

From: [Ginnie Noh](#)
To: [Planning Commission](#); [Council, City](#)
Subject: What's GUP Folks? Again?
Date: Wednesday, October 11, 2023 1:13:19 PM

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To Whom It May Concern:

I understand the proposed upzoning of the Stanford-owned property on Pasteur Drive permits Stanford to build a ~450-unit development that would be limited to Stanford-affiliated renters. The affiliate limitation is problematic as it allows the development to be considered an Academic facility which (by state law) prevents property tax from being collected. As a result, children living in the development would receive PAUSD education without providing PAUSD with any property tax. PAUSD finances would be greatly impacted by this financial burden.

Stanford-owned parcel may bring in hundreds of new PAUSD students without any property tax contribution to PAUSD to support them.

New housing is important, but it is also important to maintain the quality of education of PAUSD, both for our current students and for the new students coming in because of the development.

The Planning Commission should not upzone the Pasteur property unless Stanford pays its fair share just like everyone else, either through paying property taxes or through a development agreement that requires Stanford to fully mitigate the impact of the new students from the new development.

All non-Stanford Palo Alto residents pay property tax to support our schools, regardless of whether or not they have children. We should require Stanford to pay its fair share too.

Ginnie Noh

PAUSD Parent and Community Member

From: [Palo Alto Forward](#)
To: [Planning Commission](#)
Subject: Please see the attached comment letter
Date: Wednesday, October 11, 2023 2:18:00 PM
Attachments: [Cmnt Letter PTC Zoning Changes \(10.11.23\) - Google Docs.pdf](#)

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October 11, 2023

SUBJECT: Agenda Item #3 - Housing Element Programs Implementation

Honorable Planning & Transportation Commission (PTC) Members,

We applaud the work of the Planning Department in keeping the Housing Element moving forward. We also extend our congratulations to the Housing Element Working Group and the City Council for taking additional actions related to zoning changes on a portion of El Camino Real (described below) that will facilitate economically viable housing development.

The innovative zoning regulations being explored for El Camino Real between Page Mill Road and Matadero Avenue are a step toward a compliant Housing Element and ultimately actual construction of much-needed housing. The higher floor area ratio (FAR), height, and density allowed, as well as reduced marking mandates, are what is needed to make housing economically feasible in our city.

Recent public comments on the Housing Element have been overwhelmingly supportive of increased development standards. The zoning changes proposed for the limited area on El Camino Real wonderfully reflect this sentiment. The proposed zoning changes do begin to show the Department of Housing and Community Development (HCD) that we are serious about compliance; however, **they are - very simply - not enough.**

We have much work to do to address HCD concerns raised regarding Affirmatively Furthering Fair Housing, decreasing reliance on the City's discretionary Housing Incentive Program (HIP), and fixing Local Ordinance (constraints) and Local Processing timeline issues. We look forward to seeing how the third draft of the Housing Element approaches these issues.

We can and should be a leader in creating innovative housing solutions, beautiful environments, community spaces, and exciting architecture. We fully support your efforts to achieve great things for our city.

Sincerely,

Palo Alto Forward

From: [Sam Jackson](#)
To: [Planning Commission](#); [Council, City](#)
Subject: More housing please!
Date: Wednesday, October 4, 2023 10:24:50 PM

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I was not able to attend the PTC study session this evening but wanted to write in as a neighbor and recent former resident. I wish I could move back to Palo Alto, but need help from bodies like the council and PTC!

I moved just the other year to RWC because my wife and I wanted to find a modest home for ourselves bigger than our old, quite dilapidated 1 bedroom rental. Palo Alto had little to offer us, at any price, when it came to quality rentals, and we certainly couldn't afford to buy. While I try to bike and take Caltrain when I can, that lack of housing stock helped directly lead to more driving into Palo Alto (sorry!) when I would come to work by car. And it has also meant less investment into the community as I spend less at local shops and restaurants now.

I know Palo Alto sometimes thinks it can keep things perfect just the way they are -- but the status quo is awful, if it displaces people like me who (I think!) would be good members of the community, and until recently, were. So please take the actions available to you -- help ensure more housing at all affordability levels, as well as making it a friendlier place to bike and walk!

Ensuring more sites can have more housing, with better zoning standards that allow for density and without parking requirements, are one part. Ensuring approvals are timely and that administrative barriers -- well intentioned or otherwise -- don't stand in the way of new housing development.

Thanks for your consideration and your work -- I hope -- to help bring about the necessary change.

Sam Jackson

From: [Aram James](#)
To: [Lewis James](#); [chuck jaqoda](#); [Jack Ajluni](#); [Salem Ajluni](#); [Council_City](#); [Loving_Ed](#); [Planning Commission](#); [ParkRec Commission](#); [Human Relations Commission](#)
Subject: Fwd: "Those who put their faith in fire in fire their faith will be repaid "
Date: Saturday, October 7, 2023 11:56:01 AM

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"Those who put their faith in fire in fire their faith will be repaid "



On Sat, Oct 7, 2023 at 11:36 AM Aram James [REDACTED] wrote:

<https://www.nbcnews.com/news/amp/rcna119315>

From: [Aram James](#)
To: [Planning Commission](#); [ParkRec Commission](#); [Shikada, Ed](#); [Lauing, Ed](#); [REDACTED]
Subject: Israel retaliates following Hamas attacks, death toll climbs on both sides - Reuters
Date: Sunday, October 8, 2023 3:49:41 PM

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Israel retaliates following Hamas attacks, death toll climbs on both sides - Reuters

<https://apple.news/AIJGpxh2KRj2Wk0yNVlaeug>

From: [Scott O'Neil](#)
To: [Planning Commission](#)
Subject: Proposed Zoning Changes
Date: Tuesday, October 10, 2023 1:04:51 AM

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Planning and Transportation Commissioners,

I am a board member at Palo Alto Forward writing for myself.

I have a little bit of a quibble with the summary in the packet of the previous meeting. While I do recall that some Commissioners expressed a desire to not take the proposed RHNA-implementing zoning changes citywide, my impression from the meeting was a roughly equal number seemed to be withholding judgment on the question pending a better explanation of the tradeoffs involved. Apologies if that's wrong.

I'll make my own case very briefly. Palo Alto is currently a city where the dead govern the living. The contours of our zoning code were laid down in the 1970s, before many of us were born -myself included. Accordingly, the law of this land is that a residential multifamily structure of 11 units or more must not exceed an average sixty percent of one story over the lot, excepting only the CD-C and RM-40 zones where average height can be one full story. That is true even in places like El Camino Real, where -to the meager extent that we approve housing through one-off exceptions- it looks nothing like that. The Summerhill Townhomes on Bayshore have FAR 1.1, to anchor a sense of scale.

Would extending the RHNA zoning city-wide change much, judging from our recent track record of development? For apartments, maybe a tiny amount in CD-C on ECR where proposed FAR gets to 2.0. That aside, I think it's reasonable to hope for see more townhome interest in the RM zones. Not a sea change, but significant. And really: modest should be our prior given that it was a staff proposal and not something cooked up by raving radical housing activists.

Despite the modest impact, I think it would send a big signal to HCD. One of our problems apart from meeting RHNA is showing our development standards do not form a governmental constraint. A big city-wide change that could plausibly lead to production is likely all they need to see on that point. It would further deprive scoundrels like myself of the argument that the city is only spot-zoning outside of the GM/ROLM area --and mostly to levels that don't support apartment development.

That's how I view the tradeoff on taking RHNA zoning global: it would matter for production, but advance the cause of HCD Certification to an outsized degree relative to the production impact.

As for the ECR focus area, I applaud the city for finding a second place where it is willing to

legalize apartments at economically feasible development standards. If you do this, it doesn't advance RHNA, but it moves the ball on certification along two other dimensions at. First, it helps somewhat on development standards as a constraint. Second, it finally provides a credible counterweight to GM/ROLM for production at scale, which makes the AFFH picture look somewhat better. There's tremendous economy in this move from the growth-skeptical perspective, as it will likely moot builder's remedy applications. Ie: much of what it is doing is simply blessing development that would happen anyway.

The chief demerit is that, in contrast with taking RHNA zoning global, it simply doesn't impact much land. As such, while the progress on those dimensions is substantive, it's simply impossible to be confident HCD will think it is enough. That said, we haven't seen HIP details, so we may not have the complete picture for draft 3.

I want to close by noting that I recently commented that I did not get the sense that Palo Alto felt any urgency about making the necessary changes to reach certification in the foreseeable future. That has changed. The ECR focus area is substantive and meaningful. I can't be confident about the next draft, but I'm far less worried today than I was a month ago about ringing in 2025 without a certified Element.

Thank you,

-Scott O'Neil

P.S. Not related to anything on the agenda for the upcoming meeting, but anything the city can do to make GM/ROLM look better from an AFFH perspective will be helpful. Maybe create a program around transportation improvements. I think trying to bring it into PAUSD would go a very long way.

From: [Pat Kinney](#)
To: [Planning Commission](#); [Council, City](#)
Subject: Thank you for supporting increased density along El Camino
Date: Tuesday, October 10, 2023 7:03:51 AM

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Dear Members,

Thank you so much for allowing increased density along El Camino between Page Mill and Matadero Avenue. I encourage you to increase it in other areas, for instance, along El Camino and Oregon/Page Mil, and, if possible, in the Stanford Industrial Park area.

I understand nostalgia for previous land-intensive uses along El Camino, but what we most need now is affordable housing in Palo Alto, so that workers do not have to commute so far to work.

Thank you for all that you do,
Patricia Kinney
Wildwood Lane
Palo Alto

From: [Joe Madrone](#)
To: [Planning Commission](#); [Council, City](#)
Subject: El Camino densification
Date: Tuesday, October 10, 2023 10:09:01 AM

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Ahead of tomorrow's meeting I just wanted to say that I support extending the innovative density, height, parking rations, and FAR beyond the small El Camino Real area. We've got to get LOTS of multi-story housing built and ECR is an ideal area to do that, pretty much along its entire length. It's about time to do something.

Joe (College Terrace)

From: [REDACTED]
To: [Planning Commission](#)
Cc: [Lait, Jonathan](#); [Jean Eisberg](#); [Council, City](#)
Subject: PTC discussion on Oct 11
Date: Tuesday, October 10, 2023 10:30:34 AM
Attachments: [sciPaloAltoadoptout080323.pdf](#)

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Dear Commissioners,

As a regional economist with long experience in California regional housing issues and challenges, I have been concerned that Palo Alto did not have sufficient zoning and other incentives to make housing economically feasible in sufficient amount to meet our housing goals.

Last week at the council study session staff brought forward two very positive proposals to address feasibility that you will discuss tonight. One is on what staff calls the ECR Focus Area that I discuss below and one to provide additional incentives on Stanford properties near the shopping center.

I attended the council study session last week and, along with many other community members, spoke in favor of the proposed increase in ECR Focus Area height, FAR and other incentives that resulted from staff's engagement with area property owners. It is a positive step toward generating an increase in economically feasible housing applications.

Since the ECR focus area process of direct engagement with property owners discovered a set of zoning and development standards that would incentivize housing, why wouldn't it make sense for the city and to HCD in seeing this process replicated in, for example, the DTN and GM/ROLM areas and on the other side of ECR? Isn't it reasonable to expect that engagement, learning and appropriate policy changes would result with regard to incentives to make housing economically feasible?

In addition, I would feel more comfortable in terms of reaching HE compliance if we had a larger buffer than 10% on our proposed sites, which I believe we are even short of right now. I am told that Redwood City and Mountain View, the two neighboring cities with a compliant HE have buffers of 45% and 36% respectively. Adding economically feasible sites to our inventory would not only result in more feasible housing projects but help provide a larger buffer in terms of RHNA eligible units in our next draft HE submitted to HCD.

