3.

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

4  
5 Chair Summa: So, in order, Commissioner Chang [note – Vice-Chair Chang], Commissioner  
6 Reckdahl, would you like to speak to your no votes?

7  
8 Vice-Chair Chang: Sure, I think I said it before. I mean the... my reason for the 26, I know it feel  
9 small but at the sidewalk the 26 is really important for safety. There's a reason it's in our Code, I  
10 feel strongly about the safety of Midtown, I think it is incumbent upon us as the Planning and  
11 Transportation Commission to look out for the safety of our residents. Thanks.

12  
13 Commissioner Reckdahl: I would echo that, also the sight triangle I think we need to have  
14 nothing above 1-foot in the south sight triangle.

15  
16 Chair Summa: I would agree with my colleagues who just spoke. So, I think given the hour, we  
17 should make a decision about whether we're hearing the third thing because now we have to  
18 continue with this item.

19  
20 Ms. French: Well, I gave George permission to leave. He has to be awake in the morning at 7 so  
21 or start work. So, if anyone where to have Building Code related questions, we don't have our  
22 Chief Building Official for that third item.

23  
24 Chair Summa: Colleagues, would you like to continue the item or would like to... I mean we  
25 have to continue with Mr. Handa and Dewey project but would you like to continue the third  
26 item?

27  
28 Commissioner Reckdahl: Yeah, I don't see any way that we're going to make that in a timely  
29 manner so I think we're going to... probably just punt that one to the next meeting.

30  
31 Chair Summa: Go ahead.

32  
33 Commissioner Hechtman: Yeah, so I think so too. I think this could... this ~~could~~ item could take  
34 us a while longer and so really the... I guess the question I would have for Staff is right now we  
35 have nothing on our 8/30 Agenda, for August 30<sup>th</sup>. Right, we talked about that at the beginning  
36 of the meeting so we could move this last item, the electrification, to that. It would be the sole  
37 item or we could move it to September 13<sup>th</sup> and so I guess one of the questions I have is your  
38 sense of the September 13<sup>th</sup> that's it's already going to be a very full Agenda?

39  
40 Ms. French: Yes, that's a full Agenda.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Commissioner Hechtman: Alright, so it sounds like we should move it to... just move it to August  
3 30<sup>th</sup> and have a short meeting.

4  
5 Chair Summa: Does that work for you Ms. French because I know there was (interrupted)

6  
7 Ms. French: There's been pressure to bring it back to Council, the electrification item.

8  
9 Chair Summa: But does it work for you to have to have a meeting on the 30<sup>th</sup>?

10  
11 Ms. French: Yes.

12  
13 Chair Summa: Okay, alright, would you like to make a motion... would somebody like to make...  
14 would you like to make a motion to move it to the 30<sup>th</sup>?

15  
16 Commissioner Hechtman: Maybe somebody else can.

17  
18 Mr. Yang: We should wait until we can conclude with this and then we can make that formal  
19 motion to continue it later. Yeah, thanks.

20  
21 Chair Summa: Alright, so back to the matter at hand. So, what I'm looking for is an alternate  
22 motion.

23  
24 Commissioner Lu: Would... oh, do you want to go first?

25  
26 Commissioner Hechtman: It seems like from what I've heard from the Commissioners who  
27 voted no, the interest by those Commissioners would be at a minimum increasing the 30-inches  
28 on Middlefield and the 18-inches on Ellsworth. And it wasn't really clear to me whether the  
29 intention there, since we're 2-feet short... since 24 was that motion and there's Commissioners  
30 looking for 26. Whether they were thinking it was 1-foot on each side or 2-feet on just one  
31 side? So, I think you could clarify that and that would fit it.

32  
33 I also think probably to address Commissioner Reckdahl's issue, there would need to be a  
34 change at the end of B where I've referenced the rod iron fence.

35  
36 Also, I know that in the motion on... at the last meeting, there was... I think it was part of the  
37 motion that the easement would not just be for the first 37-feet on Middlefield or 42-feet on  
38 the Ellsworth property but for the full 100-feet.

- 39
- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Chair Summa: No, no, we actually... that was what was initially proposed and then we modified  
2 that to accommodate both Mr. Dewey and Mr. Handa.

3  
4 Commissioner Hechtman: Okay, alright so I'm happy that's not on the [unintelligible].

5  
6 Chair Summa: So, and I think Ms. French can explain this but I think it was not evenly  
7 distributed and I think it's probably because it's sort of unused area on... in a sense on the  
8 Dewey side where as Mr. Handa is trying to put a house there. So, the distribution, it's in our  
9 Staff Report somewhere, it was (interrupted)

10  
11 Vice-Chair Chang: It was an additional foot on each side. I have my hand up so I'm going to  
12 (interrupted)

13  
14 Commissioner Hechtman: Okay, yeah.

15  
16 Vice-Chair Chang: I've having my hand up for a while.

17  
18 Ms. French: That's correct, that's what (interrupted)

19  
20 Chair Summa: It's 36-inches and Ms. French will... it's 36-inches I believe on 2901 and  
21 (interrupted)

22  
23 Ms. French: It was 3-foot 6 I believe, so it's... it was going to be 30-inches but then you add a  
24 foot to that and that makes it (interrupted)

25  
26 Chair Summa: So, it's 30... yeah.

