

From: [Tanner, Rachael](#)
To: [Klicheva, Madina](#)
Cc: [Yang, Albert](#)
Subject: FW: Items for Packet Relevant to 985 Channing Matter, for PTC Meeting on Feb. 9th
Date: Wednesday, February 2, 2022 5:21:16 PM
Attachments: [Consolidated Statements of Opponents to the 2nd Story Project at 985 Channing Avenue smaller.pdf](#)
[December 22, 2021 Letter to Palo Alto PTC Re 985 Channing Avenue.pdf](#)
[image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)



RACHAEL A. TANNER, MCP

Assistant Director

Planning & Development Services

(650) 329-2167 | Rachael.Tanner@cityofpaloalto.org

www.cityofpaloalto.org



Service Feedback

From: David Loftus <loftusdjl1@aol.com>
Sent: Wednesday, February 2, 2022 3:47 PM
To: Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>
Cc: Tanner, Rachael <Rachael.Tanner@CityofPaloAlto.org>
Subject: Items for Packet Relevant to 985 Channing Matter, for PTC Meeting on Feb. 9th

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

Hi Garrett,

Attached, please find two documents that should be included in the "packet" for the commissioners for the Feb. 9th meeting of the PTC, relevant to the 985 Channing agenda item.

--the consolidated statements of opponents to the project

--the most recent letter from attorney Jennifer Acheson

If you could please include these two items in the packet, that would be great.

Many thanks.

David Loftus

**Consolidated Statements from Opponents of
the 2nd Story Project at 985 Channing Avenue, Palo Alto**

--The Following Items are Statements Delivered at the
Oct. 13 2021 Meeting of the PTC (and before) in
Opposition to the 2nd Story Project at
985 Channing Avenue

David Rogosa Statement October 13, 2021, PTC Meeting

David Rogosa, I am the occupant/homeowner of 991 Channing, since June 1980.

For the administrative record, previously submitted statements by me in September 2020 and by my attorney Jennifer Acheson in December 2020 appear in the addendum of the staff report. A written version of these comments submitted today.

The legally recorded restrictions that are the focus of this meeting actually appear on my parcel map. It is my parcel map that is subject to being gutted, and I believe I should have substantial standing in these proceedings.

As your Planning Staff has confirmed, there appears to be no Palo Alto precedent for removal of this type of legally recorded Parcel Map restriction in residential properties. An unprecedented (or even rare) action should be approached with great caution.

The 1980 subdivision of the original 11,000 sq ft lot upon which my residence was constructed in 1950, produced two residences in very close quarters. Along the 40ft length of each structure, there exists the most minimal and minimum 6ft setback on each side.

I was hired as Stanford faculty in June 1980, thus my first contact with the property as a potential purchaser was after the parcel map restrictions were put in place.

I can recall Bill Cox the developer, standing with me in the residence showing me the plans for 985 Channing (structure being framed at the time) and with emphasis showing me parcel map with the restrictions. As a potential purchaser these restrictions were essential for the viability of my purchase, and I properly regarded such as a guarantee of the future privacy, livability of my residence. Over the 41 years I have lived here, I have detrimentally relied on these specific height restrictions.

In early September 2020 a two story renovation of 985 Channing was improperly put out for review because the existing parcel map restrictions prohibited review. On September 23 2020 Dr Loftus informed staff of the Parcel Map restrictions as did my letter on September 25. In each instance the immediate staff response was solely to refer to a process for

removal of the restrictions. It is my personal belief that much of the ardor staff demonstrates for the removal of my Parcel Map restrictions is an attempt to recover from those miscues.

I do not have a two-story structure.

991 Channing has two-levels: one below ground (unfinished) and one slightly above ground. Residence is rated as 1186 sq ft, gutter height is 12.5 ft, consistent with one-story structure. The two-story structure at 985 proposed in Sept 2020 would dominate, swamp (whatever word you like) my much smaller structure.

A rebuild of 985 Channing matching my gutter height and roof pitch along our border, I could not describe as catastrophic. Full removal of the height restrictions would be.

As a non-lawyer I would describe the removal of these valuable, essential restrictions as an eminent domain taking without compensation, or, as advised, better term, an inverse condemnation.

In purchasing my property 41 years ago, I relied on the height restrictions as legally recorded, and enforceable contract provisions. What contract or agreement with the City can be regarded as viable if the City can renege on such critical and clear legally recorded restrictions?

Before taking any action on this unprecedented application based on the papers before you, I would beseech you to physically visit the site at Channing, stand in the minimal setback between the two structures, and visualize the planned construction at 985 submitted in Sept 2020. You will be aghast.

Statement of Jim and Bev Weager
Planning and Transportation Commission Hearing
10-13-2021

Objective Facts/Chronological Timeline:

- We have owned 975 Channing Avenue since 1965 and are very established in our neighborhood.
- In 1980 when we learned 985 Channing, the house on our East fence line, was to be built outside of Palo Alto codes we spearheaded a neighborhood campaign to restrict the home to height and other factors. Those legally placed restrictions have been upheld for 40 years.
- Jack and Linda Keating were the original owners of the home at 985 Channing. They were aware of the legal restrictions placed on that parcel. Although they preferred a two-story they did not try to change the planning regulations and they followed the rules.
- In 1989 the one-story home at 955 Channing, on our West fence line, was razed and a new two-story home was built to our disappointment and dismay. We were being encroached upon!
- In 1998 Michel Desbard bought 985 Channing. He sold it in 2000 after he was made aware of the restrictions imposed on the parcel.
- In 1999 we planned to construct a 2nd story on our house but found the regulations would not allow our building specs, thus we modified our plans and only built a small attic that met all zoning ordinances and codes. This was disappointing for us, but we held to the rules and regulations, abiding to all zoning codes.
- Early 2021 the Palo Alto City Council held their annual retreat. If you look back at that recording you will hear many of the members

state they “should strive to assure Palo Alto remains a great place to live, and to preserve the quality of life for all.” In addition to those remarks, preserving the character of Palo Alto neighborhoods is one of the first items noted in the city’s IR Guidelines. The character of our neighborhood is slowly eroding and our personal quality of life is being infringed upon!

Subjective Statements:

- Until the time of the subdivision of parcel 991 Channing we enjoyed the unique character of our immediate neighborhood, the spacing of lots and the charm of the surrounding homes. Since that time we feel the proximity of the newly built homes on either side of us is intrusive. Further increase in size of these homes will just make that feeling worse.
- We regret not being involved in the build of 955 Channing. After its completion we felt our space was even more invaded, giving us less natural afternoon sunlight which was reduced significantly due to the height of the home. The pines planted against their fence line grew quite quickly and created a further barrier to natural sunlight. City codes may say landscaping creates a sense of privacy but we have personally seen how the newer homes on either side of us created a claustrophobic affect. It always seems sunset occurs for us at least one hour prior to actual sunset and sunrise one hour later than actual sunrise. We lost the comfortable feeling of single home ownership also. We feel we are living in an apartment complex since we are so closed-in on both sides.
- If the current proposed two-story plan for 985 Channing is approved, we will lose the limited morning sunlight that we see

today. Our photos show just how little natural morning sunlight we receive in our East side facing window. Additional height placed on that house, although it may be to code, will still hinder that sunlight, just as 955 Channing showed us so many years ago. We will require our lights and heating system to make up for the wonderful natural light and heat that sunshine normally offers. That happened to us in 1989 and we know it will happen again. As senior citizens we will feel the financial impacts, as well as the emotional ones we've experienced for years.

Final Statement:

- We ask you to deny removing the long-standing restrictions set on 985 Channing. Please don't bend rules and regulations for the applicants Frank Dunlap and Pei-Min Lin. They have never resided at 985 Channing. There are so many before them that have though, and they were good citizens who respected ordinances. Keep our current neighborhood as it is today and preserve our quality of life.

Thank you for hearing us out.

Statement of David and Juanita Loftus
Before the Planning and Transportation Commission
Re: 985 Channing Avenue

Objective Facts/Timeline:

- Thank you to the PTC for allowing our voices to be heard. And thank you for the continuance of this matter from September 8.
- The subdivision of 991 Channing Avenue to create a new parcel, 985 Channing, was indeed an unusual step, because it allowed a new house to be “squeezed in” among long-existing older homes, more than 30 years after the last adjacent house was built.
- All of the houses next door to 985 Channing were built in 1950 or before (991 Channing was built in 1948; 975 Channing in 1950; and 911 Lincoln in 1934).
- There was a neighborhood outcry about this subdivision “event” back in 1980, which resulted in the decision by the PTC to place parcel restrictions on 985 Channing, including a height limit of 13 feet. In 1980, a house was built at 985 Channing, but just a 1-story house, consistent with the rules.
- The decision by the PTC, 41 years ago, to place restrictions was excellent, because it took into account the interests of the surrounding homeowners! The parcel restriction accomplished its purpose and it has been working well ever since it was put in place.
- Previous owners of 985 Channing have abided by the restrictions. Current owners should, too.
- We have owned our home, 911 Lincoln, for more than 30 years. We love it here, and we are dedicated to the neighborhood.
- When we added a 2nd-story to our home in 2005, we faced many restrictions. We abided by those restrictions! We did not try to change the rules!
- We appreciate that the applicants, Frank Dunlap and Pei-Min Lin, want to enlarge 985 Channing for the benefit of their family. But the current rules need to be followed, including the height limit of 13 feet.
- We expect the City of Palo Alto to support us and the other adjacent homeowners and not try to change the rules.
- Based on information provided to us by the City, there is no precedent for un-doing parcel restrictions of this type on a residential property. We say: “Let’s not start now!”

Subjective Statements:

- If the parcel restrictions on 985 Channing are removed, it will pull the rug out from under the adjacent homeowners who have benefitted from the parcel restrictions for many years.
- If the 2nd story is allowed to be built, it will further “bulk up” our local section of the neighborhood resulting in a large structure that looms over our backyard and negatively impacts our view and sense of privacy.

October 13, 2021

Final Statement:

We vehemently object to the removal of the long-standing parcel restrictions and we vehemently object to the building of a 2nd story at 985 Channing Avenue.

--David and Juanita Loftus and Boys

December 30, 2020

Via E-Mail and U.S. Priority Mail

Garrett Sauls
Project Manager
Associate Planner
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Re: PROPOSED DEVELOPMENT PROJECT AT 985 CHANNING AVENUE
FILE NO. 20PLN-00192

Dear Mr. Sauls:

We have been retained by Dr. David Rogosa, property owner of 991 Channing Avenue, in connection with the above-referenced Application (“Application”) by the owner of 985 Channing Avenue, Palo Alto, CA, APN 003-26-062 (“Subject Property”). **(EXHIBIT 1.)** The purpose of this letter is to underscore Dr. Rogosa’s objections to and request denial of the Application as received for review by the City of Palo Alto on August 24, 2020, and to request a status report.

We understand the Application is for approval (1) to construct a new second story addition, and (2) to convert the attached garage to an accessory dwelling structure (“ADU garage conversion”), increasing the overall floor area by roughly 60 percent from 1,845 square feet to 2,895 square feet, on the Subject Property. It is located in zoned Residential Estate R-1, or single-family residential pursuant to Palo Alto Zoning Regulations.

Dr. Rogosa has previously expressed his well-founded objections to the Application in his letter dated September 25, 2020 for the reasons reiterated below. We understand that David and Juanita Loftus, property owners of 911 Lincoln Avenue, also sent you an e-mail on September 17, 2020, making the same objections for the same reasons to the Application. Dr. Rogosa’s property is the corner lot located at 991 Channing Avenue (and Lincoln), and immediately adjacent to and east (or right) of the Subject Property; the Loftus’ home at 911 Lincoln is also adjacent to and shares a boundary across the entire rear yard of the Subject Property.

For the administrative record, Dr. Rogosa reiterates his strong objections to approval of the Application. His objections are based on the Parcel Map notarized on May 6, 1980, certified (by City of Palo Alto Director of Planning and Community Environment and City Engineer) on May 8, 1980, and recorded in the Santa Clara County Recorder's Office on May 27, 1980 (at Book 463 of Maps at Page 51 at the request of Jones-Tillson and Associates) ("Parcel Map"). The Parcel Map was recorded against the Subject Property with the following enumerated express restrictions and conditions:

PARCEL "B" [985 Channing] IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) NO SECOND STORY SHALL BE ALLOWED ON ANY STRUCTURE.**
- 2) NO VARIANCES, INCLUDING, BUT NOT LIMITED TO, FENCE EXCEPTIONS SHALL BE ALLOWED.**
- 3) THE HEIGHT LIMIT FOR ALL STRUCTURES SHALL BE 13 FEET.**

(EXHIBIT 2 - Parcel Map of May 6, 1980; emphasis original.)

In his September 25, 2020 e-mail to you, Dr. Rogosa provided his detailed understanding of the history giving rise to the Parcel Map. (EXHIBIT 3.) In brief, prior to 1980, 985 and 991 Channing formed an undivided, 11,000 square foot single parcel owned by a Mitch Baras. The house at 991 Channing was centered on the full 11,000 square foot property. In/about 1979, developer Bill Cox purchased the 11,000 square foot parcel and sought to divide it into two lots. The City of Palo Alto ultimately approved the property division into two parcels, Parcel A (991 Channing) and Parcel B (985 Channing). However, as a result of significant opposition by other residents, the City granted approval expressly subject to the above three material restrictions/conditions. (EXHIBIT 2.)

After the May 1980 Parcel Map was recorded, but before any new construction on Parcel B (now 985 Channing Avenue), in June 1980, Dr. Rogosa was offered a faculty position at Stanford University, and in relocating from Chicago, became a potential purchaser of Parcel A – one of the now two subdivided lots and original house at 991 Channing. Significantly, before any new construction on Parcel B was started, the developers showed Dr. Rogosa, as a concerned, serious potential purchaser, the construction plans for a one-story structure at 985 Channing. Dr. Rogosa also reviewed the above recorded Parcel Map height restrictions. In deciding to purchase 991 Channing, Dr. Rogosa specifically relied on the construction plans and Parcel Map. The recorded Parcel Map height restrictions were crucial in his purchase decision because he understood that the side setback allowances permitted minimal distance between both properties, but, at the same time, the height restrictions prohibited construction of a two-story structure at 985 Channing. Without these restrictions, the construction of a two-story structure (and ADU)

would have seriously diminished Dr. Rogosa’s privacy, noise buffer and daylight planes and Dr. Rogosa would not have purchased 991 Channing if a taller structure at 985 Channing had been a possibility. The restrictions/conditions were a crucial factor which Dr. Rogosa detrimentally relied on in making his decision to purchase 991 Channing, where he has resided for the past 40 years since 1980. (EXHIBIT 3.) The restrictions run with the land and since they were recorded serve as constructive notice to all subsequent purchasers of 985 Channing. (Civil Code §§ 1213, 1215.) Indeed, there has been at least one previous owner of 985 Channing who pursued a second story project in the mid-1990’s which was quickly stopped. (EXHIBIT 3.) Here, the applicant had and has both constructive and actual notice of these restrictions.

The Application was submitted to the City of Palo Alto on August 24, 2020. In response, the City issued a “Notice of Incomplete/Corrections Required Application No. 20PLN-00192 25-09-2020,” stating that based on the initial feedback from staff, the Application “cannot be deemed complete at this time. A revised set of plans incorporating the following information and requirements must be submitted for review” (“Notice”). (EXHIBIT 4.)

Dr. Rogosa’s concerns are specifically called out under the Notice’s “CORRECTIONS TABLE.” Importantly, you specifically noted the Parcel Map height restrictions:

“Due to a previously approved Subdivision for the Parcel from 1980, City Council established conditions of approval recorded against 985 Channing Avenue that limited the height of the structure to 13 feet and one-story tall. As such, this project cannot be processed as it would violate those established conditions of approval. Staff has reached out to the applicant to provide direction on what next steps could occur. (EXHIBIT 4 - Fourth Reference A1.0; emphasis added.)

You also noted:

“This house is effectively a brand new structure. Any existing non-conforming walls must be replaced in a conforming condition per 18.70.100. In order to support the proposed additions what walls are claimed to “remain” will ultimately be modified to an extent that they are new. (EXHIBIT 4 - First Reference A6.1; emphasis added.)

City Planner Arnold Mammarella acknowledged the problems with daylight planes between the two properties which would be created by any two-story structure:

The rear portion of the upper floor is set tight to the daylight plane, which generally is not well in keeping with this guideline when next to a one-story home, but that home is somewhat tall for a one-story home and there is stepped massing. The portion of the house

near the daylight plane is also set back enough to not have a strong visual presence from the street. While it would be better to increase the clearance to the daylight plane the proposal could be said to be marginally in compliance with this aspect of site planning.
(EXHIBIT 4 - Third Reference A1.0.)”

The Notice also points out that there is minimal landscape screening between the two properties. However, even assuming the applicant added it, no amount of landscape screening will cure or buffer the sight line and daylight plane issues recognized by the City in the Notice.

On September 25, 2020, you acknowledged receipt of Dr. Rogosa’s September 25, 2020 letter, stating:

To our understanding, there are means with which the applicant could remove the conditions of approval from the Parcel Map, but this would require City Council review. I am awaiting to see what the applicant chooses to do. If that were to occur, the City has established Guidelines for two-story homes since 1980 which we would review the project for. I have attached them to this email.
(EXHIBIT 5.)

Unfortunately, you did not provide any information to Dr. Rogosa on the process for removing recorded restrictions but instead sent to him the brochure on 2-story homes (which does not address recorded restrictions) as if the restriction removal was a done deal. Please provide the authority and steps for that process, including review by the City Council.

For these reasons, Dr. Rogosa continues to vigorously oppose approval of the Application, and respectfully asks the City to deny the Application.

As of the date of this letter, the Accela Citizen Access site shows this Application as “under review.” **(EXHIBIT 6.)**¹ We ask that the City please advise us of the precise status of the Application, whether the Application is still pending, if so, how long it may remain pending, what further communications, if any, you have had in “reach[ing] out to the applicant to provide direction on what next steps could occur,” and whether further steps, if any, have been taken by the applicant.

¹ <https://aca-prod.accela.com/paloalto/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=20PLN&capID2=00000&capID3=00192&agencyCode=PALOALTO&IsToShowInspection=no>

We appreciate and thank you for your time and attention.

Sincerely,

Ropers Majeski PC



Jennifer E. Acheson

JEA

Attachments

Cc: Arnold Mammerella (arnold@mammarellaarchitecture.com);
Christina Thurman (christina.thurman@cityofpaloalto.org)
David and Juanita Loftus (loftusdj11@aol.com)

4824-8262-2165.1

EXHIBIT 1



CITY OF
**PALO
ALTO**

Planning & Development Services
250 Hamilton Avenue
Palo Alto, CA 94301

Dear property owner or resident,

This is to notify you of a proposed development project adjacent to your property. The project proposed, submitted on 08/31/2020, is described below.

ADDRESS: 985 Channing Avenue AV

FILE NUMBER: 20PLN-00192

PROJECT DESCRIPTION:

Request for Individual Review Application for renovation of an Existing one-Story 1,845 Square Foot Home and Construction of a two-Story approximately 1,050 square foot home with attached ADU garage conversion. Existing curb cut and trees to remain.

Environmental Assessment: Pending. Zoning District: R-1 (Single Family Residential). For More Information Contact the Project Planner

You are invited to comment on this project. Comments on this application **will be accepted for 21 days following the mailing of this notice.** You may review more information on this project online at: bit.ly/PABuildingEye. If you require assistance viewing the online information, please visit the City's Development Center (285 Hamilton Avenue) weekdays between 9AM and 4PM. To comment on the project or to ask specific questions, contact the City's project planner.

PROJECT PLANNER: GARRETT SAULS

PHONE: 650-329-2471

EMAIL: garrett.sauls@cityofpaloalto.org

We appreciate your early input, to ensure that any potential problems are resolved early in the process. **The plans may be altered during the review process.** If you would like to be notified of any such modification please provide your contact information to the project planner.

EXHIBIT 2

OWNER'S CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY, PURSUANT TO SECTION 66445 (F) OF THE SUBDIVISION MAP ACT; THAT WE DO CONSENT TO THE MAKING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE BLUE BORDER LINE.

CONSTRUCTION SYSTEMS, INC.

BY: William D. Cox Jr. PRESIDENT BY: Mary S. Cox TREASURER

ACKNOWLEDGEMENT

STATE OF CALIFORNIA) SS:
COUNTY OF SANTA CLARA)

ON THIS 6th DAY OF MAY, 1980, BEFORE ME A NOTARY PUBLIC IN AND FOR THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, RESIDING THEREIN, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED William D. Cox Jr. AND Mary S. Cox KNOWN TO ME TO BE THE PRESIDENT AND TREASURER, RESPECTIVELY, OF CONSTRUCTION SYSTEMS, INC., THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF THE CORPORATION HEREIN NAMED AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID THE DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES 12/24/83

Lu Marie Kramer
NOTARY PUBLIC IN AND FOR THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.



SURVEYOR'S CERTIFICATE

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF JON SCHINK IN APRIL, 1980. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP.

DATED: May 1, 1980

John C. Nuessmann
JOHN C. NUESSMANN - L.S. 3439

NOTES

- 1) BASIS OF BEARINGS: THE CENTER LINE OF LINCOLN AVENUE BEARING NORTH 00°16'26" EAST ACCORDING TO TRACT NO. 62, MAYFAIR, M.B. 3/6-7, WAS TAKEN AS THE BASIS OF BEARING FOR THIS MAP.
- 2) \odot INDICATES SET 3/4" IRON PIPE WITH TAG L.S. 3439, UNLESS OTHERWISE NOTED.
- 3) \oplus INDICATES MONUMENT FOUND AS NOTED.

DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT CERTIFICATE

THIS MAP HAS BEEN EXAMINED THIS 8th DAY OF MAY, 1980, AND FOUND TO CONFORM WITH THE APPROVED TENTATIVE MAP.

Harold H. Knox
HAROLD H. KNOX, DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT

CITY ENGINEER'S CERTIFICATE

THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE.

DAVID G. ADAMS, CITY ENGINEER

DATED: May 8, 1980

BY: George J. Bagdon
GEORGE J. BAGDON, P.C.E. 23658
ASSISTANT CITY ENGINEER



RECORDER'S CERTIFICATE

FILE NO. 6739243 FEE 45.00
FILED FOR RECORD THIS 2nd DAY OF MAY, 1980,
AT 1:57 P.M. IN BOOK 463 OF MAPS AT PAGE 51 AT THE REQUEST OF JONES-TILLSON AND ASSOCIATES.

GEORGE A. MANN, SANTA CLARA COUNTY RECORDER

Fee \$ 5.00

BY: M. Elaine Duggan
DEPUTY RECORDER

PARCEL MAP

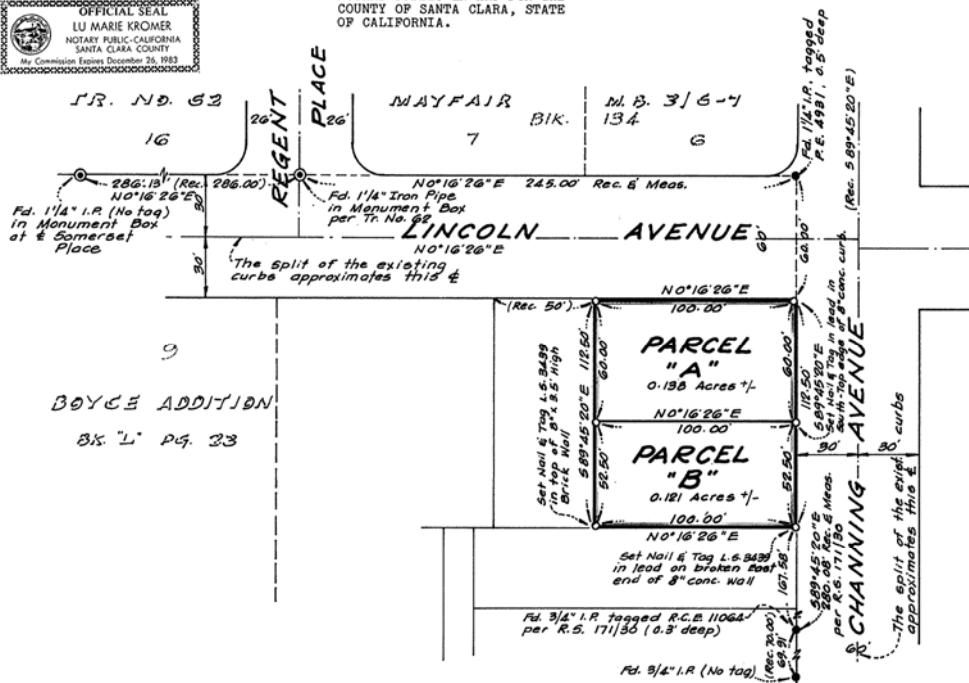
BEING A SUBDIVISION OF A PORTION OF THE PROPERTY SHOWN UPON THE MAP OF BOYCE ADDITION TO THE CITY OF PALO ALTO, ACCORDING TO THAT CERTAIN MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON FEBRUARY 27, 1906, IN BOOK "L" OF MAPS AT PAGE 23.

CITY OF PALO ALTO
SANTA CLARA COUNTY, CALIFORNIA

JONES-TILLSON & ASSOCIATES
Civil Engineers
Palo Alto, California

Scale 1" = 40' April 1980

Sheet 1 of 1 Sheets



NOTE:

PARCEL "B" IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) NO SECOND STORY SHALL BE ALLOWED ON ANY STRUCTURE.
- 2) NO VARIANCES, INCLUDING, BUT NOT LIMITED TO, FENCE EXCEPTIONS SHALL BE ALLOWED.
- 3) THE HEIGHT LIMIT FOR ALL STRUCTURES SHALL BE 13 FEET.

463/51

463/51

51

2764

51

EXHIBIT 3

985 Channing 20PLN-00192 Inbox

David Rogosa <ragxdr@gmail.com>
to garrett.sauls

I am writing in response to the postcard notification regarding the proposed development project at 985 Channing.

I am the occupant/homeowner of the adjacent property, 991 Channing, since June 1980.

I have accessed the plans for 985 Channing indicated on your postcard notification.

I focus my remarks on the restrictions contained on the city/county Parcel Map for 991 Channing and 985 Channing dated May 8, 1980. I have my original hardcopy from my purchase in June 1980; I understand that this Parcel Map can be accessed from current file.

To copy those restrictions here (all caps on the document)

PARCEL "B" [985 Channing] IS SUBJECT TO THE FOLLOWING CONDITIONS

- 1) NO SECOND STORY SHALL BE ALLOWED ON ANY STRUCTURE
- 2) NO VARIANCES, INCLUDING, BUT NOT LIMITED TO, FENCE EXCEPTIONS SHALL BE ALLOWED
- 3) THE HEIGHT LIMIT FOR ALL STRUCTURES SHALL BE 13 FEET

I played no role in the formulation of these restrictions (some history below).

My recollection is that there exist other documents indicating these restrictions (though I believe the height restriction may have been stated in other documents as 13ft 9inches).

A bit of history.

The original 991 Channing 11,000 square foot property and residence was put up for sale in 1979 (about) by Mitch Baras original owner.

Developer Bill Cox purchased the property and sought to divide it into two lots.

I do not have first hand knowledge, because I was still at University of Chicago,

but my understanding is that strong neighborhood opposition to dividing the property led to the restrictions on 985 Channing reflected on the May 8, 1980 Parcel Map.

Others involved can speak directly to that process.

In May 1980 I was offered a faculty position at Stanford and became a potential home purchaser.

My first familiarity with these restrictions on 985 Channing was in June 1980 as a potential purchaser of the 6,000 square foot remaining 991 Channing property.

I was shown the plans for 985 Channing construction by the developers, with the height restriction.

The height restriction was critical in my decision to purchase this property.

As the 991 Channing residence was approximately centered on the full 11,000 square foot property,

after the lot division the setbacks are minimal and a taller 985 Channing structure would have rendered purchase of 991 Channing not viable for me.

I can attest that over the years, various of the owners of 985 Channing have been aware (not from me) of the second story and height restriction.

At least once, an owner of 985 Channing did pursue a second story project (I believe it was mid-90's) and that initiative was quickly stopped

(I was not involved but other neighbors were) by invoking these restrictions.

In sum, I strongly oppose approval of the proposed development project, because the project greatly violates the restrictions on 985 Channing that have been in place for over 40 years.

Again, there is a reason that 985 Channing has remained a one-story structure for 40 years-- the height restriction, which has been known to owners.

David Rogosa
owner/occupant of 991 Channing since June 1980

Contact info

David Rogosa

991 Channing Ave

Palo Alto 94301

rag@stanford.edu

home landline 650 3267372

EXHIBIT 4

/

Notice of Incomplete/Corrections Required
Application No. 20PLN-00192
25-09-2020

Address : 985 Channing Avenue AV, Palo Alto, CA, 94301

Project Description: Request for Individual Review Application for renovation of an Existing one-Story 1,845 Square Foot Home and Construction of a two-Story approximately 1,050 square foot home with attached ADU garage conversion. Existing curb cut and trees to remain.

Environmental Assessment: Pending. Zoning District: R-1 (Single Family Residential). For More Information Contact the Project Planner

Record Type : Planning - Entitlement

Document Filename : C1_985Channing_PLANS.pdf Uploaded:08/24/20

Thank you for submitting your plans for the Planning Entitlement application described above. The application was reviewed to ensure conformance with applicable Zoning regulations and the City's Guidelines.

The plans were received on 08/24/20 for review by Planning Staff. Based on the initial feedback from staff, the application **cannot be deemed complete at this time**. A revised set of plans incorporating the following information and requirements must be submitted for review:

Reviewer Contact Information:

Reviewer Name	Reviewer Email
Arnold Mammarella	arnold@mammarellaarchitecture.com
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Corrections Table

Page Reference	Annotation Type	Reviewer : Department	Review Comments
A1.0	Comment	Garrett Sauls : Planning	INCOMPLETE: Provide a signed copy of the Individual Review Statement of Understanding.
A1.0	Comment	Garrett Sauls : Planning	INCOMPLETE: Provide a contextual front yard setback diagram. See page 21 of the Zoning Technical Manual for an example of how to fulfil this requirement.

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A1.0	Comment	Garrett Sauls : Planning	For clarity, it is understood that any existing square footage used for the garage contributes to the ADU in what is necessary to building an 800 sq ft unit as well as the total property's FAR. Currently, this square footage cannot be recaptured in a subsequent application. Staff is proposing to bring a new ordinance to Council that would treat the allowance the state afforded as a bonus, but until, or if, that is approved, the plans will need to recognize this issue and the project data will need to be clarified. Currently, only 2,292 FAR on the property is being used by the home when the existing garage needs to be calculated towards that number. Any remaining square feet shall be used by the ADU up to 800 sq ft to be exempted per state law. Update the plans to reflect this.
A1.0	Comment	Garrett Sauls : Planning	Due to a previously approved Subdivision for the Parcel from 1980, City Council established conditions of approval recorded against 985 Channing Avenue that limited the height of the structure to 13 feet and one-story tall. As such, this project cannot be processed as it would violate those established conditions of approval. Staff has reached out to the applicant to provide direction on what next steps could occur.
A3.0	Comment	Garrett Sauls : Planning	New fences that are shown to be in disrepair or overhanging on adjacent properties must be replaced. Update the plans to show a new fence will replace the existing one.
A4.0	Comment	Garrett Sauls : Planning	Per the IR checklist, the survey must include information on the Base Flood Elevation required to meet FEMA standards. It is unclear if this information is present. Update the survey and plans to include this information.
A5.0	Callout	Garrett Sauls : Planning	Any uncovered parking provided that is adjacent to a wall must provide an additional .5' of clearance space for door swing. Update the plans to provide this information.
A5.0	Callout	Garrett Sauls : Planning	INCOMPLETE: Update plans to include mechanical equipment to be used. Provide spec sheet and decibel rating of new unit.
A5.0	Callout	Garrett Sauls : Planning	Note driveway material
A5.0	Callout	Garrett Sauls : Planning	Update to show connection lines to house and any proposed utility connections (such as gas or other).
A5.0	Comment	Garrett Sauls : Planning	Per PAMC 18.54, maximum residential driveway widths are 20 feet. Reduce the driveway paving to comply with this requirement.
A5.0	Comment	Garrett Sauls : Planning	INCOMPLETE: Show footprints and overhangs of all existing and proposed buildings. Per PAMC 18.40.070, encroachments, including eaves of buildings, are not allowed within the special setback for the building. Update the plans to address this issue.
A5.0	Comment	Garrett Sauls : Planning	All trees to remain must have tree protection fencing provided for them. Update the plans to show this information.
A5.0	Comment	Garrett Sauls : Planning	The IR checklist requires that all trees species be identified on the plans, including those that overhang the site. Update the plans to correct this.
A5.0	Comment	Garrett Sauls : Planning	INCOMPLETE: Topographic elevation of the first floor level and spot elevations of existing and finished grade around property to determine daylight plane compliance and adjacent to building footprint for height measurement. See pages 26-28 of the Zoning Technical Manual. Additionally, the points provided around the site inaccurately reflect actual topographical elevations from the survey. Correct these.
A5.0	Comment	Garrett Sauls : Planning	Additional screening trees may be required along the left and rear sides of the property to conform with the IR Guidelines. Update plans following recommendations for IR Guidelines.
A5.0	Comment	Garrett Sauls : Planning	Provide a calculation that identifies at least 60% permeability within the front yard setback.
A6.1	Comment	Garrett Sauls : Planning	This house is effectively a brand new structure. Any existing non-conforming walls must be replaced in a conforming condition per 18.70.100. In order to support the proposed additions what walls are claimed to "remain" will ultimately be modified to an extent that they are new.
A6.2	Comment	Garrett Sauls : Planning	Update FAR diagram to provide dimensions for each area.
A7.1	Comment	Garrett Sauls : Planning	INCOMPLETE: Measure the distance under the daylight plane perpendicular to the daylight plane.
A7.1	Comment	Garrett Sauls : Planning	Update materials to identify color to be used for materials.
A7.2	Callout	Garrett Sauls : Planning	Sill must be 5'6" or apply glazing to lower portion of window to meet 5'6" glazing requirement.

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A7.2	Comment	Garrett Sauls : Planning	Windows along this side of the building must utilize obscured glazing in order to comply with the IR Guidelines. This glazing cannot be a film applied to the window and must be applied to a minimum of 5'6" from the finished floor. Update the plans to include this information.
A8.0	Callout	Garrett Sauls : Planning	Clarify outline of drawing to identify top of roof and bottom of roof slope.
A1.0	Comment	Arnold Mammarella : Planning IR	<p>Individual Review Guidelines General Information:</p> <p>The Single-Family Individual Review process and the applicability of these guidelines were established by PAMC 18.12.110 to preserve the character of Palo Alto neighborhoods by placing specific requirements related to streetscape, massing, and privacy for new two-story homes and upper story additions.</p> <p>There are five Individual Review Guidelines: 1. Site planning for driveway, garage and house, 2. Neighborhood compatibility for height, mass, and scale, 3. Resolution of architectural form, massing, and rooflines, 4. Visual character of street facing facades and entries, and 5. Privacy from second floor windows and decks.</p> <p>For approval, a proposal needs to be consistent with all five guidelines. The review considers the proposal's response to each guideline's approval criterion statement including whether the "key points" associated with each guideline have been followed. Guideline illustrations are also used to inform determinations in the evaluation. Please see the City's illustrated guideline booklet for more information about these regulations.</p> <p>Individual Review Evaluation Comments:</p> <p>Review determinations and comments relate to plans filed August 31, 2020 for a whole house renovation with a new second story addition to an existing one-story house. The existing attached garage would be converted to space within a new attached ADU.</p> <p>Review comments may reference specific changes or clarifications needed to meet the guidelines, including those shown on specific plan sheets. No neighbor comments were available at the time of this review. Note: Evaluation for zoning compliance is provided separately.</p> <p>G1 — Site Planning: Placement of Driveway, Garage, and House</p> <p>Approval Criterion: The driveway, garage, and house shall be placed and configured to reinforce the neighborhood's existing site patterns (i.e. Building footprint, configuration and location, setbacks, and yard areas) and the garage and driveway shall be subordinate to the house, landscaping and pedestrian entry as seen from the street.</p> <p>[Guideline Key Points: 1. Minimize the driveway's presence and paving; 2. Locate the garage to be subordinate to the house; 3. Configure the house footprint to fit the neighborhood pattern; 4. Create landscaped open spaces between homes; 5. Locate the upper floor back from the front facade and/or away from side lot lines when next to one-story homes; and 6. Do not place the second floor so that it emphasizes the garage.]</p> <p>Comments: The property is a 52.5' wide by 99.6' deep interior lot on the north side of Channing Avenue one lot in from Lincoln Avenue. It abuts a similarly sized corner lot 991 Channing Avenue with a tall one-story house on its right (east) side, 975 Channing Avenue, a narrow deep interior lot with a stepped mass and fairly low two-story</p>

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			<p>house on its left (west) side, and the rear yard of 911 Lincoln Avenue across the rear lot line. The lot is listed as being in the flood zone, but existing grade is shown on the survey to exceed the base flood elevation of 29.7' by at least one foot over the lot.</p> <p>The existing one-story shingle clad, hip roofed ranch style house has an attached one-car wide garage at the front. There are two large street trees at the front of the property and a few moderately sized screening trees along the rear brick and wood fence line.</p> <p>The proposed home maintains most of the existing home's footprint and existing large landscape. A second floor would be added, and the rooflines would be revised throughout the house to create new building forms and massing. As seen from the street it would appear to be a new house. The garage would be converted to an ADU with its entrance adjacent the open parking space near the left side yard.</p> <p>Regarding site planning there would be minor issues with the amount of driveway paving in the front yard and with landscape along interior lot lines.</p> <p>Key point one of this guideline states to locate driveways and minimize paving to diminish the driveway's presence and to highlight yards and pedestrian entryways. The existing driveway and walkway could be retained as the existing configuration would meet the intent of this guideline. Otherwise, a new driveway should leave at least 2 to 3 feet of planting strip area with landscape along the right interior lot line and be at most 20 feet wide. The material of the driveway should blend well with the landscape and not be standard concrete. The walkway should be distinct in material treatment from the driveway and not be treated as a parking extension. In general, the design should try to feature the yard area and building entry through the design and material treatments and not emphasize the parking pad (e.g. by adding a planting area along the front wall of the ADU given the setback is 24 feet deep from the front lot line which is more than enough for parking). Note: creating a new ADU has no bearing on the driveway paving regulation with this guideline.</p> <p>There is existing landscape along the rear lot line but with the creation of a two-story house landscape screening is also required between buildings with tall shrubs or trees. Typically, some should be evergreen, and fast-growing landscape should be used to buffer the building mass as seen from abutting properties. The left side lot line has some landscape on the neighbor's property so gaps in the landscape can be filled. The right-side lot line does not appear to have much landscape on either property.</p> <p>Site planning also considers the building footprint configuration and location of the second floor and use of one-story rooflines given the existing context. The proposal narrows the upper floor and uses one-story rooflines as noted under key point 5 of this guideline. The rear portion of the upper floor is set tight to the daylight plane, which generally is not well in keeping with this guideline when next to a one-story home, but that home is somewhat tall for a one-story home and there is stepped massing. The portion of the house near the daylight plane is also set back enough to not have a strong visual presence from the street. While it would be better to increase the clearance to the daylight plane the proposal could be said to be marginally in compliance with this aspect of site planning.</p> <p>(See changes or clarifications noted on the site plan).</p> <p>G2 — Neighborhood Compatibility for Height, Mass, and Scale</p>

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			<p>Approval Criterion: The scale (perceived size), mass (bulk or volume) and height (vertical profile) of a new house or upper story addition shall be consistent with the existing neighborhood pattern with special attention to adapting to the height and massing of adjacent homes.</p> <p>[Guideline Key Points: 1. Do not overwhelm an adjacent one-story home; 2. Do not accentuate mass and scale with high first floor level relative to grade, tall wall planes, etc.; 3. Minimize height offsets to adjacent neighbors' roof edges, including adjacent one-story roof edges; 4. Place floor area within roof forms to mitigate mass and scale; 5. Locate smaller forms forward of larger forms to manage perceived height; and 6. Use roof volume rather than wall plate height to achieve interior volume.]</p> <p>Comments: The height, mass, and scale of the proposed home would generally fit with the existing context considering the height and massing profiles of nearby homes. The house is a little tall next to existing homes to each side, but the mass would not be substantial, and the second floor would be relatively narrow and set well back from the first floor and from the building corners to mitigate the sense of mass and scale. Variation in building materials would also help mitigate mass and provide scale.</p> <p>G3 — Resolution of Architectural Form, Massing, and Rooflines</p> <p>Approval Criterion: The architectural form and massing shall be carefully crafted to reduce visual mass and distinguish the house's architectural lines or style. Roof profiles shall enhance the form, scale, and proportion of primary and secondary house volumes, while rendering garage and entry forms subordinate in mass and scale to principal building forms. Upper floor additions shall also be balanced and integrated with the existing building.</p> <p>[Guideline Key Points: 1. Adjust floor plans to work for building form; 2. Use the vocabulary of a particular style to compose forms and rooflines; 3. Avoid awkwardly placed additions; 4. Use a few well-proportioned masses to avoid a cluttered appearance of too many elements; and 5. Adjust roof layouts, ridge orientations, eave lines, etc. to reduce mass and enhance form.]</p> <p>Comments: The architectural forms, massing, and rooflines are well resolved and recast the home from a ranch style home to a modern style home. Sheds at 2:12 pitch with overhangs and flat roof forms with short parapets are combined effectively for architectural profile and mass reduction.</p> <p>G4 — Visual Character of Street Facing Facades and Entries</p> <p>Approval Criterion: Publicly viewed facades shall be composed with a clear and cohesive architectural expression (i.e. The composition and articulation of walls, fenestration, and eave lines), and include visual focal point(s) and supportive use of materials and detailing. Entries shall be consistent with the existing neighborhood pattern and integrated with the home in composition, scale and design character. The carport or garage and garage door shall be consistent with the selected architectural style of the home.</p> <p>[Guideline Key Points: 1. Compose facades to have a unified/cohesive character; 2. Use stylistically consistent windows and proportion and adequate spacing between focal points; 3. Add visual character with architecturally distinctive eaves, window patterns and materials; 4. Do not use monumental entries/ relate entry type and scale to neighborhood patterns; and 5. Design garage openings and door panels to be modest in scale and architecturally consistent with the home.]</p>

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			<p>Comments: Façades are composed with focal points including the entry. Materials and detailing seem of high quality with vertical siding used to define some volumes from stucco volumes, painted tube steel post and beam elements at the porch, dark bronze color windows, shaped rake details, etc.</p> <p>G5 — Placement of Second-Story Windows and Decks for Privacy</p> <p>Approval Criterion: The size, placement and orientation of second story windows and decks shall limit direct sight lines into windows and patios located at the rear and sides of adjacent properties in close proximity.</p> <p>[Guideline Key Points: 1. Gather information on neighbors' privacy sensitive windows, patios, yards; 2. Mitigate privacy impacts with obscure glazing, high sill windows, permanent architectural screens or by relocating/reorienting windows; 3. Avoid windowless/unarticulated building walls, especially where visible from the street; and 4. Limit upper story deck size and locate decks to result in minimal loss of privacy to side or rear facing property.]</p> <p>Comments: Privacy impacts appear minimal on the right side of the house facing 991 Channing Avenue and along the rear lot line existing landscape should help reduce impacts t the 911 Lincoln Avenue's rear yard.</p> <p>Along the left side of the house at middle bedroom there would be a wide three-panel window that would look directly down into the side courtyard/patio are and windows on the first floor of the 975 Channing Avenue house. The neighbor has some landscape, but the canopies of their trees appear high enough above the ground that second floor windows of a new second story would have direct sight lines as suggested by photo 2 on sheet A3.0 of the plan set. The master bedroom would also have a large side facing windows that would have views to this patio and some windows. Note: two side facing windows are shown on the second-floor plan but only one on the west elevation at the master bedroom.</p> <p>The impacts from these windows would require design modifications and mitigation beyond landscape. The middle bedroom would need to be limited to at most 2 windows, preferably spaced, not grouped and would need to have obscure glazing to at least 5 feet above floor level. If grouped the windows should be placed forward on the site. The windows should also be hinged on the left side to open towards the street.</p> <p>The master bedroom should limit side facing windows to one at the rear building corner and hinge the window at the right side so when open the view is towards the rear lot line, not the neighbor's side patio. This window would also need to have obscure glazing to at least 5 feet above the floor level. Provide a dimension to the sill height of these windows and indicate revised window operation on the elevations. Also revise the second-floor plan to match the revised elevations for privacy at the side facing windows.</p> <p>(See changes or clarifications noted on the elevations and second floor plan).</p>
A5.0	Callout	Arnold Mammarella : Planning IR	IR-1: To meet guideline one, revise the site plan to retain the existing driveway or provide a new driveway no more than 20 feet wide with at least 2 feet planting strip along the fence line with planting. Use alternatives to standard concrete and vary paving material for walkway with a design that integrates the driveway more with the landscape and yard/building entry. See guideline comments for additional discussion.
A5.0	Callout	Arnold Mammarella : Planning IR	IR-2: To meet guideline one and five, revise the site plan to provide landscape, such as medium sized screening trees or tall screening shrubs within side yards between this home and adjacent homes. Where existing landscape exists fill gaps in the landscape. Landscape can also be used to mitigate privacy, but it cannot be the primary means of privacy mitigation where direct sight lines exist to neighboring property. Provide plant choices with botanical names and quantities; indicate 24-inch box size and 8-foot minimum installed height for trees and 15-gallon size and 8-foot minimum installed height for screening shrubs.
A6.2	Callout	Arnold Mammarella : Planning IR	IR-5: To meet guideline five, revise the second-floor plan's window locations to match the revised left side elevation as required to meet privacy requirements at these side facing windows.

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A7.2	Callout	Arnold Mammarella : Planning IR	IR-3: To meet guideline five, the middle bedroom would need to be limited to at most 2 windows, preferably spaced, not grouped and would need to have obscure glazing to at least 5 feet above floor level. If grouped the windows should be placed forward on the site. The windows should also be hinged on the left side to open towards the street.
A7.2	Callout	Arnold Mammarella : Planning IR	IR-4: To meet guideline five, the master bedroom should limit side facing windows to one at the rear building corner and hinge the window at the right side so when open the view is towards the rear lot line, not the neighbor's side patio. This window would also need to have obscure glazing to at least 5 feet above the floor level. Provide a dimension to the sill height of these windows and indicate revised window operation on the elevations.