I applaud the progress made in the presentation to council last week and look forward to seeing how the remaining concerns in the last HCD letter are addressed.

Stephen Levy

Center for Continuing Study of the California Economy

From: [Amie Ashton](#)
To: [Planning Commission](#)
Subject: Zoning Changes and MORE Housing!
Date: Tuesday, October 10, 2023 1:00:55 PM

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Honorable Planning & Transportation Commission (PTC) Members,

I applaud the work of the Planning Department in keeping the Housing Element moving forward. The staff report addresses many of the PTC concerns related to flooding, stormwater, and minimum densities. I also extend my congratulations to the Housing Element Working Group and the City Council for taking additional bold actions on El Camino Real (described below) to bring our Housing Element closer to compliance with state law.

The innovative zoning regulations being explored for El Camino Real between Page Mill Road and Matadero Avenue are a step toward a compliant Housing Element and ultimately actual construction of much-needed housing. The higher floor area ratio (FAR), heights, and densities allowed, as well as reduced marking mandates, are what is needed to make housing economically feasible. **I fully support implementation of these increased zoning standards for additional sections of El Camino Real, greater University Avenue and California Avenue, and in the GM/ROLM area surrounding San Antonio Road.** By engaging with property owners and the community in these areas, we can strategically plan for housing growth - rather than review projects on a “one-off” basis as we have been doing.

I also support extension of recent improvements in base zoning beyond the current Housing Inventory-identified opportunity sites. Sites are often sold, acquired, or optioned for development on non-Housing Inventory opportunity sites. We should not exclude them from housing development because their zoning does not “work” for housing, which sets up a complicated process to utilize these sites as part of a larger development.

The above changes would help bring more units into our housing inventory, which shows HCD that we are serious about a compliant Housing Element. We absolutely can build housing here if we remove barriers to development. **Note that both Redwood City and Mountain View exceeded their RHNA targets for the previous (2015 through 2022) planning cycle by significant margins. Additionally, for this next planning cycle, Mountain View has planned for more than 45% more units than their RHNA allocation of units and Redwood City has planned for 36% more units.** This is what we need to do if we are serious about a compliant Housing Element and actually building housing.

Recent public comments on the zoning changes associated with the Housing Element have been overwhelmingly supportive of increased development standards. The changes proposed for the limited area on El Camino Real reflect this sentiment, but these changes alone will not get us to an HCD approved Housing Element. Further addressing Affirmatively Furthering Fair Housing issues, decreasing reliance the City's Housing Incentive Program (HIP), and fixing Local Ordinance (constraints) and Local Processing issues are among the many not-yet-addressed HCD concerns.

We are blessed to be home to a prestigious university, two Caltrain stations, great schools, and an abundance of well-paying jobs. We can and should be a leader in creating innovative housing solutions, beautiful environments, and exciting architecture. I support efforts to achieve great things for our city!

Amie Ashton
University Avenue Area Resident

From: [Rob Nielsen](#)
To: [Planning Commission](#)
Subject: Public Comment: Oct. 11 meeting, Item 3, Recommendation on a Resolution Amending the Land Use Element
Date: Tuesday, October 10, 2023 2:48:14 PM
Attachments: [10-11-PTC.pdf](#)

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Dear Planning and Transportation,

Here are my public comments for the Oct. 11 meeting. They are in PDF format.

Thank you very much for the time to read and consider them,
Rob Nielsen

Chair Summa and PTC Commissioners.

My name is Rob Nielsen, and I am a resident of Midtown.

I am submitting my comments in support of the changes to the Housing Element described in the packet from Staff, particularly the area of focus on El Camino Real. It is a positive step towards getting needed housing added to the city, with greater assurance of success.

I also wish to clarify the numbers being used to assess the southeast section of the city. My purpose here is twofold: 1) to establish a common ground in discussing this area and 2) to illustrate what the distribution of sites would look like if the changes described in the packet are not made.

The major result of my analysis is that the southeast area, defined here as the BASA PDA area, accounts for 42% of all units on opportunity sites and 58% of the BMR units. This is different from the 30% of RHNA allocation quoted at the last PTC meeting.

Opportunity Sites

	BMR		Non-BMR		All sites		% BMR Units	Notes
	Sites	Units	Sites	Units	Sites	Units		
Southeast	27	1,229	56	1,013	56	2,242	55%	BASA PDA
Other South Palo Alto	26	529	86	874	86	1,403	38%	
South Palo Alto	53	1,758	142	1,887	142	3,645	48%	South of Oregon Expressway
North Palo Alto	20	346	146	1,326	146	1,672	21%	North of Oregon Expressway
All opportunity sites	73	2,104	288	3,213	288	5,317	40%	
Opportunity % from Southeast		58%		32%		42%		

Here is a breakdown of the southeast area.

	Sites	BMR	Non-BMR	Total
GM/ROLM strategy	41	1,043	889	1,932
Other strategies	15	186	124	310
Total	56	1,220	1,013	2,242

Of the 15 “other strategies” sites, 12 are on or near to San Antonio between Leghorn and Middlefield and as such can be viewed as a direct extension of the GM/ROLM area. Another one is a GM-zoned site on Fabian classified under the Developer Interest strategy. The total of 310 units among these 15 sites is nearly 50% larger than the city-owned parking lot strategy.

One thing to note is that the packet discusses the removal of some sites from the inventory, which includes a few in the southeast area, and the identification of some BMR-like units at Pasteur Drive. These changes, if made, would reduce some of the maldistribution shown above.

Also, this analysis uses opportunity sites as these match the packet (pp. 85–87) and are under direct control of the housing element. Any calculation that uses RHNA allocation as the basis of comparison (denominator) should also include pipeline sites in the numerator for a like-to-like comparison.

Finally, I recommend that the updated site inventory analysis produce the following data: 1) an estimate of the BMR-like units at the Pasteur Drive site and 2) a revised inventory of pipeline sites which also makes the necessary corrections for the sites with data discrepancies and anomalies pointed out in the Palo Alto Forward response from June.

Attachment 1-1: Southeast Opportunity Sites (BASA PDA)

GM & ROLM Strategies

APN	Address	Strategy	BMR	non-BMR	Total	Zoning
127-15-002	860 E CHARLESTON RD	GM	0	16	16	GM
1271-50-06	4055 FABIAN WY	GM	0	16	16	GM
127-15-041	801 SAN ANTONIO RD	GM	0	14	14	GM
127-15-042	799 SAN ANTONIO RD	GM	0	16	16	GM
127-15-043	797 SAN ANTONIO RD	GM	0	16	16	GM
127-15-049	830 E CHARLESTON RD	GM	0	18	18	GM
127-15-050	809 SAN ANTONIO RD	GM	0	25	25	GM
127-37-001	849 E CHARLESTON RD	GM	0	16	16	GM
127-37-002	E CHARLESTON RD	GM	0	15	15	GM
127-37-005	FABIAN WY	GM	0	28	28	GM
127-37-007	FABIAN WY	GM	0	31	31	GM
127-37-016	811 E CHARLESTON RD	GM	26	11	37	GM
127-37-018	3980 FABIAN WY	GM	34	14	48	GM
127-37-019	3960 FABIAN WY	GM	33	14	47	GM
127-37-023	3940 FABIAN WY	GM	62	26	88	GM
147-01-013	4030 TRANSPORT ST	GM	0	29	29	GM
147-01-016	989 COMMERCIAL ST	GM	0	13	13	GM
147-01-018	977 COMMERCIAL ST	GM	0	13	13	GM
147-01-041	990 COMMERCIAL ST	GM	39	17	56	GM
147-01-068	4051 TRANSPORT ST	GM	0	18	18	GM
147-01-069	4047 TRANSPORT ST	GM	0	17	17	GM
147-01-070	4045 TRANSPORT ST	GM	26	11	37	GM
147-01-071	4041 TRANSPORT ST	GM	0	16	16	GM
147-01-072	4039 TRANSPORT ST	GM	0	16	16	GM
147-01-073	4035 TRANSPORT ST	GM	0	16	16	GM
147-01-079	4075 TRANSPORT ST	GM	0	11	11	GM
147-01-096	4019 TRANSPORT ST	GM	0	21	21	GM
147-01-097	4007 TRANSPORT ST	GM	26	11	37	GM
147-01-099	4067 TRANSPORT ST	GM	0	17	17	GM
147-01-116	4083 TRANSPORT ST	GM	25	11	36	GM
147-01-122	999 COMMERCIAL ST	GM	0	21	21	GM
147-01-123	991 COMMERCIAL ST	GM	0	24	24	GM
147-02-017	TRANSPORT ST	GM	32	14	46	GM
127-10-049	1060 E MEADOW CIR	ROLM	55	24	79	ROLM
127-10-050	1066 E MEADOW CIR	ROLM	105	45	150	ROLM
127-10-051	1068 E MEADOW CIR	ROLM	49	21	70	ROLM
127-10-076	3600 W BAYSHORE RD	ROLM	102	43	145	ROLM
127-10-081	1053 E MEADOW CIR	ROLM	78	34	112	ROLM
127-10-094	1036 E MEADOW CIR	ROLM	150	64	214	ROLM
127-10-099	1050 E MEADOW CIR	ROLM	128	55	183	ROLM
127-36-029	3460 W BAYSHORE RD	ROLM	73	31	104	ROLM
Sites	41	Units	1,043	889	1,932	

Attachment 1-2: Southeast Opportunity Sites (BASA PDA)

Other Strategies

APN	Address	Strategy	BMR	non-BMR	Total	Zoning
127-37-003	3997 FABIAN WAY	Developer Interest	0	8	8	GM
127-15-045	705 SAN ANTONIO RD	Developer Interest	12	5	17	CS
147-03-043	808-814 SAN ANTONIO RD	Developer Interest	0	7	7	CS
147-05-068	4225 MIDDLEFIELD RD	Developer Interest	12	5	17	CS
147-05-069	4233 MIDDLEFIELD RD	Developer Interest	17	7	24	CS
147-05-090	708-710 SAN ANTONIO RD	Developer Interest	0	8	8	CS
147-05-102	762 SAN ANTONIO RD	Developer Interest	20	9	29	CS
147-05-012	LEGHORN ST	Upzone	19	8	27	CS
127-15-023	4151 MIDDLEFIELD RD	Upzone	9	4	13	RM-20
147-05-086	4201 MIDDLEFIELD RD	Upzone	0	10	10	CS
147-05-087	716-720 SAN ANTONIO RD	Upzone	30	13	43	CS
147-05-091	760 SAN ANTONIO RD	Upzone	14	6	20	CS
147-05-092	780 SAN ANTONIO RD	Upzone	0	13	13	CS
147-09-069	320 SAN ANTONIO RD	Upzone	17	7	24	RM-30
147-09-056	NITA AV	Caltrain Station	36	14	50	ROLM
Sites	15	Units	186	124	310	
Total	56		1,229	1,013	2,242	

From: [Mike Burton](#)
To: [Lait, Jonathan](#); [Planning Commission](#)
Cc: [Kristi Bascom](#)
Subject: RE Proposed Changes to the Palo Alto Zoning Code
Date: Tuesday, October 10, 2023 3:10:08 PM
Attachments: [image001.png](#)
[Letter to PC re Proposed Zone Changes 10.10.23.pdf](#)

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Mr. Lait and the City of Palo Alto Planning & Transportation Commission:

Please find attached to this email a letter from Kristi Bascom on behalf of the Palo Alto Redwoods Homeowners Association regarding the proposed changes to the Palo Alto Zoning Code to incorporate residential protections for the Palo Alto Redwoods Community.

Please contact the undersigned if you are unable to access the attached letter.