27  
28 Ms. French: It's 36 plus another six so yeah.

29  
30 Chair Summa: Okay, could you just verify where those numbers are in our Staff Report? I know  
31 they're here but...?

32  
33 Ms. French: I was thinking it might be in the motion so Packet Page... sorry. Not (interrupted)

34  
35 Commissioner Akin: There's the clarification on Page 80 which describes an additional foot on  
36 each property. Was that what you were after?

37  
38 Chair Summa: I am looking... I am asking for if it where to be wider than the street to 26-feet.  
39 What the distribution was on either side. It was not even from the middle the way Staff had  
40 suggested it and it's in here some place but if somebody could (interrupted)

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Ms. French: Let's see, 3-foot 6-inch wide asphalt is stated on Page 70... Packet Page 77 for the  
3 Middlefield. It says 3-foot 6-inch wide asphalt.

4  
5 Chair Summa: Okay.

6  
7 Ms. French: Which is the same as saying 42-inches, right?

8  
9 Chair Summa: And then what is it for Ellsworth?

10  
11 Ms. French: Well, then it would be 30-inches because it's... right?

12  
13 Commissioner Hechtman: No, well yeah, 30-inches.

14  
15 Ms. French: 18-inches plus 12-inches.

16  
17 Chair Summa: Yeah, okay that's what I was doing [unintelligible](interrupted)

18  
19 Commissioner Hechtman: Its on Packet Page 89, actually the draft resolution which refers to a  
20 2-foot 6 inch which is 30-inch. So, it was an addition of 12-inches on each of the parcels.

21  
22 Chair Summa: Okay, so if we make those changes, we can keep all of this language but make  
23 the changes. The appropriate changes in both A and B.

24  
25 Commissioner Hechtman: Yeah.

26  
27 Chair Summa: And Commissioner Reckdahl, would you like to work on language for the sight  
28 triangle on Ellsworth while Ms. Dao is working on updating the motion?

29  
30 Commissioner Reckdahl: Can we assume that the term sight triangle is well defined or do we  
31 have to define what a sight triangle is?

32  
33 Mr. Sauls: The sight triangle is very clearly defined in our Fence Code handout so if you use that  
34 term we'll understand what you mean by it.

35  
36 Commissioner Reckdahl: Okay, very good.

37  
38 Mr. Sauls: But if you're thinking of a different sight distance triangle that's not described as that  
39 45 degree angle with 35-feet on each side at the intersection of the curbs then obviously we  
40 don't have that.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Commissioner Reckdahl: As I mentioned earlier, I think flatter would be better but at this point  
3 I'm happy with just the standard 45 degree.

4  
5 Commissioner Hechtman: Chair, let me mention that in the motion that we're looking at now.  
6 The draft motion that somebody might make, you need to take out of A and B "as proposed by  
7 the applicant" because this version is not what they proposed.

8  
9 Chair Summa: Yes.

10  
11 Commissioner Hechtman: Right so its... okay and then similarly, I'll wait for Ms. Dao to take care  
12 of B. And then in C, I think you just have to take out everything after easement because those  
13 26... those easements have not been offered.

14  
15 Chair Summa: And then also the bit about the fence needs to be changed a bit too.

16  
17 Commissioner Hechtman: That's... yeah Keith's [note – Commissioner Reckdahl] working on  
18 that.

19  
20 Chair Summa: And that's... yeah.

21  
22 Ms. Dao: Yes.

23  
24 Commissioner Reckdahl: Oh okay, I'm sorry, so at the end of B, delete everything starting "and  
25 restrictions on the front yard fence" and say "the sight triangle on the south side of Ellsworth"  
26 (interrupted)

27  
28 Vice-Chair Chang: It is by definition on Ellsworth because this... B is regarding Ellsworth.

29  
30 Commissioner Reckdahl: Oh okay, well to... it doesn't hurt to be clear about that I guess but it is  
31 kind of redundant. "Shall not be obstructed by plants, fences or other objects taller than 1-  
32 foot".

33  
34 Vice-Chair Chang: Sight should be s-i-g-h-t.

35  
36 Commissioner Reckdahl: Oh yes.

37  
38 Vice-Chair Chang: Just to be clear because I think we're getting... we always get confused.

39  
40 Ms. French: Might I weigh in just for a moment?