The following conditions would be required as part of any Planning application approval and shall be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc. as further described below.

Conditions of Approval Table

Department	Conditions of Approval
Public Works Eng	<p>A. The following comments are required to be addressed prior to Planning entitlement approval:</p> <p>Show BFE (base flood elevation) and finished floor is at or above the BFE</p>
Public Works Eng	<p>1. PLEASE NOTE: Flood Zone Screening will be performed prior to intake of the Building set. Public Works will check your plans against the following Flood Zone Screening Checklist: https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=70319.22&BlobID=66043 If any of the items on the checklist are missing, the plans will not be accepted.</p> <p>2. Public Works Standard Conditions: The City's full-sized Standard Conditions sheet must be included in the plan set. The conditions noted on the sheet shall be adhered to for the full project duration until completion. Copies are available from the Public Works on our website. https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=67175.06&BlobID=66261 Site Inspection Directive sheet marked with an asterisk is required for this project and shall be scanned onto the plan set** Contact Public Works Engineering Inspectors @ 650-496-6929 to schedule a site visit.</p> <p>3. SUBSTANTIAL IMPROVEMENT: The existing structure is located within a Special Flood Hazard Area. If the construction cost of the improvements (remodeling and/or addition) is greater than 50% of the existing value of the structure, then the improvements will be classified as a "substantial improvement" and the existing structure and all new construction will be required to meet the City's Flood Hazard Regulations. In particular; the finished first floor must be at or above the base flood elevation (BFE). If the project is a "substantial improvement", then upon submittal for a building permit, the applicant must provide a copy of the FEMA Elevation Certificate showing that the existing finished first floor is at or above the BFE or, if the floor is below the BFE, the plans must show the floor being raised. The plans must include:</p> <ul style="list-style-type: none"> • The Elevation Certification Submittal Requirements for Construction in the Special Flood Hazard Area form • The BFE on sections, elevations and details • Flood vents, if there is a crawl space • A table calculating the flood vents required and provided • If the crawl space is subgrade, meaning that the bottom of the crawl space is below the adjacent exterior grade on all four sides of the house, then it must be filled in until it is either no longer subgrade or until it is 18" from the floor framing (to meet the minimum CBC requirement) • If the crawl space is still subgrade after filling, then include a sump, pump and outlet pipe to pump flood waters out • The garage slab can be below the BFE, but the garage will then need to be flood vented separately from the house • Notes that all materials and equipment below the BFE are water-resistant

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	<p>Public Works will prepare a flood zone screening form, including a “substantial improvement” screening form, at the Development Center when plans are submitted for a building permit in order to determine if your project is a “substantial improvement” prior to submitting for a building permit, you can have a preliminary screening performed by Public Works’ staff at the Development Center. Flood zone comments below pertain to project being deemed “substantial”</p> <p>4. Provide the following note on the Site Plan and Structural plans to indicate, “The proposed project is a Substantial Improvement and shall comply with Palo Alto Municipal Code Chapter 16.52 Flood Hazard Regulations and FEMA’s requirements.”</p> <p>5. A/C units: Any proposed A/C units outside of the house must show that they are at or above the BFE.</p> <p>6. Construction in the Special Flood Hazard Insert: The “Survey Requirements for Construction in the Special Flood Hazard Area” shall be added/scanned onto the plan set. A pdf copy of the documents titled Plan Insert for Elevation Certification Requirements and Plan Insert for Elevation Certification is available on the City’s website under flood zone issues. Please note there are 2 pages to this insert.</p> <p>Slab on grade: https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=70144.14&BlobID=66041</p> <p>7. FLOOD ZONE CONSTRUCTION MATERIALS AND METHODS: Add a note on the Structural, Architectural and Mechanical plans to indicate that all new construction and substantial improved structures shall be constructed with flood-resistant materials and utility equipment shall be resistant to flood damage as specified in FEMA’s technical bulletins and Palo Alto Municipal Code Section 16.52.130. All mechanical equipment must be at or above the BFE (base flood elevation).</p> <p>8. FLOOD ZONE CERTIFICATION: An Elevation Certification shall be provided for all structure(s) and shall be prepared by a registered professional engineer or surveyor and verified by a community official to be properly elevated. Such certification and verification shall be provided to the floodplain administrator based on PAMC section 16.52.130, and shall be prepared at 3 stages of construction: with the construction documents, during construction, and prior to building permit final. The elevation certificate prepared based on the existing structure and the proposed construction, shall be scanned and attached with the building permit construction documents. Certificates shall be prepared on the NAVD 88. Please note that there are 2 pages to this document. https://www.cityofpaloalto.org/civicax/filebank/documents/2284</p> <p>9. Provide a note on the Site Plan and Grading and Drainage Plan that includes the FIRM panel number, flood zone designation, BFE elevation and the North American Vertical Datum (NAVD). You may access project specific information on Public Works Stormwater website. See Flood zone Lookup under the attached link. http://www.cityofpaloalto.org/gov/depts/pwd/stormwater/floodzones.asp</p> <p>10. GRADING PERMIT: Separate Excavation and Grading Permit will be required for grading activities on private property that fill, excavate, store or dispose of 100 cubic yards or more based on PAMC Section 16.28.060. Applicant shall prepare and submit an excavation and grading permit to Public Works separately from the building permit set. The permit application and instructions are available at the Development Center and on our website. http://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits.asp</p> <p>11. GRADING & DRAINAGE PLAN: The plan set must include a grading & drainage plan prepared by a licensed professional that includes existing and proposed spot elevations, earthwork volumes, finished floor elevations, area drain and bubbler locations, drainage flow arrows to demonstrate proper drainage of the site. Adjacent grades must slope away from the house a minimum of 2% or 5% for 10-feet per 2013 CBC section 1804.3. Downspouts and splash blocks should be shown on this plan, as well as any site drainage features such as swales, area drains, bubblers, etc. Grading that increases drainage onto, or blocks existing drainage from neighboring properties, will not be allowed. Public Works generally does not allow rainwater to be collected and discharged into the street gutter but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscaped and other pervious areas of the site. See the Grading & Drainage Plan Guidelines for New Single Family Residences on the City’s website. http://www.cityofpaloalto.org/civicax/filebank/documents/2717</p>

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	<p>elevations, earthwork volumes, finished floor elevations, area drain and bubbler locations, drainage flow arrows to demonstrate proper drainage of the site. Adjacent grades must slope away from the house a minimum of 2% or 5% for 10-feet per 2013 CBC section 1804.3. Downspouts and splash blocks should be shown on this plan, as well as any site drainage features such as swales, area drains, bubblers, etc. Grading that increases drainage onto, or blocks existing drainage from neighboring properties, will not be allowed. Public Works generally does not allow rainwater to be collected and discharged into the street gutter but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscaped and other pervious areas of the site. See the Grading & Drainage Plan Guidelines for New Single Family Residences on the City's website. http://www.cityofpaloalto.org/civicax/filebank/documents/2717</p> <p>12. WORK IN THE RIGHT-OF-WAY: The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center. If a new driveway is in a different location than the existing driveway, then the sidewalk associated with the new driveway must be replaced with a thickened (6" thick instead of the standard 4" thick) section. Additionally, curb cuts and driveway approaches for abandoned driveways must be replaced with new curb, gutter and planter strip.</p> <p>13. IMPERVIOUS SURFACE AREA: The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The Impervious Area Worksheet for Land Developments form and instructions are available at the Development Center or on our website.</p> <p>14. STORM WATER POLLUTION PREVENTION: The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. Copies are available from Public Works on our website http://www.cityofpaloalto.org/civicax/filebank/documents/2732</p> <p>15. This project may trigger the California Regional Water Quality Control Board's revised provision C.3 for storm water regulations (incorporated into the Palo Alto Municipal Code, Section 16.11) that apply to residential land development projects that create or replace between 2,500 and 10,000 square feet of impervious surface area. The applicant must implement one or more of the following site design measures on the grading and drainage plan:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> Direct roof runoff into cisterns or rain barrels for reuse. • <input type="checkbox"/> Direct roof runoff onto vegetated areas. • <input type="checkbox"/> Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas. • <input type="checkbox"/> Direct runoff from driveways and/or uncovered parking lots onto vegetated areas. • <input type="checkbox"/> Construct sidewalks, walkways, and/or patios with permeable surfaces. • <input type="checkbox"/> Construct driveways, and/or uncovered parking lots with permeable surfaces



LINCOLN AVENUE

CHANNING AVENUE

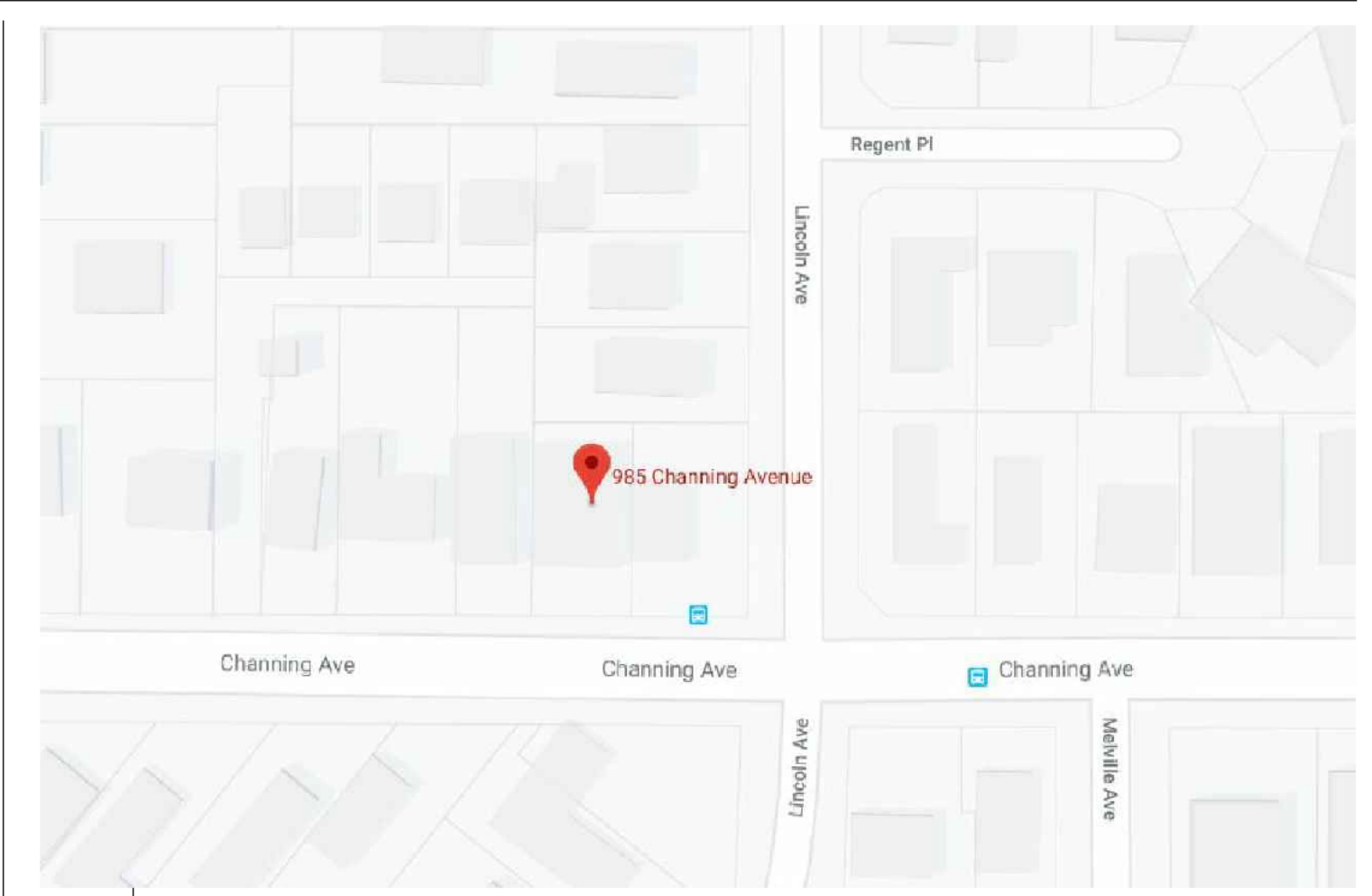
SITE CONTEXT DIAGRAM
SCALE: 3/32" = 1'-0"

ABV	ABOVE FINISHED FLOOR	EA	EACH	O.C.	ON CENTER
A.F.F.	ALUMINUM	ELEC	ELECTRIC(AL)	PNT	PAINTED
ALUM	APPROXIMATE(LY)	ELEV	ELEVATION	PLY	PLYWOOD
APPX	AUTOMATIC	ENG	ENGINEER(ED), (ING)	P.T.	PRESSURE TREATED
AUTO	AWNING	EQ	EQUAL(VALENT)	REF	REFRIGERATOR
AWN	BEAM	EXH	EXHAUST	REINF	REINFORCE(D), (ING)
BN	BELOW	(E)	EXISTING	REQ	REQUIRE(D)
BEL	BETWEEN	F.O.F.	FACE OF FINISH	REV	REVISED, (ION)
BTWN	BLOCK	F.O.S.	FACE OF STUDS	R.O.	ROUGH OPENING
BLK	BLOCKING	F.F.	FINISHED FLOOR	SEC	SECTION
BLKG	BOARD	FLR	FLOOR	S.S.D.	SEE STRUCTURAL DRAWINGS
BLDG	BUILDING	FUT	FURNISHED BY OTHERS	SHTH	SHEATHING
CAB	CABINET	GI	GROUT	SHF	SHEET
CL	CENTER LINE	GWB	GYPSUM BOARD	SM	SIMILAR
C.L.	CLEAR(ANCE)	HDW	HARDWARE	S.C.	SOLID CORE
CLR	COLD AIR RETURN	HWD	HARDWOOD	SPEC	SPECIFICATION(S)
C.O.L.	CONCRETE	HT	HEADER	SFT	SQUARE FOOT
CONC	CONTINUE(OUS)	HT	HEIGHT	SST	STAINLESS STEEL
CONT	DEGREE	INCL	INCLUDE(D), (ING)	STD	STANDARD
DEG	DETAIL	MFR	MANUFACTURER	T.B.D.	TO BE DETERMINED
DTL	DIMENSION	MAX	MAXIMUM	T.O.P.	TOP OF PLATE
DR	DISHWASHER	MECH	MECHANICAL	T.O.S.	TOP OF SLAB
DWG	DRAWING	MW	MICROWAVE	T.O.W.	TOP OF WALL
		MISC	MISCELLANEOUS	TYP	TYPICAL CONDITION
		(N)	NEW	U.O.N.	UNLESS OTHERWISE NOTED
		N.L.C.	NOT IN CONTRACT	V.S.	VAPOR BARRIER
		N.T.S.	NOT TO SCALE	V.I.F.	VERIFY IN FIELD

ABBREVIATIONS

- 2019 CALIFORNIA BUILDING CODE (CBC) WITH CITY OF PALO ALTO AMENDMENTS
- 2019 CALIFORNIA MECHANICAL CODE (CMC) CITY OF PALO ALTO AMENDMENTS
- 2019 CALIFORNIA PLUMBING CODE (CPC) CITY OF PALO ALTO AMENDMENTS
- 2019 CALIFORNIA ELECTRICAL CODE (CEC) CITY OF PALO ALTO AMENDMENTS
- 2019 CALIFORNIA FIRE CODE (CFC) CITY OF PALO ALTO AMENDMENTS
- 2019 CALIFORNIA ENERGY CODE

APPLICABLE CODES



VICINITY MAP
NTS



RENDERING OF THE PROPOSED PROJECT

PROJECT PROPOSES THE REMODEL AND ADDITION OF AN EXISTING SINGLE FAMILY RESIDENCE. THE SCOPE OF WORK INCLUDES A NEW SECOND FLOOR ADDITION AND GARAGE-TO-ADU CONVERSION. EXISTING CURB CUT AND TREES TO REMAIN.

PROJECT DESCRIPTION

PROJECT ADDRESS:	985 CHANNING AVENUE, PALO ALTO, CA 94301
ASSESSOR'S PARCEL NUMBER:	003-26-062
ZONING DISTRICT:	R-1
NET LOT AREA:	5,250 SF
FLOOD ZONE:	AH29.7
ALLOWABLE FLOOR AREA (FAR):	2,325 SF (45% OF FIRST 5,000 SF +30% > 5,000 SF) 800 SF GARAGE-TO-ADU CONVERSION
TOTAL ALLOWABLE FAR:	3,125 SF
PROPOSED FLOOR AREA (FAR):	1,288 SF @ FIRST FLOOR, MAIN RESIDENCE 798 SF @ FIRST FLOOR, ADU 1,005 SF @ SECOND FLOOR, MAIN RESIDENCE
TOTAL PROPOSED FLOOR AREA:	3,091 SFPS
LOT COVERAGE:	2,389.5 SF MAX. FAR PERMISSIBLE FOR MAIN HOUSE & GARAGE-TO-ADU (800 SF MAX. FOR ADU) 261.4 SF (5% OF LOT AREA) PERMITTED FOR COVERED PORCH
TOTAL ALLOWABLE LOT COVERAGE:	2,650.9 SF
PROPOSED LOT COVERAGE:	2,085 SF (MAIN HOUSE + ADU) 89 SF ENTRY FEATURE
TOTAL PROPOSED LOT COVERAGE:	2,174 SF
CONTEXTUAL FRONT YARD SETBACK:	24'-0" SPECIAL SETBACK ALONG CHANNING AVENUE
INTERIOR SIDE YARD SETBACK:	6'-0"
REAR YARD SETBACK:	20'-0"
ALLOWABLE ENCRoACHMENT:	A PORTION OF THE MAIN DWELLING (NO WIDER THAN 20'-3" OR, HALF THE MAX. WIDTH OF THE DWELLING), MAY ENCRoACH INTO THE REAR YARD SETBACK, AT THE GROUND FLOOR UP TO 6FT, PROVIDING A MINIMUM SETBACK OF 14FT IS MAINTAINED.
PARKING REQUIREMENT:	TWO PARKING SPACES REQUIRED FOR MAIN RESIDENCE. ONE (1) EXISTING UNCOVERED PARKING SPACE WILL REMAIN AND ONE (1) NEW PARKING SPACE WILL BE PROVIDED IN THE FRONT YARD WHEN THE (E) SINGLE CAR GARAGE IS CONVERTED INTO A (N) ACCESSORY DWELLING UNIT (ADU). NO PARKING REQUIRED FOR THE ADU.

PROJECT INFORMATION

A1.0 COVER SHEET	T-1 TREE PROTECTION SHEET
A2.1 NEIGHBORHOOD CONTEXT	A11.0 GREEN BUILDING PROGRAM SHEET
A3.1 PHOTOS	
A4.0 SURVEY	
A4.1 FEMA ELEVATION CERTIFICATE	
A5.0 EXISTING & PROPOSED SITE PLANS	
A6.1 EXISTING & PROPOSED FIRST FLOOR PLANS	
A6.2 PROPOSED SECOND FLOOR PLAN & FLOOR AREA DIAGRAM	
A7.1 EXISTING & PROPOSED EXTERIOR ELEVATIONS - SOUTH	
A7.2 EXISTING & PROPOSED EXTERIOR ELEVATIONS - WEST	
A7.3 EXISTING & PROPOSED EXTERIOR ELEVATIONS - NORTH	
A7.4 EXISTING & PROPOSED EXTERIOR ELEVATIONS - EAST	
A8.1 EXISTING & PROPOSED ROOF PLANS	
A9.0 PROPOSED BUILDING SECTIONS	

DRAWING INDEX



1305 INDIANA STREET
SAN FRANCISCO CA 94107
415.890.4834
07STUDIOS.COM
DRAWN BY: S.FARRELL

DUNLAP RESIDENCE

APN: 003-26-062

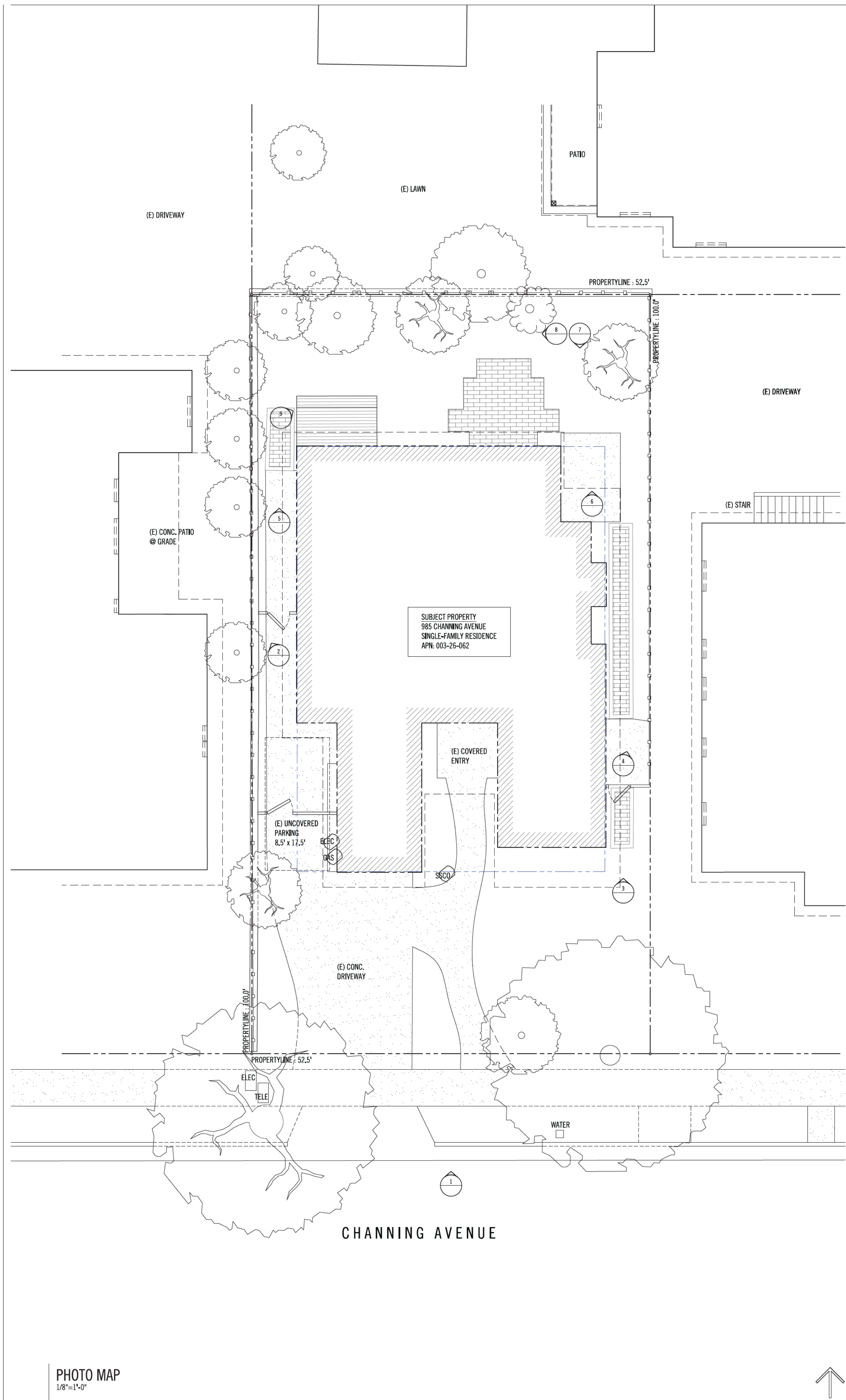
985 CHANNING AVENUE
PALO ALTO, CA 94301

INDIVIDUAL REVIEW

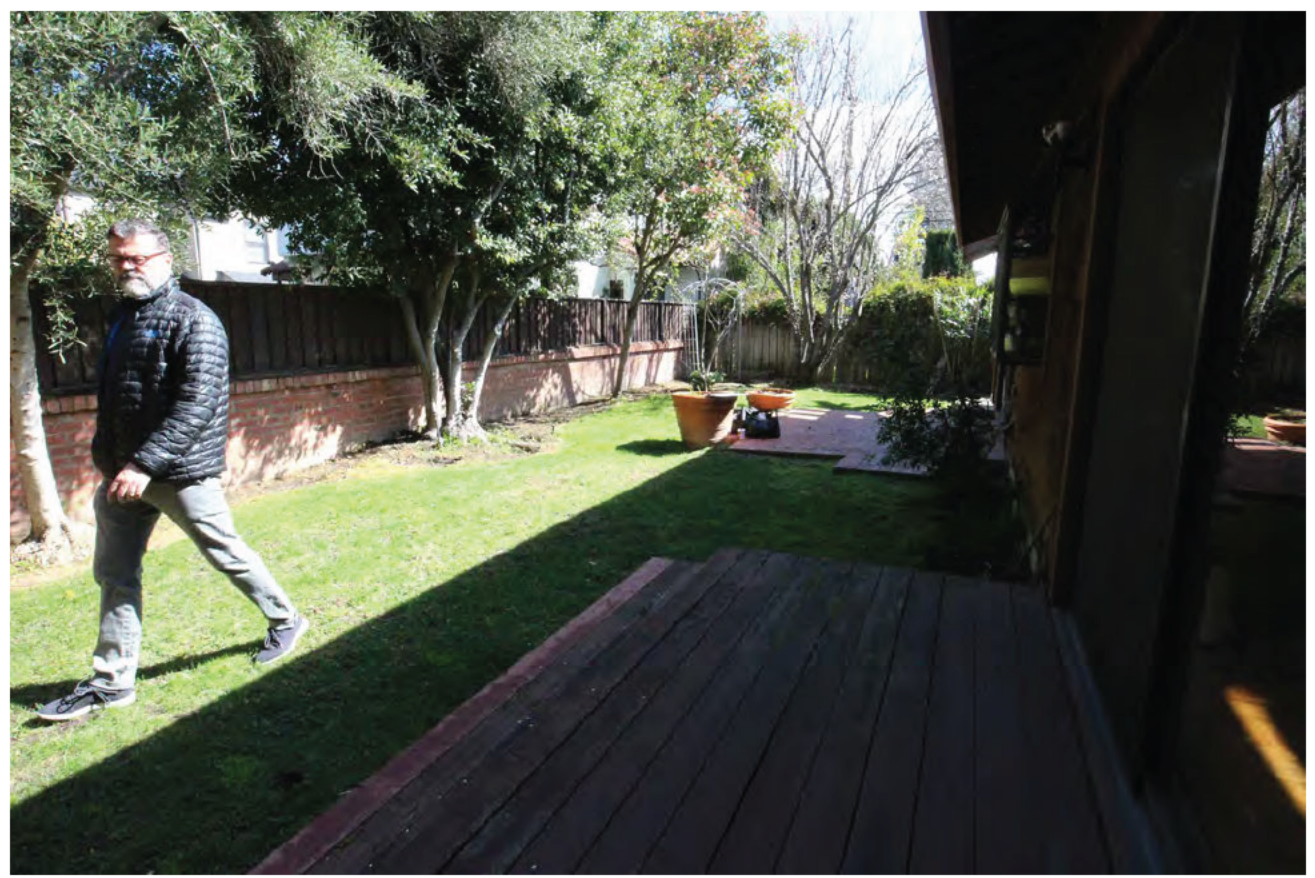
DRAWING INDEX,
PROJECT INFORMATION,
DESCRIPTION & RENDERING

03 AUGUST 2020

A1.0



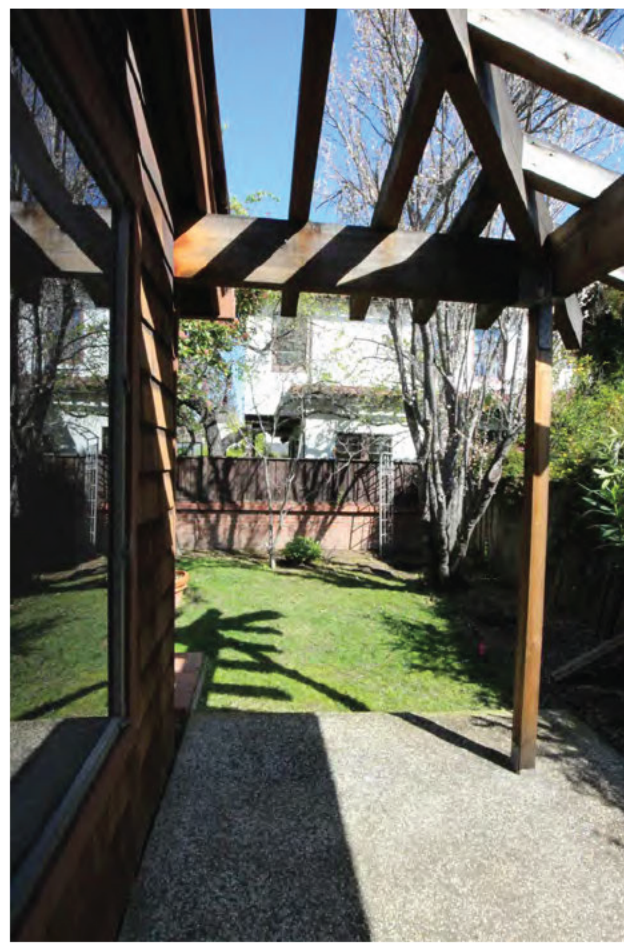
8 (E) DECK, TREES, BRICK WALL & FENCE IN NORTHWEST CORNER OF REAR YARD



9 (E) BRICK WALL & FENCE AND TREES AT NORTH PROPERTY LINE



5 PATH TO NORTHWEST CORNER OF REAR YARD



6 (E) PATIO AT AT NORTHEAST CORNER OF BUILDING



7 (E) PATIO AT AT NORTHEAST CORNER OF BUILDING



2 VIEW OF 975 CHANNING FROM WEST SIDE YARD



3 GATE TO EAST SIDE YARD



4 VIEW OF 991 CHANNING FROM EAST SIDE YARD



1 VIEW OF 985 CHANNING FROM CHANNING AVENUE

PHOTO MAP
1/8"=1'-0"



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DUNLAP RESIDENCE

APR. 003-26-062

985 CHANNING AVENUE
PALO ALTO, CA 94301

INDIVIDUAL REVIEW

PHOTOS

DATE 03 AUGUST 2020

SCALE 1/8" = 1'-0"

REVISIONS

NO.	DESCRIPTION

A3.0



SURVEYOR'S NOTES:

- DATE OF SURVEY: JANUARY 20, 2019.
- UTILITIES FOUND ARE BASED UPON SURFACE EVIDENT FINDINGS. RECORDS OF UTILITIES WERE NOT UTILIZED FOR THIS SURVEY
- TREES SHOWN ARE THOSE OF SIZE SIGNIFICANCE. THE SITE CONTAINS OTHER TREES UNDER 6" AND ARE NOT SHOWN FOR MAP CLARITY. TREE CLASSIFICATIONS ARE TO THE BEST KNOWLEDGE OF THE SURVEYOR. AN ARBORIST MUST SPECIFY ACTUAL TREE TYPE. TREE TRUNK LOCATIONS ARE APPROXIMATE. TREES THAT CROSS A PROPERTY LINE AT GROUND LEVEL SHOULD BE CONSIDERED TO BE JOINTLY OWNED BY THE RESPECTIVE PROPERTY OWNERS. CONSULT AN ARBORIST FOR DETAILS.
- MAIN STRUCTURE AND APPURTENANT STRUCTURES ARE BASED UPON THE BEST EFFORTS OF THE SURVEY CREW. SOME ELEMENTS MAY BE MISSING AND CHECKS BY THE ARCHITECTS OFFICE WILL BE NECESSARY BEFORE DESIGN WORK.
- PHYSICAL ITEMS SHOWN ON THIS SURVEY ARE LIMITED TO THOSE SURFACE ITEMS VISIBLE AS OF THE DATE OF THIS SURVEY AND FROM AVAILABLE RECORD DATA. SUBSURFACE OBJECTS, IF ANY, MAY NOT BE SHOWN. SAID SUBSURFACE OBJECTS MAY INCLUDE, BUT ARE NOT LIMITED TO, UNDERGROUND UTILITY LINES, UTILITY VAULTS, CONCRETE FOOTINGS, SLABS, SHORING, STRUCTURAL PILES, PIPING, UNDERGROUND TANKS, AND ANY OTHER SUBSURFACE STRUCTURES NOT REVEALED BY A SURFACE INSPECTION.
- DIMENSIONS SHOWN HEREON ARE GROUND DISTANCES IN FEET AND DECIMALS THEREOF.
- PROPERTY CORNERS WERE NOT SET IN CONJUNCTION WITH THIS SURVEY.
- TREE TRUNK LOCATIONS ARE APPROXIMATE. TREES THAT CROSS A PROPERTY LINE AT GROUND LEVEL SHOULD BE CONSIDERED TO BE JOINTLY OWNED BY THE RESPECTIVE PROPERTY OWNERS. CONSULT AN ARBORIST FOR DETAILS.
- DIMENSIONS FROM HOUSE TO PROPERTY LINE ARE MEASURED FROM THE BUILDING FACE/CORNER OF THE STRUCTURE, PERPENDICULAR TO THE PROPERTY LINES.

LEGEND

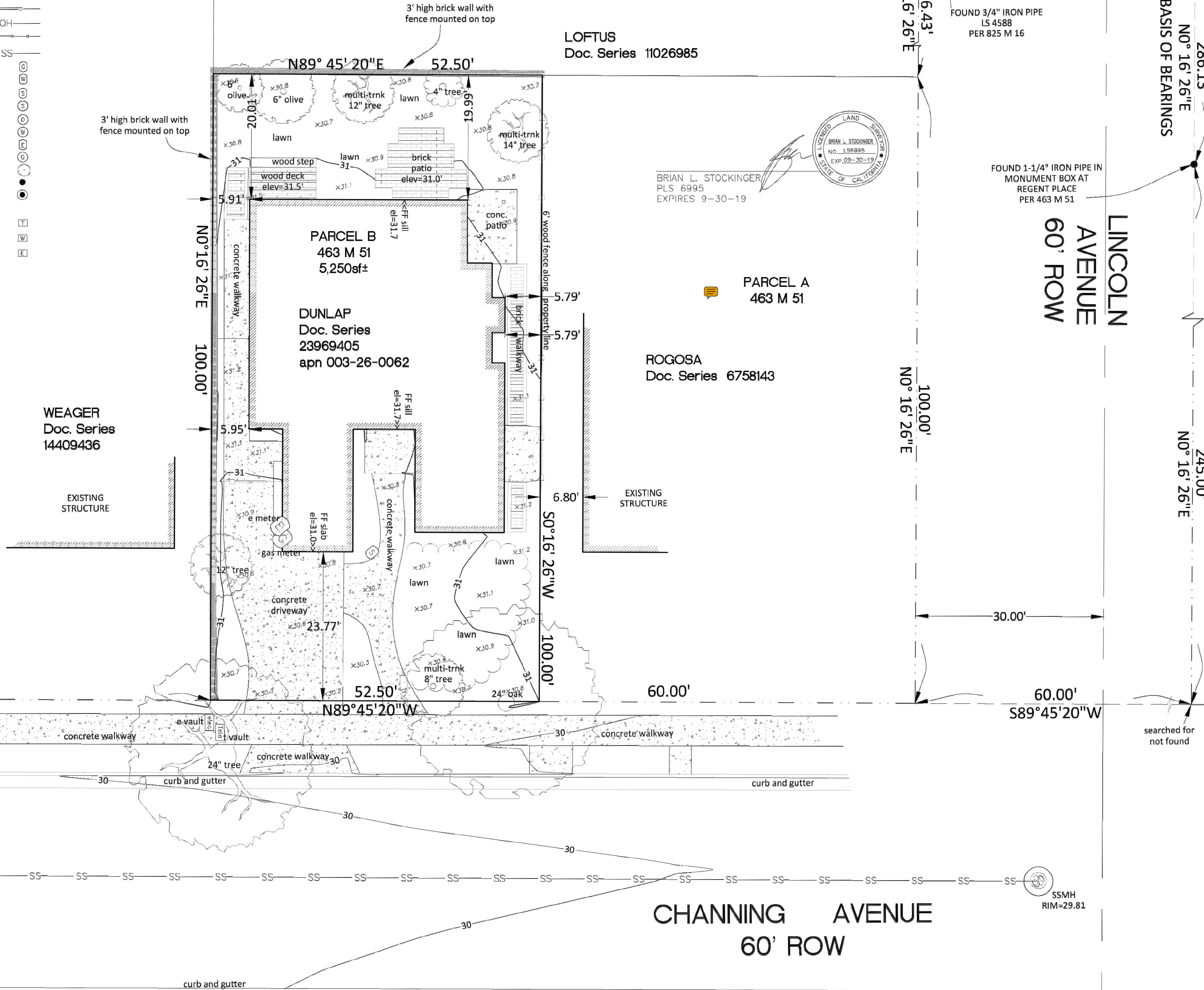
- BOUNDARY
- PROPERTY LINE
- RIGHT OF WAY LINE
- SETBACK LINE
- FACE OF BUILDING LINE
- WOODEN FENCE
- OVERHEAD WIRE
- PICKET FENCE
- SEWER MARKING
- GAS METER
- WATER METER
- SANITARY SEWER CLEANOUT
- SANITARY SEWER MANHOLE
- STORMDRAIN MANHOLE
- WATER VALVE
- ELECTRIC METER
- GAS VALVE
- TREE AS NOTED
- FOUND MONUMENT AS NOTED
- FOUND MONUMENT AS NOTED
- SET MONUMENT AS NOTED
- VAULT, TELEPHONE
- VAULT, WATER
- VAULT, POWER

BASIS OF BEARINGS

BASIS OF BEARINGS ARE THE FOUND STREET MOUNUMENTS MARKING THE INTERSECTIONS OF SOMERSET PLACE AND REGENT PLACE AT THE RIGHT OF WAY OF LINCOLN AVENUE AS SAID STREETS ARE SHOWN ON THE PARCEL MAP FILED MAY 27TH 1980 IN BOOK 463 OF MAPS AT PAGE 51 RECORDS OF SANTA CLARA COUNTY

BENCHMARK

VERTICAL ELEVATIONS ARE BASED UPON A NGS HT1331 Y150 (NAVD88) VERTICAL BENCHMARK DISK SET IN THE TOP OF THE ABUTMENT OF THE BRIDGE OVER SAN FRANCISCO CREEK AT MIDDLEFIELD ROAD, NAVD88 ELEVATION IS TAKEN AS 58.5'



BRIAN L. STOCKINGER
PLS 6995
EXPIRES 9-30-19

FOUND 3/4" IRON PIPE
PER 463 M 51

FOUND 1-1/4" IRON PIPE IN
MONUMENT BOX AT
SOMERSET PLACE
PER 463 M 51

FOUND 3/4" IRON PIPE
LS 4588
PER 825 M 16

FOUND 1-1/4" IRON PIPE IN
MONUMENT BOX AT
REGENT PLACE
PER 463 M 51

SS
SSMH
RIM=30.61

SSMH
RIM=29.81

**CHANNING AVENUE
60' ROW**

BLS Mapping and Surveying
BRIAN L. STOCKINGER PLS 6995
BOX 24 (0.95) GRANDVIEW AVE., MARTINEZ, CA 94553
(925) 941-1644 (C) (925) 728-9999 (F)
goodbarr9659@pacbell.net

CALIFORNIA
SANTA CLARA COUNTY
985 CHANNING AVENUE
TOPOGRAPHICAL BOUNDARY SURVEY

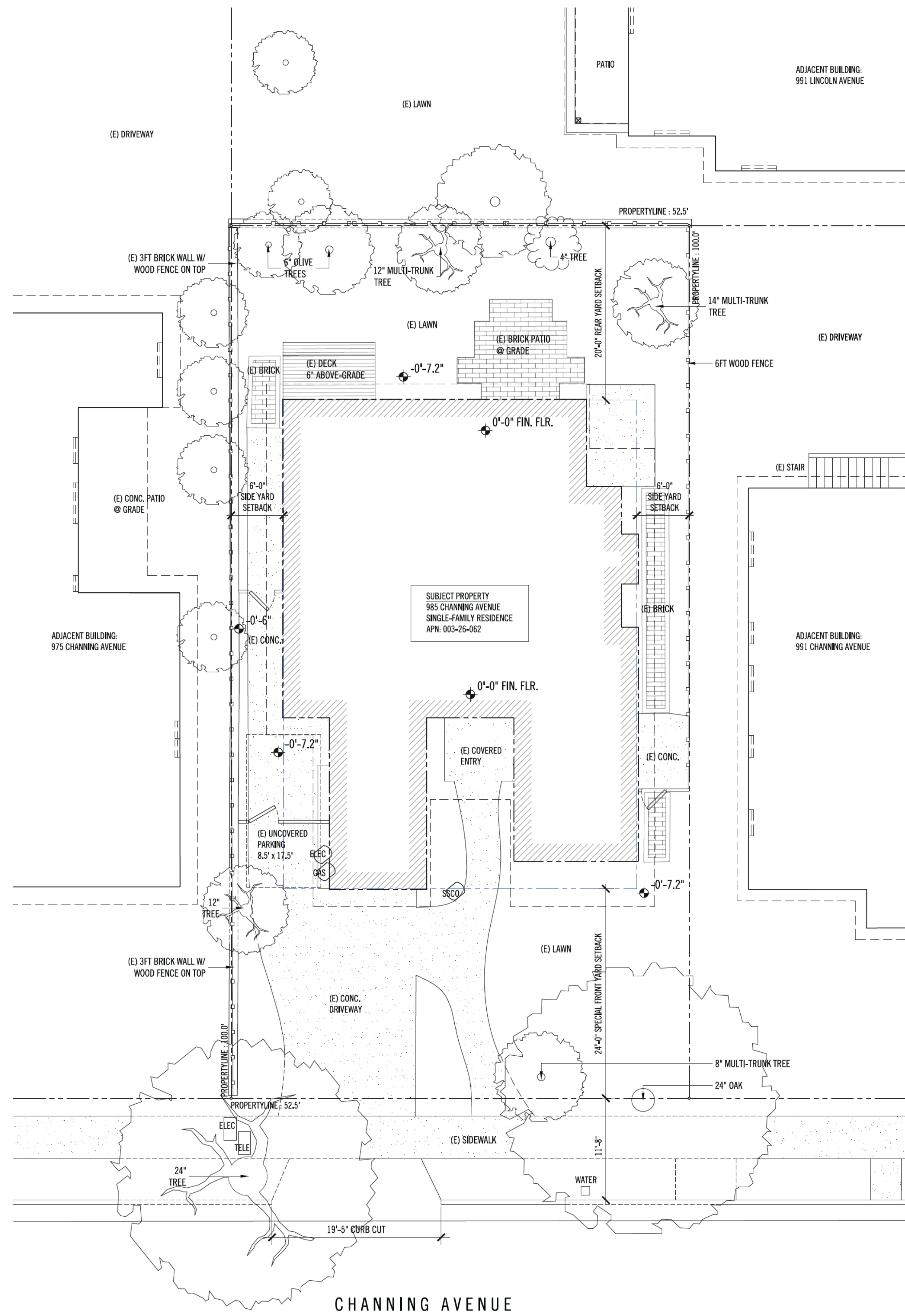
DATE	BY	CHK	SCALE AS SHOWN	DATE	DESIGN BY	CHECKED BY	PROJ. MGR.

SHEET NO. **1**

OF 1 SHEETS

JOB NO. **985 CHANNING**

CAD FILE: **985 CHANNING.DWG**

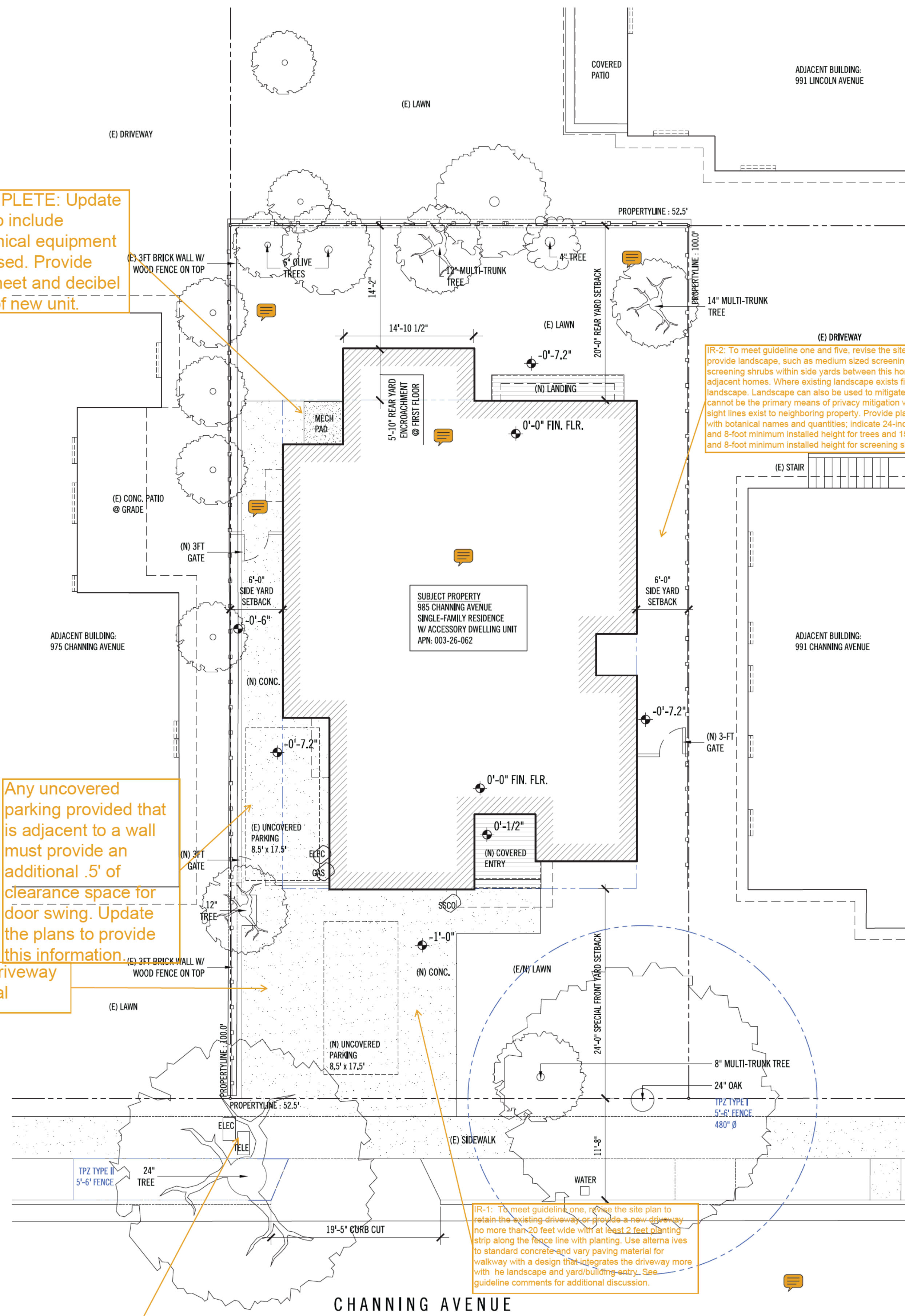


INCOMPLETE: Update plans to include mechanical equipment to be used. Provide spec sheet and decibel rating of new unit.