Sincerely,
Mike Burton



Mike Burton
Legal Secretary
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October 10, 2023

Via Electronic Mail Only

Jonathan Lait, Planning Director
City of Palo Alto
E-Mail: jonathan.lait@cityofpaloalto.org

City of Palo Alto Planning & Transportation Commission
E-Mail: Planning.Commission@CityofPaloAlto.org

Re: Proposed Changes to the Palo Alto Zoning Code to Incorporate Residential Protections for the Palo Alto Redwoods Community

Dear Mr. Lait and Planning and Transportation Commissioners:

I am writing on behalf of the Palo Alto Redwoods Homeowners Association (“PAR”) to suggest a few minor but important updates to the City’s zoning code. The 117-unit Palo Alto Redwoods condominium complex located at 4250 El Camino Real, includes a diverse group of residents, with both market-rate and deed-restricted below-market-rate homes.

As you may be aware, the land where Palo Alto Redwoods is located is currently zoned as commercial. The land surrounding Palo Alto Redwoods is also zoned as commercial. Consequently, Palo Alto Redwoods – despite being a property with only residential uses – does not enjoy some of the protections that other residentially zoned properties in Palo Alto receive with respect to buffering of incompatible land uses.

PAR has explored rezoning the land where Palo Alto Redwoods is located to a high-density residential district, which would allow the community to benefit from the zoning code’s buffering protections. But City staff informed PAR in February of this year that the rezoning process could potentially cost thousands of dollars with no guarantee of success.

In light of the City’s current efforts to review its zoning code, however, PAR believes there is an opportunity for the City to consider some minor changes that could

Jonathan Lait
October 10, 2023
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benefit Palo Alto Redwoods and similarly situated communities. These changes would afford our residents many of the protections that the City's other residentially zoned properties currently enjoy.

I have reviewed the City's zoning code and identified two sections of the Municipal Code that that could be revised to achieve PAR's goals with minimal changes. These sections currently set standards for hours of operation, minimum setbacks, building height, and daylight plane for commercially zoned properties located close to residentially zoned land. By changing the references in these code sections from "residential zoning" to "residential uses," the zoning code would provide Palo Alto Redwoods residents similar protections as other residential zones, even though Palo Alto Redwoods is located on commercially zoned land.

This proposed change would not only provide basic protections to the Palo Alto Redwoods community. It would likewise benefit other existing and the 6,000 to 20,000 future residential properties that the City will be approving through implementation of the housing element, which are likely to be sited on commercially-zoned land. By including PAR's proposed change in the City's upcoming zoning changes, it would support residential uses in commercial zones by ensuring that such residential developments enjoy the same protections as residential uses on residentially zoned land. Further, *not* adopting the changes could easily result in an increased burden on the City when future residents on commercially zoned properties appeal or otherwise contest adjacent commercial development to try to get the same protections that residentially zoned properties enjoy. Simply put, it is most fair and efficient to treat all residential properties similarly.

I have attached redlined versions containing proposed changes to the two referenced code sections—section 18.16.040, governing hours of operation, and section 18.16.060, governing building setbacks, building height, and daylight plane. We appreciate the Planning Commission's consideration of these changes and hope the Commission will include these minor amendments with other the other zoning changes it is currently considering.

Please do not hesitate to contact me if you have any questions or if I can provide any further information.

Jonathan Lait
October 10, 2023
Page 3

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in blue ink that reads "Kristi Bascom". The signature is written in a cursive, flowing style.

Kristi T. Bascom, Urban Planner

Exhibit 1

18.16.040 Land Uses

(b) Late Night Use and Activities

The following regulations restrict businesses that operate or have associated activities at any time between the hours of 10:00 p.m. and 6:00 a.m., where such site abuts or is located within 50 feet of residentially zoned properties or properties with existing residential uses located within nonresidential zones.

- (1) Such businesses shall be operated in a manner to protect residential properties from excessive noise, odors, lighting or other nuisances from any sources during those hours.
- (2) For properties located in the CN or CS zone districts, businesses that operate or have associated activities at any time between the hours of 10:00 p.m. and 6:00 a.m. shall be required to obtain a conditional use permit. The director may apply conditions of approval as are deemed necessary to assure that the operations or activities are compatible with the nearby residentially zoned property residential uses.

1701560.1

Exhibit 2

18.16.060 Development Standards

(a) Exclusively Non-Residential Uses

Table 3 specifies the development standards for exclusively non-residential uses and alterations to non-residential uses or structures in the CN, CC, CC(2) and CS districts. These developments shall be designed and constructed in compliance with the following requirements and the context-based design criteria outlined in Section 18.16.090, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and development services, pursuant to Section 18.76.020.

**Table 3
Exclusively Non-residential Development Standards**

	CN	CC	CC(2)	CS	Subject to regulations in Section
Minimum Site Specifications					
Site Area (ft ²)	None required				
Site Width (ft)					
Site Depth (ft)					
Minimum Setbacks					
Front Yard (ft)	0 - 10' to create an 8' - 12' effective sidewalk width (1), (2), (8)	None Required (8)	0 - 10' to create an 8' - 12' effective sidewalk width (1), (2), (8)	0 - 10' to create an 8' - 12' effective sidewalk width (1), (2), (8)	Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code
Rear Yard (ft)	None required				
Interior Side Yard (ft)					
Street Side Yard (ft)	20' (2)	None required			
Minimum Yard (ft) for lot lines abutting or opposite properties with residential districts or residential PC districts uses	10' (2)	10' (2)	10' (2)	10' (2)	

	CN	CC	CC(2)	CS	Subject to regulations in Section
Build-To-Lines	50% of frontage built to setback (7) 33% of side street built to setback (7)				
Minimum setbacks from alleys for structures other than public parking garages (ft) (3)					
Corner lots, from rear lot line on the alley	Not applicable		8'	Not applicable	
Corner lots, from side lot line on the alley			None		
All lots other than corner lots			20'		
Maximum Site Coverage	50%	None required			
Maximum Height (ft)					
Standard		50'	37' (4)	50'	18.08.030
Portions of a site within 150 ft. of an abutting property with a residential district (other than a PC zone) use (9)	25' and 2 stories	35'	35'	35'	
Maximum Floor Area Ratio (FAR)	0.4:1		2.0:1	0.4:1	18.18.060(e)
Maximum Floor Area Ratio (FAR) for Hotels	N/A	- (5)	2.0:1	2.0:1	18.18.060(d)
Daylight Plane for lot lines abutting one or more properties with residential zone districts uses other than an RM-40 or PC zone					
Initial Height at side or rear lot line (ft)	- (6)	- (6)	- (6)	- (6)	

	CN	CC	CC(2)	CS	Subject to regulations in Section
Slope	- (6)	- (6)	- (6)	- (6)	

- (1) No parking or loading space, whether required or optional, shall be located in the first 10 feet adjoining the street property line of any required yard.
- (2) Any minimum front, street side, or interior yard shall be planted and maintained as a landscaped screen excluding areas required for access to the site. A solid wall or fence between 5 and 8 feet in height shall be constructed along any common interior lot line.
- (3) No setback from an alley is required for a public parking garage.
- (4) As measured to the peak of the roof or the top of a parapet; penthouses and equipment enclosures may exceed this height limit by a maximum of five feet, but shall be limited to an area equal to no more than ten percent of the site area and shall not intrude into the daylight plane.
- (5) See additional regulations in subsection (e) of this Section 18.16.050.
- (6) The initial height and slope shall be identical to those of the most restrictive residential zone abutting the site line in question.
- (7) Twenty-five-foot driveway access permitted regardless of frontage; build-to requirement does not apply to CC district.
- (8) A 12-foot sidewalk width is required along El Camino Real frontage.
- (9) Distance shall be measured from the property line of the subject site. 150-foot measurement may be reduced to 50 feet at minimum, subject to approval by the Planning Director, upon recommendation by the Architectural Review Board pursuant to criteria set forth in Chapter 18.76.

(b) **Mixed Use and Residential**

Table 4 specifies the development standards for new residential mixed use developments and residential developments. These developments shall be designed and constructed in compliance with the following requirements and the objective design standards in Chapter 18.24. Non-Housing Development Projects and Housing Development Projects that elect to deviate from one or more objective standards in Chapter 18.24 shall meet the context-based design criteria outlined in Section 18.16.090, provided that more restrictive regulations may be recommended by the architectural review board and approved by the director of planning and development services, pursuant to Section 18.76.020.

**Table 4
Mixed Use and Residential Development Standards**

	CN	CC	CC(2)	CS	Subject to regulations in:
Minimum Site Specifications					
Site Area (ft ²)	None required				
Site Width (ft)					
Site Depth (ft)					
Minimum Setbacks					Setback lines imposed by a special setback map pursuant to Chapter 20.08 of this code may apply
Front Yard (ft)	0' - 10' to create an 8' - 12' effective sidewalk width (8)	None Required (8)	0' - 10' to create an 8' - 12' effective sidewalk width (8)	0' - 10' to create an 8' - 12' effective sidewalk width (8)	
Rear Yard (ft)	10' for residential portion; no requirement for commercial portion				
Rear Yard abutting property with residential zone district use (ft)	10'				
Interior Side Yard if abutting property with residential zone use district (ft)	10'				
Street Side Yard (ft)	5'				
Built-to-Lines	50% of frontage built to setback (1) 33% of side street built to setback (1)				
Permitted Setback Encroachments	Balconies, awnings, porches, stairways, and similar elements may extend up to 6' into the setback. Cornices, eaves, fireplaces, and similar architectural features (excluding flat or continuous walls or enclosures of interior space) may extend up to 4' into the front and rear setbacks and up to 3' into interior side setbacks				
Maximum Site Coverage	50%	50%	100%	50%	
Minimum Landscape/Open Space Coverage	35%	30%	20%	30%	
Usable Open Space (Private and/or Common)	150 sq ft per unit (2)				18.16.090
Maximum Height (ft)					
Standard	35' (4)	50'	37'	50'	
Portions of a site within 150 ft. of an abutting property with residential	35'	35'	35'	35'	18.08.030

	CN	CC	CC(2)	CS	Subject to regulations in:
district-use (other than an RM-40 or PC zone)					
Daylight Plane for lot lines abutting one or more properties with residential zoning districts	Daylight plane height and slope shall be identical to those of the most restrictive residential zoning district abutting the lot line				
Residential Density (net)(3)	15 or 20 (9)	See sub-section (e) below	No maximum	30	18.16.060(i)
Sites on El Camino Real	No maximum			No maximum	
Sites on San Antonia Rd between Middlefield Rd and E. Charleston Rd.	15 or 20 (9)		No maximum		
Maximum Residential Floor Area Ratio (FAR)	0.5:1(4)		0.6:1	0.6:1	18.16.065
Maximum Nonresidential Floor Area Ratio (FAR)	0.4:1		2.0:1	0.4:1	
Total Mixed Use Floor Area Ratio (FAR)	0.9:1 (4)		2.0:1	1.0:1	18.16.065
Minimum Mixed Use Ground Floor Commercial FAR(6)	0.15:1 (10)		0.15:1 (10) 0.25:1 (7) (10)	0.15:1 (10)	
Parking	See Chapters 18.52 and 18.54 (Parking)				18.52, 18.54

- (1) Twenty-five-foot driveway access permitted regardless of frontage; build-to requirement does not apply to CC district.
- (2) Required usable open space: (1) may be any combination of private and common open spaces; (2) does not need to be located on the ground (but rooftop gardens are not included as open space except as provided below); (3) minimum private open space dimension six feet; and (4) minimum common open space dimension twelve feet.

