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To: [Architectural Review Board](#); [Gerhardt, Jodie](#); [Raybould, Claire](#); [French, Amy](#)
Cc: [Melinda Ellis Evers](#); [James F. Ellis](#); [Popp, Randy](#); [Mitchell Serrato](#); [Will Miller](#); [Richard Hackmann](#); LPrince@foxrothschild.com
Subject: Letter from Town & Country Village Re: 70 Encina Application
Date: Saturday, December 2, 2023 11:37:35 AM
Attachments: [image779525.png](#)
[image657449.png](#)
[Letter to ARB from TCV- 70 Encina 12-02-23.pdf](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Please see that attached letter from Ellis Partners, as the owners of Town & Country Village since 2005. We request your review of the attached as part of your consideration of the 70 Encina Avenue application to be heard at the ARB on December 7th.

Thank you for your consideration.

Dean Rubinson

Dean J. Rubinson
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he/him/his

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December 2, 2023

Sent via email: arb@cityofpaloalto.org

City of Palo Alto City Architectural Review Board
Palo Alto City Hall
250 Hamilton Avenue
Palo Alto, CA 94301

Re: Proposed Planned Home Zoning Project at 70 Encina Avenue

Dear Chair Baltay, Vice-Chair Rosenberg, and Members of the Palo Alto Architectural Review Board:

Town & Country Village is appreciative of the reduced scale and concept modifications represented in the submitted design but continues to be concerned about the proposed project at 70 Encina Avenue. We have been the thoughtful stewards of Town & Country Village as an important community asset for nearly 20 years and throughout our ownership we have been focused on preserving and protecting this unique neighborhood treasure in a manner that is entirely consistent with the Comprehensive Plan and all the City's design guidelines.

The proposed project, however, does not preserve and protect this community treasure and is wholly inconsistent with the Comprehensive Plan. Comprehensive Plan Policy L-2.4, Program L2.4.4, states explicitly ***"Conversion to residential capacity should not be considered in Town and Country Village."*** Although the 70 Encina parcels have no buildings on them and have existed for 70 years as parking for the center, this site is clearly listed under the Municipal Code as within the boundary of Town & Country Village. As such, when considering this project, we hope you will focus your attention on weighing the relative value of the zoning code concessions you are being asked to evaluate and the impact of the project on the Town & Country Village as a whole.

We clearly understand there is a housing crisis and appreciate the City's efforts to mitigate the deficit in Palo Alto by identifying locations for 6,086 potential new housing units (plus an additional 780 units to act as a "buffer") within the city per the 6th Cycle Housing Element, with the majority (3465) being at moderate or below moderate-income levels. However, it seems inconsistent with the City's housing goals to allow 10 luxury condominiums to take precedence over the continued preservation of a valued, historical neighborhood center at a location where the Comprehensive Plan **specifically prohibits housing**.

As a reminder, the Comprehensive Plan, when speaking about the future of Town & Country Village in Policy L-4.12, states that proposed developments should, ***"recognize and preserve Town and Country Village as an attractive retail center serving Palo Altans and residents of the wider region. Future development at this site should preserve its existing amenities, pedestrian scale, and architectural character."*** While we appreciate the applicant's decision to reduce the scale of the project, which previously towered over the primarily single-story Town & Country Village, we continue to believe that the latest iteration is still lacking consistency within this important and sensitive setting and as proposed, would most certainly not contribute to the preservation of ***"its existing amenities, pedestrian scale, and architectural character."***

While we understand that the application is proposed as a PHZ/PC, which allows the City some leeway to depart from current zoning standards established for these parcels, it is essential to remember, as stated in the staff report, that **“a planned community district is particularly intended for unified, comprehensively planned developments that are of substantial public benefit and which conform with and enhance the policies and programs of the Palo Alto Comprehensive Plan.”** The proposed project, even though scaled down, is not a unified, comprehensively planned development – it will exist as a small one-off residential development within the Town & Country Village shopping center parking lot. It does not provide substantial public benefit – likely providing a mere two affordable units amongst eight condos likely costing over \$1.5 million each. It does not enhance the policies and programs of the Palo Alto Comprehensive Plan but rather, stands in direct opposition to those policies and programs.

We consider this proposal to be inappropriate in its attempt to use the PHZ/PC process. As proposed it will certainly result in a dramatic degradation of the community treasure that has been carefully protected for decades and that we have been working to preserve since 2005. The City Council, at the September 12, 2022 hearing clearly recognized the risk of this project adversely impacting Town & Country Village. As stated in the Staff Report, **“they asked the applicant to work with Town & Country to receive their support of the project, and stated that consideration should be paid to how this development may affect the vitality of Town & Country. Council also wanted any project at 70 Encina to provide a better visual connection with Town & Country, such as through the use of materials.”**

We encourage you to respond to this application in a manner that aligns with the City Council’s direction to achieve Town & Country support, limits conflict with the Comprehensive Plan, and aligns fully with the intent of the PHZ/PC process. As the proposed project does not yet achieve any of these, we respectfully request that you provide the applicant with such feedback. The proposal you are being asked to evaluate will have a lasting adverse impact if approved in its current form. We appreciate your partnership in maintaining Town & Country’s unique character, scale, and architectural charm for the future.