Any uncovered parking provided that is adjacent to a wall must provide an additional .5' of clearance space for door swing. Update the plans to provide this information.

Note driveway material

Update to show



IR-2: To meet guideline one and five, revise the site plan to provide landscape, such as medium sized screening trees or tall screening shrubs within side yards between this home and adjacent homes. Where existing landscape exists fill gaps in the landscape. Landscape can also be used to mitigate privacy, but it cannot be the primary means of privacy mitigation where direct sight lines exist to neighboring property. Provide plant choices with botanical names and quantities; indicate 24-inch box size and 8-foot minimum installed height for trees and 15-gallon size and 8-foot minimum installed height for screening shrubs.

IR-1: To meet guideline one, revise the site plan to retain the existing driveway or provide a new driveway no more than 20 feet wide with at least 2 feet planting strip along the fence line with planting. Use alternate to standard concrete and vary paving material for walkway with a design that integrates the driveway more with the landscape and yard/building entry. See guideline comments for additional discussion.

GENERAL NOTES

1. SITE SURVEY PROVIDED ON SHEET 1
2. FEMA FLOOD PLANE ELEVATION CERTIFICATE PROVIDED ON SHEET A4.1

EXISTING LOT COVERAGE

FOOTPRINT OF STRUCTURES OVER 30"	1,843 SF
PORTION OF EAVES OVER 4'-0"	78 SF
TOTAL (E) LOT COVERAGE =	1,921 SF

PROPOSED LOT COVERAGE

FOOTPRINT OF STRUCTURES OVER 30"	2,085 SF
PORTION OF EAVES OVER 4'-0"	0 SF
ENTRY PORCH OVER 12'-0" CEILING HEIGHT	89 SF
TOTAL PROPOSED LOT COVERAGE =	2,174 SF



1305 INDIANA STREET
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O7STUDIOS.COM

DRAWN BY S FARRELL

DUNLAP RESIDENCE

APN: 003-26-062

985 CHANNING AVENUE
PALO ALTO, CA 94301

INDIVIDUAL REVIEW

EXISTING & PROPOSED SITE PLANS

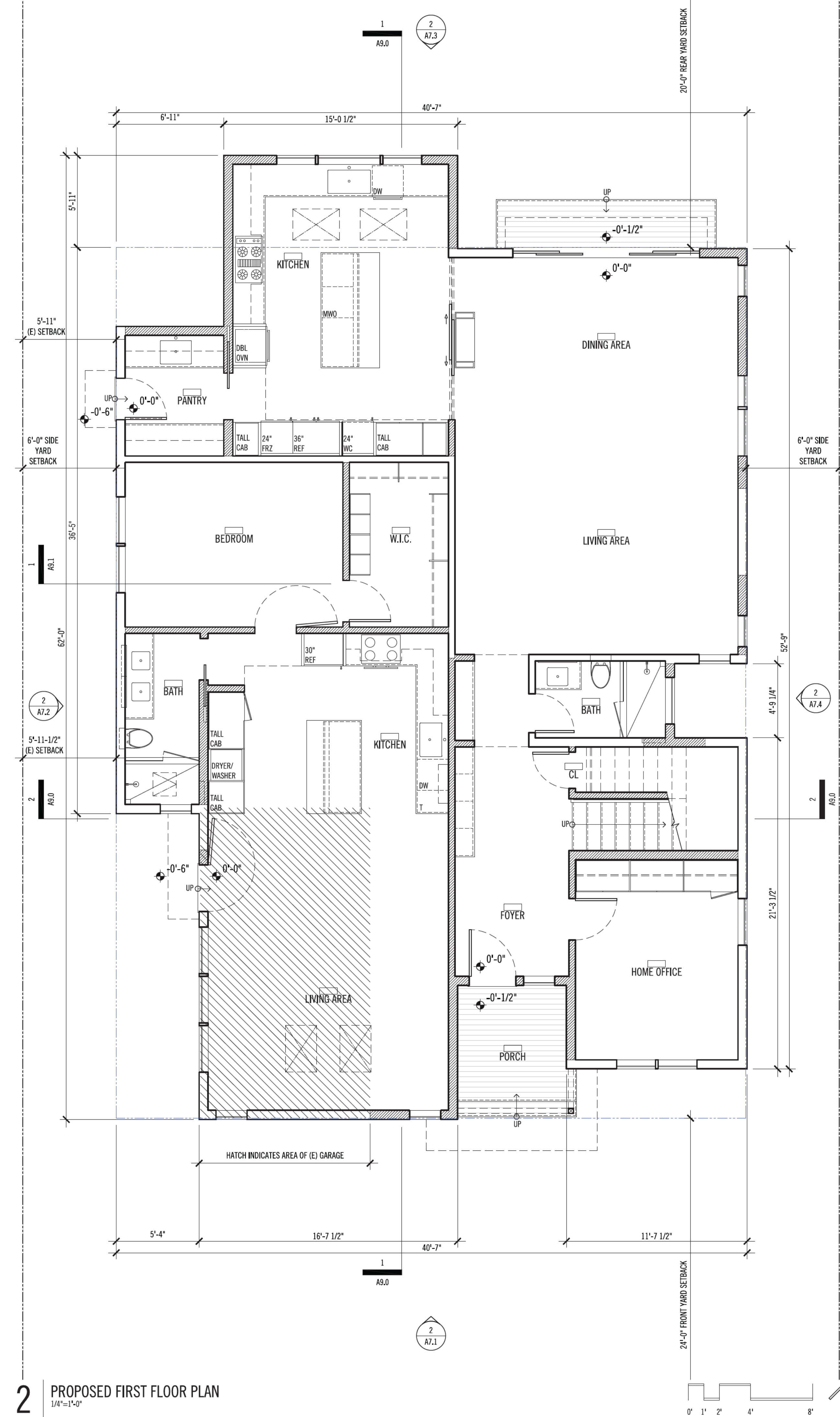
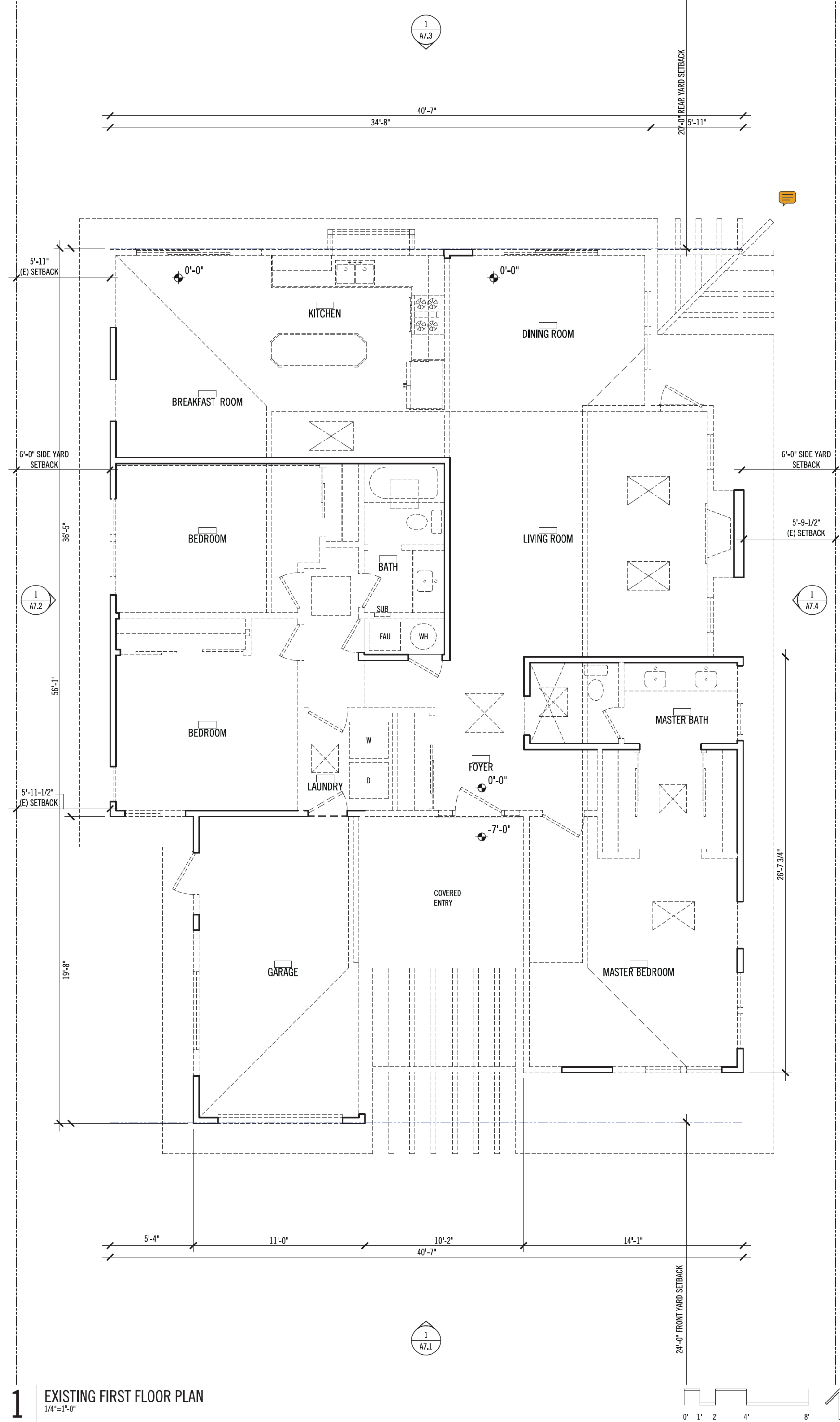
DATE 03 AUGUST 2020

SCALE 1/8" = 1'-0"

REVISIONS

LEGEND

- LINE ABOVE
- PROPERTY LINE
- HIDDEN LINE
- FENCE



GENERAL NOTES

- HATCHED AREA SHOWN ON PROPOSED FIRST FLOOR PLAN INDICATES EXISTING FLOOR AREA THAT WILL BE CONVERTED INTO A (N) ACCESSORY DWELLING UNIT
- EXISTING SLAB ON GRADE TO REMAIN
- REFER TO SITE SURVEY AND FEMA FLOOD CERTIFICATE FOR ELEVATION
- ROOF PLAN PROVIDED ON SHEET A8.0



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985 CHANNING AVENUE
PALO ALTO, CA 94301

INDIVIDUAL REVIEW

EXISTING & PROPOSED FIRST FLOOR PLANS

DATE 03 AUGUST 2020

SCALE 1/4" = 1'-0"

REVISIONS

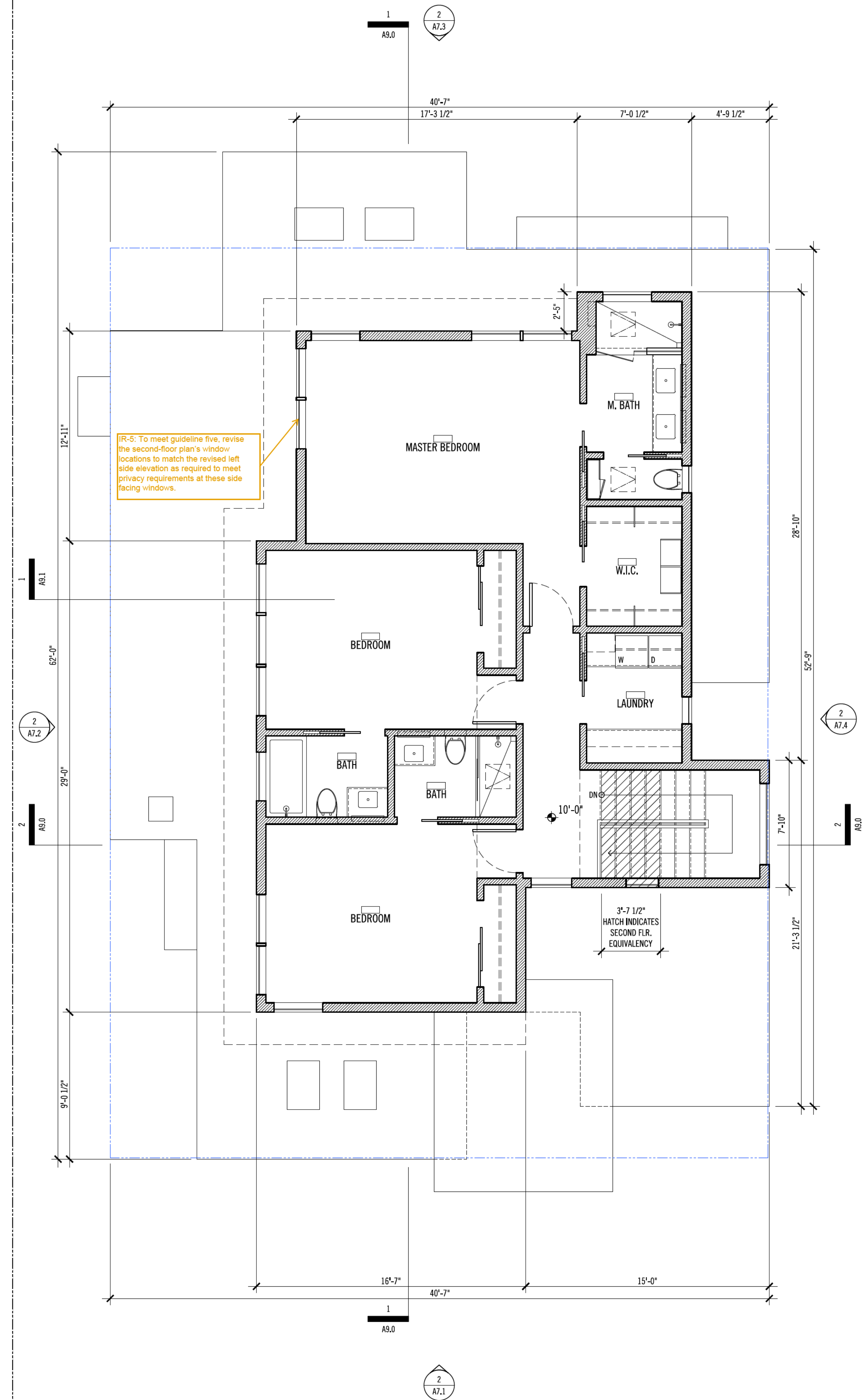
WALL TYPE LEGEND

- (E) WALL
- (N) WALL
- LINE OF DEMOLITION
- LINE ABOVE
- HIDDEN LINE

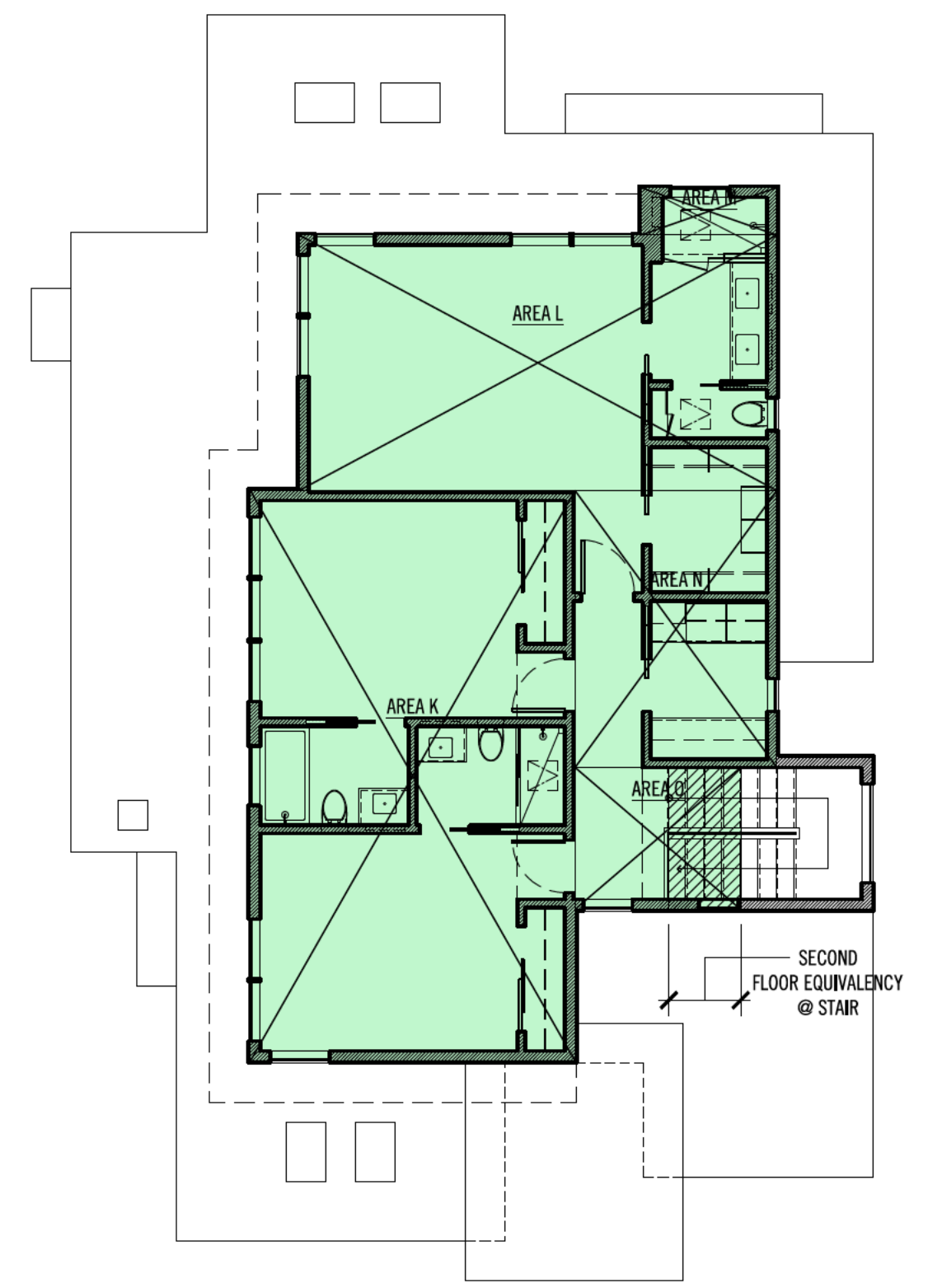
A6.1

1 EXISTING FIRST FLOOR PLAN
1/4"=1'-0"

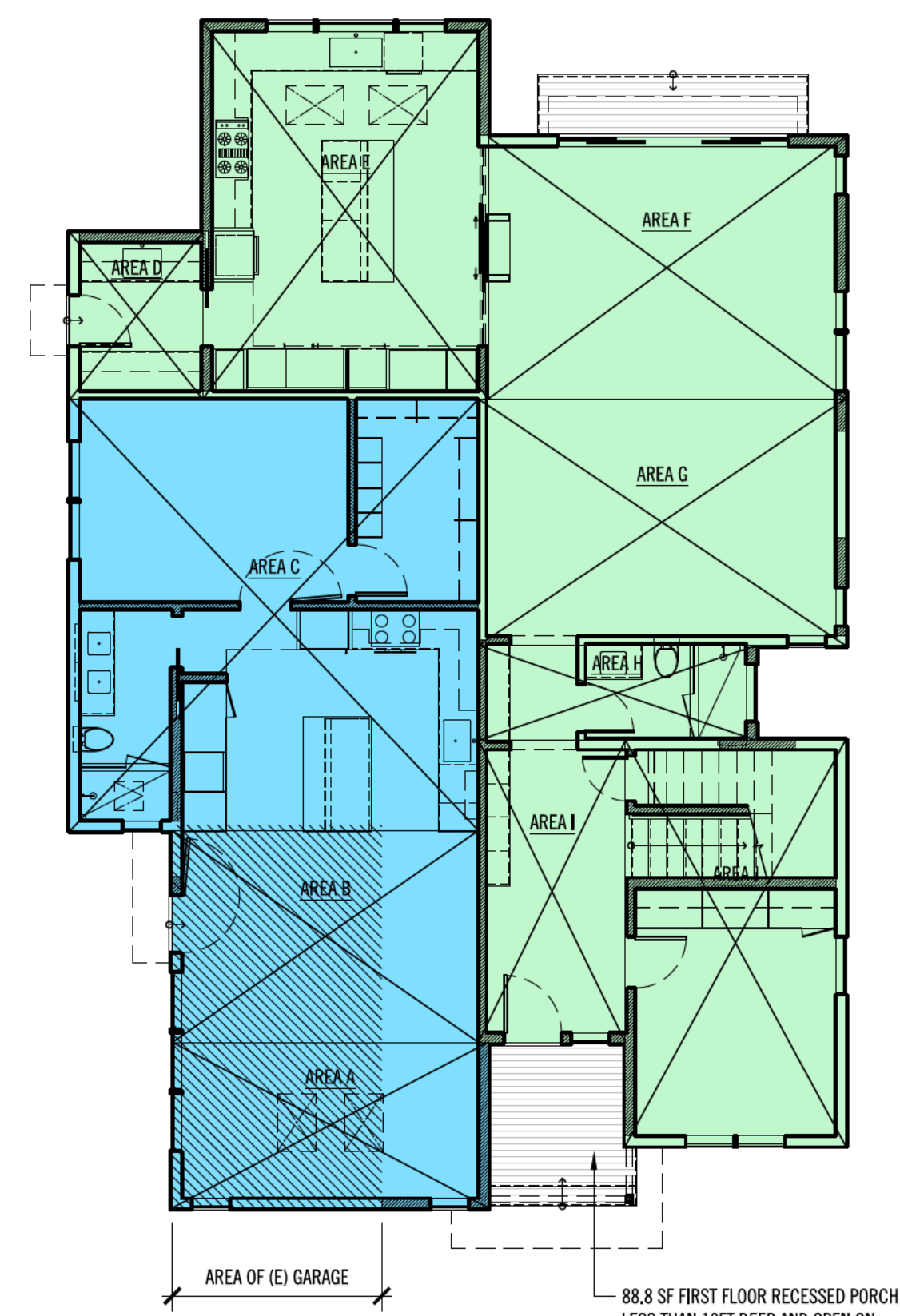
2 PROPOSED FIRST FLOOR PLAN
1/4"=1'-0"



1 PROPOSED SECOND FLOOR PLAN
1/4"=1'-0"



SECOND FLOOR



FIRST FLOOR

PROPOSED FLOOR AREA TOTALS

FIRST FLOOR	SECOND FLOOR
ADU 141.95 SF AREA A	MAIN RESIDENCE 473.35 SF AREA K
176.20 SF AREA B	312.15 SF AREA L
479.1 SF AREA C	16.55 SF AREA M
MAIN RESIDENCE 59.95 SF AREA D	142.92 SF AREA N
292.55 SF AREA E	60.00 SF AREA O
254.55 SF AREA F	1,005 SF TOTAL SECOND FLOOR AREA
245.85 SF AREA G	
71.40 SF AREA H	3,090 SF TOTAL COMBINED FLOOR AREA
120.75 SF AREA I	
242.1 SF AREA J	
2,085 SF TOTAL FIRST FLOOR AREA	

2 FLOOR AREA DIAGRAMS
1/8"=1'-0"

GENERAL NOTES

- HATCHED AREA SHOWN ON PROPOSED SECOND FLOOR PLAN INDICATES FLOOR AREA THAT IS CONSIDERED EQUIVALENT TO A SECOND FLOOR; THIS AREA SHALL BE COUNTED TWICE.
- REFER TO BUILDING SECTIONS ON SHEET A9.0
- ROOF PLAN PROVIDED ON SHEET A8.0



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APN: 003-26-462

985 CHANNING AVENUE
PALO ALTO, CA 94301

INDIVIDUAL REVIEW

PROPOSED SECOND FLOOR PLAN & FLOOR AREA DIAGRAMS

DATE 03 AUGUST 2020

SCALE VARIES

REVISIONS

WALL TYPE LEGEND

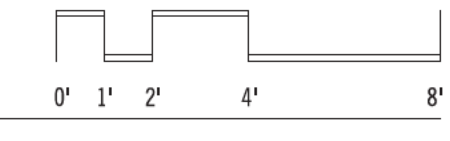
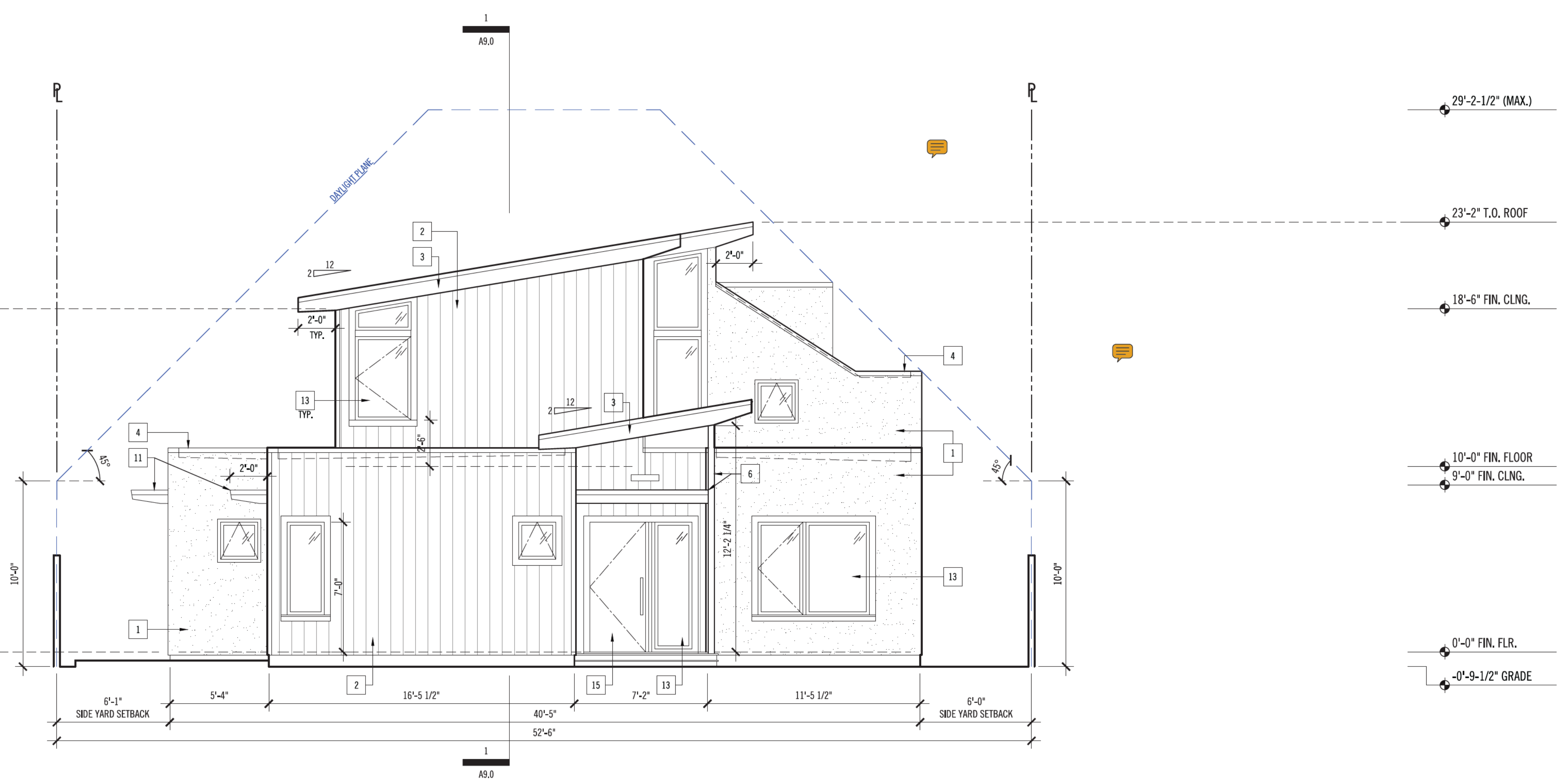
- (E) WALL
- (N) WALL
- LINE OF DEMOLITION
- LINE ABOVE
- HIDDEN LINE

GENERAL NOTES

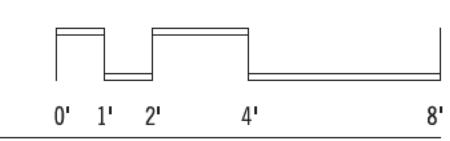
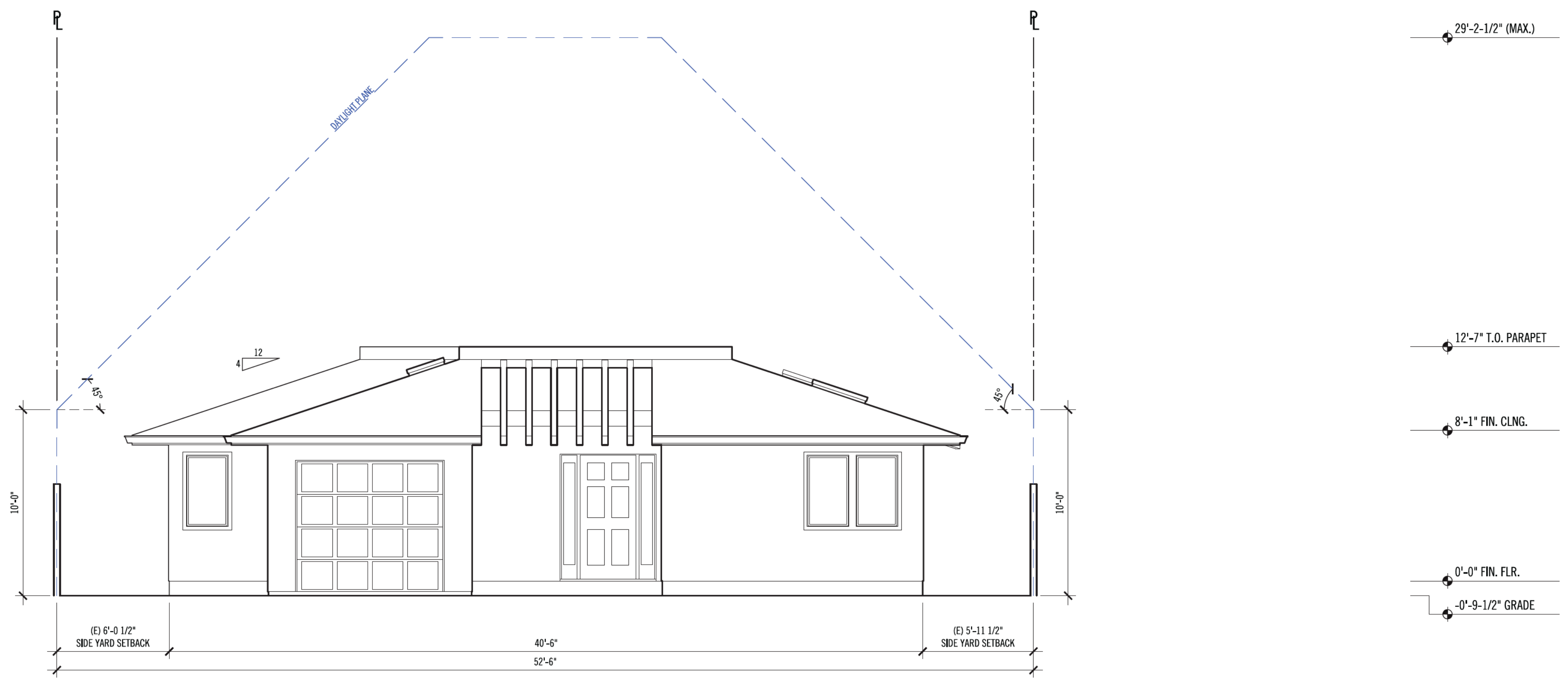
1. REFER TO FLOOR AND ROOF PLANS
2. BUILDING SECTIONS PROVIDED ON SHEETS A9.0
3. DAYLIGHT PLANE AND MAXIMUM HEIGHT MEASURED FROM THE AVERAGE GRADE. SEE SITE SURVEY.

KEYNOTES

- | | |
|----|--|
| 1 | SMOOTH STUCCO CLADDING, PAINTED |
| 2 | CEMENTITIOUS CHANNEL SIDING, VERTICAL |
| 3 | SMOOTH COMPOSITE FASCIA BOARD, PAINTED |
| 4 | PARAPET CAP, PAINTED |
| 5 | IPE DECKING W/ CLEAR SEALANT |
| 6 | STEEL POST AND BEAMS, PAINTED |
| 7 | SOFFIT BOARD, PAINTED |
| 8 | NOT USED |
| 9 | STANDING SEAM METAL ROOF, COLOR TBD |
| 10 | NOT USED |
| 11 | 24"-DEEP DOOR AWNING |
| 12 | NOT USED |
| 13 | DUAL-GLAZED WINDOW W/ DARK ANNOXIDIZED BRONZE FINISH |
| 14 | DUAL-GLAZED SLIDING DOOR W/ DARK ANNOXIDIZED BRONZE FINISH |
| 15 | EXTERIOR-GRADE DOOR, PAINTED |



2 PROPOSED EXTERIOR ELEVATION - SOUTH
1/4" = 1'-0"



1 EXISTING EXTERIOR ELEVATION - SOUTH
1/4" = 1'-0"

GENERAL NOTES

1. REFER TO FLOOR AND ROOF PLANS
2. BUILDING SECTIONS PROVIDED ON SHEETS A9.0
3. DAYLIGHT PLANE AND MAXIMUM HEIGHT MEASURED FROM THE AVERAGE GRADE. SEE SITE SURVEY.

KEYNOTES

- 1 SMOOTH STUCCO CLADDING, PAINTED
- 2 CEMENTITIOUS CHANNEL SIDING, VERTICAL
- 3 SMOOTH COMPOSITE FASCIA BOARD, PAINTED
- 4 PARAPET CAP, PAINTED
- 5 IPE DECKING W/ CLEAR SEALANT
- 6 STEEL POST AND BEAMS, PAINTED
- 7 SOFFIT BOARD, PAINTED
- 8 NOT USED
- 9 STANDING SEAM METAL ROOF, COLOR TBD
- 10 NOT USED
- 11 24"-DEEP DOOR AWNING
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- 13 DUAL-GLAZED WINDOW W/ DARK ANNOXIDIZED BRONZE FINISH
- 14 DUAL-GLAZED SLIDING DOOR W/ DARK ANNOXIDIZED BRONZE FINISH
- 15 EXTERIOR-GRADE DOOR, PAINTED

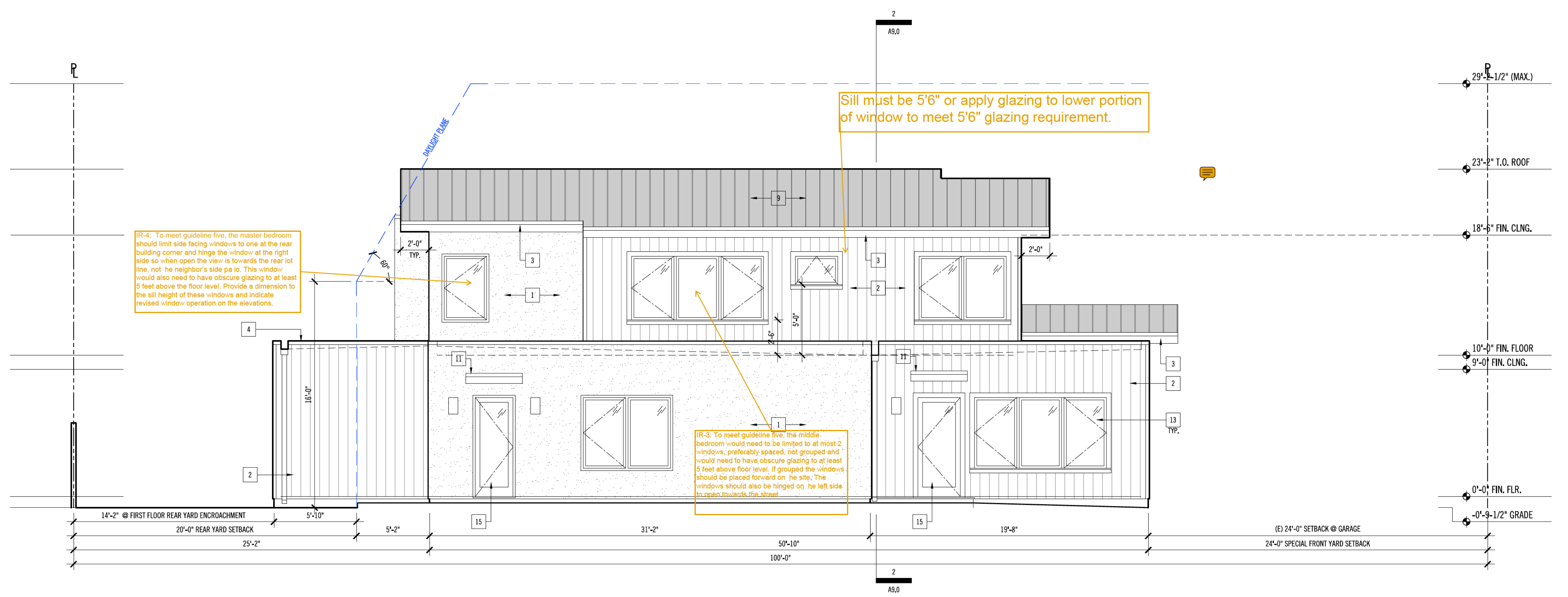
INDIVIDUAL REVIEW

EXISTING & PROPOSED EXTERIOR ELEVATIONS - WEST

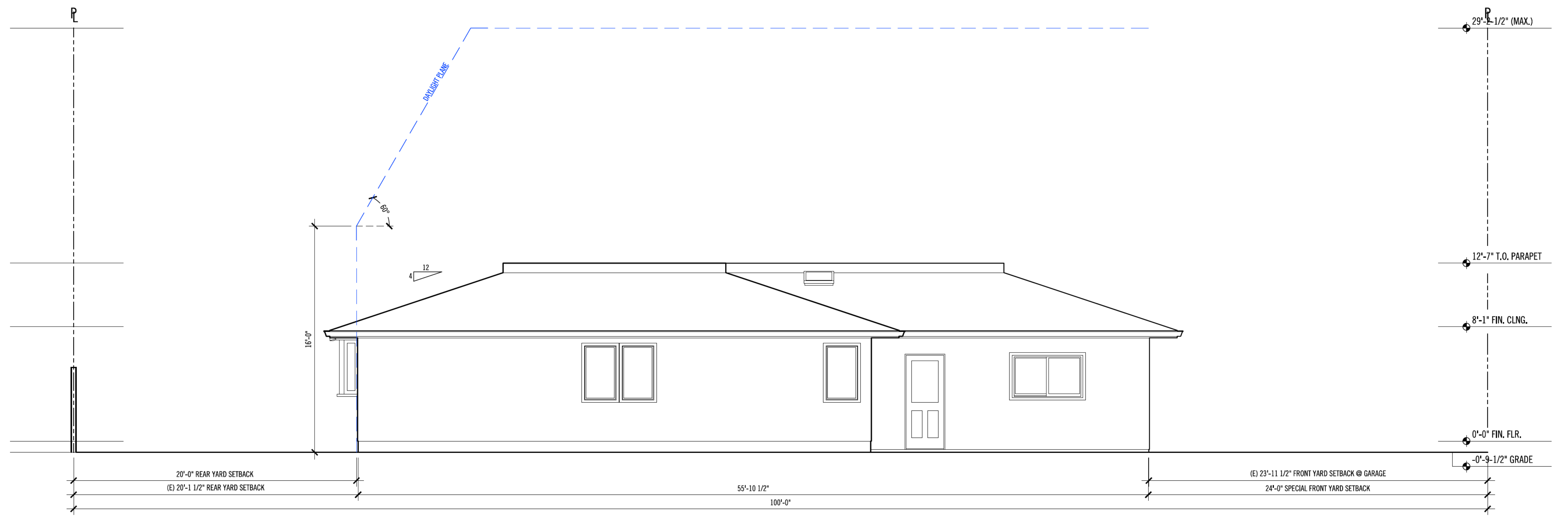
DATE 03 AUGUST 2020

SCALE 1/4" = 1'-0"

REVISIONS



2 PROPOSED EXTERIOR ELEVATION - WEST
1/4"=1'-0"

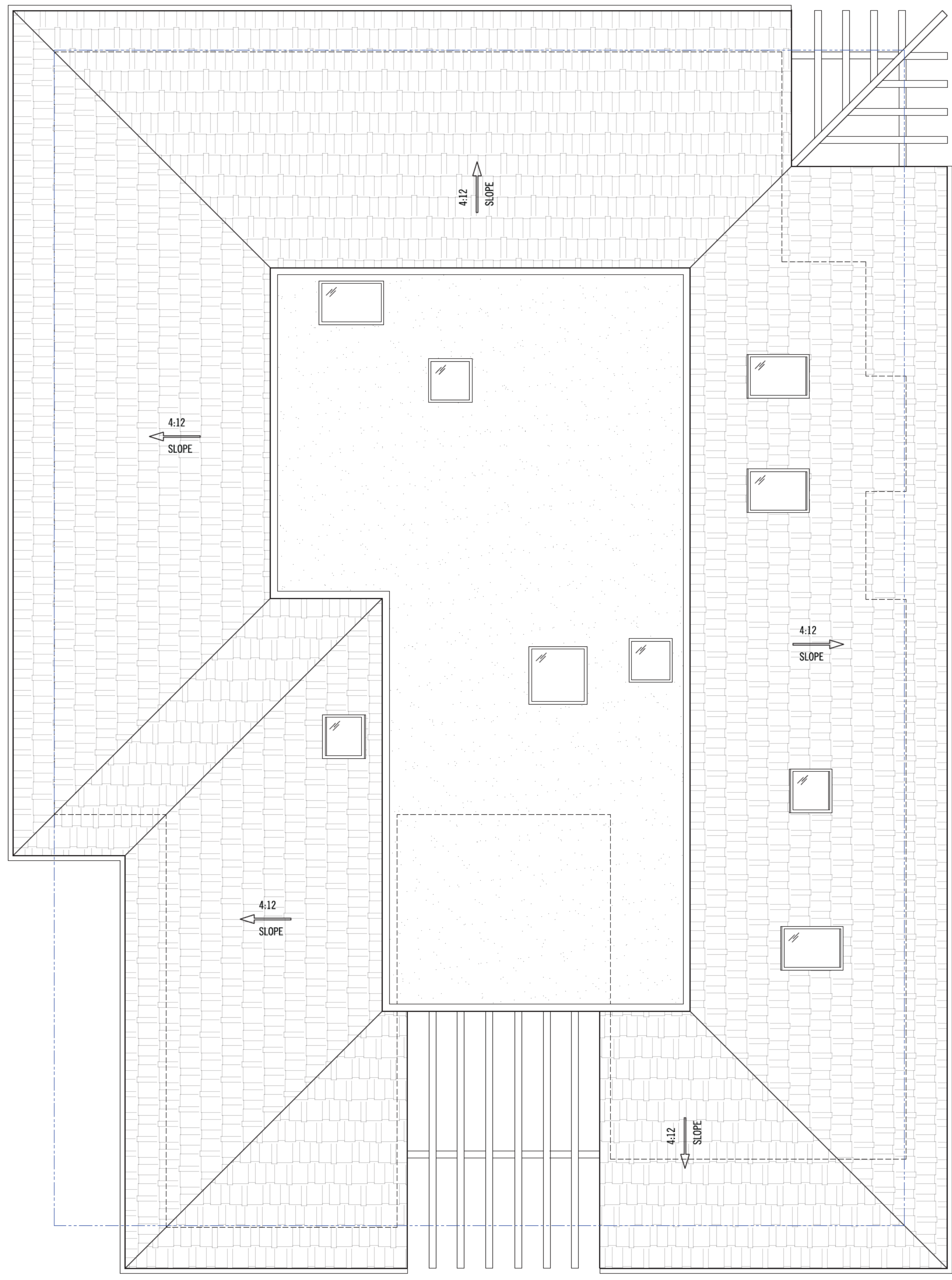
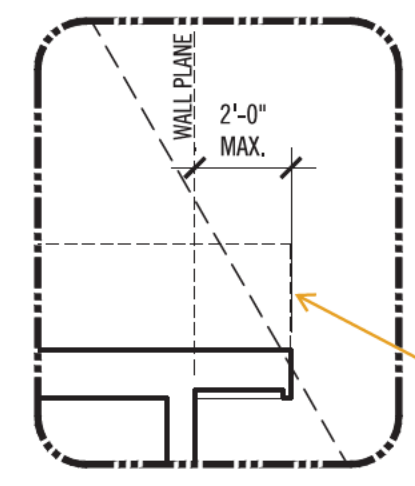


1 EXISTING EXTERIOR ELEVATION - WEST
1/4"=1'-0"

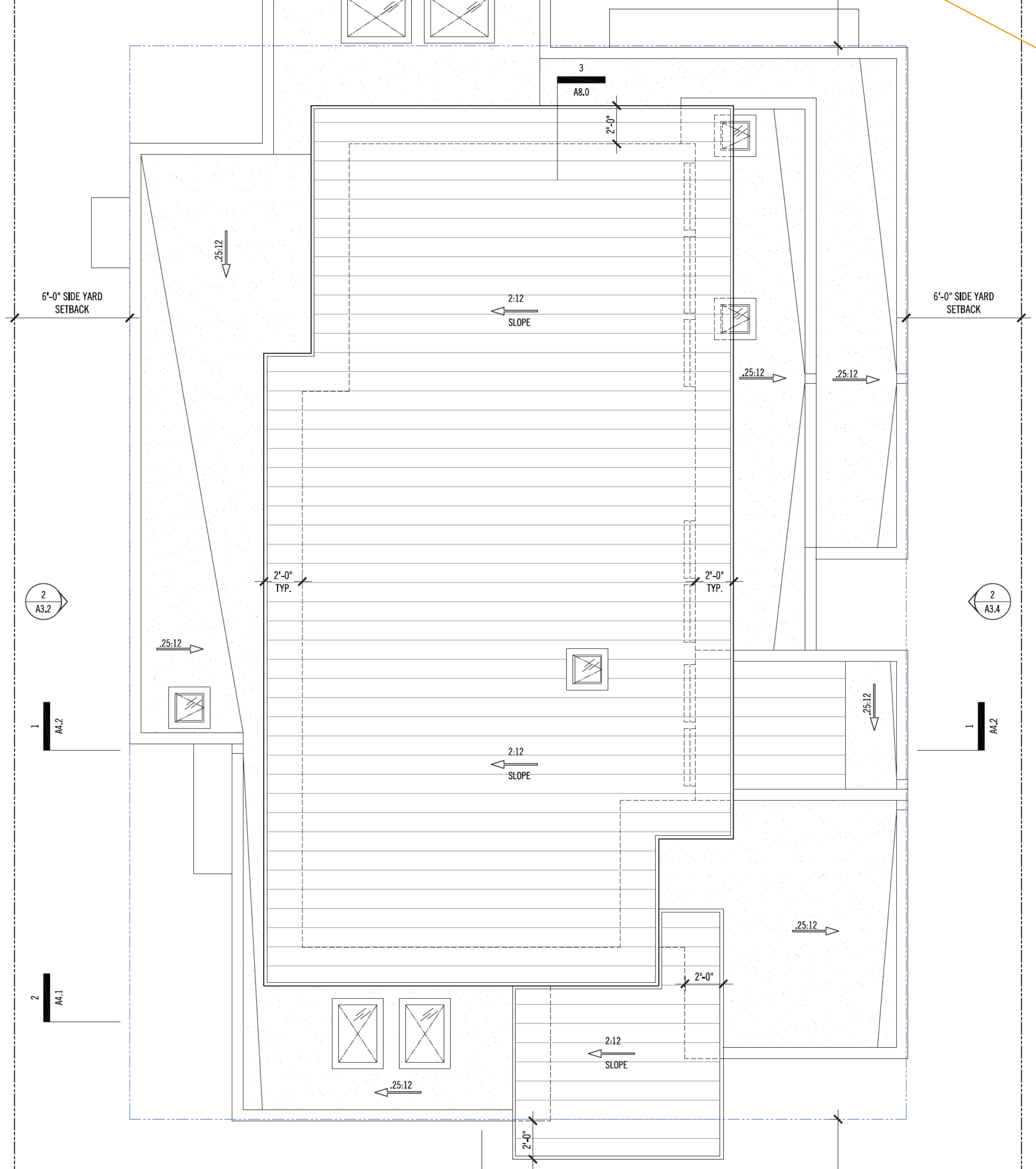
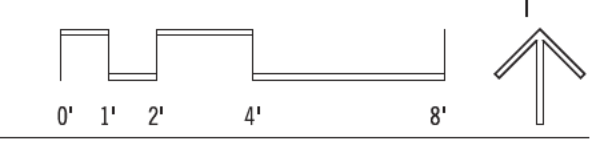
GENERAL NOTES

1. FLAT ROOFING TO SLOPE 1/4" PER FOOT (MIN.) CRICKET ROOF AND SKYLIGHTS TO DIRECT WATER TO SCUPPERS AND DOWNSPOUTS
2. GUTTERS AND DOWNSPOUTS WILL BE PAINTED
3. SLOPED ROOF STRUCTURE WILL BE ENGINEERED TO CARRY THE WEIGHT OF A (N) SOLAR PANEL ARRAY (NOT SHOWN)
4. OVERHANG OF EAVES AND DOOR AWNINGS IS 2'-0", UNLESS OTHERWISE NOTED.
5. SEE DRAWING 3 FOR DETAIL OF ALLOWABLE EAVE PROTRUSION OF REAR DAYLIGHT PLANE AT SECOND FLOOR

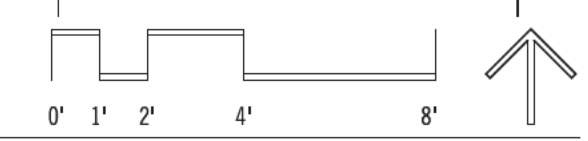
Clarify outline of drawing to identify top of roof and bottom of roof slope.