For CN and CS sites on El Camino Real and CC(2) sites that do not abut a single- or two-family residential use or zoning district, rooftop gardens may qualify as usable open space and may count as up to 60% of the required usable open space for the residential component of a project. In order to qualify as usable open space, the rooftop garden shall meet the requirements set forth in Section 18.40.230.
- (3) Residential density shall be computed based upon the total site area, irrespective of the percent of the site devoted to commercial use.
- (4) For CN sites on El Camino Real, height may increase to a maximum of 40 feet and the FAR may increase to a maximum of 1.0:1 (0.5:1 for nonresidential, 0.5:1 for residential).
- (5) Distance shall be measured from the property line of the subject site. 150-foot measurement may be reduced to 50 feet at minimum, subject to approval by the Planning Director, upon recommendation by the Architectural Review Board pursuant to criteria set forth in Chapter 18.76.

- (6) Ground floor commercial uses generally include retail, personal services, hotels and eating and drinking establishments. Office uses may be included only to the extent they are permitted in ground floor regulations.
- (7) If located in the California Avenue Parking Assessment District.
- (8) A 12-foot sidewalk width is required along El Camino Real frontage.
- (9) Residential densities up to 20 units/acre are allowed on CN zoned housing inventory sites identified in the Housing Element. Other CN zoned sites not located on El Camino Real are subject to a maximum residential density of up to 15 units/acre.
- (10) In the CC(2) zone and on CN and CS zoned sites on El Camino Real, there shall be no minimum mixed use ground floor commercial FAR for a residential project, except to the extent that the retail preservation requirements of Section 18.40.180 or the retail shopping (R) combining district (Chapter 18.30(A)) applies.

- (1) Nonresidential uses that involve the use or storage of hazardous materials in excess of the exempt quantities prescribed in Title 15 of the Municipal Code, including but not limited to dry cleaning plants and auto repair, are prohibited in a mixed use development with residential uses.
- (2) Residential mixed use development is prohibited on any site designated with an Automobile Dealership (AD) Combining District overlay.

1701561.1

From: [Linnea WICKSTROM](#)
To: [Planning Commission](#); [Council, City](#)
Subject: Zone for more housing opportunities
Date: Tuesday, October 10, 2023 3:59:22 PM

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Honorable City Council Members and Planning Commission Members,

Let's get **BOLD** and re-do zoning to make denser housing possible across Palo Alto. Ultra-dense housing on El Camino and San Antonio are not the only answers. Let's make a lot of Palo Alto R3, R4 for appropriately sized lots. Duplexes, tri-plexes, even quad-plexes could fit in a lot of places, such as my neighborhood, and provide the mixed housing we need to accommodate people in an ever-changing city. Re-zoning resource-rich neighborhoods would benefit not only current residents but new residents and the HCD.

Linnea Wickstrom
Monroe Drive

From: [Naomi Wang](#)
To: [Planning Commission](#); [Council, City](#)
Subject: Stanford upzoning proposal - Stanford needs to pay its share
Date: Tuesday, October 10, 2023 9:16:41 PM

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Hello,

<https://palooaltonline.com/news/2023/10/10/a-company-town-stanford-housing-plan-raises-concerns-in-palo-alto>

I understand from the article that Stanford is seeking to upzone three properties to build new housing units, including property on Sand Hill and Pasteur that can accommodate 450 apartments. Per the article: “City planners noted, however, that Stanford would limit this site to its affiliates, a restriction that Council member Pat Burt said he found problematic. While this would help Stanford meet its requirements under the proposed housing plan, Burt suggested that this ‘diminishes the availability of housing for people who work in this community.’ He also noted that as a nonprofit, Stanford would not have to pay property taxes, a key revenue source for the Palo Alto Unified School District.” PAUSD spends ~ \$25k per student annually. So, this one property alone has a potential impact of \$5.6 million or more in educational costs that will not be offset by property taxes. Is this accurate? Who will be paying for this?

I do not think it would be fair to cast the tax burden on Palo Alto taxpayers. Please do not approve upzoning proposals unless Stanford agrees to pay its fair share.

Thank you,
Naomi
Palo Alto taxpayer

Sent from my iPhone

From: [Leanna Kuo](#)
To: [Planning Commission](#); [Council, City](#)
Subject: Comment re: Stanford Development - Pasteur/Sandhill
Date: Tuesday, October 10, 2023 10:42:11 PM

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Hello PA City Council Members and Planning Commission,

I learned from an Oct 10 PA Online article about the potential up zoning of three different PA sites to enable Stanford to build up to 450 apartment units for its affiliated use. While I support more housing overall, I was surprised to learn

“...that as a nonprofit, Stanford would not have to pay property taxes, a key revenue source for the Palo Alto Unified School District.”

I understand creating this number of additional apartment units in PA can easily introduce 200+ students to PAUSD. Without the accompanying property taxes to support our schools, and at a running cost of ~\$25k per student per year in PAUSD, this could add over \$5 million in annual costs to our school district without any revenue offset. This doesn't seem particularly fair to our students and residents, especially as the intended housing is designated for Stanford affiliates only (vs. those already working in our community looking for housing).

I strongly urge you NOT to approve any up zoning without Stanford first agreeing to pay their share of property taxes or equivalent to offset this cost that would otherwise be borne by us and our children.

Thank you for your attention,
Leanna
Palo Alto resident

Sent from my iPhone

From: [Jason Matlof](#)
To: [Planning Commission](#)
Cc: [Jason Matlof](#)
Subject: Please Support Upzoning Proposal
Date: Wednesday, October 11, 2023 7:30:12 AM

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Dear Commissioners,

I respectfully recommend that you support the upzoning proposal for multi-family housing development in the zone around El Camino Real and Page Mill Expressway. In addressing our terrible housing crisis and the associated penalties that could come from continued non-compliance with state mandates, this area seems like a perfect target for upzoning for several reasons:

- 1) Distance to R-1 Neighborhoods: With few exceptions, this is one area of town with very few residentially (R-1) zoned parcels that tend to create the most vocal resident concern, which is obviously important. Except for a couple exceptional pockets, this area is generally hundreds of feet away from any single family homes. This is critically important and, therefore, a rare opportunity.
- 2) Transit Friendly Services: It is proximate to many local services and transportation. With the VTA 22/522 and Caltrain within walking distance, and numerous restaurants and retail services, this area is *perfect* for transit-friendly, pedestrian communities. Multifamily needs to be in transit-friendly zones to avoid the extremely high expense of underground parking construction, which makes projects not pencil out.
- 3) Right Density in the Right Location: If we have any density in town, this is the type of location where it belongs - where there are, *importantly*, already existing tall structures, arterial roads to convey residents, public transit and services. And no substantial existing R-1 parcels to conflict. This is the EXACT location where we should be building a center of life and community, as other Cities have done - e.g., *Santana Row in San Jose and San Antonio Square* in Mountain View.

DISCLOSURE: I feel compelled to acknowledge that I am NOT an uninterested party in this statement, and will have business in front of the Commission. I have a multifamily project proposal in process in this area at 3265 El Camino Real. Having said that, I do not believe that my views would change even if I did not have such a project underway.

Please support this proposal.

Regards,

Jason Matlof
Half Dome Capital
[REDACTED]

From: [Sandhya Laddha](#)
To: [Planning Commission](#)
Subject: Bike to the Future on Oct. 29
Date: Wednesday, October 11, 2023 8:02:28 AM

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Hi Planning,

I want to invite you to a fantastic “Hallowheels” FUN-draising day of activities, entertainment, and great biking to suit any rider, with Silicon Valley Bicycle Coalition’s annual [Bike to the Future](#) Fundraising Ride on Oct. 29 in San Jose.

FUNDRAISE FOR A BETTER FUTURE! Funds raised support SVBC’s work for healthy, just communities and safe, accessible streets. Take part as an individual, join a team, or bring your own team. Fame and great prizes await for the highest individual fundraiser, the largest team, and the team with the highest average raised per member. Learn more about SVBC's Strategic Plan [here](#)

Have your choice of routes — 6, 12, 31 and 51 miles, from family-friendly, to fun featuring scavenger hunts and murals, to challenging – and enjoy a community festival with free bike repairs, contests, music, delicious food, plus much more.

- Bike to the Future
- Sunday, Oct. 29, 8 a.m. to whenever
- 70 W. Hedding St., San Jose
- [Register now](#)

Please share this invitation on your favorite social sites and to friends, family and co-workers. Register or learn more at <https://biketothefuture.funraise.org>

Cheers,

Sandhya Laddha,

Silicon Valley Bicycle Coalition 

From: [Adam Schwartz](#)
To: [Planning Commission](#); [Council, City](#)
Subject: Proposed home development at El Camino Real between Page Mill and Matadero
Date: Wednesday, October 11, 2023 11:47:12 AM

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Dear Planning and Transportation Committee (PTC) and City Council:

I write to express my strong support for the proposal to build homes on El Camino Real between Page Mill Road and Matadero Avenue. I understand that the PTC will be discussing this proposal tonight (October 11).

Our community's biggest problem is the lack of homes for people at all income levels. This proposal would be a big step in the right direction. To build these homes, I am glad to see the suggested changes to our city's ordinary zoning limits, including the increase to floor-area ratio (FAR), height, and more.

I hope these changes can be expanded beyond this one proposed set of homes, to other parts of Palo Alto, including University Avenue, California Avenue, the GM/ROLM area, and other parts of El Camino Real. We need systemic changes to our zoning rules, to make such developments economically and physically feasible, rather than addressing these proposals one-by-one.

I'd like to spend more time with my adult children and elderly mother. This is increasingly difficult to do, because of the severe housing shortage here in Palo Alto. This is an unusual state of affairs: throughout my life, members of my family have moved across the country to live near each other. This is common among my friends, too. In communities without a severe housing shortage, this is normal and straightforward. Not so in this community.

Palo Alto has so much to offer its residents. Let's share it with new neighbors!

Sincerely,

Adam Schwartz



From: [REDACTED]
To: [Steve Levy](#)
Subject: Time and Cost Savings of Avoiding a Long CommuteHi,
Date: Thursday, September 28, 2023 10:36:56 AM
Attachments: [Numbers-Sep2023-Time-and-Cost-Savings-Avoiding-a-Long-Commute.pdf](#)

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Hi,

Recently the Palo Alto city council reviewed a proposal for a privately funded 44-unit housing project for low-and-moderate income residents with a right of first refusal for teachers and staff of the Palo Alto Unified School District. The project followed HUD area median income guidelines for rents. Some council members were concerned that the rents seemed high to them and they wondered if the project would be attractive to many teachers and staff.

I spoke at the meeting about the time and cost savings of avoiding long commutes will affect what kind of rents people find attractive. After the meeting, I developed an example in an interactive spreadsheet and this memo explains the assumptions and results of my example, which was oriented to potential teacher commutes but is relevant to other situations as well.

Some residents prefer the long commute for a variety of reasons and many residents do not have long commutes or are not interested in infill housing living arrangements.

Yet the savings from avoiding a long commute are very large and will make the higher rents on the peninsula seem more attractive when rent costs, commute costs and the value of time savings are considered.

Readers can adapt the spreadsheet to their own locations and assumptions and see the resulting savings.

Steve

September 2023

The Time and Cost Savings of Avoiding a Long Commute

Recently the Palo Alto city council reviewed a proposal for a privately funded 44-unit housing project for low-and-moderate income residents with a right of first refusal for teachers and staff of the Palo Alto Unified School District. The project followed HUD area median income guidelines for rents. Some council members were concerned that the rents seemed high to them and they wondered if the project would be attractive to many teachers and staff.

I spoke at the meeting about the time and cost savings of avoiding long commutes will affect what kind of rents people find attractive. After the meeting, I developed an example in an [interactive spreadsheet](#) (Excel file, 13 Kb) and this memo explains the assumptions and results of my example, which was oriented to potential teacher commutes but is relevant to other situations as well.