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Chair Summa: Please.  
3  
4 Ms. French: Because there's a fire hydrant that's taller than 1-foot. There's some other things  
5 that are there like (interrupted)  
6  
7 Chair Summa: Yeah, I don't think this language (interrupted)  
8  
9 Ms. French: Stop signs and things.  
10  
11 Chair Summa: I think we want to be specific to the fence here. We don't want them  
12 (interrupted)  
13  
14 Commissioner Reckdahl: Yeah, I (interrupted)  
15  
16 Chair Summa: We've already said that they can keep existing trees and we don't want to imply  
17 that they have to remove the fire hydrant which is sort of okay... which is okay. So (interrupted)  
18  
19 Commissioner Reckdahl: I would say the fire hydrant if we say on the property (interrupted)  
20  
21 Chair Summa: And I think you want to just say where you want the fence and how high you  
22 want it to be because the fence is the issue.  
23  
24 Commissioner Reckdahl: I don't care where they put the fence as long as they don't put it in the  
25 sight triangle.  
26  
27 Chair Summa: Okay.  
28  
29 Commissioner Reckdahl: If they wanted to put a 1-foot fence in the sight triangle, I have no  
30 problem with that.  
31  
32 Chair Summa: Why don't we say "shall not be obstructed by new"... what was your word,  
33 [unintelligible]?  
34  
35 Commissioner Hechtman: Impediments.  
36  
37 Chair Summa: Impediments.  
38  
39 Commissioner Reckdahl: Okay.  
40

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Chair Summa: Including a fence but new impediments. We're not telling them to move things  
2 that are there. We don't want new things.

3  
4 Commissioner Reckdahl: Yeah, I mean right now there's one tree there and the fire hydrant and  
5 then a post. Okay, the fire hydrant is not on the property so they have no control over that  
6 anyway.

7  
8 Ms. French: True, just that it's in the sight triangle.

9  
10 MOTION #2

11  
12 Chair Summa: Sight triangle on the south. Everybody happy with that language? Okay. Do I have  
13 a second?

14  
15 Commissioner Hechtman: Just before you second, I think... and again, I'm not supportive of this  
16 motion. I'm just helping to craft it so it's clear.

17  
18 Chair Summa: Thank you.

19  
20 Commissioner Hechtman: In C I think I had us take out a little too much language because we  
21 have to say who the easement is to be granted too and that's to... maybe we can go back up to  
22 the motion that failed and see. I thought we made a reference to the residences on Ellsworth.  
23 Okay, so back down to this one, "to an easement granted to the residents on Ellsworth".

24  
25 Chair Summa: That's helpful, thank you.

26  
27 Ms. French: Would it be residents or property owners?

28  
29 Commissioner Hechtman: Well, it's actually it's the property owners. Right, it's actually... it's  
30 not even the property owners. It's the parcels. The easements granted, right, it runs with the  
31 land. It's to the... yeah.

32  
33 Chair Summa: Everyone ready to vote? Okay Ms. Dao, would you please call the vote?

34  
35 Vice-Chair Chang: Who is it moved by and who is it seconded by?

36  
37 Chair Summa: Oh, good point.

38  
39 Commissioner Hechtman: I think the Chair. I kind of got the sense that the Chair was building  
40 the motion.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.



1  
2 Chair Summa: Okay, do I have a second for my motion?  
3  
4 SECOND  
5  
6 Commissioner Akin: I'll second.  
7  
8 Chair Summa: Okay, seconded by... would you like to speak to your second?  
9  
10 Commissioner Akin: I think this is a better compromise that I hope we can make stand in  
11 Council.  
12  
13 Chair Summa: Okay thank you. I don't need to speak and if I may now ask Ms. Dao to call the  
14 vote.  
15  
16 VOTE  
17  
18 Ms. Dao: Chair Summa?  
19  
20 Chair Summa: Yes.  
21  
22 Ms. Dao: Commissioner Reckdahl?  
23  
24 Commissioner Reckdahl: Yes.  
25  
26 Ms. Dao: Commissioner Lu?  
27  
28 Commissioner Lu: No.  
29  
30 Ms. Dao: Commissioner Hechtman?  
31  
32 Commissioner Hechtman: No.  
33  
34 Ms. Dao: Vice-Chair Chang?  
35  
36 Vice-Chair Chang: Yes.  
37  
38 Ms. Dao: Commissioner Akin?  
39  
40 Commissioner Akin: Yes.

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1  
2 Ms. Dao: Motion carries 4-2.

3  
4 MOTION PASSED 4(Akin, Chang Reckdahl, Summa) -2(Lu, Hechtman) -1(Templeton absent)

5  
6 Chair Summa: Thank you very much. Would you like to speak to your no vote?

7  
8 Commissioner Hechtman: Oh, well I guess I think I've made pretty clear my concern about our  
9 ability to require an applicant to grant rights over it's property to other private property  
10 owners. At least under these circumstances if under... if not under all circumstances.

11  
12 Chair Summa: Thank you. Commissioner Lu?

13  
14 Commissioner Lu: I think my position is also mostly clear. I'm not so hung up on the 26 versus  
15 24-foot but I think the sight triangle language is a bit new and it's pretty uncertain on how that  
16 would actually pan out and so I'm not comfortable recommending that to Council.

17  
18 Chair Summa: Okay, thank you very much and thank you very to the applicants and all the other  
19 interested parties who attended tonight and our Staff for being so helpful so.

20  
21 **Commission Action:** Motion by Hechtman, seconded by Lu. Failed 3-3 (Chang, Reckdahl,  
22 Summa no; Templeton absent)

23  
24 **Commission Action:** Motion by Summa, seconded by Akin. Passed 4-2 (Hechtman, Lu no;  
25 Templeton absent)

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.