1 EXISTING ROOF PLAN
1/4" = 1'-0"



2 PROPOSED ROOF PLAN
1/4" = 1'-0"

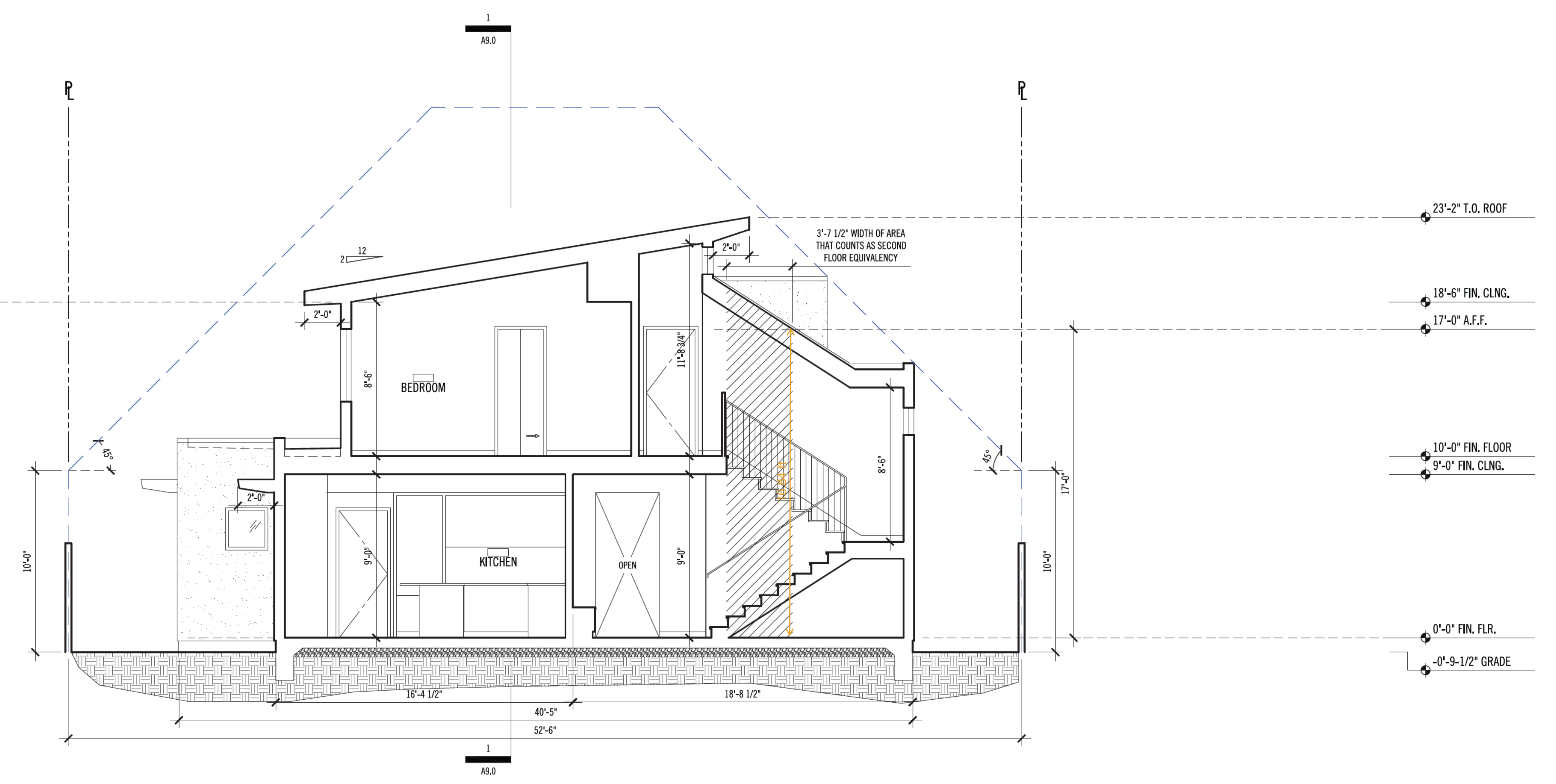


WALL TYPE LEGEND

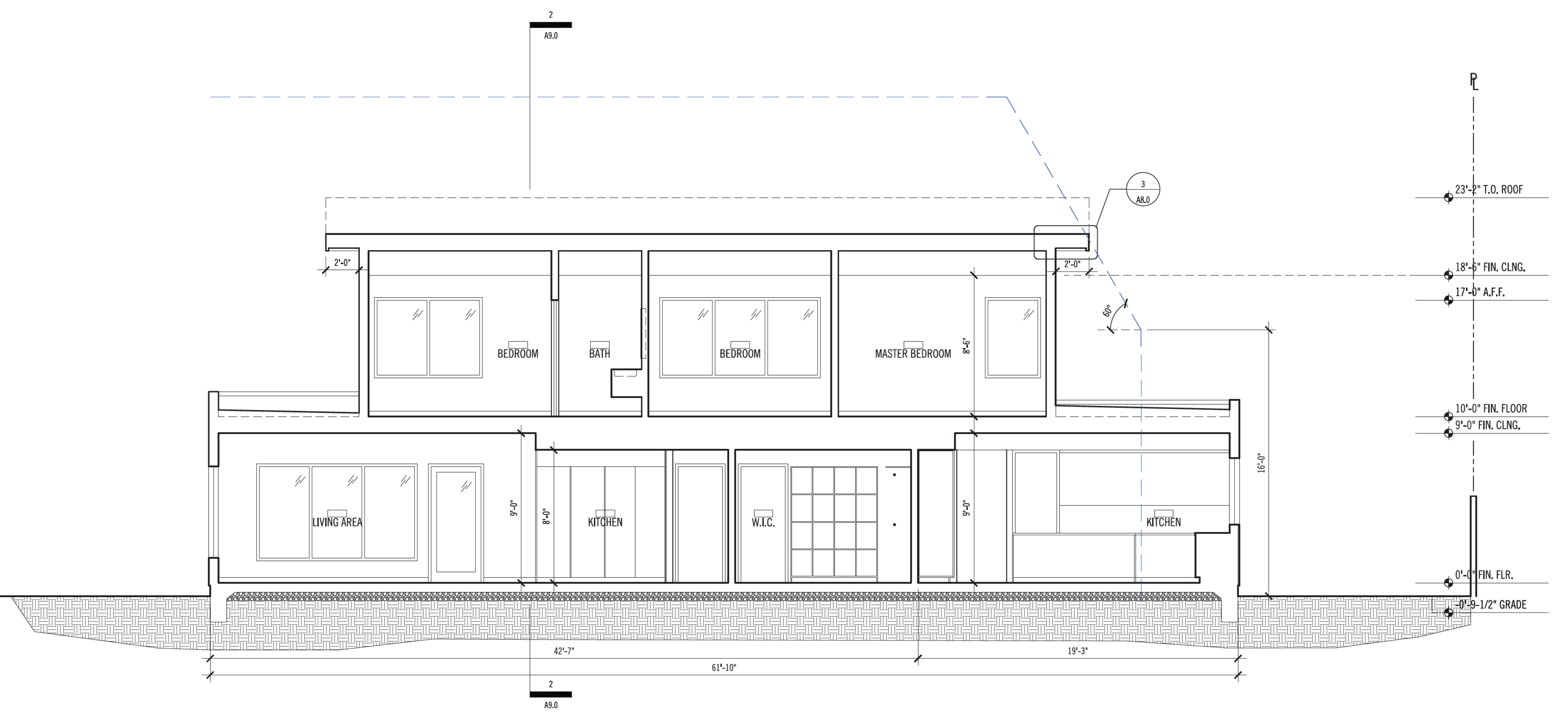
- (E) WALL
- (N) WALL
- LINE OF DEMOLITION
- LINE ABOVE
- HIDDEN LINE

GENERAL NOTES

- HATCHED AREA INDICATES FLOOR AREA AT THE NEW INTERIOR STAIR WHERE THE TOP OF THE ROOF IS MORE THAN 17'-0" ABOVE THE FINISHED FLOOR. THIS AREA IS CONSIDERED EQUIVALENT TO A SECOND FLOOR AND COUNTED TWICE. SEE FLOOR PLANS AND FLOOR AREA DIAGRAMS.



2 PROPOSED BUILDING SECTION - TRANSVERSE
1/4" = 1'-0"



1 PROPOSED BUILDING SECTION - LONGITUDINAL
1/4" = 1'-0"

INDIVIDUAL REVIEW

PROPOSED BUILDING SECTIONS

DATE 03 AUGUST 2020

SCALE 1/4" = 1'-0"

REVISIONS

A9.0

EXHIBIT 5



528

Contact info
David Rogosa
991 Channing Ave
Palo Alto 94301
rag@stanford.edu
home landline 650 3267372

Sauls, Garrett <Garrett.Sauls@cityofpaloalto.org>

Sep 25, 2020, 10:27 AM

to me
Hi David,

I am aware of all of this information, but I appreciate you sharing it with me. I have informed the applicant of the issue and am awaiting their response. To our understanding, there are means with which the applicant could remove the conditions of approval from the Parcel Map, but this would require City Council review. I am awaiting to see what the applicant chooses to do. If that were to occur, the City has established Guidelines for two-story homes since 1980 which we would review the project for. I have attached them to this email.

Best regards,



Garrett Sauls | Associate Planner | Planning and Development Services
Development Center 285 Hamilton Avenue Palo Alto CA 94301
E: garrett_sauls@cityofpaloalto.org
T: (650) 329-2471
Development Center Business Hours: 9AM-4PM, M-F
Please think of the environment before printing this email – Thank you!
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[Planning Forms & Handouts](#) | [Planning Applications Mapped](#)
[Permit Tracking – Public Access](#)

From: David Rogosa <ragxdr@gmail.com>
Sent: Friday, September 25, 2020 10:22 AM
To: Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>
Subject: 985 Channing 20PLN-00192

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



PDF IR Guidelines Bookl

Reply Forward


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EXHIBIT 6

COVID-19 UPDATES:


We are continuing to provide services remotely including accepting Permit Pre-Applications Online. The Development Center is closed until further notice. Please call (650) 329-2496 for general questions or further assistance

- Home
- Building
- Planning 
- Fire
- Public Works
- Pre-Application

Pay for IR Preliminary Meeting


Record 20PLN-00192:
Planning - Entitlement
Record Status: Under Review

Record Info 
Payments 

Click on **Record Info** tab above and select **Attachments** to view **project plans** and **related documents**

Select **Payments** tab above and select **Fees** to pay **application fees**

Processing Status

 Application Submittal
PCE Historic

 IR Guideline Review

Marked as **Routed** on **08/31/2020** by **VAL PEREZ-IBARDOLASA-650-329-**

Marked as **Rec Not Approved** on **09/22/2020** by **ARNOLD MAMMARELLA-510-763-4332**

Marked as **TBD** on **TBD** by **TBD**

 PCE Project Planner

Marked as **Routed** on **08/31/2020** by **VAL PEREZ-IBARDOLASA-650-329-**

Marked as **Notice of Incomplete Sent** on **09/25/2020** by **GARRETT SAULS-650-329-2471**

- Public Hearings
- Decision
- Entitlement



City Hall

250 Hamilton Avenue
Palo Alto, CA 94301

General City Information
(650) 329-2100

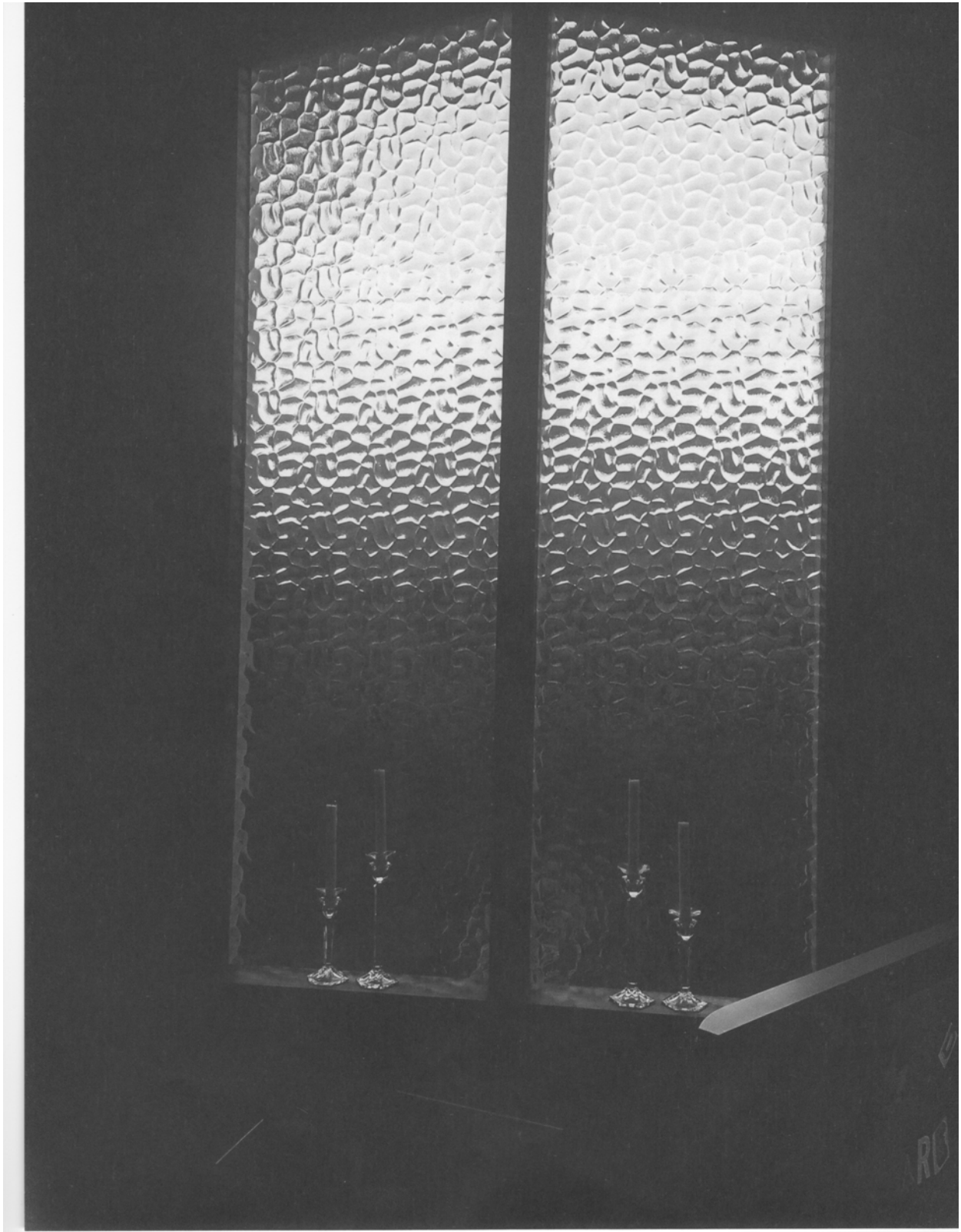
--The Following Items are
Statements that We Plan to Deliver at the
Feb. 9 2022 Meeting of the PTC
In Opposition to the 985 Channing 2nd Story Project
(originally planned for delivery 12 15 2021)

Statement of Jim Weager
Planning and Transportation Commission Hearing
December 15, 2021

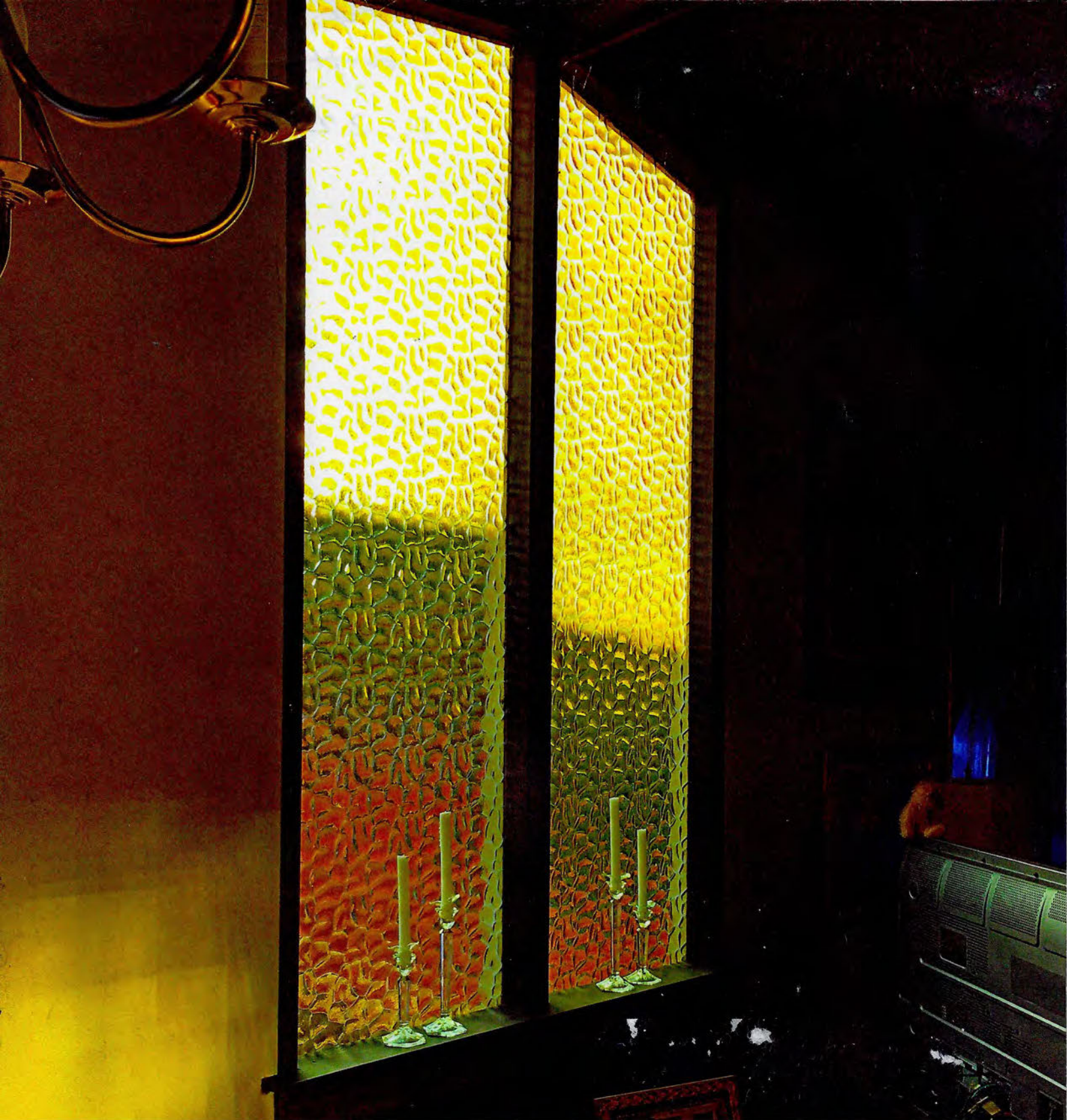
- I have owned 975 Channing Avenue since 1965. So, for over 55 years, I've watched as our neighborhood has grown, but in some cases, lost its charm and character. Homes have been sold and maintained but others have been razed and new construction has eroded the historic character of Palo Alto.
- Currently, and in spite of daylight planes, the house at 985 Channing blocks a portion of our natural morning sunlight, as you can see in the 2 photos (Exhibit #1 and Exhibit #2) I have submitted. The photos show our East-side facing window in our living room. This is the only room we spend time in during the day as the others are bedrooms.
- Twenty years ago we planned to construct a 2nd story on our own house in order to improve our living conditions. We found the building regulations would not allow our building specs for height and other factors. So we sadly modified our plans and only built a small attic that met all zoning ordinances and codes. This was disappointing for us as we couldn't enjoy our property and home as we liked, but we honored the rules and regulations.
- Shortly after the purchase of his home I met Mr. Dunlap. I mentioned the height restrictions and his comments were that he wasn't concerned and could work around it. It was clear to me then that he had no intention to follow the restrictions.
- We ask you to deny removing the long-standing restrictions set on 985 Channing for the applicants. They have never resided at 985 Channing so have no feel for the neighborhood's character.

Thank you.

Jim Weager



Weager Exhibit #1: Photograph of the Weager living room window, East wall, showing a marked reduction of incoming light in the morning as a result of the 1-story house at 985 Channing Avenue built in 1980. The proposed 2-story house at 985 Channing would worsen this situation...blocking even more natural sunlight. The other two windows on the East side of the Weager's home are bedrooms. *Photo taken by Jim Weager, October 7, 2021, at 6:56 AM. Sunrise that day was at 7:13 AM.*



Weager Exhibit #2: This picture was taken Oct 10 '21 @ 8:22 am (sunrise that day was at 7:16 am) The window's peak is 9'11" from the floor. Prior to 1980 when 985 Channing was built this living room window received 100% sunshine in the morning. It is clear that 985 Channing's roof line is blocking the morning light.

PUBLIC HEARING/QUASI JUDICIAL/LEGISLATIVE: 985 Channing Avenue

Statement by Beverly Weager, resident of 975 Channing Avenue

Submitted for the December 15, 2021 PTC Commission Meeting

I am Beverly Weager and I reside with my husband, Jim, at 975 Channing Avenue.

In 1980 the City of Palo Alto PTC and Council made a promise to us, adjacent neighbors to 985 Channing, to restrict the height of any home built at 985 Channing. The restrictions were not arbitrary. They were founded as valuable and essential for our livability and quality of life, something the current Palo Alto City Council members state as their goal for all Palo Alto residents. The applicant's attorney recently called the restrictions "blunt instruments" as building codes, the SFIR or other regulations have changed over time. What has not changed is the fact that Jim and I still live next to 985 Channing and that should be respected. The legally documented promise made in 1980 should remain solid while we continue to live at 975 Channing, our home of over 50 years. That promise which has no sunset clause should be upheld, and considered our fundamental right, as long-term resident-property owners.

It was stated earlier by the applicant that if a taller house is built at 985 Channing it would "not harm neighbors." That is not true. For 40 years and in spite of day light planes, we've witnessed the reduction of East side sunlight into our home. That occurred when the home at 985 Channing was built (see exhibit photos in Jim's submission made to the commission). This has impacted us. Should the height to 985 Channing increase, and again in spite of day light planes, we will see further reduction of sunlight. We have felt the financial repercussions of less light and warmth through higher utility bills. Eliminating the promised height restriction will not change this situation and this impact will only worsen. We are on fixed incomes now. If the height restrictions on 985 Channing are eliminated we will continue to feel the loss of natural light and heat and it will continue to be a financial hardship for us.

Another item stated previously by the applicant, was that 2-story homes dominate the structures in the neighborhood. I walk the neighborhood often and I have tallied the homes. I found the applicant's calculations were not complete. They only considered the homes in the "Boyce Addition" which is akin to gerrymandering, as it is a lopsided geographic consideration of homes near 985 Channing. They did not consider or count the homes across the street on Channing. They did not count other Crescent Park homes such as those directly around the corner on Lincoln to Guinda to Addison and back. If homes on both sides of the streets as well as flag lots within a 1-block radius North, South, East and West of 985 Channing are considered one will find there is an equal number of single story homes as there are 2-story homes. There is no "predominant character of neighborhood dwellings." It is a 1:1 ratio.

My strong request of this Commission is to honor and uphold the promise made to us in 1980, and maintain the restrictions on the parcel of 985 Channing.

Thank you

985 Channing.

Follow-up commentary and materials from Oct 13 deliberations, D Rogosa

My purpose here is to address issues raised in the Oct 13 meeting deliberations and to supply documentation (plans for 985 Channing) that I believe would have expedited, and perhaps shaped, the rather lengthy deliberations.

I hope my comments can be at least directed to Chairman Hechtman, who in his comments addressed the ending item in my (rushed) Oct 13 presentation:

"Before taking any action on this unprecedented application based on the papers before you, I would beseech you to physically visit the site at Channing, stand in the minimal setback between the two structures, and visualize the planned construction at 985 submitted in Sept 2020. You will be aghast."

I attach to this message a version of the 985 Channing plans (October 2020).

In the Oct 13 discussion, multiple Commissioners raised a version of the question, "If we remove the Parcel Map restrictions, what will be the consequence?" That question was treated as a hypothetical.

I believe we know the answer--the plans that were submitted (and reviewed) in Fall 2020.

It was striking to me that neither the applicant (and his team) nor the advocate from Planning Commission staff informed the Commissioners of these documents.

The consequences for my property at 991 are horrendous:

Destruction of all privacy for my back deck and garden and even within the residence,

Violation of compatibility or any sense of scale along adjoining property line. Remember that these two properties have the most minimal setback along the border, and these plans, I believe, would create a row house or bad apartment house situation. In more formal language, removal of the Parcel Map restrictions would have large negative impact and create substantial new burdens, substantially diminishing my property value and quality of life.

In the Oct 13 discussion, multiple individuals asserted some form of:

"the modern review guidelines will adequately protect the adjoining residences".

I believe these plans for 985 show that statement to be a canard.

I believe the plans (which were sailing toward approval from the comments) show that this construction would dominate my residence, making it unlivable, perhaps unsellable.

These plans for 985 construction clearly show why the current Parcel Map restrictions, or some modification/updating thereof, are essential for the protection and fair treatment of long time residents who relied upon these restrictions when purchasing their properties.

If the argument made on Oct 13 for removal of the Parcel Map restrictions -- that anything formulated in 1980 cannot be useful or applicable today-- wins out, then in a year or two, driving westbound on Channing, you may glance to your right and say to yourself, "how did we let that happen?". A legitimate question. But you cannot add "we didn't know". You have the plans before you now.

/

Notice of Incomplete/Corrections Required
Application No. 20PLN-00192
25-09-2020

Address : 985 Channing Avenue AV, Palo Alto, CA, 94301

Project Description: Request for Individual Review Application for renovation of an Existing one-Story 1,845 Square Foot Home and Construction of a two-Story approximately 1,050 square foot home with attached ADU garage conversion. Existing curb cut and trees to remain.

Environmental Assessment: Pending. Zoning District: R-1 (Single Family Residential). For More Information Contact the Project Planner

Record Type : Planning - Entitlement

Document Filename : C1_985Channing_PLANS.pdf Uploaded:08/24/20

Thank you for submitting your plans for the Planning Entitlement application described above. The application was reviewed to ensure conformance with applicable Zoning regulations and the City's Guidelines.

The plans were received on 08/24/20 for review by Planning Staff. Based on the initial feedback from staff, the application **cannot be deemed complete at this time**. A revised set of plans incorporating the following information and requirements must be submitted for review:

Reviewer Contact Information:

Reviewer Name	Reviewer Email
Arnold Mammarella	arnold@mammarellaarchitecture.com
Garrett Sauls	garrett.sauls@cityofpaloalto.org
Christina Thurman	christina.thurman@cityofpaloalto.org

Corrections Table

Page Reference	Annotation Type	Reviewer : Department	Review Comments
A1.0	Comment	Garrett Sauls : Planning	INCOMPLETE: Provide a signed copy of the Individual Review Statement of Understanding.
A1.0	Comment	Garrett Sauls : Planning	INCOMPLETE: Provide a contextual front yard setback diagram. See page 21 of the Zoning Technical Manual for an example of how to fulfil this requirement.

Page Reference	Annotation Type	Reviewer : Department	Review Comments
A1.0	Comment	Garrett Sauls : Planning	For clarity, it is understood that any existing square footage used for the garage contributes to the ADU in what is necessary to building an 800 sq ft unit as well as the total property's FAR. Currently, this square footage cannot be recaptured in a subsequent application. Staff is proposing to bring a new ordinance to Council that would treat the allowance the state afforded as a bonus, but until, or if, that is approved, the plans will need to recognize this issue and the project data will need to be clarified. Currently, only 2,292 FAR on the property is being used by the home when the existing garage needs to be calculated towards that number. Any remaining square feet shall be used by the ADU up to 800 sq ft to be exempted per state law. Update the plans to reflect this.
A1.0	Comment	Garrett Sauls : Planning	Due to a previously approved Subdivision for the Parcel from 1980, City Council established conditions of approval recorded against 985 Channing Avenue that limited the height of the structure to 13 feet and one-story tall. As such, this project cannot be processed as it would violate those established conditions of approval. Staff has reached out to the applicant to provide direction on what next steps could occur.
A3.0	Comment	Garrett Sauls : Planning	New fences that are shown to be in disrepair or overhanging on adjacent properties must be replaced. Update the plans to show a new fence will replace the existing one.
A4.0	Comment	Garrett Sauls : Planning	Per the IR checklist, the survey must include information on the Base Flood Elevation required to meet FEMA standards. It is unclear if this information is present. Update the survey and plans to include this information.
A5.0	Callout	Garrett Sauls : Planning	Any uncovered parking provided that is adjacent to a wall must provide an additional .5' of clearance space for door swing. Update the plans to provide this information.
A5.0	Callout	Garrett Sauls : Planning	INCOMPLETE: Update plans to include mechanical equipment to be used. Provide spec sheet and decibel rating of new unit.
A5.0	Callout	Garrett Sauls : Planning	Note driveway material
A5.0	Callout	Garrett Sauls : Planning	Update to show connection lines to house and any proposed utility connections (such as gas or other).
A5.0	Comment	Garrett Sauls : Planning	Per PAMC 18.54, maximum residential driveway widths are 20 feet. Reduce the driveway paving to comply with this requirement.
A5.0	Comment	Garrett Sauls : Planning	INCOMPLETE: Show footprints and overhangs of all existing and proposed buildings. Per PAMC 18.40.070, encroachments, including eaves of buildings, are not allowed within the special setback for the building. Update the plans to address this issue.
A5.0	Comment	Garrett Sauls : Planning	All trees to remain must have tree protection fencing provided for them. Update the plans to show this information.
A5.0	Comment	Garrett Sauls : Planning	The IR checklist requires that all trees species be identified on the plans, including those that overhang the site. Update the plans to correct this.
A5.0	Comment	Garrett Sauls : Planning	INCOMPLETE: Topographic elevation of the first floor level and spot elevations of existing and finished grade around property to determine daylight plane compliance and adjacent to building footprint for height measurement. See pages 26-28 of the Zoning Technical Manual. Additionally, the points provided around the site inaccurately reflect actual topographical elevations from the survey. Correct these.
A5.0	Comment	Garrett Sauls : Planning	Additional screening trees may be required along the left and rear sides of the property to conform with the IR Guidelines. Update plans following recommendations for IR Guidelines.
A5.0	Comment	Garrett Sauls : Planning	Provide a calculation that identifies at least 60% permeability within the front yard setback.
A6.1	Comment	Garrett Sauls : Planning	This house is effectively a brand new structure. Any existing non-conforming walls must be replaced in a conforming condition per 18.70.100. In order to support the proposed additions what walls are claimed to "remain" will ultimately be modified to an extent that they are new.
A6.2	Comment	Garrett Sauls : Planning	Update FAR diagram to provide dimensions for each area.
A7.1	Comment	Garrett Sauls : Planning	INCOMPLETE: Measure the distance under the daylight plane perpendicular to the daylight plane.
A7.1	Comment	Garrett Sauls : Planning	Update materials to identify color to be used for materials.
A7.2	Callout	Garrett Sauls : Planning	Sill must be 5'6" or apply glazing to lower portion of window to meet 5'6" glazing requirement.

Page Reference	Annotation Type	Reviewer : Department	Review Comments
A7.2	Comment	Garrett Sauls : Planning	Windows along this side of the building must utilize obscured glazing in order to comply with the IR Guidelines. This glazing cannot be a film applied to the window and must be applied to a minimum of 5'6" from the finished floor. Update the plans to include this information.
A8.0	Callout	Garrett Sauls : Planning	Clarify outline of drawing to identify top of roof and bottom of roof slope.
A1.0	Comment	Arnold Mammarella : Planning IR	<p>Individual Review Guidelines General Information:</p> <p>The Single-Family Individual Review process and the applicability of these guidelines were established by PAMC 18.12.110 to preserve the character of Palo Alto neighborhoods by placing specific requirements related to streetscape, massing, and privacy for new two-story homes and upper story additions.</p> <p>There are five Individual Review Guidelines: 1. Site planning for driveway, garage and house, 2. Neighborhood compatibility for height, mass, and scale, 3. Resolution of architectural form, massing, and rooflines, 4. Visual character of street facing facades and entries, and 5. Privacy from second floor windows and decks.</p> <p>For approval, a proposal needs to be consistent with all five guidelines. The review considers the proposal's response to each guideline's approval criterion statement including whether the "key points" associated with each guideline have been followed. Guideline illustrations are also used to inform determinations in the evaluation. Please see the City's illustrated guideline booklet for more information about these regulations.</p> <p>Individual Review Evaluation Comments:</p> <p>Review determinations and comments relate to plans filed August 31, 2020 for a whole house renovation with a new second story addition to an existing one-story house. The existing attached garage would be converted to space within a new attached ADU.</p> <p>Review comments may reference specific changes or clarifications needed to meet the guidelines, including those shown on specific plan sheets. No neighbor comments were available at the time of this review. Note: Evaluation for zoning compliance is provided separately.</p> <p>G1 — Site Planning: Placement of Driveway, Garage, and House</p> <p>Approval Criterion: The driveway, garage, and house shall be placed and configured to reinforce the neighborhood's existing site patterns (i.e. Building footprint, configuration and location, setbacks, and yard areas) and the garage and driveway shall be subordinate to the house, landscaping and pedestrian entry as seen from the street.</p> <p>[Guideline Key Points: 1. Minimize the driveway's presence and paving; 2. Locate the garage to be subordinate to the house; 3. Configure the house footprint to fit the neighborhood pattern; 4. Create landscaped open spaces between homes; 5. Locate the upper floor back from the front facade and/or away from side lot lines when next to one-story homes; and 6. Do not place the second floor so that it emphasizes the garage.]</p> <p>Comments: The property is a 52.5' wide by 99.6' deep interior lot on the north side of Channing Avenue one lot in from Lincoln Avenue. It abuts a similarly sized corner lot 991 Channing Avenue with a tall one-story house on its right (east) side, 975 Channing Avenue, a narrow deep interior lot with a stepped mass and fairly low two-story</p>

Page Reference	Annotation Type	Reviewer : Department	Review Comments
			<p>house on its left (west) side, and the rear yard of 911 Lincoln Avenue across the rear lot line. The lot is listed as being in the flood zone, but existing grade is shown on the survey to exceed the base flood elevation of 29.7' by at least one foot over the lot.</p> <p>The existing one-story shingle clad, hip roofed ranch style house has an attached one-car wide garage at the front. There are two large street trees at the front of the property and a few moderately sized screening trees along the rear brick and wood fence line.</p> <p>The proposed home maintains most of the existing home's footprint and existing large landscape. A second floor would be added, and the rooflines would be revised throughout the house to create new building forms and massing. As seen from the street it would appear to be a new house. The garage would be converted to an ADU with its entrance adjacent the open parking space near the left side yard.</p> <p>Regarding site planning there would be minor issues with the amount of driveway paving in the front yard and with landscape along interior lot lines.</p> <p>Key point one of this guideline states to locate driveways and minimize paving to diminish the driveway's presence and to highlight yards and pedestrian entryways. The existing driveway and walkway could be retained as the existing configuration would meet the intent of this guideline. Otherwise, a new driveway should leave at least 2 to 3 feet of planting strip area with landscape along the right interior lot line and be at most 20 feet wide. The material of the driveway should blend well with the landscape and not be standard concrete. The walkway should be distinct in material treatment from the driveway and not be treated as a parking extension. In general, the design should try to feature the yard area and building entry through the design and material treatments and not emphasize the parking pad (e.g. by adding a planting area along the front wall of the ADU given the setback is 24 feet deep from the front lot line which is more than enough for parking). Note: creating a new ADU has no bearing on the driveway paving regulation with this guideline.</p> <p>There is existing landscape along the rear lot line but with the creation of a two-story house landscape screening is also required between buildings with tall shrubs or trees. Typically, some should be evergreen, and fast-growing landscape should be used to buffer the building mass as seen from abutting properties. The left side lot line has some landscape on the neighbor's property so gaps in the landscape can be filled. The right-side lot line does not appear to have much landscape on either property.</p> <p>Site planning also considers the building footprint configuration and location of the second floor and use of one-story rooflines given the existing context. The proposal narrows the upper floor and uses one-story rooflines as noted under key point 5 of this guideline. The rear portion of the upper floor is set tight to the daylight plane, which generally is not well in keeping with this guideline when next to a one-story home, but that home is somewhat tall for a one-story home and there is stepped massing. The portion of the house near the daylight plane is also set back enough to not have a strong visual presence from the street. While it would be better to increase the clearance to the daylight plane the proposal could be said to be marginally in compliance with this aspect of site planning.</p> <p>(See changes or clarifications noted on the site plan).</p> <p>G2 — Neighborhood Compatibility for Height, Mass, and Scale</p>

Page Reference	Annotation Type	Reviewer : Department	Review Comments
			<p>Approval Criterion: The scale (perceived size), mass (bulk or volume) and height (vertical profile) of a new house or upper story addition shall be consistent with the existing neighborhood pattern with special attention to adapting to the height and massing of adjacent homes.</p> <p>[Guideline Key Points: 1. Do not overwhelm an adjacent one-story home; 2. Do not accentuate mass and scale with high first floor level relative to grade, tall wall planes, etc.; 3. Minimize height offsets to adjacent neighbors' roof edges, including adjacent one-story roof edges; 4. Place floor area within roof forms to mitigate mass and scale; 5. Locate smaller forms forward of larger forms to manage perceived height; and 6. Use roof volume rather than wall plate height to achieve interior volume.]</p> <p>Comments: The height, mass, and scale of the proposed home would generally fit with the existing context considering the height and massing profiles of nearby homes. The house is a little tall next to existing homes to each side, but the mass would not be substantial, and the second floor would be relatively narrow and set well back from the first floor and from the building corners to mitigate the sense of mass and scale. Variation in building materials would also help mitigate mass and provide scale.</p> <p>G3 — Resolution of Architectural Form, Massing, and Rooflines</p> <p>Approval Criterion: The architectural form and massing shall be carefully crafted to reduce visual mass and distinguish the house's architectural lines or style. Roof profiles shall enhance the form, scale, and proportion of primary and secondary house volumes, while rendering garage and entry forms subordinate in mass and scale to principal building forms. Upper floor additions shall also be balanced and integrated with the existing building.</p> <p>[Guideline Key Points: 1. Adjust floor plans to work for building form; 2. Use the vocabulary of a particular style to compose forms and rooflines; 3. Avoid awkwardly placed additions; 4. Use a few well-proportioned masses to avoid a cluttered appearance of too many elements; and 5. Adjust roof layouts, ridge orientations, eave lines, etc. to reduce mass and enhance form.]</p> <p>Comments: The architectural forms, massing, and rooflines are well resolved and recast the home from a ranch style home to a modern style home. Sheds at 2:12 pitch with overhangs and flat roof forms with short parapets are combined effectively for architectural profile and mass reduction.</p> <p>G4 — Visual Character of Street Facing Facades and Entries</p> <p>Approval Criterion: Publicly viewed facades shall be composed with a clear and cohesive architectural expression (i.e. The composition and articulation of walls, fenestration, and eave lines), and include visual focal point(s) and supportive use of materials and detailing. Entries shall be consistent with the existing neighborhood pattern and integrated with the home in composition, scale and design character. The carport or garage and garage door shall be consistent with the selected architectural style of the home.</p> <p>[Guideline Key Points: 1. Compose facades to have a unified/cohesive character; 2. Use stylistically consistent windows and proportion and adequate spacing between focal points; 3. Add visual character with architecturally distinctive eaves, window patterns and materials; 4. Do not use monumental entries/ relate entry type and scale to neighborhood patterns; and 5. Design garage openings and door panels to be modest in scale and architecturally consistent with the home.]</p>

Page Reference	Annotation Type	Reviewer : Department	Review Comments
			<p>Comments: Façades are composed with focal points including the entry. Materials and detailing seem of high quality with vertical siding used to define some volumes from stucco volumes, painted tube steel post and beam elements at the porch, dark bronze color windows, shaped rake details, etc.</p> <p>G5 — Placement of Second-Story Windows and Decks for Privacy</p> <p>Approval Criterion: The size, placement and orientation of second story windows and decks shall limit direct sight lines into windows and patios located at the rear and sides of adjacent properties in close proximity.</p> <p>[Guideline Key Points: 1. Gather information on neighbors' privacy sensitive windows, patios, yards; 2. Mitigate privacy impacts with obscure glazing, high sill windows, permanent architectural screens or by relocating/reorienting windows; 3. Avoid windowless/unarticulated building walls, especially where visible from the street; and 4. Limit upper story deck size and locate decks to result in minimal loss of privacy to side or rear facing property.]</p> <p>Comments: Privacy impacts appear minimal on the right side of the house facing 991 Channing Avenue and along the rear lot line existing landscape should help reduce impacts t the 911 Lincoln Avenue's rear yard.</p> <p>Along the left side of the house at middle bedroom there would be a wide three-panel window that would look directly down into the side courtyard/patio are and windows on the first floor of the 975 Channing Avenue house. The neighbor has some landscape, but the canopies of their trees appear high enough above the ground that second floor windows of a new second story would have direct sight lines as suggested by photo 2 on sheet A3.0 of the plan set. The master bedroom would also have a large side facing windows that would have views to this patio and some windows. Note: two side facing windows are shown on the second-floor plan but only one on the west elevation at the master bedroom.</p> <p>The impacts from these windows would require design modifications and mitigation beyond landscape. The middle bedroom would need to be limited to at most 2 windows, preferably spaced, not grouped and would need to have obscure glazing to at least 5 feet above floor level. If grouped the windows should be placed forward on the site. The windows should also be hinged on the left side to open towards the street.</p> <p>The master bedroom should limit side facing windows to one at the rear building corner and hinge the window at the right side so when open the view is towards the rear lot line, not the neighbor's side patio. This window would also need to have obscure glazing to at least 5 feet above the floor level. Provide a dimension to the sill height of these windows and indicate revised window operation on the elevations. Also revise the second-floor plan to match the revised elevations for privacy at the side facing windows.</p> <p>(See changes or clarifications noted on the elevations and second floor plan).</p>
A5.0	Callout	Arnold Mammarella : Planning IR	IR-1: To meet guideline one, revise the site plan to retain the existing driveway or provide a new driveway no more than 20 feet wide with at least 2 feet planting strip along the fence line with planting. Use alternatives to standard concrete and vary paving material for walkway with a design that integrates the driveway more with the landscape and yard/building entry. See guideline comments for additional discussion.
A5.0	Callout	Arnold Mammarella : Planning IR	IR-2: To meet guideline one and five, revise the site plan to provide landscape, such as medium sized screening trees or tall screening shrubs within side yards between this home and adjacent homes. Where existing landscape exists fill gaps in the landscape. Landscape can also be used to mitigate privacy, but it cannot be the primary means of privacy mitigation where direct sight lines exist to neighboring property. Provide plant choices with botanical names and quantities; indicate 24-inch box size and 8-foot minimum installed height for trees and 15-gallon size and 8-foot minimum installed height for screening shrubs.
A6.2	Callout	Arnold Mammarella : Planning IR	IR-5: To meet guideline five, revise the second-floor plan's window locations to match the revised left side elevation as required to meet privacy requirements at these side facing windows.