Here are my example assumptions:

Commute cost savings

	Commute Costs
Miles each way	50
Time each way (minutes)	60
IRS allowance for business use (\$ per mile) *	0.655

* 65.5 cents is probably low for Bay Area as our gas prices are far above the national average

<https://www.irs.gov/newsroom/irs-issues-standard-mileage-rates-for-2023-business-use-increases-3-cents-per-mile>

Gasoline cost (\$ per gallon)	5
Miles per gallon	20
Tolls per day (\$)	7
Commute days per month **	17

** Most months have 21 or 22 weekdays and I used 17 days as a rough estimate to account for holidays and personal time

Below are the monthly savings from avoiding this 50-miles-each-way commute calculated as \$65.50 a day for 17 days for the IRS estimate of driving costs; \$25 a day for gasoline savings (100 miles at 20 miles a gallon and \$5 a gallon); and \$119 for toll savings (\$7 a day for 17 days):

IRS estimate of driving costs per month	\$1,113.50
Gasoline costs per month	\$425
Toll costs per month	\$119

Value of time savings

Many workers are willing to trade money for less commuting. For example:

- <https://www.businessinsider.com/us-remote-workers-would-take-pay-cut-to-keep-wfh-2023-5>
- <https://www.businessnewsdaily.com/15004-survey-toll-of-commute.html>
- <https://www.fool.com/the-ascent/banks/articles/cheaper-home-or-shorter-commute-heres-how-to-decide>

Part of this is saving on car costs as described above and part is valuing the time saved that can be used for personal or family time.

Some sources (like the last link above) say to use 100% of the wage rate for the value of travel time saved.

The U.S. and CA departments of transportation use 100% for business travel and 50% for personal travel. I used 50% and used a wage/salary rate of \$40/hour roughly equivalent to \$80,000 a year. So that equals \$20 an hour of time saved.

<https://www.transportation.gov/sites/dot.gov/files/docs/USDOT%20VOT%20Guidance%202014.pdf> (refer to page 15)

<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/data-analytics-services/transportation-economics/cal-bc/2022-cal-bc/guides/cal-bc-81-parameter--guide-v1-a11y.pdf>

This is actually the reverse case of workers willing to take a pay cut to continue working from home. In this example, workers are willing/able to pay more in rent to avoid the time and costs of commuting.

Here are my assumptions for valuing the time savings:

Hourly wage	\$40
% counted as value of time saved	0.5
Commute hours	2
Commute days	17
Value of time saved per month	\$680

So, if you save 2 hours a day for 17 days a month this comes to \$680 a month using \$20 an hour as the value of time saved.

Adding commute cost savings and time value savings results in substantial savings to an individual who no longer needs to commute 50 miles a day each way.

Assumptions like these are used regularly in evaluating the cost-benefit analysis of transportation projects. In my example they apply to the people interested in avoiding a long commute. Many workers currently live close to their jobs and some/many commuters prefer the commute in exchange for the benefits they see living where they are now.

But from a societal perspective, we can and should count the reduction in GHG emissions, pollution, congestion and potentially new highway construction costs from housing that helps people avoid long commutes.

From: [Andrea Eckstein Gara](#)
To: [Planning Commission](#); [Council, City](#)
Subject: Resident support for higher density housing
Date: Tuesday, October 3, 2023 5:43:15 AM

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Dear Commission and Council members . I am a Palo Alto resident who would like to voice my support for streamlining the process to increase our housing stock. Studies have shown that housing density is a pillar in the fight against climate change. As a community that has supported climate action, acting on housing by reducing barriers is critical to meeting our goals. When people who work in our community can live here as well, we all benefit from less commuter traffic and pollution, and an increased diversity of residents, including young families. Thank you for your attention to this issue.

Andrea Gara
[REDACTED]

From: [Jo Ann Mandinach](#)
To: [Planning Commission](#); [Council, City](#)
Subject: Proposed Zoning Changes
Date: Tuesday, October 3, 2023 11:13:55 AM

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Hello. Here are my thoughts on your proposed zoning changes.

1) Do not allow more housing -- especially under-parked housing -- on more sites throughout the city because it pushes the cars into neighborhoods that are ill-equipped to handle the traffic and parking overflow. The Bay Area is due to get 1,000,000 more housing units and 1,500,000 more cars. Been on 101 lately? It's already a parking lot! Accidents around town and schools are increasing -- as you've seen with the 3 recent accidents.

Housing does NOT provide access to transit and schools; well-planned zoning does. Office vacancies are at historic highs due to remote work ignored in the current unrealistic housing element. Other communities are working on converting empty offices (and empty retail) to housing rather than destroying existing neighborhoods. Why isn't Palo Alto?

Also, why does Palo Alto continue to add millions of square feet of NEW offices when we have so many vacancies??

2) I oppose increasing densities of at least 100du/ac, and significantly reducing parking requirements. . We absolutely CANNOT handle any associated environmental issues (bird strikes, water table, landscaping needs) that might result), especially now that the city has "quietly" tabled further consideration of underground wiring so we can expect more outages due to birds, mylar balloons, etc.

Related question: WHY was there no public discussion of underground wiring given all the outages we keep experiencing AND the fact that those of us in underground neighborhoods won't be able to use the \$\$\$\$ Fiber to the Home project?

[Palo Alto quietly abandons decades-long program to put overhead utilities underground](#)

<https://www.paloaltoonline.com/square/2023/09/28/palo-alto-quietly-abandons-decades-long-program-to-put-overhead-utilities-underground>

3) Instead of speeding up reviews for questionable projects, why not instruct

existing staff to facilitate issuing permits for current projects?? My poor friend working in a law office newly relocated downtown is tearing her hair out at the absurd delays. Some efficiency would be special.

4) Start doing more to protect trees and retail. You've heard the comments about the unnecessary destruction of trees during the 6.5 years of Casti hearings and the reactions to the absurd StreetSense consultant reports seeking to destroy -- not support -- retail to enable landlords to rent out their properties for medical/research. Please read the comments on NextDoor and elsewhere to see how upset people are at the destruction of neighborhood shopping centers and how the barriers / bike lanes will impede access to El Camuno restaurants and retail.

StreetSense laughably proposed that PA concentrate on attracting tourists but what would they see here but more vacant offices and density? Having a tourism development office was tried a decade and quickly abandoned because of a lack of tourist attractions and things are even worse now!

Palo Alto is the city of trees. Let's try to keep some so we don't impede solar access and preserve some of our character.

Thanks for your consideration.

Most sincerely,
Jo Ann Mandinach

From: [Lee Merkle-Raymond](#)
To: [Planning Commission](#); [Council, City](#)
Cc: editor@paweekly.com
Subject: More Housing Requires Sensible Zoning
Date: Tuesday, October 3, 2023 12:03:54 PM

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To the members of the Planning Commission and to the City Council,

Please take the bold steps to create the opportunity for more housing, and eliminate the need for multiple reviews of projects that appear in keeping with the scale and needs of the City of Palo Alto.

To create more sites for housing please make the following changes to set clear zoning rules with obvious distinctions between high traffic areas and R-1 residential neighborhoods:

1. Increase the building height maximum for housing along streets with bus routes to 75 feet.
2. Create a concept of R-2-to-4 zoning as a transition between R-1 and multi-unit housing. We all agree that owners of a single family home do not want to be right next to a large multi-unit housing building, but most areas have some transition between the two. Please re-zone the first 2-3 lots on side streets off of El Camino Real, San Antonio, Alma and Arastradero for housing up to 4 units; this change would create a transition from the busy street to the quiet residential streets. Single family owners in properties that become zoned for 2-4 units do not have to take any action. Any owner, however, could build 2-4 units on those 5,000-6,000 sq ft lots (not adding ADUS, and not cutting the lots to 2,300 sq ft as in the Builder's Remedy). Those 2-3 properties off the main road plus a plot on El Camino could be part of a comprehensive plan that could be attractive, create more housing and not jeopardize the feel of most of the neighborhoods in Palo Alto.
3. Permit multi-unit projects up to 75 feet high within 0.5 miles (1/2 mile) of any train station.
4. Require one (or 1.5) parking space per unit for all buildings, but do not count the parking in the Floor Area Ratio.
4. Make the permitting process easier. If a project meets the new criteria above, regardless of density in the new projects, let the housing be built. If we have more, different types of housing, then there will be differentiated pricing.
5. If the City wants specifically low-to-moderate-income housing units, spend some of the annual surpluses to buy lots and build the housing with non-profits like Alta Housing.
6. Do not permit multi-unit housing east of Highway 101 where there is no infrastructure, no transit and high risk of flooding.

These changes are not radical -- they are simply codifying zoning accommodations that the City of Palo Alto has repeatedly permitted on one-off occasions, but only after multiple re-design sessions and costly delays. These changes provide a sensible, consistent way to encourage high density housing in high traffic areas while ensuring quiet neighborhoods can remain peaceful. I love Palo Alto, and would be proud to live in a city with this level of thoughtful, sensible planning.

Respectfully submitted,

Lee Merkle-Raymond

A 30-year resident of Palo Alto

From: [Hayden Kantor](#)
To: [Planning Commission](#); [Council, City](#)
Subject: in support of more housing
Date: Tuesday, October 3, 2023 12:56:50 PM

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Dear Planning Commissioners and City Council members,

I am writing to express my strong support for more housing in Palo Alto. Four key points:

1. We need more sites for housing in the Housing Element. They should be concentrated near El Camino and exciting commercial and transit.
2. Palo Alto's zoning standards are much too onerous. This makes development and housing more expensive. Remove the height cap. As the HOA President of a four-storey apartment building, our housing costs would be lower if we could spread the elevator maintenance costs over 10 storeys instead of 4. Reduce parking requirements. We can bike year round here!
3. Projects take much too long to approve and become more expensive as a result. Let's cut the red tape and simplify the process to get housing built. I call on the City to take meaningful and substantive action to change the way development works in Palo Alto. The status quo is unacceptable!
4. Remove impact fees and other restrictions. Stop putting trees over people. Let's make it easy to build market rate multifamily housing.

I have seen firsthand in the lives of my neighbors and friends how Palo Alto's anti-housing stance causes real stress, hardship, and anguish in people's lives. Most single-family homeowners benefit from the status quo and they are sometimes the loudest voices against new construction. But real people are suffering due to housing costs in this City. We have the chance right now to change that.

Let's build!
Hayden

From: [Joy Sleizer](#)
To: [Planning Commission](#)
Subject: Housing in Palo Alto
Date: Tuesday, October 3, 2023 9:16:26 PM

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Friends,

I encourage you to approve more & varied housing in Palo Alto.

We need more housing on more sites. While I support housing of all types, I hope more would be built near transit stations.

Please upgrade the zoning standards.

The Palo Alto approval process is well known & needs to be changed so timing is not so long.

Eliminate the barriers that cause problems for smaller condo & apt units.

I would hope that more housing would be built near the train stations & on El Camino. These units need to be higher density than we are currently seeing. Other cities are moving forward faster than Palo Alto.

I would also like to see more sites for safe parking during the night.

Sincerely,

Joy Sleizer

[REDACTED]
Palo Alto, CA 94301
[REDACTED]

From: [Amie Ashton](#)
To: [Planning Commission](#); [Council, City](#)
Subject: Zoning Changes - More Please!
Date: Wednesday, October 4, 2023 10:08:09 AM
Attachments: [image.png](#)
[image.png](#)

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Honorable Mayor, Council, and Commissioners,

I am writing to urge you to take seriously our housing crisis that hurts our environment, climate, workers, schools, and economy - as well as our community vitality. Please consider significant changes to the zoning ordinance and planning process to facilitate housing development.

I hear and agree with environmental and equity concerns from PTC over loading density in the San Antonio area while overlooking the lack of significant sites elsewhere (i.e. Stanford lands, on El Camino Real, and near Cal Ave and University Ave). I also understand their environmental concerns related to bird strikes, flooding, and landscaping - but these can be addressed with adherence to required geotechnical reports and thoughtful standards for development. They aren't reasons to abandon zoning changes that facilitate housing altogether.