Below is a more detailed evaluation provided in consultation with Randy Popp, an Architect and former Chair of the ARB, who we have asked to advise us in evaluating this design proposal, its consistency with City design guidelines, and the impact it would have on Town & Country Village. Also provided below is a list of significant operational concerns this proposal raises.

Thank you for your careful consideration,

Dean Rubinson
Director of Development
Ellis Partners LLC

Architectural Review Findings:

Regardless of the concessions granted through the PHZ regulations, the role of ARB is to ensure that all required Architectural Findings (PAMC 18.76.020(d)) must be met by the applicant. We find that it is inconsistent with the following criteria:

1. The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.

This project site was not intended to be developed as residential. While current changes in policy may make this project seem desirable, any departure from established plans or codes should provide significant community benefit, far beyond the enrichment of the development team. Furthermore, the proposal should seek to achieve the greatest possible alignment with all other established aspects of zoning regulations and policy.

2. The project has a unified and coherent design, that:
 - a. Creates an internal sense of order and desirable environment for occupants, visitors, and the general community.

A sense of order and desirability of the environment for the general community is not accomplished through the proposed design. The current proposal does not support or enhance the requirements for a desirable retail environment, as further explained in the operational section below.

- b. Preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant.

The proposed project does not integrate into the existing historic character of Town & Country Village. Due to its proximity, the proposed project should seek to achieve greater compatibility in its design, massing, and use of materials. The submitted design stands in stark contrast to the historic character of Town & Country and must be substantially modified to meet this Finding.

- c. Is consistent with the context-based design criteria of the applicable zone district.

N/A - we are not aware of any context-based design criteria for this site.

- d. Provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations.

While the applicant has reduced the scale, the proposed project is still inconsistent with adjacent architectural character and land use. Town & Country Village has a distinct scale and design vocabulary, (roof slope, materials, deep overhangs at comfortable pedestrian walkways, etc.) and we feel the current proposal is incompatible with the historic nature of the center.

- e. Enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.

The design does not enhance living conditions on the site. The intensive operational needs of a thriving neighborhood center include receiving deliveries, handling trash, well-lit customer parking, and the like. We believe that residents would find these necessary operational demands to be

unpalatable. Until the proposal can achieve mitigation of these existing necessary constraints, the application should be returned for modification.

3. The design is of high aesthetic quality, using high quality, integrated materials, and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.

As stated before, we do not find the current design to be compatible with the current historic design, massing, or character of Town & Country Village.

4. The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g., convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).

We feel the proposed development will result in a net-negative to the safety and ease of access for pedestrians and bicycle traffic. The added vehicular traffic, loss of parking for retail use, and minimal setbacks combine to create an unmitigated series of impacts. Additionally, given the tight constraints of the site and the density of the proposed development, there is serious concern for the impact to retail vehicular access at an already constrained site, and certainly represents reduced access for operational needs.

5. The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought resistant plant material capable of providing desirable habitat that can be appropriately maintained.

The current proposal has the property fully developed leaving little to no room for the required landscaping necessary to achieve compliance with this Finding. The project landscape design does not provide the necessary transition to the adjacent Center design. In addition, please note that the proposed development represents a net loss to the existing tree canopy. Currently, the canopy coverage on the site is approximately 2170 square feet across 8 existing trees, while the proposed development includes 7 replacement trees with limited growth potential for a proposed approximate canopy of 550 square feet.

6. The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.

We have yet to fully understand how this proposal achieves compliance with this Finding. As stated previously, the bar for approval should be set high due to the concessions being requested for approval of this proposal at this site.

Operational Review Findings:

Given that the proposed project stands in contrast to the City's planning documents, it is not surprising that if approved it will likely create several significant impacts on the pedestrian, vehicular and other operational aspects of Town & Country Village:

- 1) It is incompatible to locate residences within the parking lot of a busy commercial shopping center. Our shopping center receives tenants' deliveries throughout the day and frequently these are more intense in the early morning hours before the center opens to customers. Additionally, certain dining tenants operate into the late evening hours which might impact potential new residences within the vicinity. Lastly, we have trash and recycling serviced daily, immediately proximate to the proposed development. While these operations are consistent with City codes and existing approvals, residents will almost certainly find them incompatible with their residential use. We would ask that you carefully consider these concerns in your evaluation of the project to avoid creating a cycle of complaints that cannot be resolved.

- 2) Given the density of the proposed development, we foresee constraints on parking and pedestrian access. The current proposal allows for no space for potential residents' visitors, service vendors, or deliveries. With Encina Avenue already fully parked during the day, and with all our parking stalls restricted for our retail and restaurant uses at the Center, we feel the added traffic and parking load on Encina Avenue and the surrounding area would be untenable. The project should be designed in anticipation of all these needs, as would be required of any other proposal brought forward.