Page Reference	Annotation Type	Reviewer : Department	Review Comments
A7.2	Callout	Arnold Mammarella : Planning IR	IR-3: To meet guideline five, the middle bedroom would need to be limited to at most 2 windows, preferably spaced, not grouped and would need to have obscure glazing to at least 5 feet above floor level. If grouped the windows should be placed forward on the site. The windows should also be hinged on the left side to open towards the street.
A7.2	Callout	Arnold Mammarella : Planning IR	IR-4: To meet guideline five, the master bedroom should limit side facing windows to one at the rear building corner and hinge the window at the right side so when open the view is towards the rear lot line, not the neighbor's side patio. This window would also need to have obscure glazing to at least 5 feet above the floor level. Provide a dimension to the sill height of these windows and indicate revised window operation on the elevations.

The following conditions would be required as part of any Planning application approval and shall be addressed prior to any future related permit application such as a Building Permit, Excavation and Grading Permit, Certificate of Compliance, Street Work Permit, Encroachment Permit, etc. as further described below.

Conditions of Approval Table

Department	Conditions of Approval
Public Works Eng	<p>A. The following comments are required to be addressed prior to Planning entitlement approval:</p> <p>Show BFE (base flood elevation) and finished floor is at or above the BFE</p>
Public Works Eng	<p>1. PLEASE NOTE: Flood Zone Screening will be performed prior to intake of the Building set. Public Works will check your plans against the following Flood Zone Screening Checklist: https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=70319.22&BlobID=66043 If any of the items on the checklist are missing, the plans will not be accepted.</p> <p>2. Public Works Standard Conditions: The City's full-sized Standard Conditions sheet must be included in the plan set. The conditions noted on the sheet shall be adhered to for the full project duration until completion. Copies are available from the Public Works on our website. https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=67175.06&BlobID=66261 Site Inspection Directive sheet marked with an asterisk is required for this project and shall be scanned onto the plan set** Contact Public Works Engineering Inspectors @ 650-496-6929 to schedule a site visit.</p> <p>3. SUBSTANTIAL IMPROVEMENT: The existing structure is located within a Special Flood Hazard Area. If the construction cost of the improvements (remodeling and/or addition) is greater than 50% of the existing value of the structure, then the improvements will be classified as a "substantial improvement" and the existing structure and all new construction will be required to meet the City's Flood Hazard Regulations. In particular; the finished first floor must be at or above the base flood elevation (BFE). If the project is a "substantial improvement", then upon submittal for a building permit, the applicant must provide a copy of the FEMA Elevation Certificate showing that the existing finished first floor is at or above the BFE or, if the floor is below the BFE, the plans must show the floor being raised. The plans must include:</p> <ul style="list-style-type: none"> • The Elevation Certification Submittal Requirements for Construction in the Special Flood Hazard Area form • The BFE on sections, elevations and details • Flood vents, if there is a crawl space • A table calculating the flood vents required and provided • If the crawl space is subgrade, meaning that the bottom of the crawl space is below the adjacent exterior grade on all four sides of the house, then it must be filled in until it is either no longer subgrade or until it is 18" from the floor framing (to meet the minimum CBC requirement) • If the crawl space is still subgrade after filling, then include a sump, pump and outlet pipe to pump flood waters out • The garage slab can be below the BFE, but the garage will then need to be flood vented separately from the house • Notes that all materials and equipment below the BFE are water-resistant

Department	Conditions of Approval
	<p>Public Works will prepare a flood zone screening form, including a “substantial improvement” screening form, at the Development Center when plans are submitted for a building permit in order to determine if your project is a “substantial improvement” prior to submitting for a building permit, you can have a preliminary screening performed by Public Works’ staff at the Development Center. Flood zone comments below pertain to project being deemed “substantial”</p> <p>4. Provide the following note on the Site Plan and Structural plans to indicate, “The proposed project is a Substantial Improvement and shall comply with Palo Alto Municipal Code Chapter 16.52 Flood Hazard Regulations and FEMA’s requirements.”</p> <p>5. A/C units: Any proposed A/C units outside of the house must show that they are at or above the BFE.</p> <p>6. Construction in the Special Flood Hazard Insert: The “Survey Requirements for Construction in the Special Flood Hazard Area” shall be added/scanned onto the plan set. A pdf copy of the documents titled Plan Insert for Elevation Certification Requirements and Plan Insert for Elevation Certification is available on the City’s website under flood zone issues. Please note there are 2 pages to this insert.</p> <p>Slab on grade: https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=70144.14&BlobID=66041</p> <p>7. FLOOD ZONE CONSTRUCTION MATERIALS AND METHODS: Add a note on the Structural, Architectural and Mechanical plans to indicate that all new construction and substantial improved structures shall be constructed with flood-resistant materials and utility equipment shall be resistant to flood damage as specified in FEMA’s technical bulletins and Palo Alto Municipal Code Section 16.52.130. All mechanical equipment must be at or above the BFE (base flood elevation).</p> <p>8. FLOOD ZONE CERTIFICATION: An Elevation Certification shall be provided for all structure(s) and shall be prepared by a registered professional engineer or surveyor and verified by a community official to be properly elevated. Such certification and verification shall be provided to the floodplain administrator based on PAMC section 16.52.130, and shall be prepared at 3 stages of construction: with the construction documents, during construction, and prior to building permit final. The elevation certificate prepared based on the existing structure and the proposed construction, shall be scanned and attached with the building permit construction documents. Certificates shall be prepared on the NAVD 88. Please note that there are 2 pages to this document. https://www.cityofpaloalto.org/civicax/filebank/documents/2284</p> <p>9. Provide a note on the Site Plan and Grading and Drainage Plan that includes the FIRM panel number, flood zone designation, BFE elevation and the North American Vertical Datum (NAVD). You may access project specific information on Public Works Stormwater website. See Flood zone Lookup under the attached link. http://www.cityofpaloalto.org/gov/depts/pwd/stormwater/floodzones.asp</p> <p>10. GRADING PERMIT: Separate Excavation and Grading Permit will be required for grading activities on private property that fill, excavate, store or dispose of 100 cubic yards or more based on PAMC Section 16.28.060. Applicant shall prepare and submit an excavation and grading permit to Public Works separately from the building permit set. The permit application and instructions are available at the Development Center and on our website. http://www.cityofpaloalto.org/gov/depts/pwd/forms_and_permits.asp</p> <p>11. GRADING & DRAINAGE PLAN: The plan set must include a grading & drainage plan prepared by a licensed professional that includes existing and proposed spot elevations, earthwork volumes, finished floor elevations, area drain and bubbler locations, drainage flow arrows to demonstrate proper drainage of the site. Adjacent grades must slope away from the house a minimum of 2% or 5% for 10-feet per 2013 CBC section 1804.3. Downspouts and splash blocks should be shown on this plan, as well as any site drainage features such as swales, area drains, bubblers, etc. Grading that increases drainage onto, or blocks existing drainage from neighboring properties, will not be allowed. Public Works generally does not allow rainwater to be collected and discharged into the street gutter but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscaped and other pervious areas of the site. See the Grading & Drainage Plan Guidelines for New Single Family Residences on the City’s website. http://www.cityofpaloalto.org/civicax/filebank/documents/2717</p>

Department	Conditions of Approval
	<p>elevations, earthwork volumes, finished floor elevations, area drain and bubbler locations, drainage flow arrows to demonstrate proper drainage of the site. Adjacent grades must slope away from the house a minimum of 2% or 5% for 10-feet per 2013 CBC section 1804.3. Downspouts and splash blocks should be shown on this plan, as well as any site drainage features such as swales, area drains, bubblers, etc. Grading that increases drainage onto, or blocks existing drainage from neighboring properties, will not be allowed. Public Works generally does not allow rainwater to be collected and discharged into the street gutter but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscaped and other pervious areas of the site. See the Grading & Drainage Plan Guidelines for New Single Family Residences on the City's website. http://www.cityofpaloalto.org/civicax/filebank/documents/2717</p> <p>12. WORK IN THE RIGHT-OF-WAY: The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center. If a new driveway is in a different location than the existing driveway, then the sidewalk associated with the new driveway must be replaced with a thickened (6" thick instead of the standard 4" thick) section. Additionally, curb cuts and driveway approaches for abandoned driveways must be replaced with new curb, gutter and planter strip.</p> <p>13. IMPERVIOUS SURFACE AREA: The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The Impervious Area Worksheet for Land Developments form and instructions are available at the Development Center or on our website.</p> <p>14. STORM WATER POLLUTION PREVENTION: The City's full-sized "Pollution Prevention - It's Part of the Plan" sheet must be included in the plan set. Copies are available from Public Works on our website http://www.cityofpaloalto.org/civicax/filebank/documents/2732</p> <p>15. This project may trigger the California Regional Water Quality Control Board's revised provision C.3 for storm water regulations (incorporated into the Palo Alto Municipal Code, Section 16.11) that apply to residential land development projects that create or replace between 2,500 and 10,000 square feet of impervious surface area. The applicant must implement one or more of the following site design measures on the grading and drainage plan:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> Direct roof runoff into cisterns or rain barrels for reuse. • <input type="checkbox"/> Direct roof runoff onto vegetated areas. • <input type="checkbox"/> Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas. • <input type="checkbox"/> Direct runoff from driveways and/or uncovered parking lots onto vegetated areas. • <input type="checkbox"/> Construct sidewalks, walkways, and/or patios with permeable surfaces. • <input type="checkbox"/> Construct driveways, and/or uncovered parking lots with permeable surfaces



LINCOLN AVENUE

CHANNING AVENUE

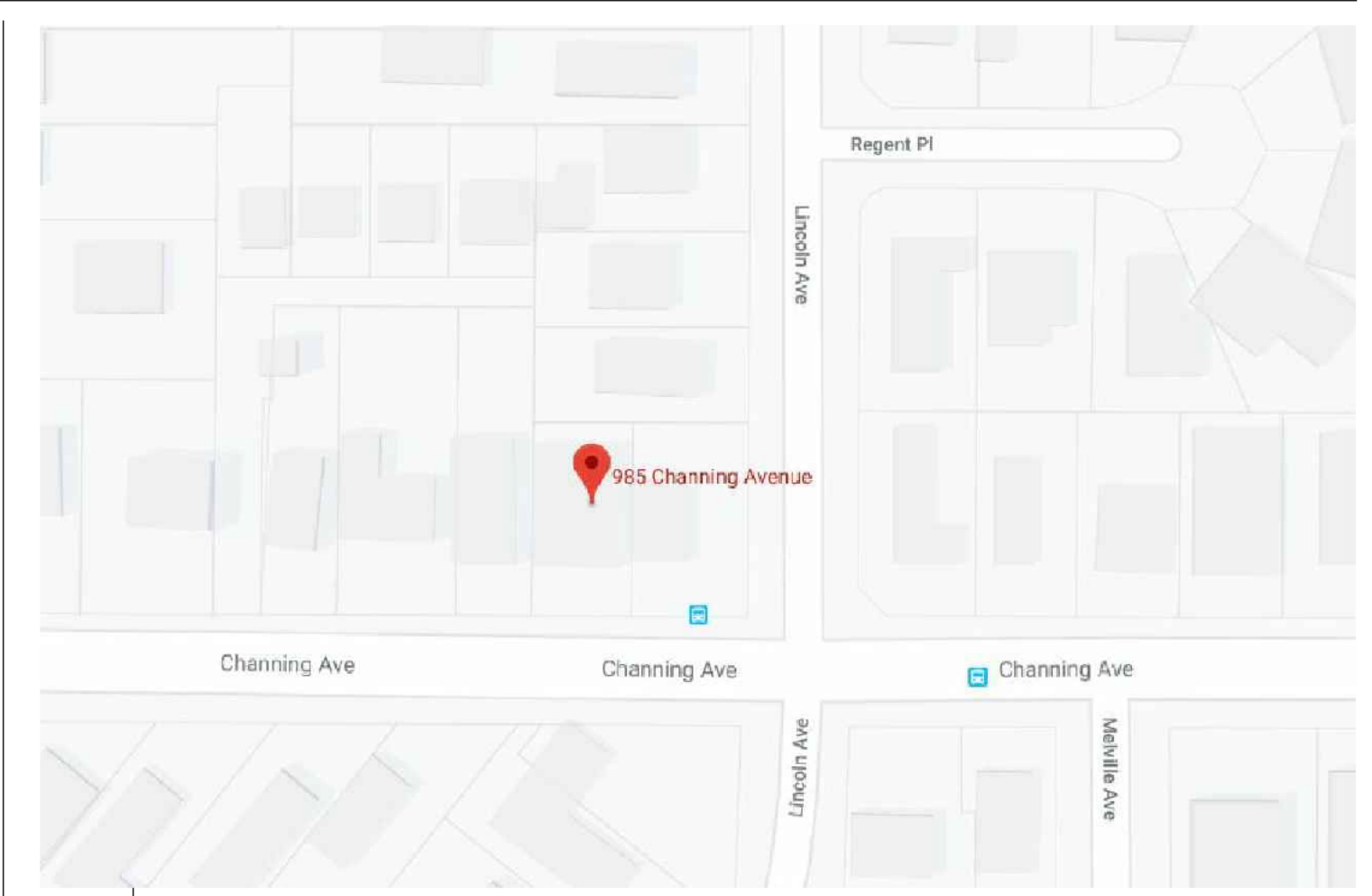
SITE CONTEXT DIAGRAM
SCALE: 3/32" = 1'-0"

ABV	ABOVE FINISHED FLOOR	EA	EACH	O.C.	ON CENTER
A.F.F.	ALUMINUM	ELEC	ELECTRIC(AL)	PNT	PAINTED
ALUM	APPROXIMATE(LY)	ELEV	ELEVATION	PLY	PLYWOOD
APPX	AUTOMATIC	ENG	ENGINEER(ED), (ING)	P.T.	PRESSURE TREATED
AUTO	AWNING	EQ	EQUAL(VALENT)	REF	REFRIGERATOR
AWN	BEAM	EXH	EXHAUST	REINF	REINFORCE(D), (ING)
BN	BELOW	(E)	EXISTING	REQ	REQUIRE(D)
BEL	BETWEEN	F.O.F.	FACE OF FINISH	REV	REVISED, (D), (ION)
BTWN	BLOCK	F.O.S.	FACE OF STUDS	R.O.	ROUGH OPENING
BLK	BLOCKING	F.F.	FINISHED FLOOR	SEC	SECTION
BLKG	BOARD	FLR	FLOOR	S.S.D.	SEE STRUCTURAL DRAWINGS
BLDG	BUILDING	FUT	FURNISHED BY OTHERS	S.S.D.	SEE STRUCTURAL DRAWINGS
CAB	CABINET	F.B.O.	FUTURE	SHTH	SHEATHING
CL	CEILING	FT	FUTURE	SHF	SHEET
C.L.	CENTER LINE	GT	GROUT	SM	SIMILAR
CLR	CLEAR(ANCE)	GWB	GYPSUM BOARD	S.C.	SOLID CORE
C.A.R.	COLD AIR RETURN	HDW	HARDWARE	SPEC	SPECIFICATION(S)
COL	COLUMN	HWD	HARDWOOD	SFT	SQUARE FOOT
CONC	CONCRETE	HDR	HEADER	SST	STAINLESS STEEL
CONT	CONTINUE(OUS)	HT	HEIGHT	STD	STANDARD
DEG	DEGREE	INCL	INCLUDE(D), (ING)	T.B.D.	TO BE DETERMINED
DTL	DETAIL	MFR	MANUFACTURER	T.O.P.	TOP OF PLATE
DR	DOOR	MAX	MAXIMUM	T.O.S.	TOP OF SLAB
DWG	DRAWING	MECH	MECHANICAL	T.O.W.	TOP OF WALL
		MW	MICROWAVE	TYP	TYPICAL CONDITION
		MIN	MINIMUM	U.O.N.	UNLESS OTHERWISE NOTED
		MISC	MISCELLANEOUS	V.S.	VERIFY
		(N)	NEW	V.I.F.	VERIFY IN FIELD
		N.L.C.	NOT IN CONTRACT		
		N.T.S.	NOT TO SCALE		

ABBREVIATIONS

- 2019 CALIFORNIA BUILDING CODE (CBC) WITH CITY OF PALO ALTO AMENDMENTS
- 2019 CALIFORNIA MECHANICAL CODE (CMC) CITY OF PALO ALTO AMENDMENTS
- 2019 CALIFORNIA PLUMBING CODE (CPC) CITY OF PALO ALTO AMENDMENTS
- 2019 CALIFORNIA ELECTRICAL CODE (CEC) CITY OF PALO ALTO AMENDMENTS
- 2019 CALIFORNIA FIRE CODE (CFC) CITY OF PALO ALTO AMENDMENTS
- 2019 CALIFORNIA ENERGY CODE

APPLICABLE CODES



VICINITY MAP
NTS



RENDERING OF THE PROPOSED PROJECT

PROJECT PROPOSES THE REMODEL AND ADDITION OF AN EXISTING SINGLE FAMILY RESIDENCE. THE SCOPE OF WORK INCLUDES A NEW SECOND FLOOR ADDITION AND GARAGE-TO-ADU CONVERSION. EXISTING CURB CUT AND TREES TO REMAIN.

PROJECT DESCRIPTION

PROJECT ADDRESS:	985 CHANNING AVENUE, PALO ALTO, CA 94301
ASSESSOR'S PARCEL NUMBER:	003-26-062
ZONING DISTRICT:	R-1
NET LOT AREA:	5,250 SF
FLOOD ZONE:	AH29.7
ALLOWABLE FLOOR AREA (FAR):	2,325 SF (45% OF FIRST 5,000 SF + 30% > 5,000 SF)
TOTAL ALLOWABLE FAR:	800 SF GARAGE-TO-ADU CONVERSION
PROPOSED FLOOR AREA (FAR):	1,288 SF @ FIRST FLOOR, MAIN RESIDENCE
	798 SF @ FIRST FLOOR, ADU
	1,005 SF @ SECOND FLOOR, MAIN RESIDENCE
TOTAL PROPOSED FLOOR AREA:	3,091 SFPS
LOT COVERAGE:	2,389.5 SF MAX. FAR PERMISSIBLE FOR MAIN HOUSE & GARAGE-TO-ADU (800 SF MAX. FOR ADU)
	261.4 SF (5% OF LOT AREA) PERMITTED FOR COVERED PORCH
TOTAL ALLOWABLE LOT COVERAGE:	2,650.9 SF
PROPOSED LOT COVERAGE:	2,085 SF (MAIN HOUSE + ADU)
	89 SF ENTRY FEATURE
TOTAL PROPOSED LOT COVERAGE:	2,174 SF
CONTEXTUAL FRONT YARD SETBACK:	24'-0" SPECIAL SETBACK ALONG CHANNING AVENUE
INTERIOR SIDE YARD SETBACK:	6'-0"
REAR YARD SETBACK:	20'-0"
ALLOWABLE ENCRoACHMENT:	A PORTION OF THE MAIN DWELLING (NO WIDER THAN 20'-3" OR, HALF THE MAX. WIDTH OF THE DWELLING), MAY ENCRoACH INTO THE REAR YARD SETBACK, AT THE GROUND FLOOR UP TO 6FT, PROVIDING A MINIMUM SETBACK OF 14FT IS MAINTAINED.
PARKING REQUIREMENT:	TWO PARKING SPACES REQUIRED FOR MAIN RESIDENCE. ONE (1) EXISTING UNCOVERED PARKING SPACE WILL REMAIN AND ONE (1) NEW PARKING SPACE WILL BE PROVIDED IN THE FRONT YARD WHEN THE (E) SINGLE CAR GARAGE IS CONVERTED INTO A (N) ACCESSORY DWELLING UNIT (ADU). NO PARKING REQUIRED FOR THE ADU.

PROJECT INFORMATION

A1.0 COVER SHEET	T-1 TREE PROTECTION SHEET
A2.1 NEIGHBORHOOD CONTEXT	A11.0 GREEN BUILDING PROGRAM SHEET
A3.1 PHOTOS	
A4.0 SURVEY	
A4.1 FEMA ELEVATION CERTIFICATE	
A5.0 EXISTING & PROPOSED SITE PLANS	
A6.1 EXISTING & PROPOSED FIRST FLOOR PLANS	
A6.2 PROPOSED SECOND FLOOR PLAN & FLOOR AREA DIAGRAM	
A7.1 EXISTING & PROPOSED EXTERIOR ELEVATIONS - SOUTH	
A7.2 EXISTING & PROPOSED EXTERIOR ELEVATIONS - WEST	
A7.3 EXISTING & PROPOSED EXTERIOR ELEVATIONS - NORTH	
A7.4 EXISTING & PROPOSED EXTERIOR ELEVATIONS - EAST	
A8.1 EXISTING & PROPOSED ROOF PLANS	
A9.0 PROPOSED BUILDING SECTIONS	

DRAWING INDEX



1305 INDIANA STREET
SAN FRANCISCO CA 94107
415.890.4834
07STUDIOS.COM
DRAWN BY: S.FARRELL

DUNLAP RESIDENCE

APN: 003-26-062

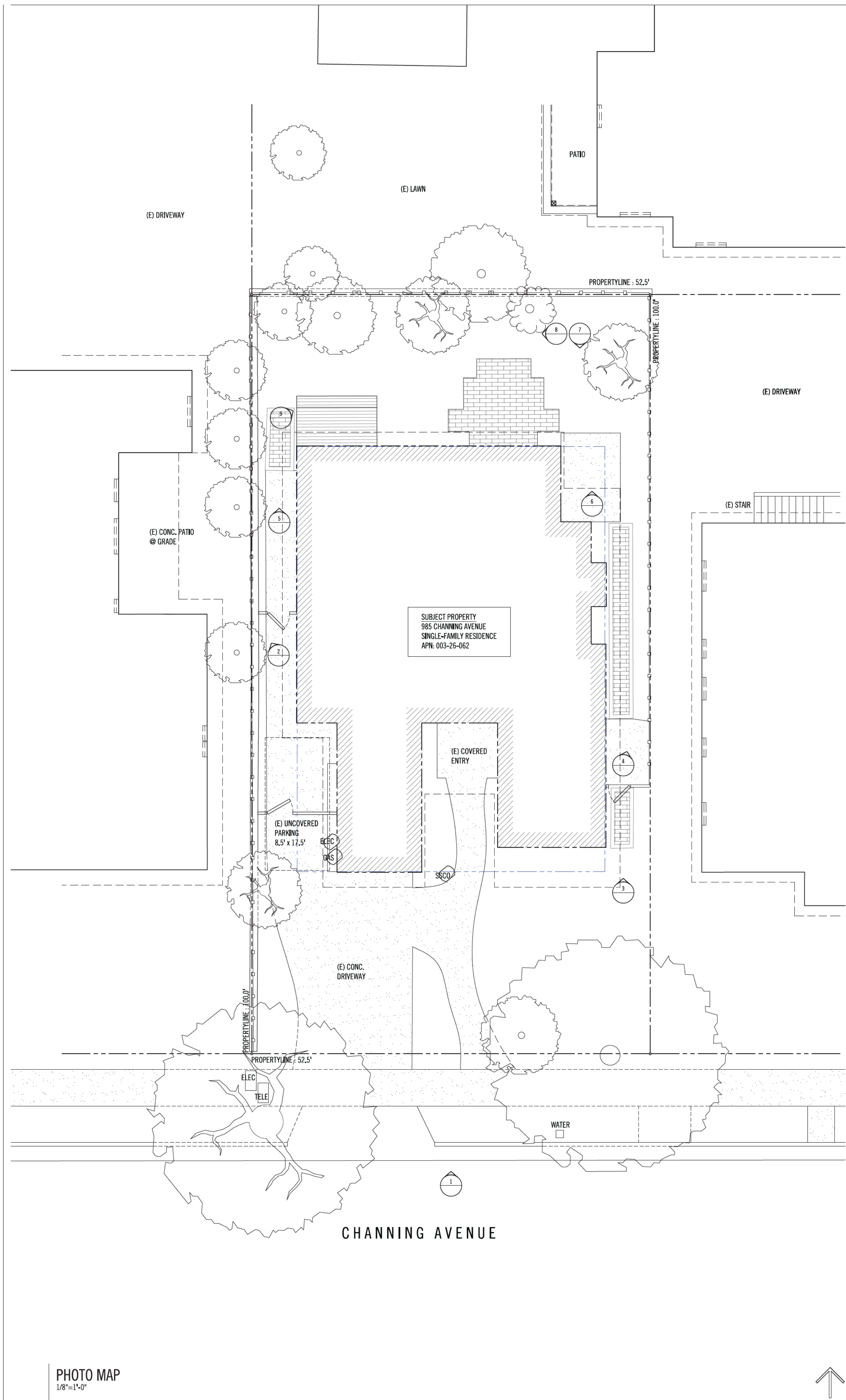
985 CHANNING AVENUE
PALO ALTO, CA 94301

INDIVIDUAL REVIEW

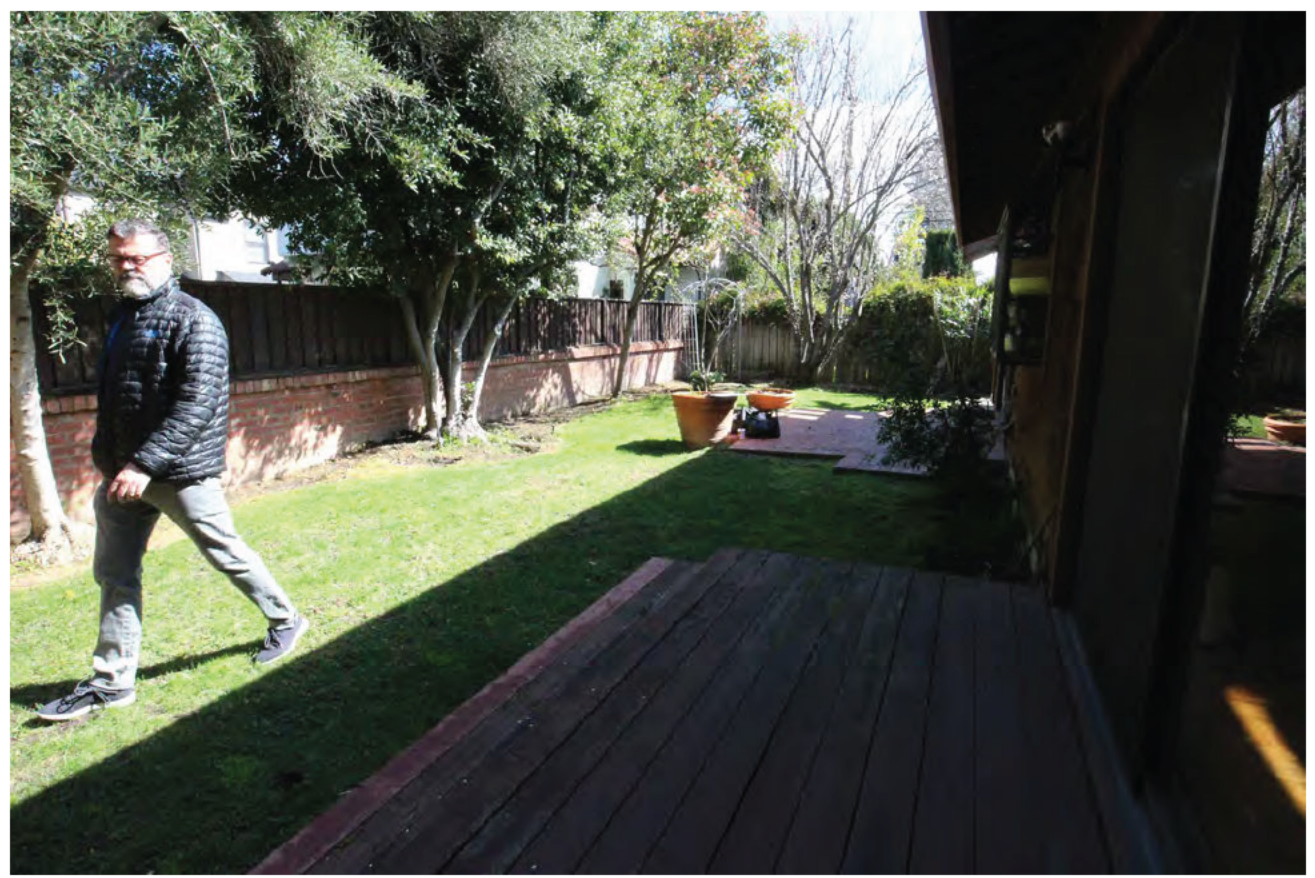
DRAWING INDEX,
PROJECT INFORMATION,
DESCRIPTION & RENDERING

03 AUGUST 2020

A1.0



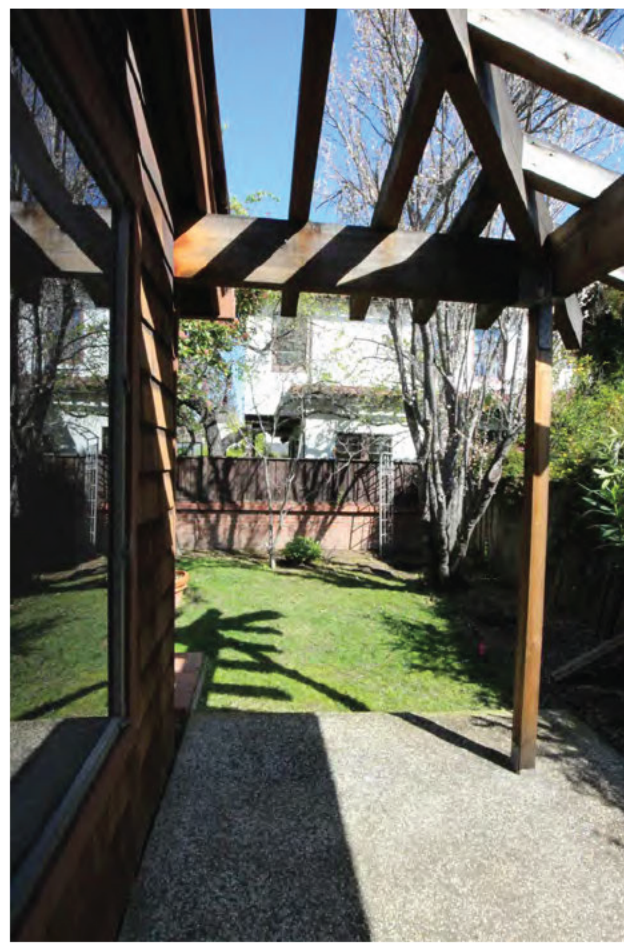
8 (E) DECK, TREES, BRICK WALL & FENCE IN NORTHWEST CORNER OF REAR YARD



9 (E) BRICK WALL & FENCE AND TREES AT NORTH PROPERTY LINE



5 PATH TO NORTHWEST CORNER OF REAR YARD



6 (E) PATIO AT AT NORTHEAST CORNER OF BUILDING



7 (E) PATIO AT AT NORTHEAST CORNER OF BUILDING



2 VIEW OF 975 CHANNING FROM WEST SIDE YARD



3 GATE TO EAST SIDE YARD



4 VIEW OF 991 CHANNING FROM EAST SIDE YARD



1 VIEW OF 985 CHANNING FROM CHANNING AVENUE

PHOTO MAP
1/8" = 1'-0"



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DUNLAP RESIDENCE

APR. 003-26-062

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INDIVIDUAL REVIEW

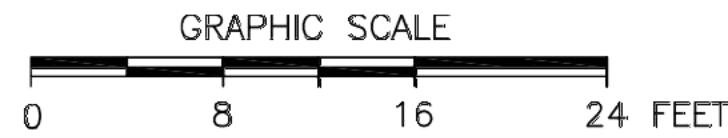
PHOTOS

DATE 03 AUGUST 2020

SCALE 1/8" = 1'-0"

REVISIONS

A3.0



SURVEYOR'S NOTES:

- DATE OF SURVEY: JANUARY 20, 2019.
- UTILITIES FOUND ARE BASED UPON SURFACE EVIDENT FINDINGS. RECORDS OF UTILITIES WERE NOT UTILIZED FOR THIS SURVEY.
- TREES SHOWN ARE THOSE OF SIZE SIGNIFICANCE. THE SITE CONTAINS OTHER TREES UNDER 6" AND ARE NOT SHOWN FOR MAP CLARITY. TREE CLASSIFICATIONS ARE TO THE BEST KNOWLEDGE OF THE SURVEYOR. AN ARBORIST MUST SPECIFY ACTUAL TREE TYPE. TREE TRUNK LOCATIONS ARE APPROXIMATE. TREES THAT CROSS A PROPERTY LINE AT GROUND LEVEL SHOULD BE CONSIDERED TO BE JOINTLY OWNED BY THE RESPECTIVE PROPERTY OWNERS. CONSULT AN ARBORIST FOR DETAILS.
- MAIN STRUCTURE AND APPURTENANT STRUCTURES ARE BASED UPON THE BEST EFFORTS OF THE SURVEY CREW. SOME ELEMENTS MAY BE MISSING AND CHECKS BY THE ARCHITECTS OFFICE WILL BE NECESSARY BEFORE DESIGN WORK.
- PHYSICAL ITEMS SHOWN ON THIS SURVEY ARE LIMITED TO THOSE SURFACE ITEMS VISIBLE AS OF THE DATE OF THIS SURVEY AND FROM AVAILABLE RECORD DATA. SUBSURFACE OBJECTS, IF ANY, MAY NOT BE SHOWN. SAID SUBSURFACE OBJECTS MAY INCLUDE, BUT ARE NOT LIMITED TO, UNDERGROUND UTILITY LINES, UTILITY VAULTS, CONCRETE FOOTINGS, SLABS, SHORING, STRUCTURAL PILES, PIPING, UNDERGROUND TANKS, AND ANY OTHER SUBSURFACE STRUCTURES NOT REVEALED BY A SURFACE INSPECTION.
- DIMENSIONS SHOWN HEREON ARE GROUND DISTANCES IN FEET AND DECIMALS THEREOF.
- PROPERTY CORNERS WERE NOT SET IN CONJUNCTION WITH THIS SURVEY.
- TREE TRUNK LOCATIONS ARE APPROXIMATE. TREES THAT CROSS A PROPERTY LINE AT GROUND LEVEL SHOULD BE CONSIDERED TO BE JOINTLY OWNED BY THE RESPECTIVE PROPERTY OWNERS. CONSULT AN ARBORIST FOR DETAILS.
- DIMENSIONS FROM HOUSE TO PROPERTY LINE ARE MEASURED FROM THE BUILDING FACE/CORNER OF THE STRUCTURE, PERPENDICULAR TO THE PROPERTY LINES.

LEGEND

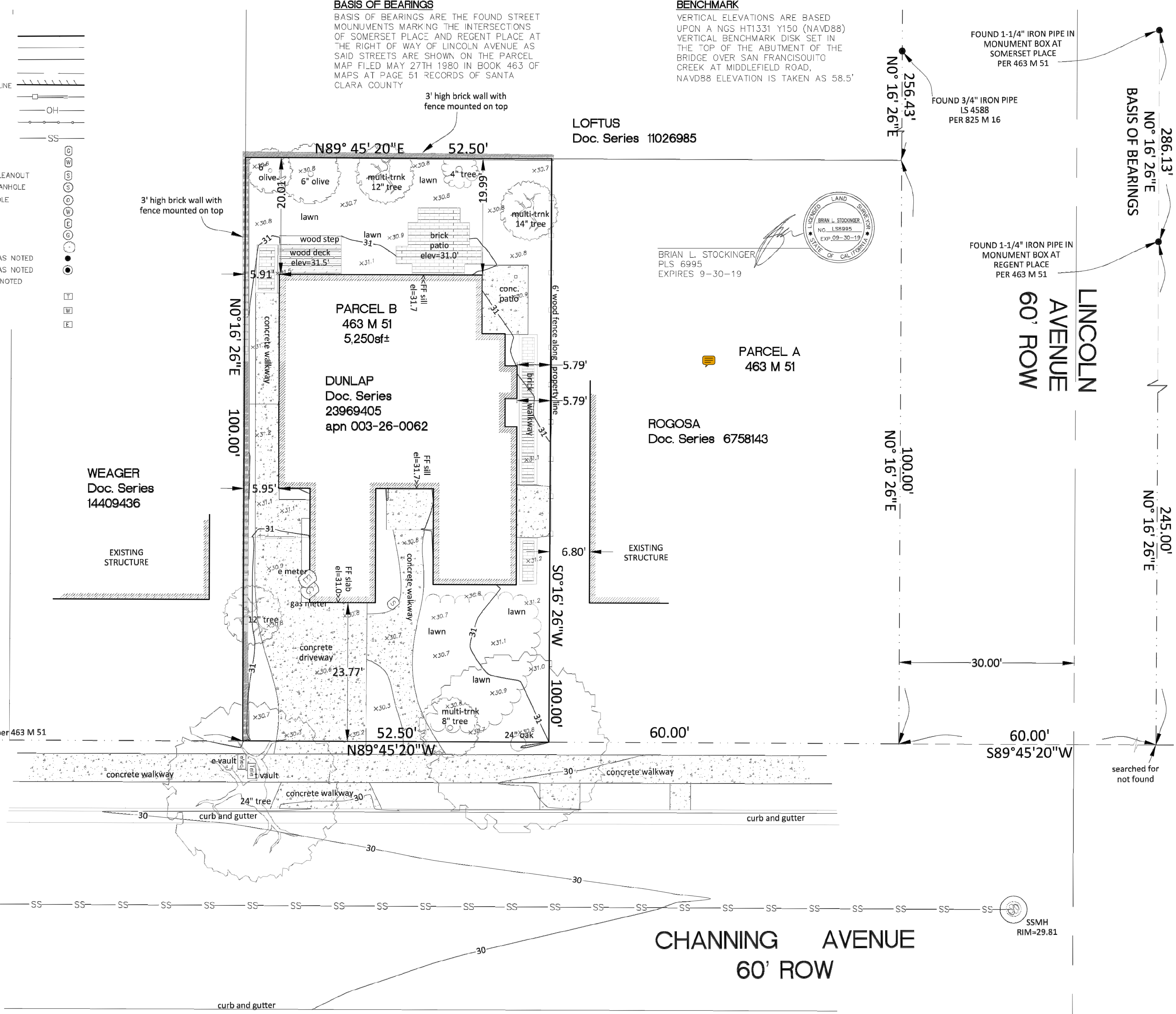
- BOUNDARY
- PROPERTY LINE
- RIGHT OF WAY LINE
- SETBACK LINE
- FACE OF BUILDING LINE
- WOODEN FENCE
- OVERHEAD WIRE
- PICKET FENCE
- SEWER MARKING
- GAS METER
- WATER METER
- SANITARY SEWER CLEANOUT
- SANITARY SEWER MANHOLE
- STORMDRAIN MANHOLE
- WATER VALVE
- ELECTRIC METER
- GAS VALVE
- TREE AS NOTED
- FOUND MONUMENT AS NOTED
- FOUND MONUMENT AS NOTED
- SET MONUMENT AS NOTED
- VAULT, TELEPHONE
- VAULT, WATER
- VAULT, POWER

BASIS OF BEARINGS

BASIS OF BEARINGS ARE THE FOUND STREET MOUNUMENTS MARKING THE INTERSECTIONS OF SOMERSET PLACE AND REGENT PLACE AT THE RIGHT OF WAY OF LINCOLN AVENUE AS SAID STREETS ARE SHOWN ON THE PARCEL MAP FILED MAY 27TH 1980 IN BOOK 463 OF MAPS AT PAGE 51 RECORDS OF SANTA CLARA COUNTY

BENCHMARK

VERTICAL ELEVATIONS ARE BASED UPON A NGS HT1331 Y150 (NAVD88) VERTICAL BENCHMARK DISK SET IN THE TOP OF THE ABUTMENT OF THE BRIDGE OVER SAN FRANCISCO CREEK AT MIDDLEFIELD ROAD, NAVD88 ELEVATION IS TAKEN AS 58.5'



FOUND 3/4" IRON PIPE PER 463 M 51

FOUND 1-1/4" IRON PIPE IN MONUMENT BOX AT SOMERSET PLACE PER 463 M 51

FOUND 3/4" IRON PIPE LS 4588 PER 825 M 16

FOUND 1-1/4" IRON PIPE IN MONUMENT BOX AT REGENT PLACE PER 463 M 51

SS SSMH RIM=30.61

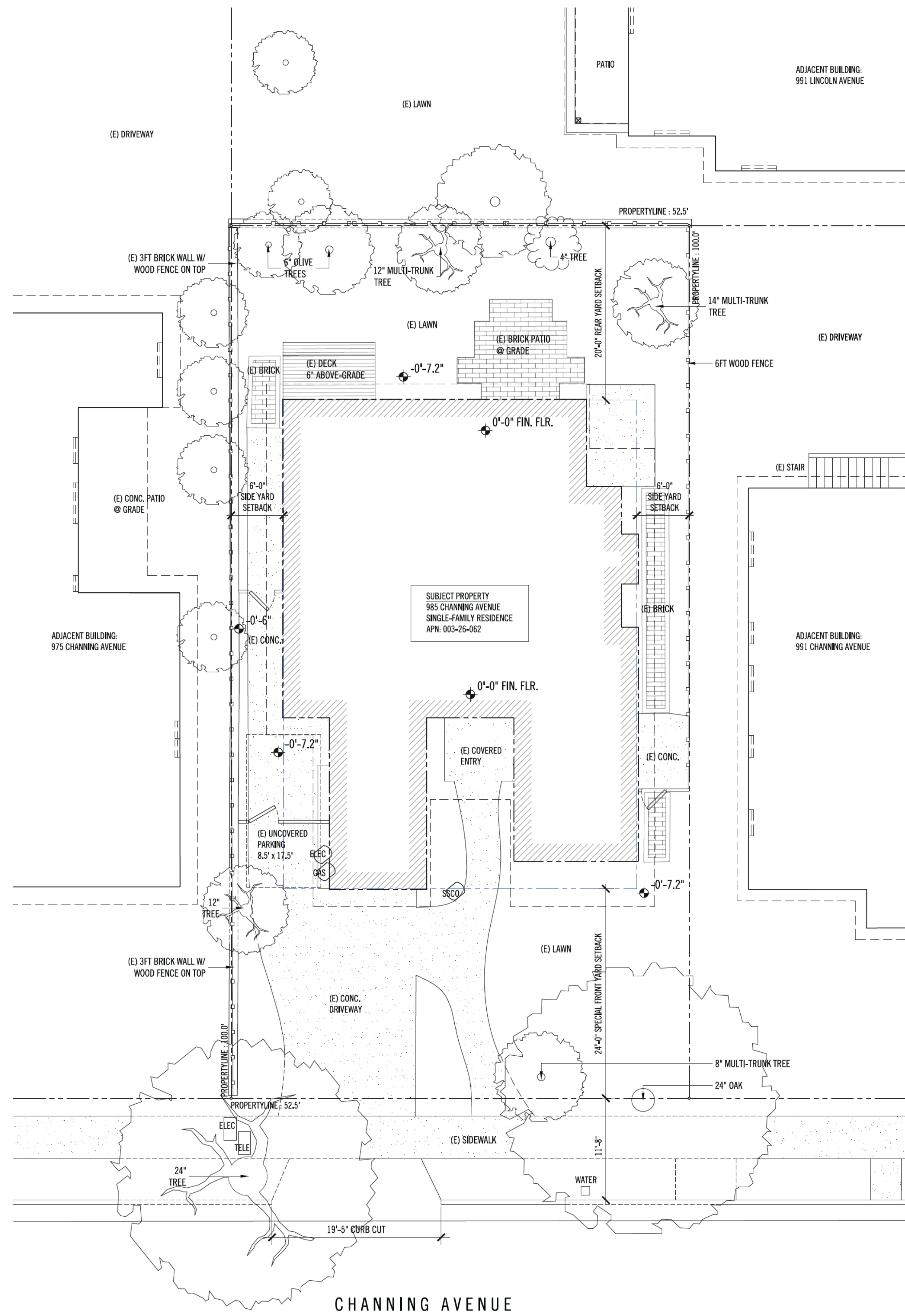
SSMH RIM=29.81

CHANNING AVENUE
60' ROW

BLS Mapping and Surveying
BRIAN L. STOCKINGER PLS 6995
BOX 24 (0.95) GRANDVIEW AVE, MARTINEZ, CA 94553
(925) 941-1644 (C) (925) 728-9999 (F)
goodbarr96599@pacbell.net

TOPOGRAPHICAL BOUNDARY SURVEY
985 CHANNING AVENUE
SANTA CLARA COUNTY
PALO ALTO

SCALE AS SHOWN	DATE	DRAWN BY	CHECKED BY	PROJ. MGR.	BLS
SHEET REVISIONS					
NO.	DATE	BY	DESCRIPTION		
SHEET NO. 1					
JOB NO. 985 CHANNING					
CAD FILE: 985 CHANNING.DWG					

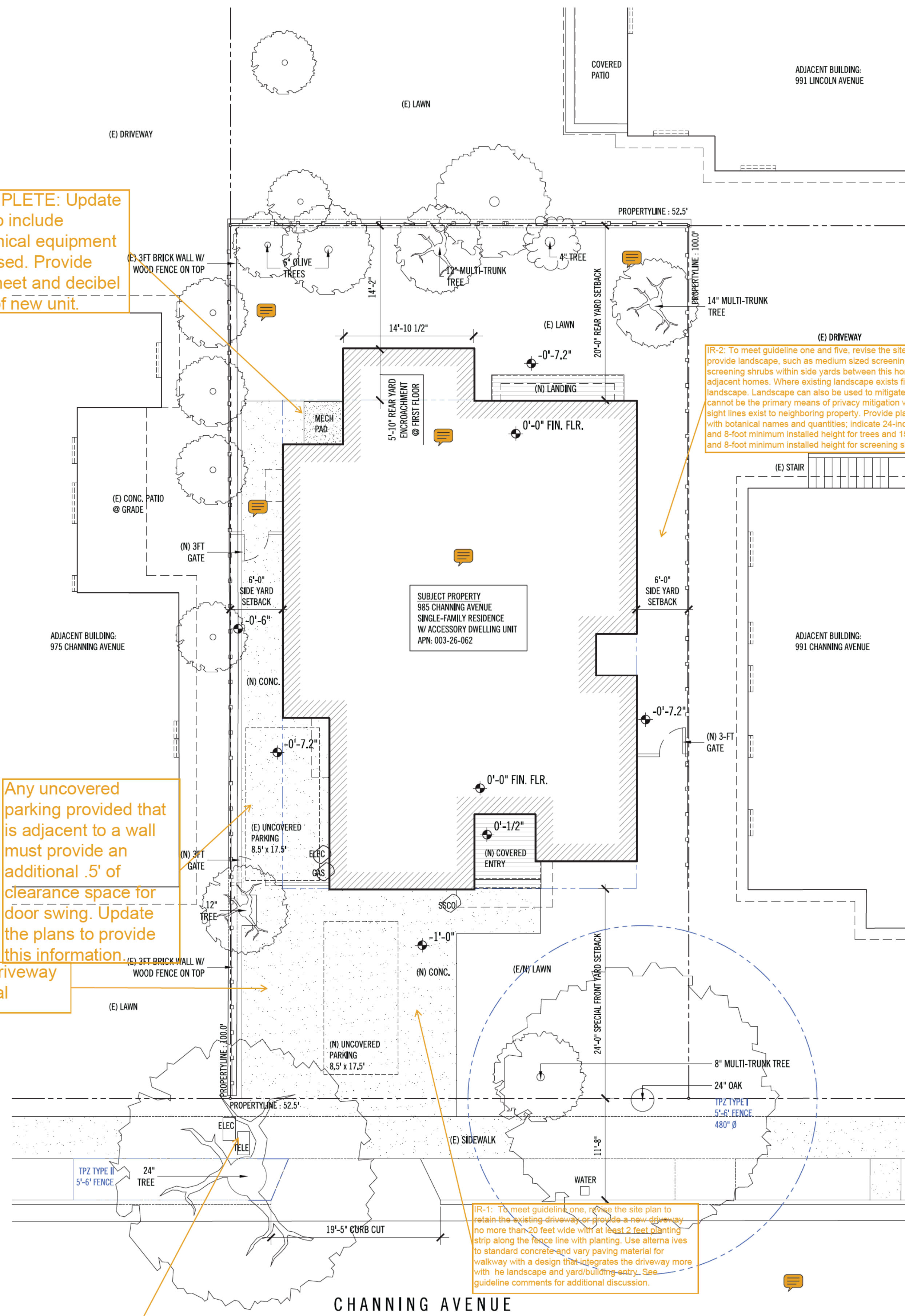


INCOMPLETE: Update plans to include mechanical equipment to be used. Provide spec sheet and decibel rating of new unit.