The base zoning for higher-density sites is far below what we need, as shown in Table 2 below from Palo Alto Forward's [comment letter](#) to HCD. The following minimums would be a starting point for real housing development and exciting projects that increase neighborhood vitality and community. They would provide developers an avenue for approval outside of the Builder's Remedy process:

- FAR = 3.5+
- Height = up to 85 feet
- Density = 150 du/ac (or eliminate altogether as density is a poor regulator of what people care about = building size)
- Extension of zoning changes to more sites to allow for easier conversion to housing
- Eliminating of "one size fits all" [costly parking mandates](#)

Table 2: Actual Projects Proposed through PHZ Process⁴²

Address	660 Univ. Ave	955 Alma St.	2951 El Camino Real	3997 Fabian Way	3150 El Camino Real	3400 El Camino Real	70 Encina Ave	800 San Antonio Road	Average	Base Zoning in City's Housing Element (from Table 1)
FAR	2.3	2.7	2.5	2.8	3.0	2.5	2.4	3.0	2.7	Typically residential FAR of 0.5 to 0.6 in commercial areas; 0.5 to 1.0 in residential areas
Res. FAR	1.9	2.1	2.4	2.8	2.9	2.5	2.4	3.0	2.5	
Com. FAR	0.4	0.6	0.1	0.0	0.1	0.0	0.0	0.0	0.2	
Height	45'	50'	54'	67'	55'	61'	55'	60'	56'	Typically 30' to 40' in residential areas; 35' to 50' in commercial areas
Density	142 units per acre	150 units per acre	103 units per acre	135 units per acre	123 units per acre	106 units per acre	72 units per acre	86 units per acre	115 units per acre	Typically 30-50 units per acre; almost always <90 units per acre
Parking	0.9 spaces per unit ⁴³	0.7 spaces per unit ⁴⁴	1.2 space per unit ⁴⁵	1.3 spaces per unit	1.3 spaces per unit ⁴⁶	1.3 spaces per unit	1.4 spaces per unit	1.9 spaces per unit	1.25 spaces per unit	Typically 1 space per 1-bedroom and 2 spaces per 2-bedroom

For mid-range density housing, Palo Alto has parcels already zoned in this range and there’s simply no evidence that they are being developed at the claimed density. Palo Alto cannot produce market-rate housing in a range of 25-35 du/acre (as shown in Table 3 below). The process and standards need to be changed here as well.

Table 3: Low-to-Moderate Density Residential Market-Rate Projects Approved in Palo Alto and Reported to HCD

Includes all 5+ unit dense multifamily market rate projects in HCD APR records.

	Lower density				Higher density
Name	3225 El Camino Real	2515 El Camino Real	3877 El Camino Real	No projects between 25 and 35 du/ac	565 Hamilton
Density	11 du/ac	14 du/ac	23 du/ac		37 du/ac
Type	Mixed-use w/ large condos.	Mixed-use w/ large condos.	Mixed-use Townhomes +Condos		Mixed-use Studios
Res. FAR	0.6 ⁶¹	0.5	0.6 ⁶²		1.0 ⁶³
Height	55’ ⁶⁴	40’	38’		40’
Details	8 units +8,574 retail +1,826 office ⁶⁵	13 units +1022 retail +9835 office ⁶⁶	17 units +4027 retail ⁶⁷		19 units +7,450 office ⁶⁸

What can be done? The following actions would not only help actually get housing constructed, they would help show HCD that we are serious about reaching our goals:

- Increase base zoning FAR, heights, and densities.
- Lower or eliminate [costly parking mandates](#). One size fits all does not work, developers know what will get a project financed and occupied.
- Make the process understandable and simple (with limited hearings and rounds of costly and inefficient review) so that Planning staff has more time and bandwidth to focus on larger planning efforts and other issues that arise.
- Extend zoning changes beyond the Housing Element inventory sites to accommodate development on sites not contemplated in the Housing Element.

Thank you for tackling this complicated issue! I look forward to seeing what comes out of the study session.

Amie Ashton

From: [Ted O'Hanlon](#)
To: [Council, City; Planning Commission](#)
Subject: 10/4 Study Session: Comments to Promote Housing
Date: Wednesday, October 4, 2023 11:27:35 AM

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Councilmembers & Commissioners

As a project executive, real estate broker and development consultant with relevant experience in the City of Palo Alto, I thought it worthwhile to highlight items to strongly consider to realize more housing in Palo Alto.

Building Height & Parking are 2 interconnected characteristics for multi-family projects. Capped building heights require below grade parking, a significant construction cost. With greater allowable heights that would allow for podium style construction (parking above grade in the building core) reduces costs and below grade disruption.

On the parking side, appropriate and realistic parking ratios reduce cost and waste for projects, particularly in areas that have proximity to existing commercial and transportation alternatives.

In addition, application processing, tree & retail ordinance barriers and impact fee flexibility each present project uncertainty, motivation and ultimately fruition. It would absolutely be worthwhile to be more adaptable to creative solutions that address these in this next HE cycle.

Best Regards
Ted O'Hanlon
Explore Real Estate
CA DRE #01868277

From: [Katherine Dumont](#)
To: [Planning Commission](#); [Council, City](#)
Subject: Zoning ordinance feedback
Date: Wednesday, October 4, 2023 4:27:15 PM

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Dear Palo Alto City Councilmembers and Planning Commissioners,

I am a lifelong renter, a Bay Area native, and I resided in Palo Alto for over 25 years. I now live just over the bike bridge in Menlo Park, and I still shop, dine, and visit friends in Palo Alto.

I have witnessed the dramatic rise in housing costs over the last few decades and have experienced housing insecurity firsthand.

I encourage Palo Alto leaders to address the housing shortage and rising housing insecurity in our area. To that end, I urge you to support residential zoning that supports a diversity of housing options and opportunities. I also urge you to reduce parking requirements and increase densities to at least 100du/ac.

By incentivizing new and denser housing closer to jobs, transit, and services, Palo Alto can help ensure a reduction in vehicle use in and around the city, which will help improve quality of life and reduce greenhouse gases.

Thank you for your consideration.

Best regards,
Katherine Dumont

From: [Rice, Danille](#)
To: [Dao, Veronica](#); [Lait, Jonathan](#); [French, Amy](#)
Cc: [Nose, Kiely](#); [Gaines, Chantal](#)
Subject: FW: Study session Oct 4 on potential zoning and other changes to incentivize housing
Date: Tuesday, October 3, 2023 4:09:07 PM

Forwarding public comment submitted to the Council as fyi. Thank you.

Danille Rice
Administrative Assistant
Office of the City Manager | Human Resources

From: [REDACTED]
Sent: Tuesday, October 3, 2023 4:01 PM
To: Council, City <city.council@cityofpaloalto.org>
Cc: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>
Subject: Study session Oct 4 on potential zoning and other changes to incentivize housing

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Dear Mayor Kou and council members,

I hope the study session will be the beginning of a process to develop zoning, development standards and project review and approval timelines that will provide

sufficient incentives for developers to propose housing projects without needing to invoke pathways like builder's remedy.

But council must be aware that right now the "regular process" is not attractive as the base zoning, etc. is far below what is needed for projects to be feasible.

This was true even before RHNA and potential builder's remedy.

Then, Council created special zones including greater density and reducing parking and retail requirements for Wilton Court, the workforce housing project at ECR and Page Mill and the area where the Leghorn/San Antonio project was approved.

And more than that most recent projects have applied under SB330, SB 35 and state housing density bonus law.

I believe major changes in base zoning, development standards and constraints mentioned in the HCD letter will be necessary to make the "regular process" attractive and that these are possible while enhancing, not degrading, our quality of life and historical welcoming attitude.

Moreover, a record of quickly processing and approving some of the existing applications will give prospective developers some confidence.

I know that staff is working to make this happen but I believe bolder changes are needed to achieve success.

A review of recent large housing project proposals and applications shows that many if not

nearly all have densities in the 100+ du/acre range and FARs in the 2-3 range.

In light of this, proposals to raise densities to 50 dus/acre or even 60 or 70 and to raise FARs to 1.5 in some areas as proposed to PTC fail to mirror recent experience and also fails HCD's request that proposals in the Housing Element be consistent with recent trends. I suspect that even the more liberal densities and FAR for the GM/ROLM area are still a bit short of what developers will want.

I understand that there will be a proposal at the study session to go much bolder on a portion of El Camino. That is a step in the right direction.

I hope council gives feedback to go much bolder in the DTN area where I live and where new units would do triple duty of helping local businesses and making more trips

doable by walking and biking as well as adding needed housing.

I hope council will ask staff to include the new zoning and other changes on SELECTED SITES not yet in the inventory as past experience shows that housing is often proposed on non inventory sites.

Nearly every other large city on the peninsula has approved housing as part of mixed use projects that do include some office/R&D jobs as has been suggested by Presidio Bay Ventures for their GM/ROLM properties. I know council has not been supportive of this kind of mixed use project in the past but I hope you will reconsider again SELECTIVELY as this will incentivize the housing we need. It is also true as we know that the loss of in city jobs to work from home has hurt our customer base so a small addition to jobs in selective projects can help recover a part of our lost customer base.

The council with existing applications and a successful negotiation with Presidio Bay Ventures could add nearly 2,000 units in basically 4 projects. Beyond this being a significant number, meeting our housing goals on a smaller number of larger projects reduces the temporary disruption that can be caused by any construction.

Finally and for understandable reasons, the study session agenda does not cover many of HCD's concerns in their recent letter. I hope these can be considered in soon.

1) I believe that roughly 80% of current units proposed for low-income housing are in the southern part of the city. This does not meet the fair distribution concerns raised by HCD but also as a DTN residents, I welcome more BMR housing in my neighborhood

2) I have not seen evidence beyond the PBV letter and the Fabian Way SB 330/builder's remedy proposal that there are pending/possible applications for the GM/ROLM area. HCD has expressed concern about whether the desired conversions of existing uses are realistic.

3) There are a number of additional constraints to housing mentioned in HCD's letter such as high fees and the RPO and also concerns raised in the Grand Jury report comparing Palo Alto to other cities on the ease of approving low-income housing projects.

I recognize that staff has been working to address some of these concerns and some progress has been made but I believe further steps are needed to address constraints.

I believe council can adopt a compliant but also attractive set of policies to spur housing production in selected viable areas of our city.

Stephen Levy

Center for Continuing Study of the California Economy

From: [Joslyn Leve](#)
To: [Planning Commission](#)
Cc: [Council, City](#)
Subject: Zoning changes
Date: Wednesday, September 13, 2023 3:44:57 PM

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Dear Planning Commission and City Council members,

I enthusiastically support more housing in Palo Alto. Beyond the astronomical prices, the housing supply is not nearly enough to accommodate local workers. We were lucky to purchase our house years ago; people shouldn't need luck to find a home.

Palo Alto needs to build more, throughout the entire city. Centering all of the development in a few locations puts stress on just a few schools, roads, and services. Also, when new developments are clustered near each other, the character of the area completely changes. The buildings are usually similar in design, and there's no sense of place.

Why not allow some townhomes in single-family zoned areas? Revisit the policies that favor huge homes on a parcel that is large enough to house two or more families. Not every building project has to be for 50+ units.

Consider reducing the amount of parking required in multi-unit housing. If the site is near adequate retail within walking/biking distance, a sea of parking spots is unnecessary. Maybe you can develop a free or subsidized LinkPass for the Palo Alto Link service (or other transportation options) that's a perk for tenants who forgo having a car.

We need to be proactive and creative. Otherwise, 'builder's remedy' developments will make the decisions for us.

Sincerely,

Joslyn Leve

From: [Rob Schreiber](#)
To: [Planning Commission](#); [Council, City](#)
Subject: In support of further steps on housing
Date: Wednesday, September 13, 2023 6:53:11 PM

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Dear commissioners and councillors,

I've lived in Palo Alto since 1982, mostly in Greenmeadow, where I served for several years on the community association board and as association president. In that time I have seen enormous changes in Palo Alto. They are not always the ones I would have liked to see. In particular, I have seen dogged resistance to opening Palo Alto residence to a wider class of younger and less affluent families, and instead the conversion of a middle class neighborhood, Midtown, into one for the wealthy. What a shame. And as a resident of South Palo Alto I have been sad to see a sorry decline in the south-of-downtown commercial spaces. This during a time of enormous growth in the area in general.

We need more housing; we need it in desirable areas of the city close to transit, retail, schools. We need it for teachers, for other workers, for our children, and for the many younger families forced by the housing shortages into long commutes. We need to encourage developers. Developers like Joe Eichler built Palo Alto; we want them and need them to build here. Please therefore take steps to further a renaissance of development: housing throughout and not only in the far corners of the 101/San Antonio periphery; a relaxation of archaic and unnecessary restrictions (height, parking, and others); a simplification of the approvals processes; and whatever steps are needed to get the city moving in this direction.

It is ironic that in a city that was converted (half of it) from farmland to suburbia in a very short space of time we should now embrace stagnation rather than positive change. Please work within the state's mandates. Spare us the embarrassment of another failing housing element grade.

Sincerely,

Rob Schreiber

From: [Kristen Van Fleet](#)
To: [Burt, Patrick](#); kou.pacc@gmail.com; [Kou, Lydia](#); [Council, City](#); [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Stone, Greer](#); [Tanaka, Greg](#); greg@gregtanaka.org; [Veenker, Vicki](#); gsheyner@paweekly.com; [Planning Commission](#); [William Ross](#)
Subject: Ellsworth Place - For September 18, 2023, Agenda Item 7 - 2901 Middlefield Road
Date: Thursday, September 14, 2023 2:38:13 PM
Attachments: [Ellsworth - Letter for City Council Meeting on September 18, 2023 - Google Docs.pdf.pdf](#)

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Regarding City Council Meeting on September 18, 2023, Item 7

Dear Mayor Kou, Vice-Mayor Stone, and members of the City of Palo Alto City Council,

For your reference, Ellsworth Place Residents have prepared an outline of refutes and additional PDF documents to correct statements made in the packet, as prepared for the meeting of September 18, 2023, item 7 on the agenda.

There are a total of 4 PDF files, which will be sent in two emails.

We invite all of you to come for a site visit to Ellsworth Place and meet with us prior to this meeting. Thank you for your time and attention to this matter.

Sincerely,

Kristen A. Van Fleet
on behalf of Ellsworth Place Residents

Regarding: The meeting scheduled for September 18, 2023, Item 7 - Adopt an Ordinance Amending Planned Community 2343 zoning for 2901-2905 Middlefield Road and Adopt an Ordinance Establishing a new Planned Community zoning designation for to Enable the Development of a new Single-Story, Single-Family Residence on 702 Ellsworth Place.

September 13, 2023

Dear Mayor Kou, Vice-Mayor Stone, and members of the City of Palo Alto City Council,

For your reference, Ellsworth Place Residents have prepared an outline of refutes and additional PDF documents to correct and/or support the record regarding statements made in the packet, as prepared by the CPA Planning Department for item 7 on the agenda of the September 18, 2023 meeting. (Please keep reading past the signatures, and also refer to the attached PDFs.)

The existing PC-2343 is a far better situation than what the developers are offering, and we ask that you either deny the application(s) or send them back to the PTC for better planning.

For us, this is about *SAFETY* and *TRUTH* which encompasses fair treatment under the law and also having accurate information presented so that a safe and sensible solution can be designed for the greater good of all who traverse on or near Ellsworth Place in Palo Alto, CA. We must interact with Middlefield Road, a busy 4-lane road without a shoulder or bike lane, in close proximity to a school, recreational centers, and shopping centers. We want:

- a **sensible line-of-site to Matadero Creek** without a fence impeding L.O.S. or on the road edge
- adequate road circulation maintained at a **DRIVEABLE 26-foot width** over the first 100-foot section of the Ellsworth Place road so delivery vehicles do not have to back out onto Middlefield Road or park in its right lane, or back up through utility poles or use of paved driveways. Delivery companies will refuse to deliver to Ellsworth Place if the conditions are not safe or parking is illegal. (As confirmed by UPS, and documented with Amazon and Fed-Ex.)
- **A USEABLE DELIVERY SPACE** to fit a delivery truck, measuring 11 feet wide x 26 feet long. There is room for this if the first utility pole is removed and no inquiries have been opened regarding this. (Nor has Comcast been asked about moving the cable box on the corner.)

We have been working on this for over eight months, with the developers spending money on expensive letters, charts, and diagrams that remove all benefits of the current PC-2343, and offer the community nothing in exchange. Their proposals decrease current road circulation and safety on Ellsworth Place at Middlefield Road and create undue hardship and undue burden on the homeowners and tenants!

Ellsworth Place residents have throughout this process: (photos and documents can be provided)

1) had our property rights challenged with false claims presented in attorney letters, that, despite our presenting supporting documents to CPA to refute these claims, required a letter from Chicago Title to defend our property rights and make the repeated threats stop.

2) mourned the illegal removal of a protected Valley Oak tree along with several other large and beautiful 50-year-old trees that were a part of the PC landscape plan of the apartment parking lot.

3) had our deeds misused and falsely represented. The homeowner of 705 Ellsworth Place continues to have their deed misrepresented as belonging to the apartments, even though documents and the correct deed for the apartments were put into the public record. This deed is incorrectly referred to yet again, see below, **Item 7: Staff Report Pg 4 - Packet page 146**.

4) dealt with full-size semi-trucks blocking the Ellsworth Place road, more than once, and also the operation of house-shaking equipment by the developer without a permit on the "parking lot".

5) endured illegal and dangerous temporary fencing that was placed around the parking lot, between December 2022 and April 2023, along with an unsightly dirt and wood pile dumped on top of the parking lot; even though a call to code enforcement on December 20, 2022, revealed it was illegal for the fence and dirt pile to be placed there.

6) not been properly notified about the planned projects for the apartment complex located at 2901 Middlefield Road, which also includes the parking lot known as "702 Ellsworth Place". When they were posted, the QR codes did not work for several months, nor was any information about the projects available online. Any information had to come through emails with CPA Planning Staff and neighbors received differing and/or confusing answers, or questions went unanswered.

7) had emails with questions forwarded to the developer in lieu of City Planning answering them.

8) had our letters left out of "the Packet" as prepared for the pre-screening on March 13, 2023, even though we were told all of our letters would be included.

9) received notices for public meetings less than 7 days in advance of the meetings, and/or the notices had the wrong application number on them, or they didn't provide contact information for where to send letters.

10) received a flier for a meeting with the developers less than 24 hours before the meeting time, with some of the single-page fliers placed in our mailboxes without stamps.

11) experienced discrimination by CPA Planning Staff by their giving special treatment to the developers throughout this entire process. Public records revealing emails between CPA Planning Staff and the developer's attorney and architect. We were verbally told the packets are prepared in support of this project because that is what they heard the City Council wanted at the pre-screening meeting, and also being told we are a "private road" so they can't help us.

12) have had verbal threats by CPA Planning Staff to ban delivery trucks on our street.

13) have had verbal threats by CPA Planning Staff of eminent domain of 3' from our properties.

14) have had phone messages and emails ignored and never returned by the CPA Attorney's department, when attempting to get false information corrected.

15) been denied the opportunity to review plans from the developers when those plans were not entered into the public record ahead of the PTC meeting on July 12, 2023. Those plans were almost voted on without the public being allowed to comment on them! (The packet was unchanged, and we were told only comments from new people were allowed at that meeting.)

16) received incomplete public records searches with emails cut off or missing from the chains.

17) received rude treatment by CPA staff when an inquiry for a translator was initially granted and then retracted less than three hours before the meeting was set to begin.

18) continued to compensate for the visual impairment caused by orange netting still in place, which is being used as a 3-foot fence “visual aid” as we exit Ellsworth Place. A fence in this location is dangerous to vehicles and pedestrians alike. (Refer to the photo on the next page.)

19) been given inadequate amounts of time to respond to the developer’s plans. We were given only 5 days to react to the “visual aids” that were half-set up for our benefit. They were initially not installed correctly, and the CPA Planning Staff took weeks to correct them!

20) continued to give useful feedback regarding this development, only to read in the current packet that the developers do not intend to do what they originally offered! They are using the verbiage “PERCEIVED WIDTH” on all of the ordinance drafts, which is not the same thing as driveable width.

This narrows our road from its current 21.5 to 26-foot wide width (over the first 100-foot length of the road) down to a 20-foot road width, thereby affecting road circulation. Additional dangerous situations are added including the road continuing into the walkway of the house and the road ending at guy wires. It will prevent vehicles from safely turning around before exiting onto Middlefield Road (requiring them to instead back up onto Middlefield Road), and delivery trucks may no longer be allowed to enter Ellsworth Place, thereby creating undue burden and undue hardship, and causing logistical nightmares, especially to our senior-aged residents.

21) heard half-truths and excuses from the developers about the inability to move utility infrastructure on their property, the function of which would maintain the road circulation. We have learned through our own inquiries that applications were never opened by the developers to obtain needed information about whether or not the utility infrastructure can be moved.

Quoting Commissioner Vice-Chair Chang, from Item 7: Staff Report Pg 62 - Packet page 204

“...we’re actually being asked to give rights and in exchange, we’re asking to make something safer. Not necessarily to give rights to only 13 property owners but really what we’re doing is trying to make things safer for all... for the rest of our City. For all the people who traverse that opening on Ellsworth. There’s quite a lot of bicyclists and pedestrians who are using that sidewalk. Particularly, given the proximity to the Midtown shopping area and also lots of young children using it to get to Winder Lodge and the Kim Grant Tennis Center and just lots of pedestrians in general. Those of us who did site visits I’m sure saw lots of pedestrians and bicyclists and in addition, there’s the school across the street and the Middlefield itself is a really busy thoroughfare so lots of cars. And so, we’re just trying to make this area safer because no matter what those... no matter what those 13 households do have to use Ellsworth for ingress and egress and if we make it safer for them to go in and out at that opening. We make it safer for everybody else at that intersection and so that’s how I looked at it.”

The Ellsworth Place Neighbors agree with Commissioner Chang. Our objections come from a daily understanding of what it is like to live on Ellsworth Place and interact with Middlefield Road. We have documents from over ten years ago that state our concerns for safety at this intersection.

DO YOU SEE THE CHILD IN THIS PICTURE?



In addition to safety, and as was mentioned more than once during the last PTC meeting on August 9, 2023, the road widening easements being offered by the developers could be accepted by the CPA, but not by the homeowners of a “private road”. Apparently some consider this to be “exaction” of property because it they consider this to only benefit a private road, even though members of the public who traverse by Ellsworth Place are also being affected by these decisions. So establishing road ownership before final approval of the PC applications is granted (or denied) is warranted.

We also want more common sense implemented in the developer's plans such as not having the road end into the paved walkway of the house and guy lines, finding adequate room to park and turn delivery trucks around in a way that actually works, and moving the front fence back along a sight triangle to keep our view clear to the creek fence, where the sidewalk bends before descending over Matadero Creek. If these changes require a smaller house footprint, then we do not see a problem with this as the developers have proposed a house that is 55% larger, on a sub-standard R-1 lot, than the average sub-standard R-1 home on Ellsworth Place; our homes have an average size of 1,090 sq ft.

How Delivery Trucks Use “The Parking Lot”



Where Delivery Trucks Will Park If No Useable Space is Provided



The proposed "delivery space" is not useable! According to UPS, their trucks are between 10 and 11 feet wide. If conditions are not safe or not legal for their drivers to deliver packages then customers will need to provide an alternative delivery address or pick up their packages at the UPS Depot in East Menlo Park.