Any uncovered parking provided that is adjacent to a wall must provide an additional .5' of clearance space for door swing. Update the plans to provide this information.

Note driveway material

Update to show



IR-2: To meet guideline one and five, revise the site plan to provide landscape, such as medium sized screening trees or tall screening shrubs within side yards between this home and adjacent homes. Where existing landscape exists fill gaps in the landscape. Landscape can also be used to mitigate privacy, but it cannot be the primary means of privacy mitigation where direct sight lines exist to neighboring property. Provide plant choices with botanical names and quantities; indicate 24-inch box size and 8-foot minimum installed height for trees and 15-gallon size and 8-foot minimum installed height for screening shrubs.

IR-1: To meet guideline one, revise the site plan to retain the existing driveway or provide a new driveway no more than 20 feet wide with at least 2 feet planting strip along the fence line with planting. Use alternate to standard concrete and vary paving material for walkway with a design that integrates the driveway more with the landscape and yard/building entry. See guideline comments for additional discussion.

GENERAL NOTES

1. SITE SURVEY PROVIDED ON SHEET 1
2. FEMA FLOOD PLANE ELEVATION CERTIFICATE PROVIDED ON SHEET A4.1

EXISTING LOT COVERAGE

FOOTPRINT OF STRUCTURES OVER 30"	1,843 SF
PORTION OF EAVES OVER 4'-0"	78 SF
TOTAL (E) LOT COVERAGE = 1,921 SF	

PROPOSED LOT COVERAGE

FOOTPRINT OF STRUCTURES OVER 30"	2,085 SF
PORTION OF EAVES OVER 4'-0"	0 SF
ENTRY PORCH OVER 12'-0" CEILING HEIGHT	89 SF
TOTAL PROPOSED LOT COVERAGE = 2,174 SF	

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 415.890.4834
 07STUDIOS.COM
 DRAWN BY S FARRELL

DUNLAP RESIDENCE

APN: 003-26-062

985 CHANNING AVENUE
 PALO ALTO, CA 94301

INDIVIDUAL REVIEW

EXISTING & PROPOSED SITE PLANS

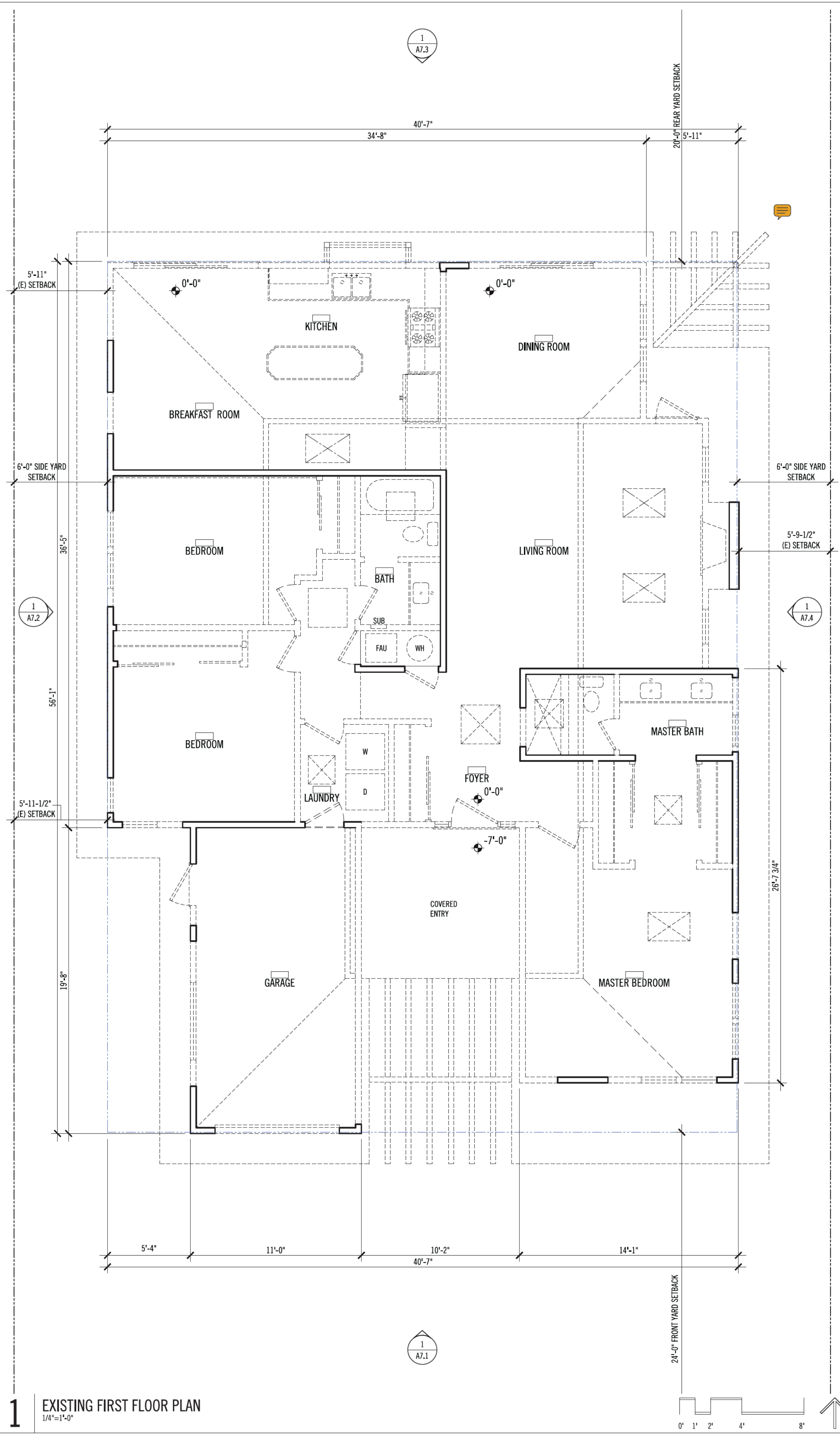
DATE 03 AUGUST 2020

SCALE 1/8" = 1'-0"

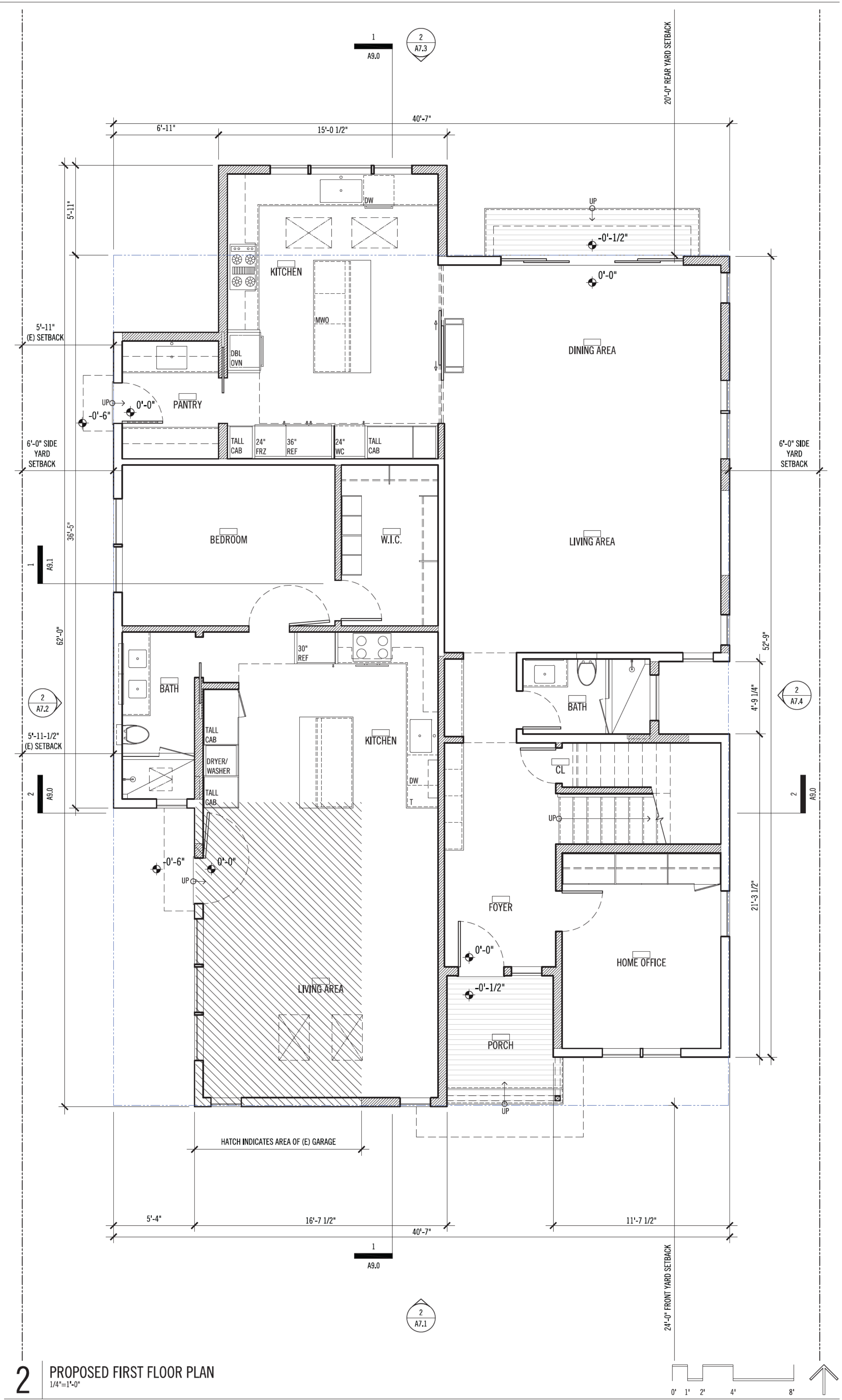
REVISIONS

LEGEND

- LINE ABOVE
- PROPERTY LINE
- HIDDEN LINE
- FENCE



1 EXISTING FIRST FLOOR PLAN
1/4"=1'-0"



2 PROPOSED FIRST FLOOR PLAN
1/4"=1'-0"

- GENERAL NOTES**
- HATCHED AREA SHOWN ON PROPOSED FIRST FLOOR PLAN INDICATES EXISTING FLOOR AREA THAT WILL BE CONVERTED INTO A (N) ACCESSORY DWELLING UNIT
 - EXISTING SLAB ON GRADE TO REMAIN
 - REFER TO SITE SURVEY AND FEMA FLOOD CERTIFICATE FOR ELEVATION
 - ROOF PLAN PROVIDED ON SHEET A8.0

WALL TYPE LEGEND

(E) WALL	(E) WALL
(N) WALL	(N) WALL
LINE OF DEMOLITION	LINE OF DEMOLITION
LINE ABOVE	LINE ABOVE
HIDDEN LINE	HIDDEN LINE

07 STUDIOS

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PALO ALTO, CA 94301
APN: 003-06-062

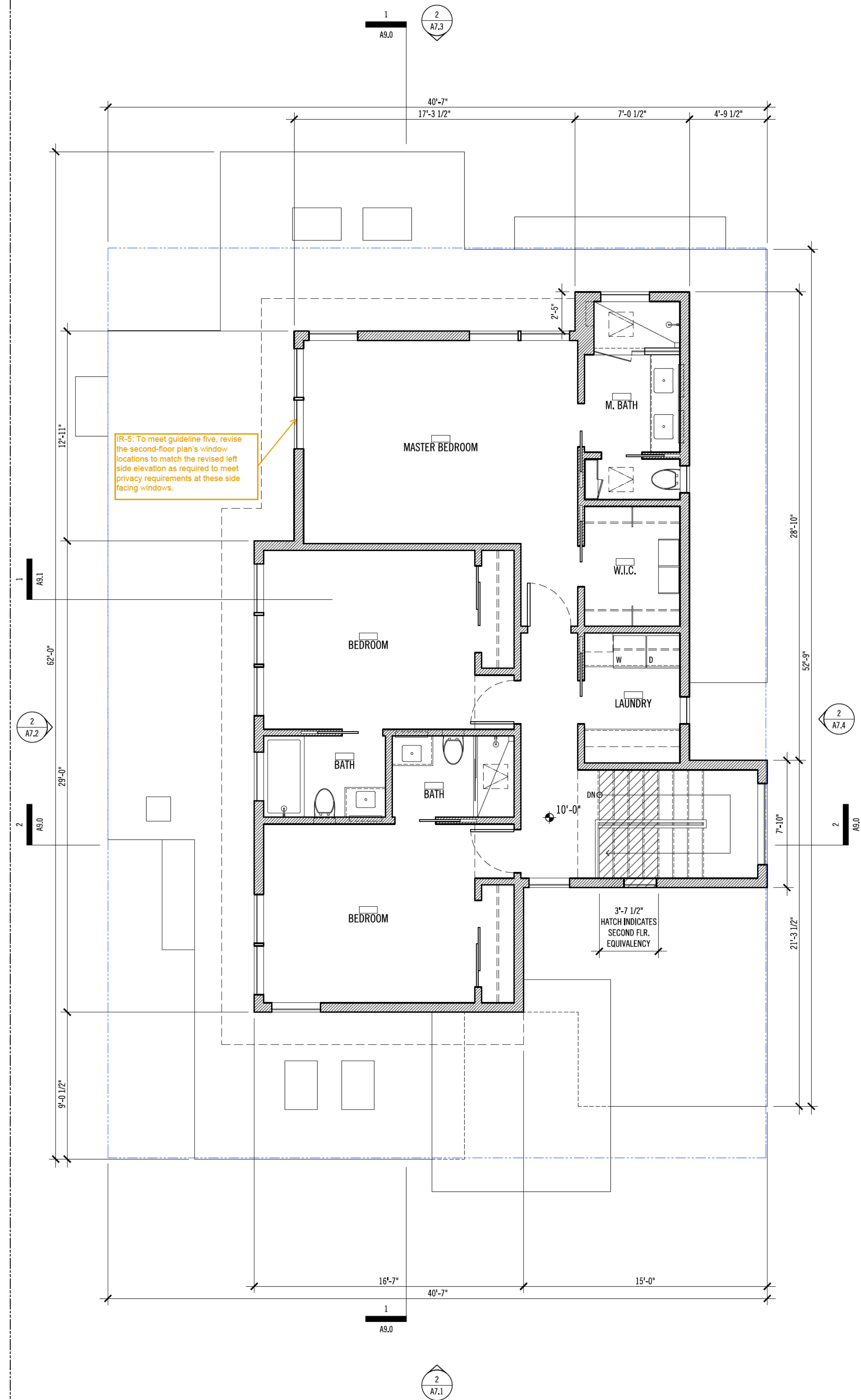
INDIVIDUAL REVIEW

EXISTING & PROPOSED
FIRST FLOOR PLANS

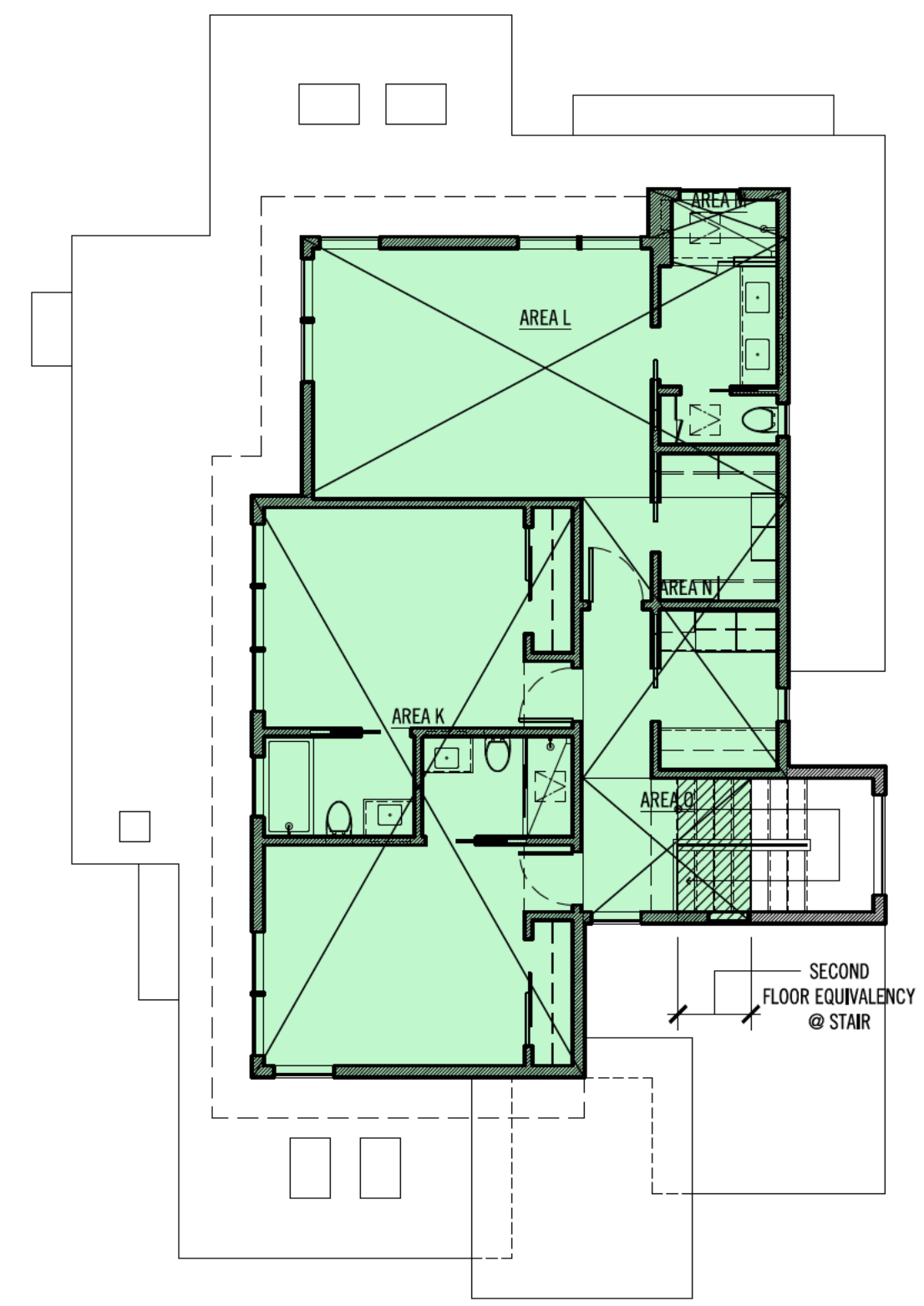
DATE 03 AUGUST 2020
SCALE 1/4" = 1'-0"

REVISIONS

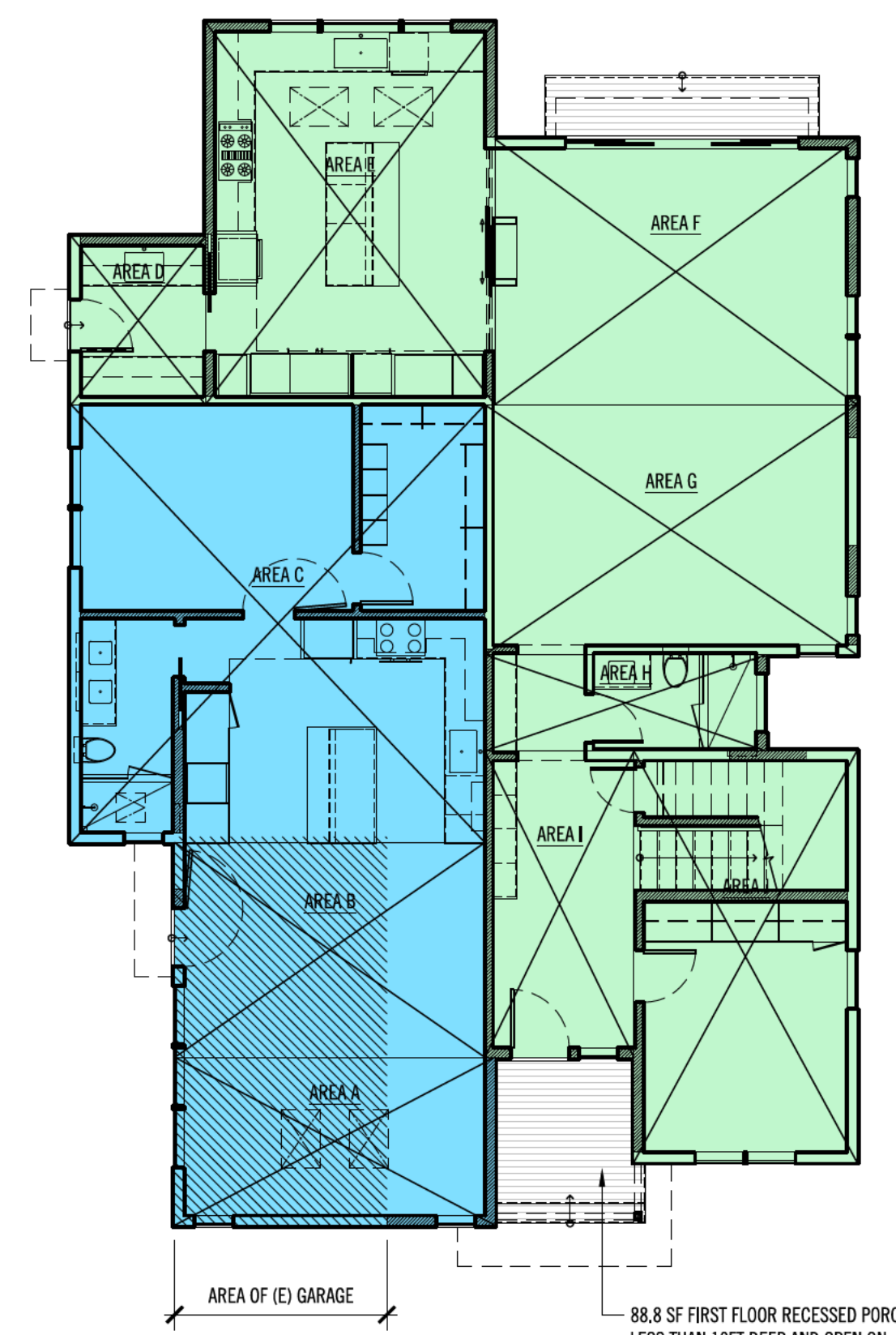
A6.1



1 PROPOSED SECOND FLOOR PLAN
1/4"=1'-0"



SECOND FLOOR



FIRST FLOOR

PROPOSED FLOOR AREA TOTALS

FIRST FLOOR	SECOND FLOOR
ADU 141.95 SF AREA A	MAIN RESIDENCE 473.35 SF AREA K
176.20 SF AREA B	312.15 SF AREA L
479.1 SF AREA C	16.55 SF AREA M
MAIN RESIDENCE 59.95 SF AREA D	142.92 SF AREA N
292.55 SF AREA F	60.00 SF AREA O
254.55 SF AREA E	1,005 SF TOTAL SECOND FLOOR AREA
245.85 SF AREA G	
71.40 SF AREA H	3,090 SF TOTAL COMBINED FLOOR AREA
120.75 SF AREA I	
242.1 SF AREA J	
2,085 SF TOTAL FIRST FLOOR AREA	

2 FLOOR AREA DIAGRAMS
1/8"=1'-0"

GENERAL NOTES

- HATCHED AREA SHOWN ON PROPOSED SECOND FLOOR PLAN INDICATES FLOOR AREA THAT IS CONSIDERED EQUIVALENT TO A SECOND FLOOR; THIS AREA SHALL BE COUNTED TWICE.
- REFER TO BUILDING SECTIONS ON SHEET A9.0
- ROOF PLAN PROVIDED ON SHEET A8.0



1305 INDIANA STREET
SAN FRANCISCO CA 94107
415.800.4834
07STUDIOS.COM

DRAWN BY S FARRELL

DUNLAP RESIDENCE

APN: 003-26-462

985 CHANNING AVENUE
PALO ALTO, CA 94301

INDIVIDUAL REVIEW

PROPOSED SECOND FLOOR PLAN & FLOOR AREA DIAGRAMS

DATE 03 AUGUST 2020

SCALE VARIES

REVISIONS

WALL TYPE LEGEND

- (E) WALL
- (N) WALL
- LINE OF DEMOLITION
- LINE ABOVE
- HIDDEN LINE

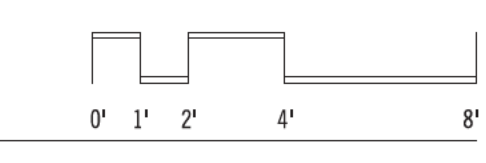
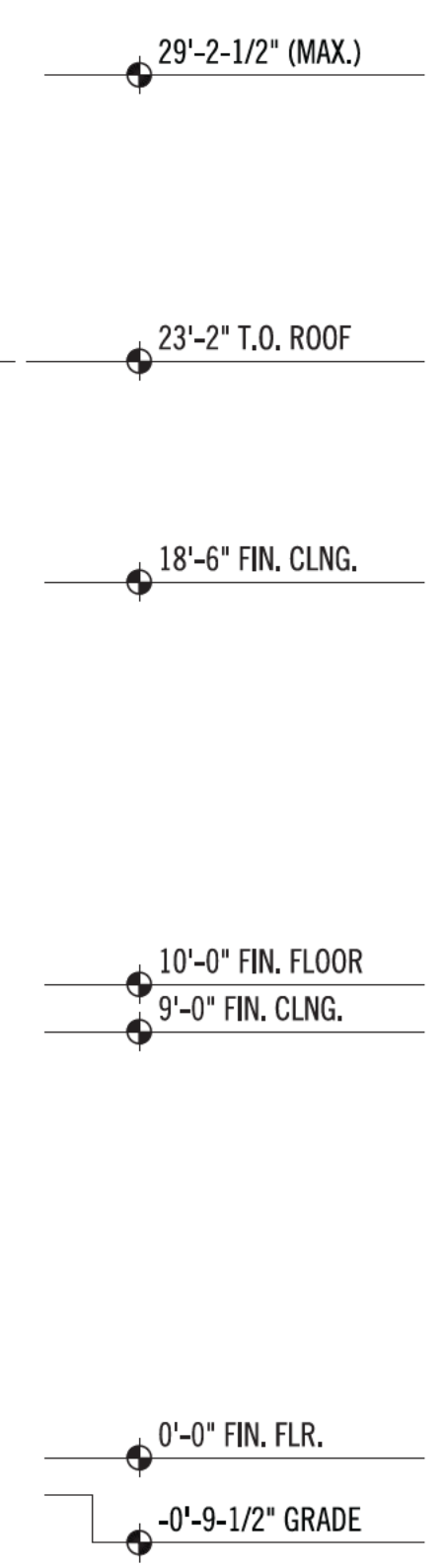
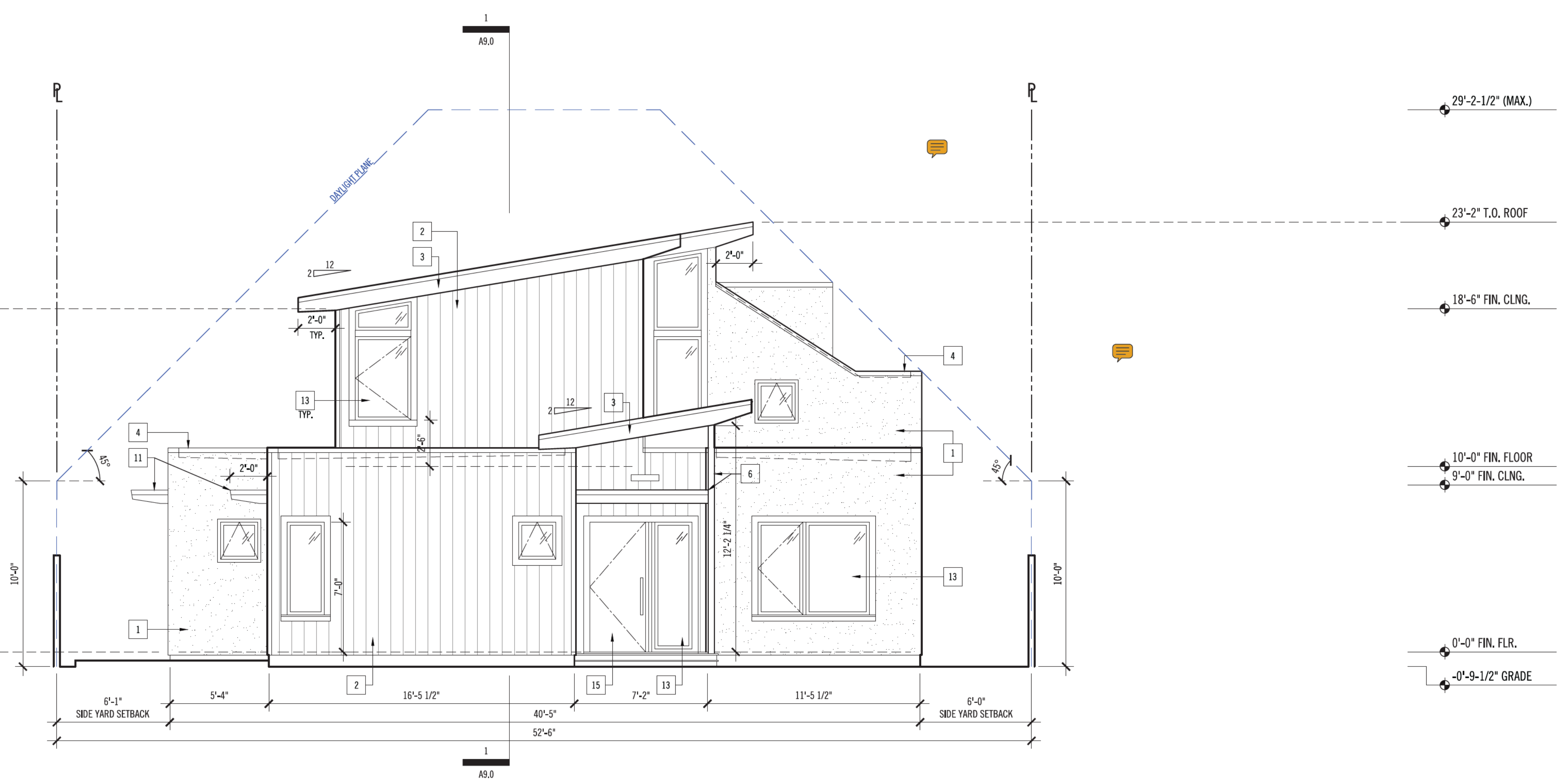
A6.2

GENERAL NOTES

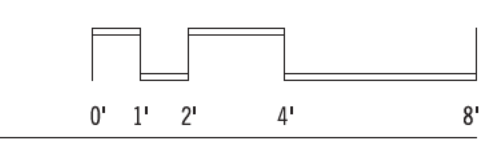
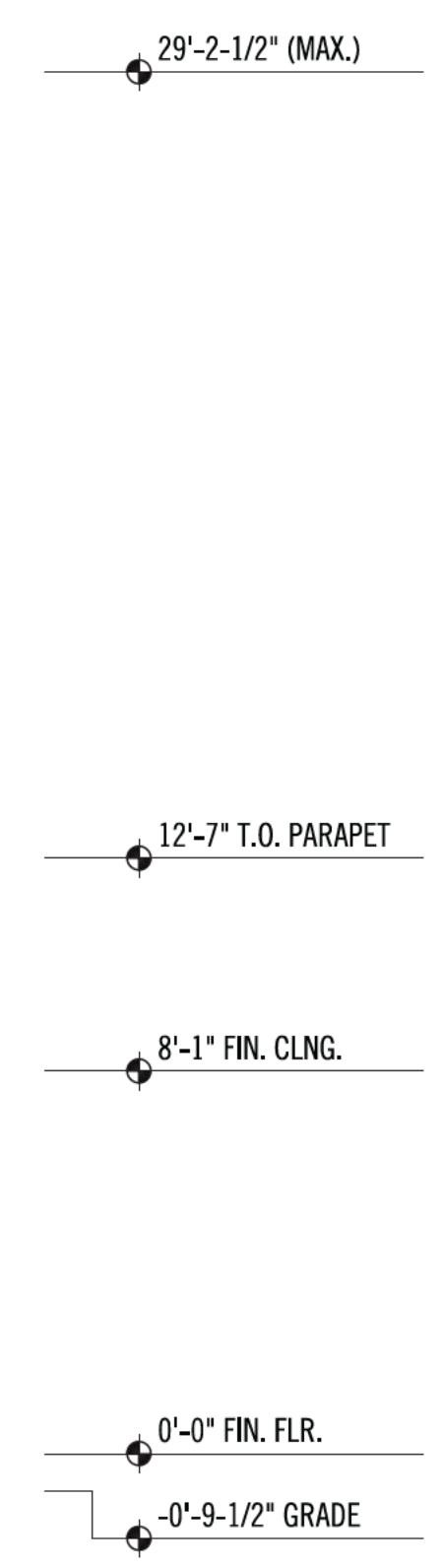
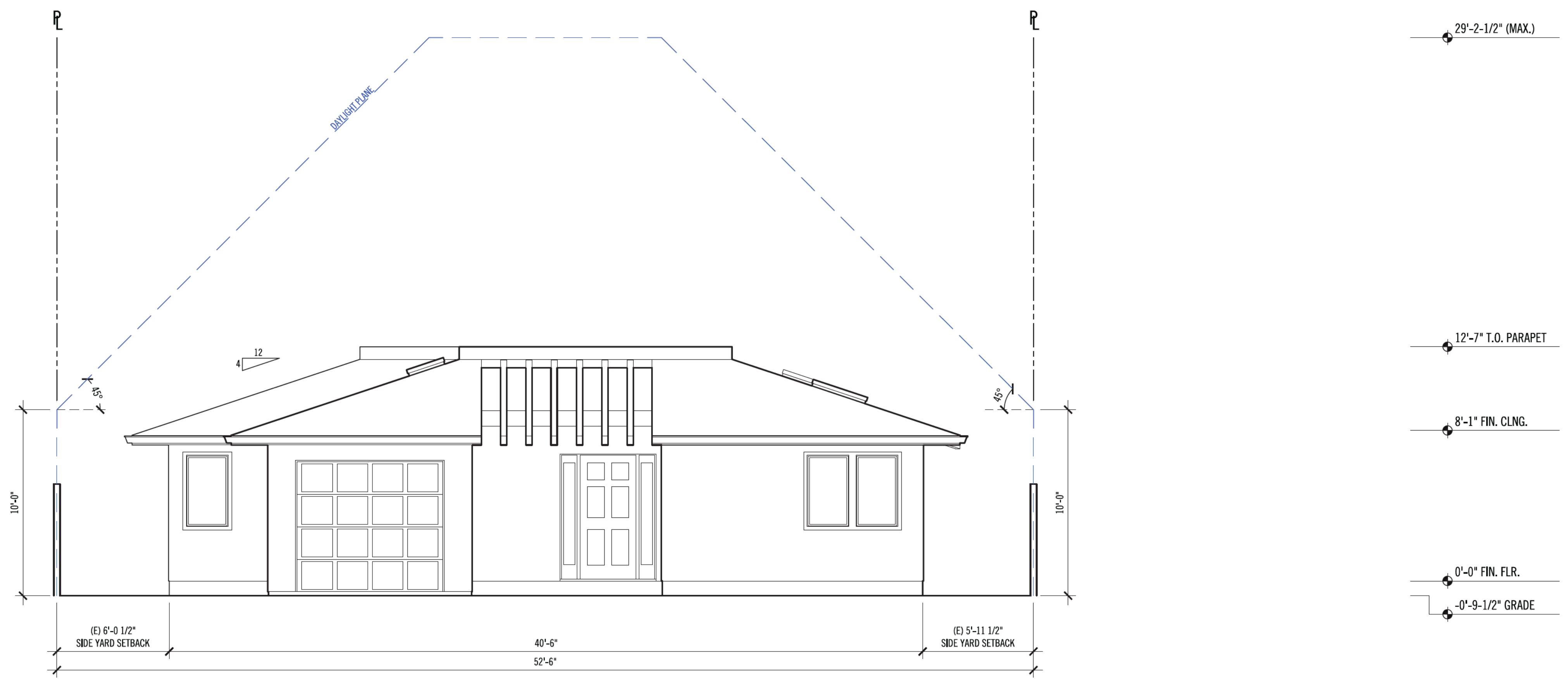
1. REFER TO FLOOR AND ROOF PLANS
2. BUILDING SECTIONS PROVIDED ON SHEETS A9.0
3. DAYLIGHT PLANE AND MAXIMUM HEIGHT MEASURED FROM THE AVERAGE GRADE. SEE SITE SURVEY.

KEYNOTES

- | | |
|----|--|
| 1 | SMOOTH STUCCO CLADDING, PAINTED |
| 2 | CEMENTITIOUS CHANNEL SIDING, VERTICAL |
| 3 | SMOOTH COMPOSITE FASCIA BOARD, PAINTED |
| 4 | PARAPET CAP, PAINTED |
| 5 | IPE DECKING W/ CLEAR SEALANT |
| 6 | STEEL POST AND BEAMS, PAINTED |
| 7 | SOFFIT BOARD, PAINTED |
| 8 | NOT USED |
| 9 | STANDING SEAM METAL ROOF, COLOR TBD |
| 10 | NOT USED |
| 11 | 24"-DEEP DOOR AWNING |
| 12 | NOT USED |
| 13 | DUAL-GLAZED WINDOW W/ DARK ANNOXIDIZED BRONZE FINISH |
| 14 | DUAL-GLAZED SLIDING DOOR W/ DARK ANNOXIDIZED BRONZE FINISH |
| 15 | EXTERIOR-GRADE DOOR, PAINTED |



2 PROPOSED EXTERIOR ELEVATION - SOUTH
1/4" = 1'-0"



1 EXISTING EXTERIOR ELEVATION - SOUTH
1/4" = 1'-0"

GENERAL NOTES

1. REFER TO FLOOR AND ROOF PLANS
2. BUILDING SECTIONS PROVIDED ON SHEETS A9.0
3. DAYLIGHT PLANE AND MAXIMUM HEIGHT MEASURED FROM THE AVERAGE GRADE. SEE SITE SURVEY.

KEYNOTES

- 1 SMOOTH STUCCO CLADDING, PAINTED
- 2 CEMENTITIOUS CHANNEL SIDING, VERTICAL
- 3 SMOOTH COMPOSITE FASCIA BOARD, PAINTED
- 4 PARAPET CAP, PAINTED
- 5 IPE DECKING W/ CLEAR SEALANT
- 6 STEEL POST AND BEAMS, PAINTED
- 7 SOFFIT BOARD, PAINTED
- 8 NOT USED
- 9 STANDING SEAM METAL ROOF, COLOR TBD
- 10 NOT USED
- 11 24"-DEEP DOOR AWNING
- 12 NOT USED
- 13 DUAL-GLAZED WINDOW W/ DARK ANNOXIDIZED BRONZE FINISH
- 14 DUAL-GLAZED SLIDING DOOR W/ DARK ANNOXIDIZED BRONZE FINISH
- 15 EXTERIOR-GRADE DOOR, PAINTED

INDIVIDUAL REVIEW

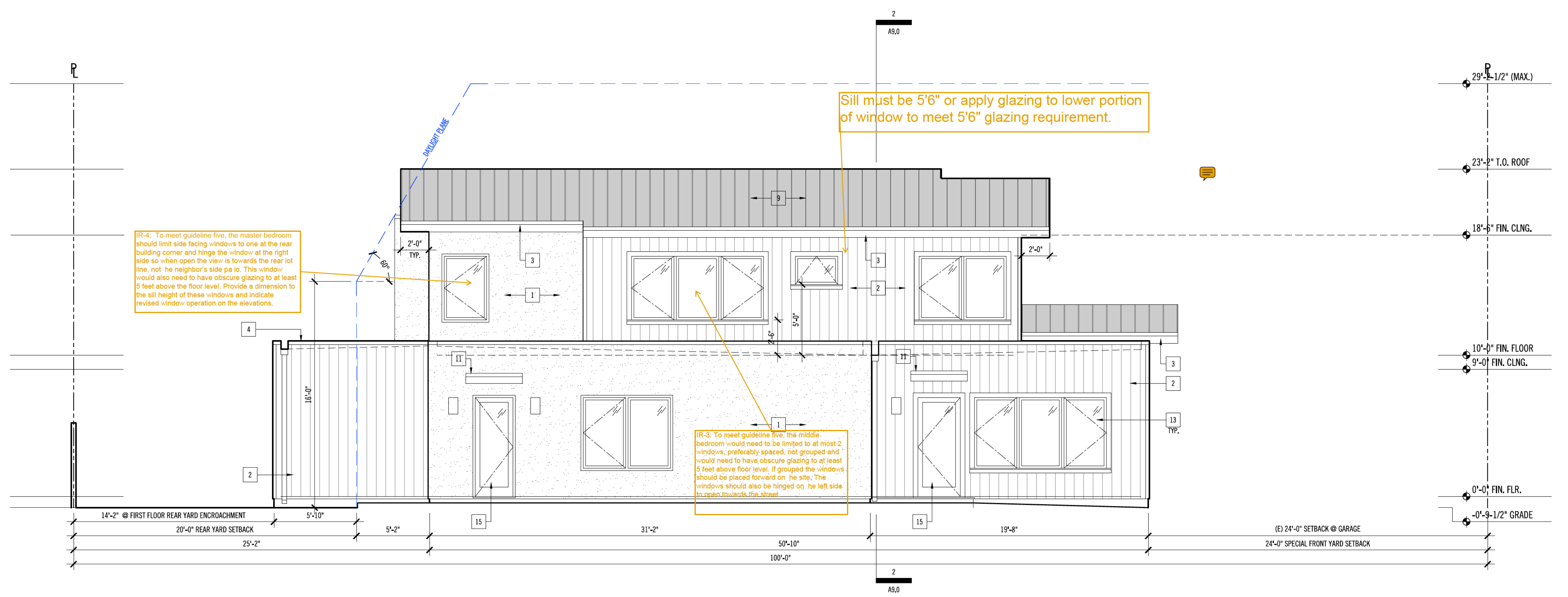
EXISTING & PROPOSED EXTERIOR ELEVATIONS - WEST

DATE 03 AUGUST 2020

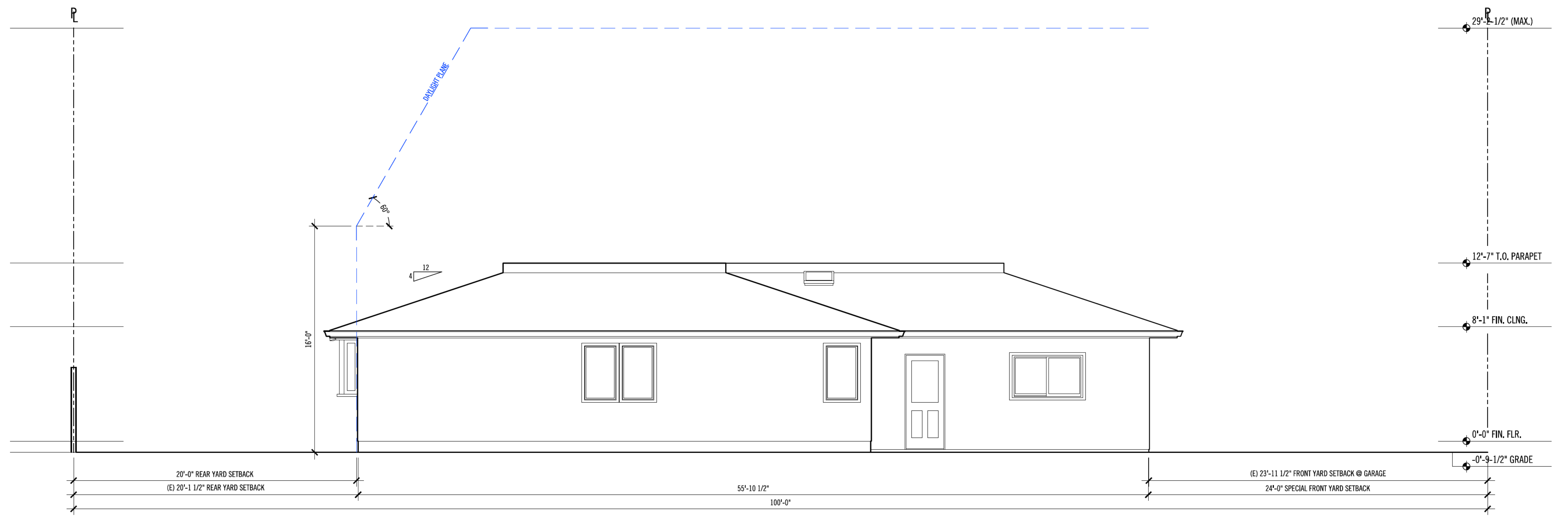
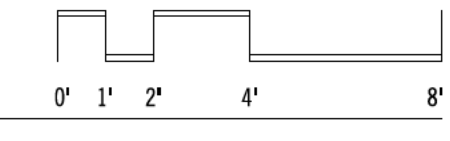
SCALE 1/4" = 1'-0"

REVISIONS

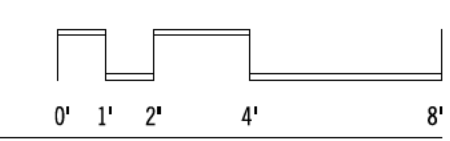
A7.2



2 PROPOSED EXTERIOR ELEVATION - WEST
1/4" = 1'-0"



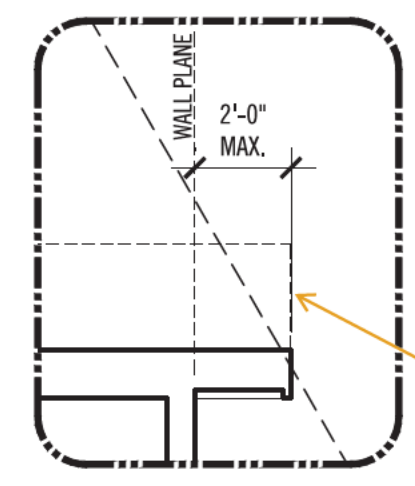
1 EXISTING EXTERIOR ELEVATION - WEST
1/4" = 1'-0"



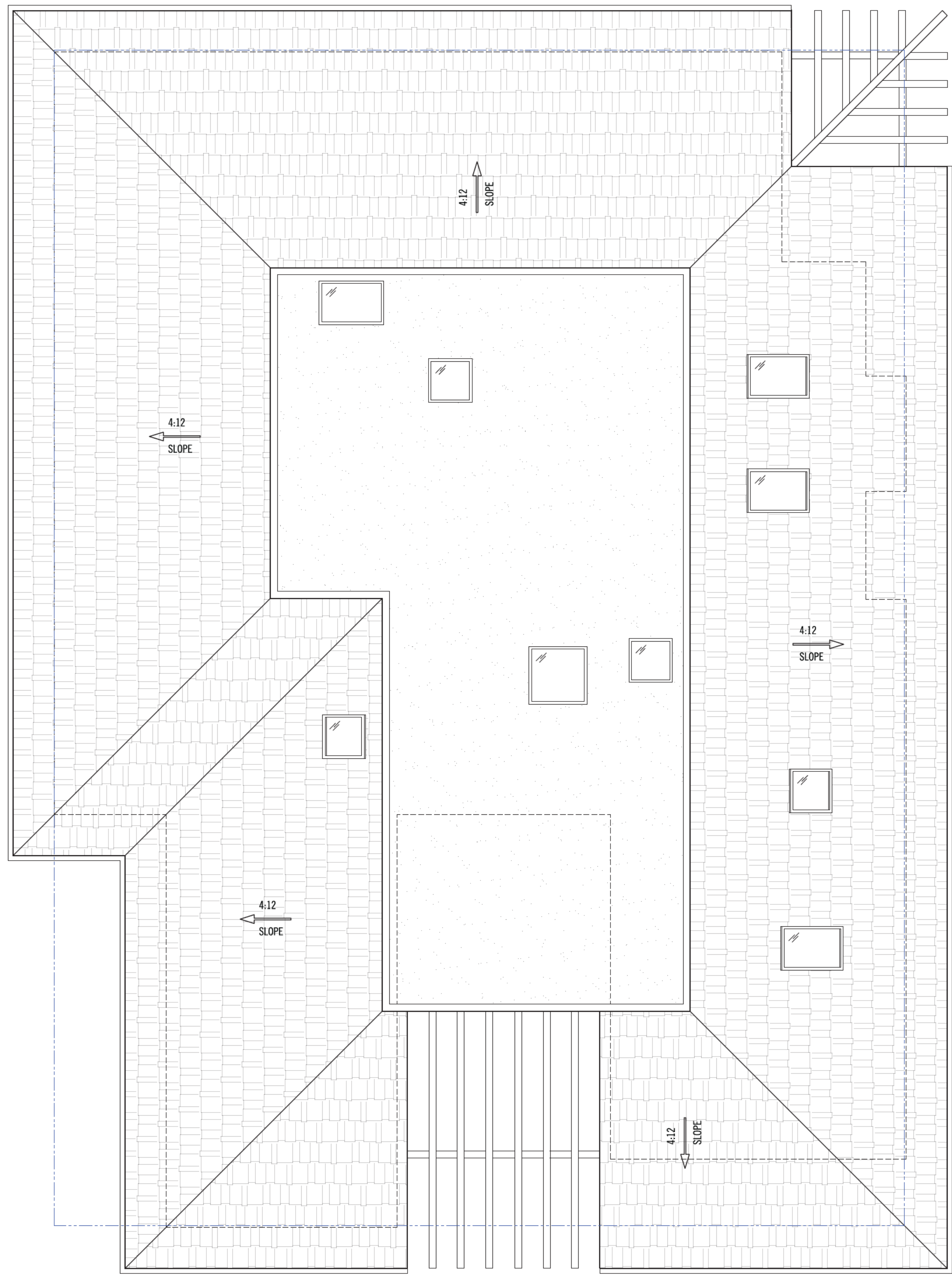
GENERAL NOTES

1. FLAT ROOFING TO SLOPE 1/4" PER FOOT (MIN.) CRICKET ROOF AND SKYLIGHTS TO DIRECT WATER TO SCUPPERS AND DOWNSPOUTS
2. GUTTERS AND DOWNSPOUTS WILL BE PAINTED
3. SLOPED ROOF STRUCTURE WILL BE ENGINEERED TO CARRY THE WEIGHT OF A (N) SOLAR PANEL ARRAY (NOT SHOWN)
4. OVERHANG OF EAVES AND DOOR AWNINGS IS 2'-0", UNLESS OTHERWISE NOTED.
5. SEE DRAWING 3 FOR DETAIL OF ALLOWABLE EAVE PROTRUSION OF REAR DAYLIGHT PLANE AT SECOND FLOOR

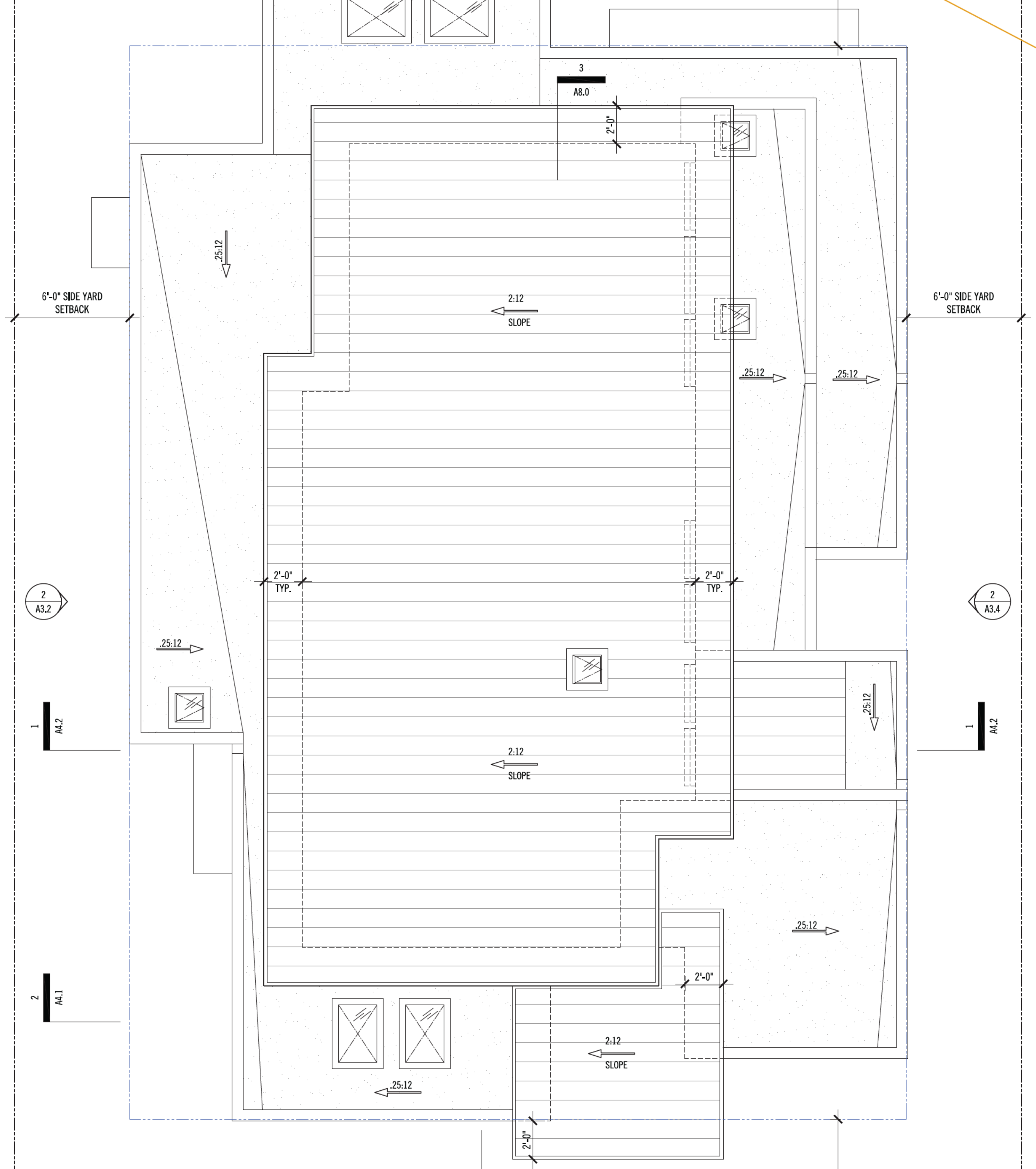
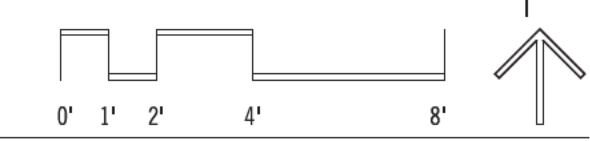
Clarify outline of drawing to identify top of roof and bottom of roof slope.



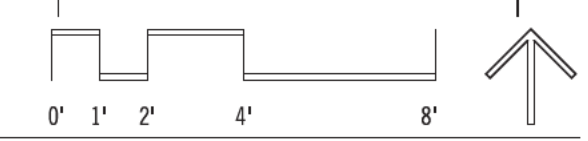
DRAWING 3 - DETAIL SHOWING ALLOWABLE EAVE PROTRUSION OF DAYLIGHT PLANE



1 EXISTING ROOF PLAN
1/4" = 1'-0"



2 PROPOSED ROOF PLAN
1/4" = 1'-0"



WALL TYPE LEGEND

- (E) WALL
- (N) WALL
- LINE OF DEMOLITION
- LINE ABOVE
- HIDDEN LINE

DUNLAP RESIDENCE

APN: 003-06-062

985 CHANNING AVENUE
PALO ALTO, CA 94301

INDIVIDUAL REVIEW

PROPOSED BUILDING SECTIONS

DATE 03 AUGUST 2020

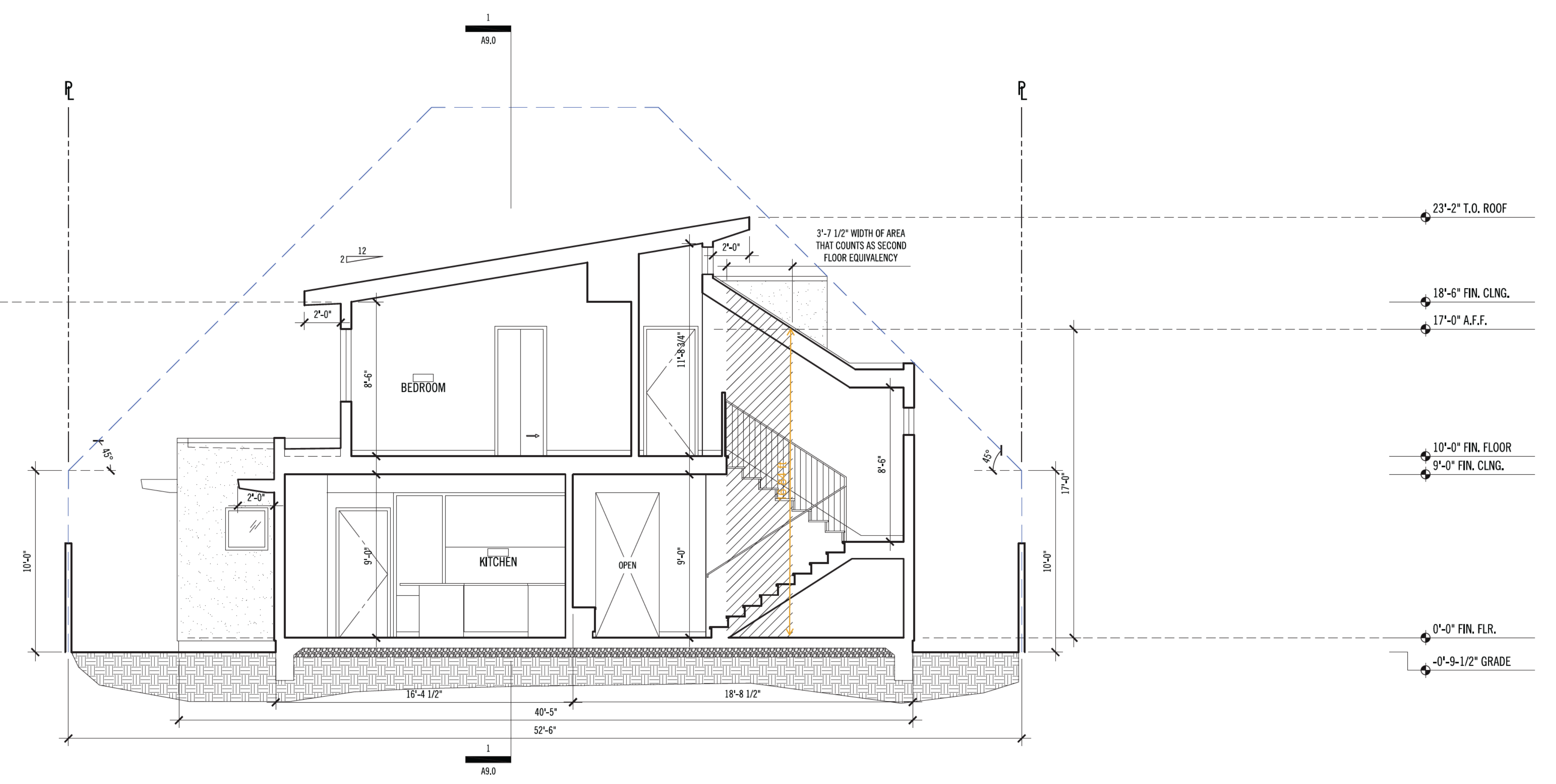
SCALE 1/4" = 1'-0"

REVISIONS

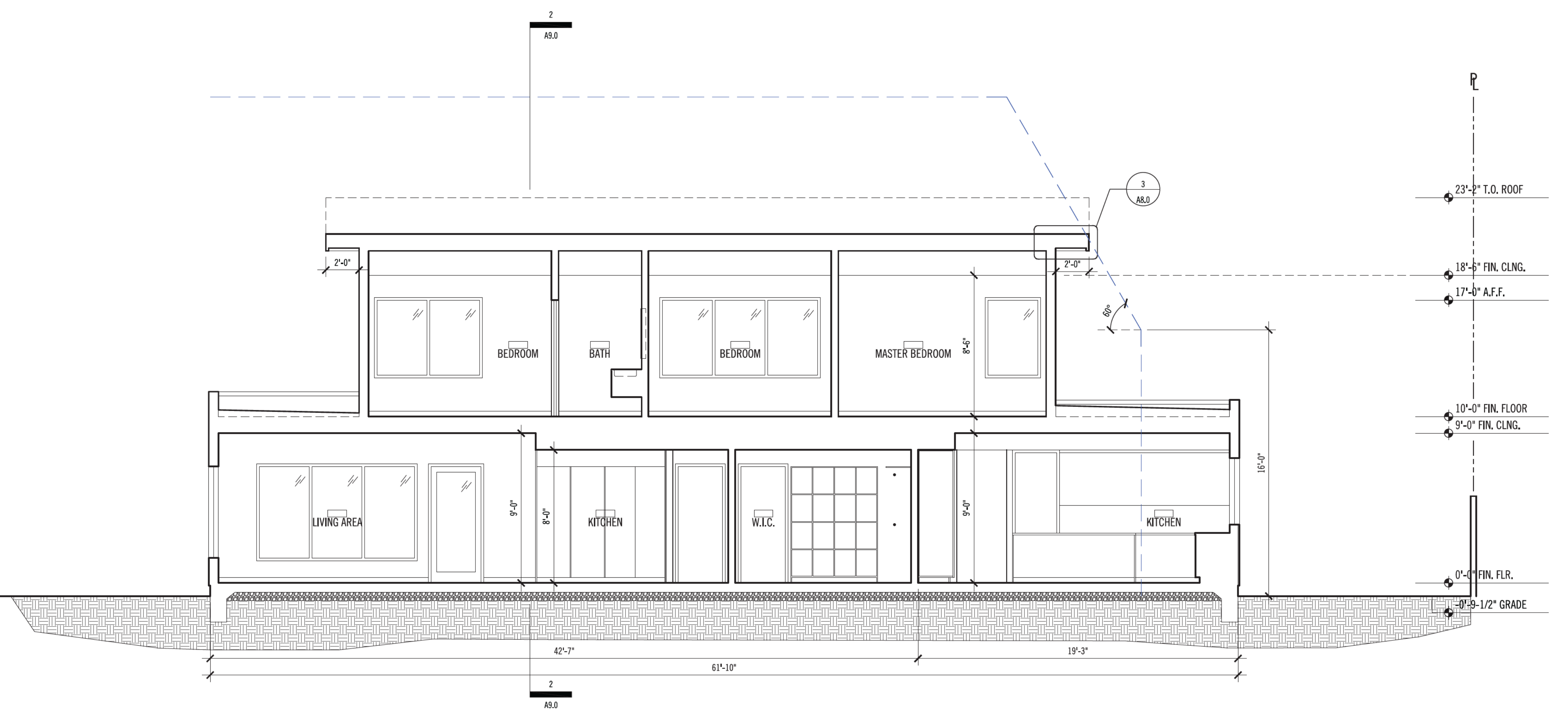
A9.0

GENERAL NOTES

- HATCHED AREA INDICATES FLOOR AREA AT THE NEW INTERIOR STAIR WHERE THE TOP OF THE ROOF IS MORE THAN 17'-0" ABOVE THE FINISHED FLOOR. THIS AREA IS CONSIDERED EQUIVALENT TO A SECOND FLOOR AND COUNTED TWICE. SEE FLOOR PLANS AND FLOOR AREA DIAGRAMS.



2 PROPOSED BUILDING SECTION - TRANSVERSE
1/4" = 1'-0"



1 PROPOSED BUILDING SECTION - LONGITUDINAL
1/4" = 1'-0"

Statement to the City of Palo Alto Planning and Transportation Commission from the
Loftus Family Regarding 985 Channing Avenue
December 15, 2021

My name is David Loftus. My wife Juanita, our two boys and I live at 911 Lincoln Avenue. Together, we stand in firm opposition to the proposed preliminary parcel map for 985 Channing that would remove the long existing height restriction of 13 feet. The height restriction and other restrictions have been in place for many years, and all previous owners of 985 Channing have abided by these restrictions. Kudos to those previous owners for following the rules with integrity.

I note with some consternation that the current applicants, Frank Dunlap and Pei-Min Lin, were “notified of the height limitation during the Individual Review (IR) application review process.”[1] That notification should have taken place much earlier—*even before the submission of plans took place*. This whole mess might have been avoided if the applicant had been notified of the height restriction in a timely fashion.

I’d like to comment on some of the City of Palo Alto Comprehensive Plan[2] policies since several of those were cited in the Staff Report.

Policy L-1.6: Encourage land uses that address the **needs of the community** and manage change and development to **benefit the community**.

--Existing homeowners adjacent to 985 Channing are part of the community, too! It’s not just about the applicant.

Policy L-1.11: Hold new development to the highest development standards in order to maintain Palo Alto’s **livability** and achieve the highest quality development with the **least impacts**.

--Livability and impacts for the existing, long-term homeowners are very much at stake! Removing the parcel height restriction would be a violation of this policy.

Policy L-6.4: In areas of the City having a historic or consistent design character, encourage the design of new development to maintain and support the existing character.

--The Staff Report missed this one. Our neighborhood has many older homes. Removing the height restriction to allow a modern, too-large 2nd story home to dwarf the existing older homes is a bad idea.

Policy L-6.8: *Support existing regulations that preserve exposure to natural light for single-family residences.*

--This is a big one. It should have been mentioned in the Staff Report—but wasn't. Removing the existing height limitation at 985 Channing would have a profound negative impact on natural light for the existing adjacent homeowners. The City needs to support the existing regulation—a legally recorded height restriction on the parcel map—that is working well to preserve exposure to natural light for the adjacent homeowners, an important aspect of livability. A new parcel map that completely disregards the well thought out intentions of the current parcel map restrictions would be wrong and would be a violation of this policy.

I will close by pointing out that the families who live in the homes immediately adjacent to 985 Channing are owner-occupants. Collectively, these three homes have been owned and occupied for 126 years. The current owners of 985 Channing, on the other hand, *have never lived at 985 Channing Avenue*. They live in San Francisco. They are absentee landlords. **That's zero owner-occupied years.**

Let's give the adjacent homeowners—who live in the neighborhood and who have sustained the neighborhood—a chance to maintain the livability of their homes.

Respectfully submitted,

David and Juanita Loftus and Boys
911 Lincoln Avenue
Palo Alto, CA 94301

References:

- [1] J. Lait, "Planning & Transportation Commission Staff Report (ID # 13692)," City of Palo Alto Planning and Transportation Commission, 13692. [Online]. Available: <https://www.cityofpaloalto.org//files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2021/ptc-10.11-985-channing.pdf>
- [2] "City of Palo Alto Comprehensive Plan Adopted by the Palo Alto City Council November 13, 2017." City of Palo Alto, Nov. 13, 2017. Accessed: Nov. 11, 2021. [Online]. Available: <https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Long-Range-Planning/2030-Comprehensive-Plan>

December 22, 2021

Via E-Mail:

Mr. Garrett Sauls (garrett.sauls@cityofpaloalto.org)
Mr. Jonathan Lait (pdsdirector@cityofpaloalto.org; Jonathan.Lait@CityofPaloAlto.org)
Commissioners Ms. Summa Doria; Ms. Roohparvar; Mr. Ed Lauing; Mr. Bart Hectman; Ms. Bryana Chang; (planning.commission@cityofpaloalto.org)
Ms. Carolyn Templeton (ptc@caritempleton.com)
Mr. Albert Yang (albert.yang@cityofpaloalto.org)

Re: City of Palo Alto California Planning & Transportation Commission Special Meeting Agenda: December 15, 2021 – 985 Channing Avenue Application for a “Preliminary Parcel Map to Remove Recorded Height Restrictions on Underlying Parcel Map”

Dear Mr. Sauls, Mr. Lait, Mr. Yang and Honorable Palo Alto Planning & Transportation Commissioners:

As I believe you are already aware, but for anyone new on this Agenda Item, I am retained counsel for Dr. David Rogosa, longtime resident and owner of 991 Channing Avenue, Dr. David Loftus, Mrs. Juanita Loftus, longtime residents and owners of 911 Lincoln Avenue, and Mr. James Weager, and Mrs. Beverly Weager, longtime residents and owners of 975 Channing Avenue, all of whom are adjacent and therefore adversely affected by the proposed Preliminary Parcel Map for Remove Recorded Height Restrictions at 985 Channing of the applicant owners but not residents of 985 Channing Avenue.

I wish to personally apologize for submitting my letter to you on December 15, 2021 for the above Agenda Action Item No. 2 on that date. As a former planning commissioner for 10 years, including time as chair, for the Town of Atherton, I completely understand the difficulty I caused by not submitting my letter earlier but it was not intentionally strategic nor unintentional lack of diligence. - During the two weeks preceding the meeting, my spouse was taken very seriously ill resulting in numerous hospitalizations so the blame can be placed entirely on me and not at all on my clients. As such, we greatly appreciate the thoughtfulness, courtesy and additional time the Commission and the Applicant have agreed to take to review the legal points raised. It is apparent from the Commissioners’ remarks that the Commission wants to get it right the first time, so we sincerely thank you for your due consideration.

One of the key points I alluded to in my December 15 letter is that the duly recorded single Preliminary Map governing Parcel A (991 Channing Ave.) and Parcel B (985 Channing Ave.) and memorializing the covenant to limit height at 985 Channing was originally reached with the owner-developer Bill Cox of both undivided Parcels in consideration of the uniform opposition to what was at that time a substandard subdivision. (12/15/21 J. Acheson Ltr, page 6,

§2.) At the October 13, 2021 PTC Meeting, Commissioner Ed Lauing did raise the question of whether the Preliminary Map and/or its restrictions are also documented in the Grant Deeds for each Parcel. Dr. Rogosa’s Grant Deed for 991 Channing indeed refers to the recorded Preliminary Parcel Map for both Parcel A and B. (A copy of the relevant pages is attached as **EXHIBIT 7.**¹) It states on the first page at the top “FOR VALUABLE CONSIDERATION, ...CONSTRUCTION SYSTEMS, INC., a California corporation, hereby grants to David Roth Rogosa, a single man, the real property in the City of Palo Alto, County of Santa Clara, State of California, described as: Parcel “A” as shown on that certain Parcel Map filed May 27, 1980, in Book 463 of Maps at page 51, Santa Clara County records.” The same reference is stated on the second page of the Deed of Trust with Assignment of Rents. It is witnessed by David G. Hauser, First American Title Guaranty Co., and notarized. While we have not seen the Grant Deed for 985 Channing, we presume it also reflects the Parcel Map for Parcel A and Parcel B, if not the restrictions themselves.

As such, we are at a loss to understand how the PTC could ever make the “reverse finding” that the “modifications [of parcel map amendments] *do not impose any additional burden* on the present fee owner.” (Municipal Code §21.16.280 (ii).) Here, the present fee owner of the existing Parcel Map includes Dr. Rogosa (Parcel A.) There is no question that the proposed action will impose additional burden on Dr. Rogosa’s home with a towering two-story structure within a small set back (as highlighted by Mr. Mammarella in Exhibit 4, a document entitled Notice of Incomplete/Corrections Required Application No. 20PLN-00192 25-09-2020, part of the Public Comments section).

Similarly, we do not see how the PTC can possibly make a “reverse finding” that “the modifications do not alter any right, title, or interest *in the real property reflected on the recorded map.*” (Municipal Code §21.16.280 (iii).) Certainly, any new parcel map will alter Dr. Rogosa’s right, title and/or interest in Parcel A reflected on the operative Parcel Map and in his Grant Deed.

We also remain at a loss as to how the PTC can grant the request for a “new” Preliminary Parcel Map which takes into consideration *only one of the two Parcels (and Parcel owner) which are both governed by the single Parcel Map of record. We fail to understand how an applicant “may [unilaterally] simply apply for a new parcel map, which would supersede an existing map for the property.”* (Staff Report ID #13692, Report Summary, page 1.) If the new parcel map is to supersede the existing Parcel Map, both equity and the law should require the consent of both Parcel owners, otherwise the PTC is agreeing to grant a new Parcel Map which will also supersede Dr. Rogosa’s Parcel Map, without his consideration or consent, and voiding the covenant and/or equitable servitude restricting height.

Dr. Rogosa has raised this as the leading issue in each of the PTC Meetings in writing and during the Public Comment period:

¹ **EXHIBITS 1 – 6** are attached to the undersigned’s letter to Garret Sauls dated December 30, 2020, and part of the record.

“The legally recorded restrictions that are the focus of this meeting actually appear on my parcel map. It is my parcel map that is subject to being gutted, and I believe I should have substantial standing in these proceedings.

"As your Planning Staff has confirmed, there appears to be no Palo Alto precedent for removal of this type of legally recorded Parcel Map restrictions in residential properties. An unprecedented (or even rare) action should be approached with great caution." (D. Rogosa Comments both submitted in advance in writing for, and orally at, 10/13/21 PTC Meeting.)

Dr. Rogosa feels deprived of procedural and substantive due process since the issue of his undisputed standing received no consideration in the PTC October 13, 2021 or subsequent Meetings. Nor has he been given the opportunity to personally participate individually at any meeting or process other than a 3-minute comment on the Zoom PTC Meetings. The gravamen of his comments are that, if granted, this proposed Preliminary Parcel Map based on “reversed finds” and planned 985 construction (evidenced by the Sept 2020 plans which he submitted to the Commissioners after October 13 discussion) will have a devastating impact on key criteria such as privacy, quality of life, daylight and property value, values which are to be protected as important elements of the Palo Alto Comprehensive Plan and vision.

Dr. Rogosa frames the entire 985 Channing issue quite differently than has been previously expressed by the applicant and the Commissioners. He sees this situation as a long-time absentee landlord seeking a large financial windfall from removal of the Parcel Map restrictions to the great detriment of long-time residents who have had the clearest possible legal protections. Removal of the Parcel Map restrictions would add at least \$500,000 to the property value of 985 Channing while destroying the quality of life of adjoining residents and significantly reducing their property values.

Again, we sincerely appreciate your due consideration and time given your other pressing items. We look forward to hearing from the you and the Applicant at the continued hearing.

Sincerely,

Ropers Majeski PC



Jennifer E. Acheson

JEA

Enclosure: Dr. David Rogosa's true and correct copy of the June 17, 1980 Notarized Grant Deed

CC:

Dr. David Rogosa;

Dr. David and Ms. Juanita Loftus;

Mr. Jim and Ms. Bev Weager;

Ms. Molly Stump (city.attorney@cityofpaloalto.org);

Mr. Arnold Mammarella (arnold@mammarellaarchitecture.com);

Ms. Rachel Tanner (Rachael.Tanner@CityofPaloAlto.org);

Ms. Madina Klicheva (madina.klicheva@cityofpaloalto.org);

Ms. Christina Thurman (christina.thurman@cityofpaloalto.org)

EXHIBIT 7

Order No. 2-8664
Escrow No.
Loan No.

WHEN RECORDED MAIL TO:

David R. Rogosa
991 Channing St.
Palo Alto, Ca. 94301

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

same as above

CITY TRANSFER TAX \$
DOCUMENTARY TRANSFER TAX \$174.90
SURVEY MONUMENT PRESERVATION FUND \$ 10.00

XX Computed on the consideration or value of property conveyed. OR
— Computed on the consideration or value less liens or encumbrances remaining at time of sale.

David G. Hauser
Signature of Declarant or Agent determining tax — Firm Name

First American Title Guaranty Company

A. P. # 3-26-17 (A.W.O.P.)
Area code: 6-014

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CONSTRUCTION SYSTEMS, INC., a California corporation

hereby GRANT(S) to

DAVID ^{ROTH} ROGOSA, a single man

the real property in the City of Palo Alto
County of Santa Clara

, State of California, described as

Parcel "A" as shown on that certain Parcel Map filed May 27, 1980, in Book 463 of
Maps at page 51, Santa Clara County records.

STATE OF CALIFORNIA } ss.
COUNTY OF Santa Clara

On June 17, 1980, before me, the undersigned, a Notary Public in and for
said State, personally appeared William D. Cox, Jr.,
known to me to be the President, and

and known to me to be the persons who executed the within
instrument on behalf of the corporation therein named, and ac-
knowledged to me that such corporation executed the within
instrument pursuant to its by-laws or a resolution of its board of
directors.

WITNESS my hand and official seal.

David G. Hauser
Signature David G. Hauser

Name (Typed or Printed)

Dated June 16, 1980

STATE OF CALIFORNIA } ss.
COUNTY OF

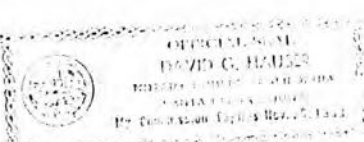
SANTA CLARA

On June 17, 1980
before me, the undersigned, a Notary Public in and for said
State, personally appeared
William D. Cox, Jr.

known to me to be the person whose name is
subscribed to the within instrument and acknowledged that
he executed the same.

WITNESS my hand and official seal

Janice W. Bohan
Signature



(This area for official notarial seal)

Construction Systems, Inc., a California corporation

BY: William D. Cox, Jr.



(This area for official notarial seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Order No.
Escrow No. 2-8664
Loan No.

WHEN RECORDED MAIL TO:

Construction Systems, Inc.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

A.P.N. 3-26-17 A.W.O.P.

DEED OF TRUST WITH ASSIGNMENT OF RENTS

(This Deed of Trust contains an acceleration clause)

This DEED OF TRUST, made JUNE 16, 1980, between

DAVID R. ROGOSA, a single man, herein called TRUSTOR,

whose address is 991 Channing St., Palo Alto, California 94301
(Number and Street) (City) (State)

FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called TRUSTEE, and
CONSTRUCTION SYSTEMS, INC., a California corporation

, herein called BENEFICIARY,

WITNESSETH: That Trustor grants to Trustee in Trust, with Power of Sale, that property in the
City of Palo Alto County of Santa Clara, State of California, described as:

Parcel "A" as shown on that certain Parcel Map filed May, 27, 1980 in Book 463
of Maps at page 51, Santa Clara County Records.

If the trustor shall sell, convey or alienate said property, or any part thereof, or any interest therein, or shall be divested of his title or any interest therein in any manner or way, whether voluntarily or involuntarily, without the written consent of the beneficiary being first had and obtained, beneficiary shall have the right, at its option, except as prohibited by law, to declare any indebtedness or obligations secured hereby, irrespective of the maturity date specified in any note evidencing the same, immediately due and payable.

Together with the rents, issues and profits thereof, subject, however, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

For the Purpose of Securing (1) payment of the sum of \$13,000.00 with interest thereon according to the terms of a promissory note or notes of even date herewith made by Trustor, payable to order of Beneficiary, and extensions or renewals thereof, and (2) the performance of each agreement of Trustor incorporated by reference or contained herein (3) Payment of additional sums and interest thereon which may hereafter be loaned to Trustor, or his successors or assigns, when evidenced by a promissory note or notes reciting that they are secured by this Deed of Trust.

To protect the security of this Deed of Trust, and with respect to the property above described, Trustor expressly makes each and all of the agreements, and adopts and agrees to perform and be bound by each and all of the terms and provisions set forth in subdivision B of the fictitious deed of trust recorded in Orange County August 17, 1964, and in all other counties August 18, 1964, in the book and at the page of Official Records in the office of the county recorder of the county where said property is located, noted below opposite the name of such county, namely:

COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE
Alameda	1288	556	Kings	858	713	Placer	1028	379	Sierra	38	187
Alpine	3	130-31	Lake	437	110	Plumas	166	1307	Siskiyou	506	762
Amador	133	438	Lassen	192	367	Riverside	3778	347	Solano	1287	621
Butte	1330	513	Los Angeles	T-3878	874	Sacramento	5039	124	Sonoma	2067	427
Calaveras	185	338	Madera	911	136	San Benito	300	405	Stanislaus	1970	56
Colusa	323	391	Marin	1849	122	San Bernardino	6213	768	Sutter	655	585
Contra Costa	4684	1	Mariposa	90	453	San Francisco	A-804	596	Tehama	457	183
Del Norte	101	549	Mendocino	667	99	San Joaquin	2855	283	Trinity	108	595
El Dorado	704	635	Merced	1660	753	San Luis Obispo	1311	137	Tulare	2530	108
Fresno	5052	623	Modoc	191	93	San Mateo	4778	175	Tuolumne	177	160
Glenn	469	76	Mono	69	302	Santa Barbara	2065	881	Ventura	2607	237
Humboldt	801	83	Monterey	357	239	Santa Clara	6626	664	Yolo	769	16
Imperial	1189	701	Napa	704	742	Santa Cruz	1638	607	Yuba	398	693
Inyo	165	672	Nevada	363	94	Shasta	800	633			
Kern	3756	690	Orange	7182	18	San Diego SERIES 5 Book 1964, Page 149774					

shall inure to and bind the parties hereto, with respect to the property above described. Said agreements, terms and provisions contained in said subdivision A and B, (identical in all counties, and printed on the reverse side hereof) are by the within reference thereto, incorporated herein and made a part of this Deed of Trust for all purposes as fully as if set forth at length herein, and Beneficiary may charge for a statement regarding the obligation secured hereby, provided the charge therefor does not exceed the maximum allowed by law.

The undersigned Trustor, requests that a copy of any notice of default and any notice of sale hereunder be mailed to him at his address hereinbefore set forth.

STATE OF CALIFORNIA
COUNTY OF _____

} ss.

Signature of Trustor

DAVID R. ROGOSA

On _____
before me, the undersigned, a Notary Public in and for said
State, personally appeared _____

known to me to be the person whose name _____
subscribed to the within instrument and acknowledged that
executed the same.

WITNESS my hand and official seal.

Signature _____

(This area for official notarial seal)



First American Title Guaranty Company

550 Hamilton Ave., Palo Alto, Ca. 94301 (415)326-5050

ESCROW INSTRUCTIONS

BUYERS BORROWER'S

DATE 6-17-80

Order Number 2-8664

To: FIRST AMERICAN TITLE GUARANTY COMPANY

I/We hand you herewith

- Executed loan documents—First loan
- Executed loan documents—Second loan
- Balance of funds to close

which you are authorized to deliver and/or record when you have received for my account the following:

Grant Deed

and when you can issue your standard coverage form policy of title insurance with a liability of \$159,000.00 on the property described as in preliminary report No. 2-8664, commonly known as: 991 Channing St., Palo Alto, Ca., California, showing title vested in _____

David Roth Rogosa, a single man

Subject to:

1. Printed exceptions and conditions in said policy.
2. all 2nd half General and special taxes for fiscal year 19 80 19 81
3. Assessments and/or bonds not delinquent.
4. Exceptions numbered 1 as shown in your preliminary title report dated 5-28-1980, issued in connection with the above order number.
5. Deed/Trust, 19,000.00, to be recorded.
6. Deed/Trust, 86,000.00 to be recorded.

GENERAL PROVISIONS

All funds received in this escrow shall be deposited in one or more of your general escrow accounts with any bank or banks doing business in the State of California. All disbursements shall be made by your check.

The expression "close of escrow" means the date on which instruments referred to herein are filed for record. The letters "COE" wherever used in these instructions means Close of Escrow.

Where applicable, you are to request necessary endorsements to fire insurance policies from agent and deliver said policies and endorsements to the parties entitled thereto. In all acts in this escrow relating to fire insurance you shall be fully protected in assuming that each such policy is in force and that the necessary premium therefor has been paid.

You are also authorized to sign any documents which may be necessary or incidental to the carrying out of these instructions and particularly to endorse any checks or fire insurance policies.

You are to furnish a copy of these instructions, amendments thereto, closing statements and/or any other document deposited in this escrow to the lender or lenders and/or the real estate broker or brokers involved in this transaction upon request of such lenders or brokers.

The principals herein agree to pay any charges, billings, advances and expenses that are properly chargeable to them. At close of escrow you are to mail all documents, etc., to the persons entitled thereto.

Time is declared to be the essence of these instructions. Any amendment of and/or supplement to these instructions must be in writing.

These escrow instructions constitute the entire escrow between the escrow holder and the parties hereto.

In the event suit is brought by any party to this escrow, including buyer and seller, or any other party, as against each other, or others, including the title company, claiming any right they may have as against each other or against the title company, then in that event, the parties hereto agree to indemnify title company against any attorney's fee and costs incurred by it.

Upon consummation of this escrow, you are authorized to disburse in accordance with the following statement.

As of close of escrow est. 6/20/80 prorate on the basis of a 30 day month:

- Taxes (Based on the most recent information obtainable in the office of the proper taxing authorities.)
 Fire Insurance Premiums (If acceptable to Buyer) Interest on Existing Loan F.H.A. Mortgage Insurance.
 Credit Existing Loan Trust Funds, if any, to Seller. Rents Homeowners Assoc. Dues

	DEBITS		CREDITS	
Purchase Price	159,000	00		
Paid outside of Escrow to				
Deposit by Rogosa			14,000	00
Encumbrance of Record				
Loan Trust Fund				
LENDER'S FEE				
New Loan California Federal Savings/Loan			19,000	00
Deed of Trust <input checked="" type="checkbox"/> 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd				
Loan Charges: Loan Fee \$ 335.00 Tax Fee \$ 17.50				
Appsl. Fee \$ Ins. Res. \$				
Cred. Rept. \$ 35.00 FHA Prem. \$				
Int. Est. @ 6.60% Fr funding To 7/1/80 \$ 85.80				
Loan agents fee: \$150.00 TOTAL		623	30	
<input checked="" type="checkbox"/> Pay Fire Ins. Prem Travelers		313	00	
<input type="checkbox"/> Pay Tax Service				
<input type="checkbox"/> Pay Taxes				
<input type="checkbox"/> Pay Termite Inspection Fee				
<input type="checkbox"/> Pay Assessments or Bonds				
Pay demand of				
<input checked="" type="checkbox"/> County monument preservation fee		10	00	
<input type="checkbox"/> Prorate Homeowners Assoc. Due Fr. To on \$				
<input checked="" type="checkbox"/> Prorate Taxes Fr. C.O.E. To 7/1/80 on \$ 223.32		12	40	
<input type="checkbox"/> Prorate Fire Ins Fr. To on \$				
<input type="checkbox"/> Prorate Int. @ % To on \$				
<input type="checkbox"/> Prorate Rent Fr. To on \$				
<input type="checkbox"/> Prorate FHA Mtg. Ins. Prem. Fr. To on \$				
Reconveyance fee				
Transfer Tax XXX 1/2 County 174.90		87	45	
Draw Doc.		30	00	
Notary Fee WAIVE				
Title Prem. Std. \$ 525.25 ALTA \$ 50.00 (short term rate)		575	25	
Escrow Fee		113	80	
Recording		18	00	
Balance Due <input type="checkbox"/> To Close <input type="checkbox"/> The Undersigned			41,783	20
TOTALS	160,783	20	160,783	20

These instructions are effective for _____ days from date hereof and thereafter unless revoked by written demand and authorization satisfactory to you. Incorporated herein and made a part hereof by reference are the "General Provisions" and any additional instructions appearing on the reverse side of this page.

To prevent delay in closing this transaction the balance of funds called for to close this transaction should be presented in the form of a CASHIERS OR CERTIFIED CHECK.

Signed _____ Signed _____
 Address David R. Rogosa Address _____
 City _____ Phone _____ City _____ Phone _____

Signed _____ Signed _____
 Address _____ Address _____
 City _____ Phone _____ City _____ Phone _____

Received: _____, 19
 First American Title Guaranty Company

By _____

From: [Carole Conn](#)
To: [Carole Conn](#)
Subject: New Project Sentinel Services for Mortgage Relief
Date: Thursday, February 3, 2022 9:35:44 AM
Attachments: [image001.png](#)
[CA Mortgage Relief Assistance Program 2022.pdf](#)
Importance: High

Some people who received this message don't often get email from cconn@housing.org. [Learn why this is important](#)

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

Dear Community and Government Partners,

It is my pleasure to introduce myself as the new Executive Director of Project Sentinel, an opportunity and privilege I look forward to fulfilling in partnership with you to best serve your constituents and members of the community. As you know, Project Sentinel is a unique housing non-profit that since its inception in 1971, has grown to be the largest such agency in Northern California, serving an overall population of 3.5 million, including residents of your city, with housing education, tenant-landlord dispute resolution and conciliation, rent relief assistance and now, just launched, mortgage relief assistance to distressed low-income homeowners.

Please note our unique role as a certified HUD housing service provider to administer assistance and access to financial support through the California Mortgage Relief Program. Our attached flyer provides the detailed information that can be distributed to constituents in need. We also offer assistance in Spanish, Chinese, Tagalog, among other languages that we can accommodate through outside language assistance support.

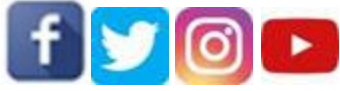
Kindly let me know if I can provide any additional information. I would also welcome an opportunity in the near future to meet with you and your office.

Thank you for your consideration and time to make this information available to those in need, and for the opportunity to serve those in your community.

All the best,

Carole

Carole Conn
Executive Director
Project Sentinel
415-572-2966 (cell and text)
cconn@housing.org
www.housing.org





Falling behind on your housing payments? Help is here.

The California Mortgage Relief Program can help California homeowners get caught up on their housing payments.

The program is absolutely free and the funds do not need to be repaid.

Project Sentinel can explain the program, assist with applications and mortgage delinquency and default counseling.

CONTACT US:

**888-683-0670 or 408-470-3730
homeownershipinfo@housing.org**

Project Sentinel is a HUD Certified Housing Counseling Agency. Our HUD Certified Housing Counselors can also help with:

- Post Purchase Counseling
- Pre-purchase Counseling
- Reverse Mortgage Counseling

From: O'Connor, John F.
To: Planning Commission
Cc: Hammond, Steven L.; Brown, Lydia; Steen, Teresa L.; Shelley Farrell; Frank Dunlap; Sauls, Garrett; Yang, Albert
Subject: FW: 985 Channing Avenue Application for a "Preliminary Parcel Map to Remove Recorded Height Restrictions on Underlying Parcel Map"
Date: Thursday, February 3, 2022 6:48:11 PM
Attachments: [image003.png](#)
[image005.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image013.png](#)
[image015.png](#)
[image002.png](#)
[Dunlap Palo Alto Planning Commission Letter 2.3.2022.pdf](#)
Importance: High

You don't often get email from jfoconnor@clarkhill.com. [Learn why this is important](#)

Good evening Honorable Commissioners,

Attached please find our office's letter in support of the Dunlaps' Preliminary Parcel Map Application for your review and consideration. We look forward to seeing you at next week's meeting.

Best,

John O'Connor

John F. O'Connor

Associate

Clark Hill LLP

505 Montgomery Street 13th Floor San Francisco CA 94111

(415) 984-8545 (office) | (415) 984-8599 (fax)

jfoconnor@clarkhill.com | www.clarkhill.com

From: O'Connor, John F. <jfoconnor@clarkhill.com>

Sent: Wednesday, December 15, 2021 5:05 PM

To: Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>; Jonathan.Lait@CityofPaloAlto.org; pdsdirector <pdsdirector@CityofPaloAlto.org>; Planning.Commission@cityofpaloalto.org; ptc@caritempleton.com; Yang, Albert <Albert.Yang@CityofPaloAlto.org>; rachael.tanner@cityofpaloalto.org; Madina.Klicheva@CityofPaloAlto.org; Christina.Thurman@CityofPaloAlto.org; city attorney@CityofPaloAlto.org

Cc: Frank Dunlap <frank_dunlap@hotmail.com>; Shelley Farrell <shelley@zerosevenstudios.com>; Hammond, Steven L. <shammond@clarkhill.com>

Subject: RE: 985 Channing Avenue Application for a "Preliminary Parcel Map to Remove Recorded Height Restrictions on Underlying Parcel Map"

Importance: High

Good evening Commissioners and Mr. Sauls,

We write regarding to tonight's **December 15, 2021** PTC hearing.

Our office represents Frank Dunlap regarding his 985 Channing Avenue application, and we write in response to Ms. Acheson's untimely submission dated **December 15, 2021**.

Based on several communications with the PTC staff, we understood that the Commission closed public comment for tonight's hearing.

We now understand that although Ms. Acheson has had over roughly six (6) weeks to respond to the PTC's staff report and recommendation regarding this application, she sent this eight (8) page letter to all of you at 12:37pm this afternoon. Further, she did not send the letter to us and we only received it at 3:38pm. Given this 11th hour submission, it is impossible for us to respond to this opposition in any meaningful or substantive way.

Further, because this submission is an untimely blindside, we take the firm position that the Commission should not consider this letter in its deliberations, and that to do so would be exceedingly prejudicial to Mr. Dunlap.

If the Commission does decide to consider this letter or to allow further public comment, we must request a continuance. However, we emphasize that we are NOT requesting a continuance UNLESS the Commission reopens public comment or considers Ms. Acheson's prejudicial submission.

Respectfully,

John O'Connor

John F. O'Connor

Associate

Clark Hill LLP

505 Montgomery Street 13th Floor San Francisco CA 94111

(415) 984-8545 (office) | (415) 984-8599 (fax)

jfoconnor@clarkhill.com | www.clarkhill.com

From: Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>

Sent: Wednesday, December 15, 2021 3:34 PM

To: O'Connor, John F. <jfoconnor@clarkhill.com>; Shelley Farrell <shelley@zerosevenstudios.com>; Hammond, Steven L. <shammond@clarkhill.com>

Cc: Frank Dunlap <frank_dunlap@hotmail.com>; Brown, Lydia <lybrown@clarkhill.com>

Subject: FW: 985 Channing Avenue Application for a "Preliminary Parcel Map to Remove Recorded Height Restrictions on Underlying Parcel Map"

[External Message]

Hi everyone,

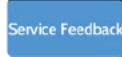
Just wanted to forward this to you all from the neighbors. We had asked the Chair that we felt it would be appropriate to reopen public comments given this letter but

ultimately the PTC will decide to do that or not. I would recommend being ready to present the additional slides and respond to this in case they allow it.

Best regards,



Garrett Sauls
Associate Planner
Planning and Development Services Department
(650) 329-2471 | Garrett.Sauls@CityofPaloAlto.org



[NEW Parcel Report](#) | [Palo Alto Municipal Code](#) | [Online Permitting System](#) | [Planning Forms & Handouts](#) | [Planning Applications Mapped](#)

From: Riedell, Roxana <roxana.riedell@ropers.com>

Sent: Wednesday, December 15, 2021 12:37 PM

To: Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>; pdsdirector <pdsdirector@CityofPaloAlto.org>; Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; ptc@caritempleton.com; Yang, Albert <Albert.Yang@CityofPaloAlto.org>

Cc: Acheson, Jennifer E. <jennifer.acheson@ropers.com>; ragydr@gmail.com; loftusdj1@aol.com; busybev@yahoo.com; City Attorney <city_attorney@CityofPaloAlto.org>; arnold <arnold@mammarellaarchitecture.com>; Tanner, Rachael <Rachael.Tanner@CityofPaloAlto.org>; Klicheva, Madina <Madina.Klicheva@CityofPaloAlto.org>; Thurman, Christina <Christina.Thurman@CityofPaloAlto.org>

Subject: 985 Channing Avenue Application for a "Preliminary Parcel Map to Remove Recorded Height Restrictions on Underlying Parcel Map"

You don't often get email from roxana.riedell@ropers.com. [Learn why this is important](#)

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

Attached please find Jennifer Acheson's letter dated December 15, 2021, regarding the above-referenced matter.

Roxana Riedell
Office Manager/
Assistant to Jennifer E. Acheson
ROPERS MAJESKI PC
545 Middlefield Road, Suite 175
Menlo Park, CA 94025
d (650) 780-1607
roxana.riedell@ropers.com



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Steven L. Hammond
T (415) 984-8554
Email: shammond@clarkhill.com

Clark Hill LLP
505 Montgomery Street
13th Floor
San Francisco, CA 94111
T (415) 984-8500
F (415) 984-8599

February 3, 2022

VIA EMAIL

Honorable Commissioners
CITY OF PALO ALTO
Planning and Transportation Commission
250 Hamilton Avenue – Fifth Floor
Palo Alto, CA 94301
Planning.Commission@CityofPaloAlto.org

**Re: PTC Commission Meeting Date: February 9, 2022
Agenda Item #2
Applicants' Supplemental Comments
985 Channing Avenue [21PLN-00167]: Application for a Preliminary
Parcel Map to Remove Recorded Height, Variance & Second-Story
Restrictions**

Dear Honorable Commissioners:

Our office represents Frank M. & Peimin Lin Dunlap regarding their Application to remove the (1) height, (2) variance, and (3) second-story restrictions as shown on the 985 Channing Avenue's Parcel Map. This letter supplements Applicants' prior written and oral comments to this Commission.

After multiple continuances to allow PTC Staff to thoroughly consider the Application, Staff recommends that this Commission and then the City Council approve the proposed Preliminary Parcel Map with Exceptions and, alternatively, an Amending Map removing the restrictions from the subject property. Applicants fully support Staff's recommendations and approach for the removal of all three conditions on their parcel map, including the two-track approval process for both (1) a Preliminary Parcel Map and/or (2) an Amending Map.

Not only is this Application supported by the PAMC and California state law, it furthers Palo Alto's public policy goals and Comprehensive Plan in several ways:

1. It promotes new construction that is compatible with the existing residential neighborhood (PAMC 18.12.110; Policy L-3.1);
2. It preserves the unique character of Palo Alto neighborhoods (Id; Policy L-6.1);

3. The existing parcel map conditions are totally out of character with similarly situated lots in neighborhood. (PAMC 18.12.040(a) and 18.12.040(c));
4. Local ordinances already address height concerns. (Id.);
5. The restrictions are no longer necessary because the SFIR—which came into effect post-1980, ensures compatibility and protects neighbors from unsuitable second-story additions. (PAMC 18.12.110); and
6. There is no public policy reason for disparate treatment of the Dunlap's parcel.

These Palo Alto public policy positions are well established. On December 6, 2021, the City Council unanimously adopted an Urgency Ordinance amending the applicable titles—18 and 21 of the PAMC in response to SB 9, and we understand that this Commission helped craft those new rules directly.

The Urgency Ordinance establishes "objective standards" governing new construction, which furthers the City Council's mission to standardize this approval process by shifting away from its traditional approach of using subjective criteria to review housing proposals in single-family zones and turning to quantifiable, or "objective," design standards.

Here, these objective-standard public policies similarly justify the removal of the Restrictions by Applicants. Specifically, (1) objectivity in the approval process, (2) parity among likewise-situated neighbors, and (3) maintaining the character of Palo Alto's neighborhoods. The PTC's approval of this Application is not just supported by the laws governing these applications, it is consistent with well-established public policy.

In conclusion, Mr. Dunlap and his family respectfully request that this Commission grant Applicant's requested relief as follows:

A. Approve the Application for the proposed Preliminary Parcel Map with Exceptions (authorizing a lot width of 52.5 feet as opposed to the 60-foot width required in Chapter 18.12 of the PAMC) and, alternatively, an Amending Map in each case removing those certain restrictions described on the 985 Channing Avenue, Palo Alto, California parcel map as approved in 1980. The restrictions to be removed as follows:

1. No second story shall be allowed on any structure.
2. No variances, including, but not limited to, fence exceptions shall be allowed.
3. The height limit for all structures shall be 13 feet.

B. Make the findings required in connection with the foregoing approvals as described in PAMC § 21.12 and § 21.16.280.

Very truly yours,

CLARK HILL LLP



Steven L. Hammond
Attorney at Law

From: [Bertolet, Summer](#)
To: [Planning Commission](#)
Cc: [Francois, Matthew](#); [Lanferman, David](#); nkauffman@castilleja.org; klavendecker@castilleja.org; msr@ismf.com; [Shikada, Ed](#); [Lait, Jonathan](#); [French, Amy](#); [Stump, Molly](#); [Yang, Albert](#)
Subject: Castilleja School CUP/Variance (File No. 16PLN-00238)
Date: Friday, February 4, 2022 10:53:28 AM
Attachments: [image001.png](#)
[2022 0204 D. Lanferman Letter to PTC re January 19 PTC Meeting.pdf](#)

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Good morning,

Please see the attached correspondence executed by David Lanferman.

Thank you,
Summer

Summer Bertolet
Office Manager

Five Palo Alto Square, 3000 El Camino Real, Ste. 200 | Palo Alto, CA 94306
O. (650) 320-1500 | D. (650) 798-5671

sbertolet@rutan.com | www.rutan.com

RUTAN
RUTAN & TUCKER, LLP

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February 4, 2022

VIA E-MAIL [Planning.Commission@CityofPaloAlto.org]

Honorable Ed Lauing, Chair
and Members of the Planning & Transportation Commission
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Re: Castilleja School CUP/Variance (File No. 16PLN-00238)

Dear Chair Lauing and Members of the Planning & Transportation Commission:

We serve as co-counsel with our colleague Mindie Romanowsky of Jorgenson, Siegel, McClure and Flegel, LLP, on behalf of our client, Castilleja School (“Castilleja” or the “School”), and write in support of their application to improve educational opportunities for young women at its long-standing location at 1310 Bryant Street (the “Project”).

This letter is sent in response to the Planning & Transportation Commission’s (“PTC”) January 19, 2022 hearing at which the PTC took a variety of straw votes on topics related to the Project. As discussed in this letter, it appeared that some aspects of the PTC’s action did not comply with the controlling City Council motion remanding the Project to the PTC (the “Motion”). Accordingly, we write to respectfully urge the PTC to follow and comply with the explicit (and unanimous) direction of the City Council as expressed in its Motion, so as to provide useful—and relevant—guidance to the City Council on the limited number of topics on which the Council sought further input from the PTC.

We also ask that the Project—which has been undergoing formal review by the City now for nearly six years—be set for its fourth and final remand hearing before the PTC as soon as possible.

1. Overview and Background.

The Project site is located at 1310 Bryant Street, Palo Alto (the “Property”). Castilleja has operated its all-girls school on the Property since 1910. The School has operated under a conditional use permit (“CUP”) since 1960. The latest amendment to the CUP was approved in 2000. In connection with its goal to modernize and update its existing facilities and plan for the education of the next generation of Castilleja students, the School submitted an application for the Project.

The Project proposes to demolish four older buildings and replace them with a modern, seismically-updated academic building, with state-of-the-art air filtration and energy-efficient

Honorable Ed Lauing, Chair
February 4, 2022
Page 2

systems, build a new swimming pool to replace an existing pool, and construct an underground parking facility to accommodate parking demand and Code requirements. Castilleja currently has a highly successful transportation demand management plan (“TDM”) that has reduced vehicular trips by nearly 30 percent over the past few years. In connection with the Project, Castilleja will implement an even more robust transportation plan that ties student enrollment increases to current trip generation rates (no net new trips). According to the comprehensive Environmental Impact Report (“EIR”) prepared by the City’s expert environmental consultants, all significant environmental impacts will be satisfactorily reduced to a “less than significant” level with proposed Alternative 4, the Dispersed Circulation/Reduced Garage Alternative.

Castilleja submitted the Project application on June 30, 2016. The City deemed the application “complete” on April 27, 2018. The Final EIR was published on July 29, 2020. The Planning and Development Services Director has referred ultimate approval authority for the Project to the City Council. Both the Architectural Review Board (“ARB”) and the PTC recommended approval of the Project at meetings held in the fall of 2020.

At its March 29, 2021 meeting, the City Council unanimously approved the Motion requesting limited feedback from the PTC.¹ Specifically, in its Motion, the City Council only asked the PTC for the following input:

(1) “identify a procedure to allow Castilleja to further increase enrollment [from a baseline of 450 students] up to 540 students in phases,”

(2) “review an underground parking facility alternative that allows a maximum of 50 percent of the required on-site parking to be below grade without counting against the project floor-area,”

(3) consider allowing a “reduction of required parking” based on the School’s proposed TDM plan, and

(4) “evaluate 5 major events, and between 50 and 70 special events, with no Sunday events . . .” (Summary Minutes, March 29, 2021 City Council Meeting, pp. 23-24.)²

We respectfully request the PTC follow the clear and express directives of the City Council’s March 29, 2021 Motion, and to focus any further debate and recommendations on the Council’s very narrow requests for further input from the PTC.

¹ A portion of the City Council Motion pertaining to public art expenses ultimately passed on a 4-3 vote, but the Council has not asked the PTC to weigh in on that aspect of the Motion.

² Unless otherwise noted, emphasis in quotations is added and citations are omitted.

Honorable Ed Lauing, Chair
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2. The Council Asked the PTC for a Procedure to Implement a Phased Enrollment Increase to 540 Students; not an Enrollment Cap of 450 Students.

The City Council’s March 29th Motion “allow[ed] an enrollment increase starting at 450 students” and then directed Staff and the PTC to “identify a procedure to allow Castilleja to further increase enrollment up to 540 students in phases, contingent on their verified compliance with objective standards demonstrating ‘no net new trips’ resulting from the preceding enrollment limit, based on the [TDM] Plan Mitigation Measure 7a, and any additional TDM measures the City or Castilleja may find necessary to achieve the ‘no net new trips’ condition of approval”

At the recent PTC hearings, three of the PTC members apparently construed the Council direction “to identify a procedure to allow” for increased enrollment of up to 540 students as an invitation for PTC to impose a cap of 450 students on Castilleja’s enrollment. That is not what the Council directed. The Council voted unanimously to allow for an initial enrollment starting at 450 students and asked the PTC to provide guidance on a procedure to provide for further phased enrollment increases up to 540 students. The Council has thus made the policy decision conditionally providing for up to 540 students. There is no call for the PTC to further discuss or debate *whether* to allow for phased enrollment increases; but rather, only a request for PTC to recommend *how* to implement such future phased enrollment increases. The PTC should respect the Council’s direction and act in accord with the Council Motion, rather than in disregard of it.

Moreover, the PTC previously considered—and rejected—the idea of recommending the imposition of an enrollment cap of 450 students at its November 18, 2020 meeting. (Minutes, November 18, 2020 PTC Meeting, p. 46.) Instead, the PTC agreed to a phased enrollment increase to 540 students predicated on compliance with the no net new trip standard. (*Id.* at p. 59.) The current, controlling Council policy decision and direction in the March 29, 2021 Motion likewise was not for PTC to revisit the possible imposition of a 450-student enrollment cap, but rather to identify a procedure to allow for phased increases in enrollment up to 540 students.

Actions by the PTC or its members that disregard the Council’s directive and reverts back to a failed PTC motion from November 2020 is exactly the type of “infinite loop” that Councilmember Tanaka warned against in connection with this Project. It also raises legal concerns related to the certainty and finality of administrative decisions. (*See, e.g., City and County of San Francisco v. Ang* (1979) 97 Cal.App.3d 673, 679 [“Whenever any board, tribunal, or person is by law vested with authority to decide a question, such decision, when made is *res judicata*, and as conclusive of the issues involved in the decision as though the adjudication had been made by a court of general jurisdiction.”]; *accord, California Coastal Commission v. Superior Court* (1989) 210 Cal.App.3d 1488, 1501; *see also* 83 AM JUR 2D *Zoning and Planning* § 741 [“*Res judicata* applies to administrative zoning decisions in order to promote finality of decisions unless it is shown that there has been a substantial change of circumstances since the earlier ruling.”].)

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Page 4

During the PTC hearing which occurred on January 19, 2022, Vice Chair Summa suggested that a 450-student cap was needed to avoid significant traffic impacts. However, such concerns and speculation are expressly refuted by the City’s EIR, which concludes that the Project (with up to 540 students) will not result in any such impacts if Alternative 4 is implemented, as proposed.³ As the Assistant City Attorney stated, any action or recommendation by the PTC must be based on “substantial evidence in the record.” Substantial evidence is defined as evidence of “ponderable legal significance . . . reasonable in nature, credible, and of solid value.” (*Lucas Valley Homeowners Assn. v. County of Marin* (1991) 233 Cal.App.3d 130, 142.) Substantial evidence includes “fact, a reasonable assumption predicted upon fact, or expert opinion supported by fact.” (Public Resources Code § 21080(e).) Substantial evidence does *not* include “argument, speculation, unsubstantiated opinion or narrative, [or] evidence that is clearly inaccurate or erroneous . . .” (*Id.*) There is no evidence, let alone substantial evidence, to support the argument that a 450 student cap is necessary in order to avoid significant traffic impacts. It is for this reason that Commissioner Hechtman accurately cautioned that the PTC would be “on thin ice” by imposing restrictions or conditions divorced from the evidence in the record regarding actual Project impacts.

Castilleja has now spent approximately six years processing the application for the Project, to provide updated and improved facilities for an enrollment increase of up to 540 students, growing at no more than 25 students per year only if existing trip counts are maintained. The Project’s environmentally sustainable improvements are specifically designed to serve up to 540 students, and integral to the Project is an intricate and robust TDM plan to ensure no new trips result as enrollment increases. Castilleja asks for relevant and constructive PTC input on the Project as proposed—and not some other proposal not requested by Castilleja nor one that is not supported by the City Council.

In short, we respectfully urge the PTC to follow the City Council direction and endorse the procedure reflected in PTC-recommended Condition 4.e, which ties specified enrollment increases to demonstrated compliance with a no net new trip standard of the proposed TDM plan.

³ Vice Chair Summa also asserted that the EIR had not evaluated traffic impacts in terms of vehicle miles traveled (“VMT”). As correctly pointed out by Katherine Waugh of Dudek, the City’s environmental consultant, CEQA did not call for the EIR to separately analyze traffic impacts using VMT metrics because that amendment to the CEQA Guidelines did not go into effect until *after* the Final EIR was prepared. (CEQA Guidelines § 15064.3(c).) Decisions on *which* metric to use to study environmental impacts are made at the *Draft* EIR phase, not after the Final EIR. (CEQA Guidelines § 15007(c) [“If a document meets the content requirements in effect when the document is set out for public review, the document shall not need to be revised to conform to any new content requirements in guideline amendments taking effect before the document is finally approved.”].) And, as the City’s consultant further explained, the EIR nonetheless does contain a discussion of VMT impacts.

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3. The Council Asked PTC to Review an Underground Parking Facility Alternative Requiring 50 Percent of the Required On-Site Parking to Be Below Grade Without Counting Against Project Floor Area.

In our recent letter to the PTC, dated January 12, 2022, we explained that the City Council did not initiate or require an amendment to the text of the City’s zoning ordinance in connection with the Project’s underground parking facility, and further that such an amendment would be inconsistent with the Comprehensive Plan and the City’s approval of the larger underground parking facility for Congregation Kol Emeth.⁴ In response to Commissioner Hechtman’s questions regarding our letter, Assistant City Attorney Yang stated that the Council *had* initiated the process for a text amendment and that no further Council action was needed. We believe that Mr. Yang’s response does not accurately reflect the record of the Council’s action or the law.

At its March 15, 2021 hearing, a bare majority of the City Council voted that the underground parking facility should not be considered a basement and to “return to Council” with possible alternative text changes, i.e.; “an alternative text change counting all the underground garage as floor area,” or not counting any of it as floor area, or partially counting it as floor area. (Summary Minutes, City Council Meeting, March 15, 2021, p. 26.) Councilmembers who supported and opposed that motion expressed confusion about it. (*Id.* at p. 24.) Some Councilmembers thought an underground garage should count as floor area (i.e. then-Mayor DuBois and Councilmember Stone), while others expressed views that it should not (i.e. Councilmembers Filseth and Cormack). (*Id.* at pp. 20-22.) Councilmember Tanaka registered support for an underground parking garage, while Councilmember Kou registered opposition to it. (*Id.* at p. 23.) In reality, a text amendment would only be needed if four members of the Council thought the underground garage should count as gross floor area. According to the minutes, only two members—then-Mayor DuBois and Councilmember Stone—expressed that view.

At its March 29, 2021 hearing, a unanimous City Council voted to “[d]irect Staff and the PTC to review an underground parking facility alternative that allows a maximum of 50 percent of the required on-site parking to be below grade without counting against the project floor-area.” (Summary Minutes, City Council Meeting, March 29, 2021, p. 23.) In its March 29, 2021 Motion the City Council approved a new concept—without mentioning text amendment or text change—whereby the City would not count the Project’s underground parking as gross floor area if it did not exceed 50 percent of the required on-site parking. Neither the Council’s March 15th action nor its March 29th Motion refers or remands a text amendment to the PTC.⁵ Thus, no text amendment is needed. Also, the “required parking” for the Project is 104 spaces. It cannot be disregarded that Council used the word “required” parking in its Motion, not “adjusted” parking.

⁴ In her comments, Commissioner Chang stated that the proposed underground parking facility is “unprecedented.” That is not correct. As noted in our January 12th letter, the City previously approved a larger underground parking facility for Congregation Kol Emeth in 2016.

⁵ Thus, the Staff Report is incorrect when it says “[t]he PTC is requested by the City Council to consider the draft ordinance.” (Staff Report for January 19, 2022 PTC Meeting on Project, p. 6.)

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The plain language of the Motion controls both with regard to the fact that no text amendment was requested and that the reduction in parking is based upon the “required” parking. (*Lateef v. City of Madera* (2020) 45 Cal.App.5th 245, 253 [“The Legislature’s chosen language is the most reliable indicator of its intent because it is the language of the statute itself that has successfully braved the legislative gauntlet.”].)

Even if a text amendment somehow had been requested by the Council, any such purported request would have lapsed and become inoperative as a matter of law since Zoning Code Section 18.80.090 requires the PTC to forward its recommendation on any text amendment within 180 days “unless extended by the council.” There was no extension of time sought nor granted by the Council here. Thus, any purported “Council-initiated” text amendment request is null and void. (*Cf. Ursino v. Superior Court* (1974) 39 Cal.App.3d 611, 619 [court finds time limits imposed on administrative action on appeal “clearly show that the legislative intent was to make these time provisions mandatory, rather than directory, and that the designation of time was intended as a limitation of power, authority or right”] and *Tregambo v. Comanche etc. Co.* (1881) 57 Cal. 501, 503 [where a statute “absolutely fixes the time within which an act must be done, it is peremptory” and the act “cannot be done at any other time, unless during the . . . prescribed time it has been extended by an order made for that purpose under authority of law.”].)

4. The Council Directed the PTC to Consider An Adjustment/Reduction In Required Parking Based On The Proposed TDM Plan.

The Project requires 104 parking spaces per City Code. Castilleja had submitted plans for 104 spaces with the majority of those spaces in an underground parking facility. In response to the Motion, Castilleja submitted a variety of parking options, labeled Options A through E. All of these options are in accordance with the Comprehensive Plan, which “[s]trongly encourage[s] the use of below-grade or structured parking” facilities “for new developments of all types . . .” (Comprehensive Plan, Transportation Element, Policy T-5.6; *see also* Comprehensive Plan, Land Use & Community Design Element, Policy L-9.2 [encourages placing parking underground or behind buildings “wherever possible” and encourages other alternatives to surface parking lots] and Policies L-9.10 and L-6.6 [design garages to meet high-quality urban design standards, including elements such as screened parking or underground parking].)

The ARB recommended approval of Option D or Option E. Option D provides 95 total spaces (69 below grade and 26 at surface level), resulting in a nine percent parking adjustment from the 104 spaces required. Option E provides 89 total spaces (52 below grade and 37 at surface level), resulting in a 14.4 percent parking adjustment.

During previous hearings, the City Staff and three PTC commissioners have expressed preference for Option E. Castilleja is prepared to implement *either* Option D or Option E, with a preference for Option D because it provides an ability to place additional parking as well as deliveries and trash pick-up below grade, enabling more surface-level space to be used for School operations. In its straw poll effort, the PTC offered informal support for a reduced parking

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alternative. Now we respectfully request that the PTC formally recommend its preferred parking option to the Council, such that the Council has a formal record of the PTC's consideration on this topic.

In connection with its discussion of the parking reduction issue, one commissioner raised the issue of utility lines. With the exception of a sewer line, the utility lines in question serve only the School. The Project does not propose to move the sewer line, however, more fundamentally, utilities are not within the purview of the PTC nor was input sought from the PTC on that issue in the Council Motion which asked the PTC to consider allowing a reduction of required parking based on the proposed TDM plan.

While the PTC was asked to discuss ways to phase enrollment and whether to reduce parking via the use of trip caps based on Castilleja's proposed TDM plan, the PTC was not asked to introduce new limitations on enrollment or academic instruction. This is not part of the Project application, is not within the PTC's purview, and is beyond the narrow confines of the Council's Motion. Specifically, limiting student enrollment to those within bicycling distance of the School or imposing mandates for remote learning would lack any reasonable relationship to the impacts of the Project.⁶ (*See, e.g., Anza Parking Corp. v. City of Burlingame* (1987) 195 Cal.App.3d 855, 861 [Court of Appeal observes that "[n]o local governmental body . . . may condition the issuance of any use permit for any purpose not reasonably related to the use of the property for which the use permit is requested."] and *Liberty v. California Coastal Commission* (1980) 113 Cal.App.3d 491, 502-504 [condition requiring restaurant owner to provide parking for visitors and non-customer beach goers and other commercial uses was struck down as unreasonable and unfair].)

Additionally, we are not aware that the City has ever imposed such conditions on any other school facility. Thus, imposition of any such conditions on Castilleja would not only infringe on the fundamental right to education but also raise concerns of arbitrary/irrational and unequal treatment. (*Cf. Arnel Development Co. v. City of Costa Mesa* (1981) 126 Cal.App.3d 330; *Del Monte Dunes, Ltd. v. City of Monterey* (9th Cir. 1990) 920 F.2d 1496; *Herrington v. County of Sonoma* (9th Cir. 1987) 834 F.2d 1488; and *Fry v. Hayward* (N.D. Cal. 1988) 701 F.Supp. 179.)

5. The Council Requested PTC to Provide an Evaluation of Major and Special Events

In its March 29th Motion, the Council directed Staff and the PTC to evaluate five major events and between 50 and 70 special events, with no Sunday events.

During the last PTC hearing, members of the PTC asked for a detailed events table. Castilleja has previously provided this information to the City, but (under separate cover) is re-

⁶ Per the proposed TDM plan, Castilleja has agreed to provide a map showing new students' bicycle distance from the School and to consider prohibiting juniors from driving alone and parking on campus if the daily trip count is exceeded. (TDM Plan, pp. 21-22)

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submitting the events table with further clarity regarding *when* the events occur and whether they are operational or administrative.

We would also like to use this letter as an opportunity to register one other concern regarding the discussion of events at the January 19th PTC meeting. Commissioner Chang referred to her research into events at the JLS Middle School. Such *ex parte* information is not in the public record and thus should not be relied upon by the PTC when making its decision. It is well settled that the right to a fair hearing “is violated if an administrative tribunal relies on evidence outside the record in reaching its decision.” (*Pinheiro v. Civil Service Com. for County of Fresno* (2016) 245 Cal.App.4th 1458, 1467; *accord, English v. City of Long Beach* (1950) 35 Cal.2d 155, 158-159; and *Lateef, supra*, 45 Cal.App.5th at 258.)⁷ In addition to violating Castilleja’s right to a fair hearing, such information is not accurate or analogous to the Project application. For example, if JLS or other school were held to the same definition of “special event” as Castilleja, any athletic game or event with 50 or more people would count as a restricted special event.

Thank you for your consideration of Castilleja’s views on these important matters. As Commissioner Templeton noted at the end of the last PTC meeting, we concur and respectfully request that Staff bring back this Project to the PTC with clear boundaries for review, narrowly focused on the Council Motion, as was articulated in this letter. We look forward to the City scheduling the Project for its final hearing before the PTC in the very near future. In the meantime, please do not hesitate to contact me with any questions regarding this correspondence.

RUTAN & TUCKER, LLP



David P. Lanferman

cc: Nanci Kauffman, Head of School
Kathy Layendecker, Associate Head for Finance and Operations
Mindie Romanowsky, Co-Counsel
Ed Shikada, City Manager
Jonathan Lait, Planning & Development Services Director
Amy French, Chief Planning Official
Molly Stump, City Attorney
Albert Yang, Assistant City Attorney

⁷ Courts have explained that administrative tribunals like the PTC cannot act on extra-record evidence because parties have a right to be apprised of the evidence so that they can refute, test, and explain it. (*La Prade v. Department of Water & Power* (1945) 27 Cal.2d 47, 51-52.)

From: [Neilson Buchanan](#)
To: [Planning Commission](#)
Subject: role of Council and PTC
Date: Friday, February 4, 2022 10:06:28 PM
Attachments: [New Court Ruling on 1979 Calif Density Bonus Act.pdf](#)

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

How "immense" is this ruling? And how will citizens understand impact on Palo Alto development?

It would be great to have dialogue from Council/PTC to the community! Or just wander blindly thru these social and legal shifts.

Neilson Buchanan

[REDACTED]

Palo Alto, CA 94301

[REDACTED]

cnsbuchanan@yahoo.com



BALBLOA PARK

Developers Who Include Affordable Housing Exempt From Many Local Height Limits: California Court

The case involved local opposition to a 20-story mixed-use project currently being built near Balboa Park in San Diego.

Published February 4, 2022 • Updated on February 4, 2022 at 11:57 am



The project at the center of the court ruling is at 6th Avenue and Olive Street, next to St. Paul's Episcopal Cathedral.

Developers who include affordable housing in their projects are exempt from many local limits on height, zoning and density, a California appeals court ruled in a decision that, if upheld, could have immense impact as the most populous state struggles with a housing crisis.



development standards for builders who commit to provide certain levels of low-income housing for their projects, the Fourth District Court of Appeal ruled.

2:37

City Council OKs Housing Tower in Bankers Hill

The San Diego City Council unanimously approved a 20-story apartment tower in Bankers Hill. NBC 7's Omari Fleming reports.

The court made the ruling on Jan. 7 and on Wednesday certified it as a precedent for future court cases after hearing from the California Building Industry Association and others, the San Francisco Chronicle reported.

There are exceptions for threats to public health or safety, harm to a historic resource or conflicts with state or federal laws, the paper said.



0:33

Demolition Underway for Vacant Building in Hillcrest, Formerly Pernicano's Restaurant

While many residents of the Hillcrest neighborhood are happy to no longer live near the shuttered building, there are concerns about what development plans are in store for the property.

The case involved local opposition to a 20-story mixed-use project currently being built near Balboa Park in San Diego. The city approved a plan for a building more than 25% higher than local development standards normally would allow, with 204 housing units instead of 147, after the developer promised to make 18 units affordable.

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California



12 HOURS AGO

UCLA Player Arrested After Allegedly Spitting at Arizona Fan



24 HOURS AGO

California Recall Election Cost Taxpayers \$200 Million

The ruling was condemned by an attorney for a neighborhood group that challenged the development.

“It seems to be saying that if you have a density-bonus project, you can do whatever you want,” said Everett DeLano, lawyer for the Bankers Hill/Park West Community Association.



2:21

Hundreds of Apartments to Be Built Near Trolley Stop in South Bay

The association hadn't decided whether to appeal to the California Supreme Court, DeLano said.

Trial courts statewide would have to heed the ruling if it becomes final.

The case illustrates the clashes occurring over local control of development as the state faces a crisis in affordable housing. The median price of a Southern California home in December hit nearly \$700,000.

Critics say cities and counties have contributed to the shortage over the decades by favoring single-family homes and limiting larger residential projects.

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Many local governments have “attempted to erect all manner of obstacles to the construction of new housing, whether market-rate or affordable,” Bryan Wenter, an attorney for the California Building Industry Association, told the Chronicle on Thursday. “This makes new housing harder to provide generally, and substantially more expensive than it would otherwise be.”

Experts have said the state needs to build more than 1 million to as many as 3.5 million homes in the next few years to deal with the housing shortfall.



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local zoning ordinances. One allows local governments to rezone neighborhoods near mass transit for up to 10 housing units. The second requires cities to approve up to four housing units on what was a single-family lot.

Opponents are gathering signatures for a ballot measure that would restore local control.

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BALBLOA PARK

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0.	Norway	0	0	0
0.	Canada	0	0	0

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From: [Aram James](#)
To: [Tony Dixon](#); [Cecilia Taylor](#); [Human Relations Commission](#); [Betsy Nash](#); citycouncil@mountainview.gov; [Enberg, Nicholas](#); [Jay Boyarsky](#); [Joe Simitian](#); [Gennady Sheyner](#); [Greer Stone](#); [chuck jagoda](#); [Roberta Ahlquist](#); [james pitkin](#); [Jason Green](#); [Kevin Nious](#); [Tanaka, Greg](#); [Alison Cormack](#); [Planning Commission](#); [ParkRec Commission](#); robert.parham@cityofpaloalto.org
Subject: Agent Nick Enberg a travesty to continue to employ this person in any law enforcement capacity
Date: Saturday, February 5, 2022 12:53:31 AM

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FYI: The below article contains one of the many videos of this unprovoked and vicious canine attack on Joel Alejo. Regardless of the PAPD's conclusion or the conclusions of the OIR.. Agent Nicholas Enberg is, my opinion, a danger to our community and should be fired. The video below speaks for itself:

<https://www.paloaltoonline.com/news/2022/02/04/review-finds-flaws-in-officers-actions-after-2020-police-dog-attack>

Shared via the [Google app](#)

Sent from my iPhone

From: [Aram James](#)
To: [Tanaka, Greg](#); [Greer Stone](#); [Kou, Lydia](#); [ParkRec Commission](#); [Planning Commission](#); [Jay Bovarsky](#); [paloaltofreepress@gmail.com](#); [wilpfpeninsulapaloalto@gmail.com](#); [Tom DuBois](#); [eric.filseth@cityofpaloalto.com](#); [chuck jagoda](#)
Subject: Priorities for our city council: Hiring of a new and transparent police chief. Close scrutiny of our extremely violent police department.
Date: Saturday, February 5, 2022 1:34:10 PM

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Feb 5, 2022

Dear City Council Members:

A racist cop murdered George Floyd on May 25, 2020. Let's not forget our own rogue and exceedingly violent police department that I've observed up close and personal since I was a young person here in Palo Alto.

We need to hire a chief who stresses transparency, not police secrecy. We can't delegate such a critical decision to one person, our city manager Ed Shikada, also known for his own lack of transparency with our community.

Please read the sugar-coated 46-page OIR (Independent police auditor) report scheduled to be discussed as an informational item only, item # 11, at the February 12, city council meeting.

Please MAKE THIS 46-page report, covering nearly a 16-month period, an action item so that the public can address this critical subject as more than simply an information item buried near the end of the February 12, city council agenda.

We are not even two years away from the police murder of George Floyd and already we are putting police reform or major police defunding -reallocation of funds to other more appropriate uses on the back burner.

We must continue to prioritize extremely close scrutiny of our police department that has brutalized members of our community on almost a non-stop basis for decades.

Aram James

From: [Aram James](#)
To: [Tom DuBois](#); eric.filseth@cityofpaloalto.com; [Greer Stone](#); [Kou, Lydia](#); [ParkRec Commission](#); [Planning Commission](#); wilpfpeninsulapaloalto@gmail.com; [Roberta Ahlquist](#); [Jay Boyarsky](#); [Joe Simitian](#); cindy.chavez@bos.sccgov.org; supervisor.ellenberg@bos.sccgov.org; [Shikada, Ed](#); [chuck jagoda](#); [chuck jagoda](#); city.council@menlopark.org; [Tanaka, Greg](#)
Subject: SB 9 the latest chapter as Palo Alto resists low income housing for the little guy. Lawsuits will fly
Date: Sunday, February 6, 2022 8:08:03 PM

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<https://www.mercurynews.com/2022/02/06/as-new-bay-area-housing-applications-grow-so-does-rift-between-suburbs-developers/amp/>

Sent from my iPhone

From: [Aram James](#)
To: [Human Relations Commission](#); city.council@menlopark.org; [Council, City](#); [Sajid Khan](#); [Jeff Rosen](#); [chuck jagoda](#); [Roberta Ahlquist](#); wilpfpeninsulapaloalto@gmail.com; [Joe Simitian](#); supervisor.lee@bos.sccgov.org; supervisor.ellenberg@bos.sccgov.org; [Planning Commission](#); [ParkRec Commission](#)
Subject: SZAC] Fw: Please forward!: Mon, 2/7, 4 pm (PST) -- Building Palestine Solidarity after the Bowman Affair -- With Tithi Bhattacharya, Rabab Abdulhadi, brian bean & Haley Pessin
Date: Sunday, February 6, 2022 9:35:03 PM

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FYI

----- Forwarded Message -----

From: Greg Jan <gregjan4@yahoo.com>
To: Greg Jan <gregjan4@yahoo.com>
Sent: Saturday, February 5, 2022, 09:57:56 PM PST
Subject: Please forward!: Mon, 2/7, 4 pm (PST) -- Building Palestine Solidarity after the Bowman Affair -- With Tithi Bhattacharya, Rabab Abdulhadi, brian bean & Haley Pessin

Mon, 2/7, 4 pm (PST) -- Building Palestine Solidarity after the Bowman Affair -- Join us for a discussion on how to build solidarity with Palestine and escalate the BDS movement in the wake of the Bowman Affair -- Israel's war on Gaza last May sparked protest and support for the Palestinian struggle for liberation throughout the world including in the US. The Republicans and Democrats have tried to counter this groundswell of solidarity by demonizing and criminalizing the movement for Boycott, Divestment, and Sanctions (BDS). Many progressive politicians including DSA member Jamaal Bowman bowed to this Zionist pressure, opposed BDS, and voted for military aid to Israel. Join this webinar to discuss how we must reaffirm solidarity with Palestine and escalate the BDS movement in the wake of the Bowman Affair -

- **Speakers:** **Tithi Bhattacharya** is on the editorial board of Spectre, editor of Social Reproduction Theory, and co-author of Feminism for the 99%. She is a long time Palestine solidarity and BDS activist -- **Rabab Abdulhadi** is the founding Director and Senior Scholar of the Arab and Muslim Ethnicities and Diasporas Studies at San Francisco State University. She is a long time community organizer focused on the struggle for Palestinian liberation and the indivisibility of anti-colonial and anti-racist movements -- **brian bean**: They are a Chicago-based socialist, one of the founding editors of Rampant Magazine, and a member of the Tempest Collective. They are the co-editor and contributor to Palestine: A Socialist Introduction and their writing has appeared in Jacobin, Spectre Journal, Red Flag, International Viewpoint, New Politics, and others. **Haley Pessin** is a socialist activist based in New York. She is a rank and file member of 1199 SEIU, DSA Afrosocialist Caucus, and the Tempest Collective -- *Organized by*

Haymarket Books:

<https://www.eventbrite.com/e/building-palestine-solidarity-after-the-bowman-affair-tickets-258271154977?aff=ebdsoporgprofile>



Building Palestine Solidarity after the Bowman Affair

Join us for a discussion on how to build solidarity with Palestine and escalate the BDS movement in the wake of

...

--

"Nobody in the world, nobody in history, has ever gotten their freedom by appealing to the moral sense of the people who were oppressing them."

Assata Shakur

2 books you must read:

"Against Our Better Judgement: The hidden history of how the U.S. was used to create Israel" by Alison Weir

<http://www.againstourbetterjudgment.com/>

"State of Terror: How Terrorism Created Modern Israel" by Thomas Suarez

<http://thomassuarez.com/SoT.html>

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Mumia Abu-Jamal

www.FreeMumia.com

Ruchell Cinque Magee

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Russell Maroon Shoatz

<https://russellmaroonshoats.wordpress.com/>

Mutulu Shakur <http://mutulushakur.com/site/>

Julian Assange <https://assangedefense.org>

The Holy Land Five:

Shukri Abu Baker

Ghassan Elashi

Mufid Abdulqader

Abdulrahman Odeh

Mohammad Elmezain

<https://www.mintpressnews.com/the-trial-and-conviction-of-the-holy-land-foundation-five/237440/>

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<https://prisonerhungerstrikesolidarity.wordpress.com>

California Prison Focus http://newest.prisons.org/our_story

End United States of Amerikkka invasions and occupations

U.S. Government and UN Occupation Force Soldiers - Hands off Haiti!

<http://www.haitisolidarity.net/>

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2 books you must read:

"Against Our Better Judgement: The hidden history of how the U.S. was used to create Israel" by Alison Weir

<http://www.againstourbetterjudgment.com/>

"State of Terror: How Terrorism Created Modern Israel" by Thomas Suarez

<http://thomassuarez.com/SoT.html>

Other important websites to visit

<http://www.ifamericansknew.org>

<http://www.councilforthenationalinterest.org/new/>

<https://wearenotnumbers.org/>

End the Blockade/Siege on Gaza!

Tear down the Apartheid Walls in West Bank & Gaza!

End the War Criminal Israeli collective punishment on the Palestinian people!

End the illegal Apartheid Israeli Occupation of all of Palestine!

Right to Return to their homes and land in Palestine for all Palestinians!

End all U.S. aid to Israel

Free Palestine! Long Live Palestine!

Support Boycott, Divestment, Sanctions (BDS) &

**Palestinian Campaign for the Academic and Cultural Boycott of Israel
(PACBI) Campaigns!**

<http://www.bdsmovement.net>

<http://www.WhoProfits.org>

<http://www.pacbi.org>

Support Solidarity with Gaza Fishers

<https://sgf.freedomflotilla.org/>

<https://freedomflotilla.org/>

<https://sgf.freedomflotilla.org/category/we-are-not-numbers>

Support ISM volunteers in West Bank and Gaza Strip!

<http://www.palsolidarity.org>

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From: [Aram James](#)
To: [Dave Price](#); [Council, City](#); [Binder, Andrew](#); [Planning Commission](#); [Jay Bovarsky](#); [Sajid Khan](#); [Raj](#); [Jeff Rosen](#); [Joe Simitian](#); [chuck jagoda](#); [Roberta Ahlquist](#); [Greer Stone](#); [Enberg, Nicholas](#); [Tanaka, Greg](#); [Alison Cormack](#); [Jeff Moore](#); [Winter Dellenbach](#); [Jonsen, Robert](#); [Rebecca Eisenberg](#); [Reifschneider, James](#); [Jethroe Moore](#)
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Date: Monday, February 7, 2022 11:38:43 PM

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<https://www.californiapolicechiefs.org/eventmenu/ats>

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