Quoting Commissioner Akin, from Item 7: Staff Report Pg 63 - Packet page 205

"...the only solutions we can come up with involve using other private property to solve the same problems. So, I think there's a clue here that there is just not enough space for a simple answer."

Quoting Commissioner Chair Suma, from Item 7: Staff Report Pg 63 - Packet page 205

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

The Ellsworth Place Neighbors implore you to establish real public benefit in this PC amendment and creation process and enforce changes that make the intersection of Ellsworth Place and Middlefield Road safer. The current PC-2343 Ordinance provides a safer situation with a harmonious design that takes the existing Ellsworth Place home into consideration. The proposed changes to PC-2343 and the new PC are not harmonious with existing homes and they create a dangerous situation. We know there are better solutions to be had that balance safety with profit.

We ask you to vote against the approval of these new ordinances or to send them back to the PTC for changes that make their proposals safe for all who traverse on or near Ellsworth Place.

Thank you for all you do to help make Palo Alto a better City!

Sincerely,

The Ellsworth Place Neighbors

<u>Robyn A. Ziegler #730</u>	<u>DM #75</u>
<u>[Signature] #717</u>	<u>Susan #705</u>
<u>[Signature] #717</u>	<u>Danny ALBERSON #731</u>
<u>[Signature] #706</u>	<u>[Signature] #731</u>
<u>[Signature] #706</u>	<u>Gala #741</u>
<u>[Signature] #729</u>	<u>Yevgeny #741</u>
<u>[Signature] #724</u>	<u>Natalie Fisher #736</u>
	<u>[Signature] #724</u>

Ellsworth Place Neighbors Respond to the CPA City Council Packet for September 18, 2023

Item 7: Staff Report Pg 1 - Packet page 143

"Area residents raised several initial concerns about the recent selling of one of the planned community zoned properties and were instrumental in identifying a zoning map error that showed one of the parcels as zoned for single family residential use instead of being part of a larger planned community project."

The above statement needs more details to avoid some confusion it creates. CPA Code Enforcement found both ordinances governing the parking lot parcel. They would have been discovered when the application was submitted. They come up in a simple Google search, and the Santa Clara County Assessor's office has the property listed as a "parking lot". (Zoning for an R-1 lot and a parking lot can't exist simultaneously.)

We ask you to vote against the approval of these new ordinances or to send them back to the PTC for changes that make their proposals safe for all who traverse on or near Ellsworth Place.

Thank you for all you do to help make Palo Alto a better City!

Sincerely,

The Ellsworth Place Neighbors

DocuSigned by:
CAIN LIANG
7776E3B85C64A8...
47BDD612B7FA453...

DocuSigned by:
Bhanu Iyer
4A17230D800C480...

DocuSigned by:
Chaoqiang Chen
3050B9D654A44D4...

DocuSigned by:
Desiree Shu
1E967C803B40499...

DocuSigned by:
Shan Wang
6DD1638DDBBB42D...

Venketa Kurra
DocuSigned by:
Venketa Kurra
9014DB411D0E43F...

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HISTORY:

On June 14, 2022, Kristen A. Van Fleet had a 10:00 a.m. virtual meeting with CPA Planning Emily Foley and Project Coordinator Henry Rafael. She asked how the parking lot could be sold, where will overflow parking from the apartments go, and how would a basement be approved right next to the creek. The property had been listed for sale about two weeks earlier with the address “700 Ellsworth Place” and advertised house plans with a basement and a wall touching the edge of Ellsworth Place. Neighbors were very worried about circulation issues on Ellsworth Place and settlement issues to our houses. Kristen was told by Emily that this transaction is between the buyer and the seller, that the buyer is responsible, and because Ellsworth Place is a private street they (CPA) can’t help us or intervene in this property sale.

Emily ended this call and immediately sent the following email to Ken Hayes at 10:51 a.m., which we received from a public records search. It reads:

“I wanted to follow up on our discussion regarding this property. Today we had a neighbor reach out and ask about how the property is currently used as parking for the apartments at 2901 Middlefield. Although the area on opposite sides of Ellsworth Place have separate APN s I cannot find evidence of a property line or subdivision between 2901 Middlefield/127-35-194 and the subject 127-35-152.

Since this isn’t an active application I do not need to see a title report or anything at this point in time but I wanted to reach out and make sure it is, in fact, a legal parcel.”

On Jun 14 2022 at 10 51 AM Foley Emily <Emily.Foley@CityofPaloAlto.org> wrote

Hi Ken

I wanted to follow up on our discussion regarding this property. Today we had a neighbor reach out and ask about how the property is currently used as parking for the apartments at 2901 Middlefield. Although the area on opposite sides of Ellsworth Place have separate APN s I cannot find evidence of a property line or subdivision between 2901 Middlefield/127-35-194 and the subject 127-35-152.

Since this isn't an active application I do not need to see a title report or anything at this point in time but I wanted to reach out and make sure it is in fact a legal parcel.

Thanks
Emily

<image001.png> **Emily Foley, AICP**
Associate Planner
Planning and Development Services Department
(650) 617-3125 | emily.foley@cityofpaloalto.org
www.cityofpaloalto.org

Both Ordinances that govern the “parking lot”, PC-1810 and PC-2343, were easily discovered by CPA Code Enforcement when they were called to inquire about disruptive construction activity occurring on the “702 Ellsworth” parcel, being done without a permit, (our homes were shaking).

Robin Ellnor of CPA Code Enforcement, found both ordinances within a few minutes of being on the phone. When her original search for the “700 Ellsworth Place” address, (the “marketing” address), did not turn up an entry in the CPA database, Robin quickly figured out the lot was attached to the apartment complex at 2901 Middlefield Road. She said she would take care of opening the code enforcement claim and would have the chain link fence removed. She sent an email with both ordinances attached as the follow-up to this code enforcement call. THIS IS HOW ELLSWORTH PLACE RESIDENTS LEARNED ABOUT THE ORDINANCES! (This communication is available via public records.)

Side Note:

An R-1 and a parking lot can't legally exist simultaneously and the Santa Clara County Assessor's Parcel report has "702 Ellsworth Place" registered as a "parking lot". The screenshot below was captured from the SCC Assessor's website on September 10, 2023.

Property Information - Assessor's Parcel Number (APN): 127-35-152



Situs Address(es) :

(PARKING LOT) PALO ALTO 94306-0000

[View Google Map](#)

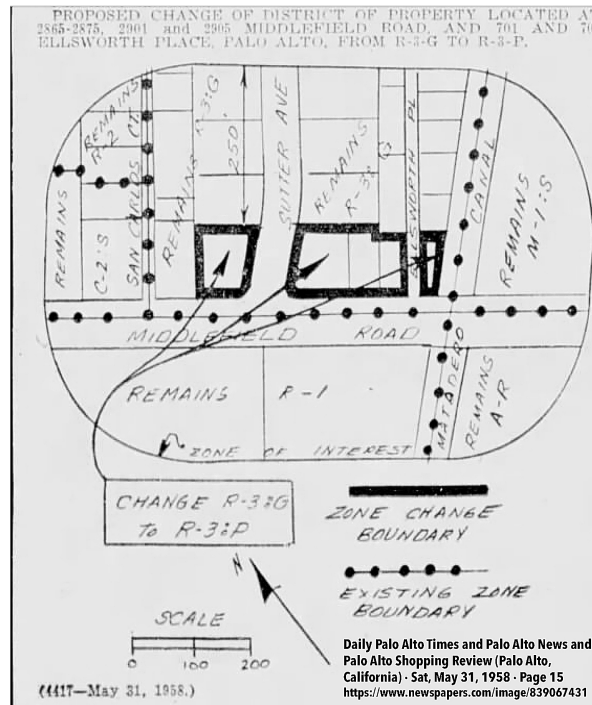
[Print Assessor's Parcel Map](#)

Item 7: Staff Report Pg 2 - Packet page 144

BACKGROUND

"In 1967 a planned community zoning ordinance was approved for the subject property to allow a 12-unit apartment building. The development site consists of four parcels adjacent to the northeast side of Middlefield Road and extends from Sutter Avenue to Matadero Canal (Attachment B)."

This statement leaves out ordinance PC-1810, as established in 1958 and then amended in 1967 to become PC-2343. The original ordinance zoned R-3-P (professional) buildings and it was printed in the newspaper with the following map, which shows Ellsworth Place as a public road:



ORDINANCE 1810, Section 2, sets a "condition that the driveway to Middlefield Road be modified."

ORDINANCE NO. 1810

AN ORDINANCE OF THE CITY OF PALO ALTO ZONING
PROPERTY AS P-C, APPROVING THE DEVELOPMENT PLAN
AND SETTING DEVELOPMENT SCHEDULE FOR PROPERTY
KNOWN AS 2865-2875 MIDDLEFIELD ROAD, 2901-2905
MIDDLEFIELD ROAD AND 701-702 ELLSWORTH PLACE

The Council of the City of Palo Alto does ordain as follows:

Section 1. Ordinance #1324, the Zoning Ordinance, is hereby amended by amending Section 302 (the Zoning Map) as shown on development plan hereto and made a part hereof.

Section 2. The land shown on the development plan attached hereto is hereby rezoned as P-C and development plan is approved subject to the condition that the driveway to Middlefield Road be modified.

ORDINANCE 2343 was amended from Ordinance-1810 by removing the properties of 2865 - 2875 Middlefield Road and then changing the zoning back to R-3-G to allow for "Garden Apartments".

Ordinance of the Council of the City of Palo Alto amending Section 2 OF Ordinance NO. 1810 Being the development plan for the property known as 2901-2905 Middlefield Road and 701 - 702 Ellsworth Place.

SECTION 4. All other provisions of Ordinance No. 1810 shall remain in full force and effect.

Item 7: Staff Report Pg 2 - Packet page 144

BACKGROUND

*"The apartment building is located nearest Sutter Avenue. Access to the apartment is provided via an easement across one of the development site's parcels referred to as 702 Ellsworth Place, which also has guest parking spaces for the apartment building. The easement also provides access to Ellsworth Place, a private street with 13 residential properties; **these properties are not associated with the PC development.**"*

The 13 residential properties (on Ellsworth Place), WERE BUILT 20 to 30+ YEARS BEFORE the PC development, and would therefore have been taken into consideration when the apartments were designed and approved. The Ellsworth Place homes were all built before 1949, situated between a cannery on the other side of Matadero Creek and an airplane parts factory, where Safeway is now, and owned by "blue collar" people. (Census data, directories, and periodicals provide evidence of this history.)

Item 7: Staff Report Pg 2 - Packet page 144

“This more recent purchase was reportedly based, at least in part, on information provided by the City indicating that 702 Ellsworth Place could be developed with a single family home. This guidance, however, is not consistent with the administrative record and occurred because the zoning map from 1960s was never updated to reflect the approved PC zoning designation. For decades the City’s records regarding these parcels appeared to show the incorrect zoning. Similarly, when the City implemented its online property parcel records, the subject property (2901-2905 Middlefield Road and 702 Ellsworth Place) did not include information about the applicable PC zoning designation.”

Notes to Keep in Mind:

- History of the property was not researched, (via public records searches)
- It doesn’t appear CPA Planning was asked if ordinances governed this parcel. (via public records searches)
- The lot went up for sale around June 1, 2022, at a price of \$1,498,000, and sold for a reduced price of \$950,000 in early November 2022.
- The same real estate agent represented both the buyer and seller of this property
- Preparation to sell this lot was done by Hayes Architects (via public records searches)
- The Santa Clara County Assessor’s Parcel Report has the parcel zones as a “parking lot”, which is not the same thing as a “vacant lot”.
- Legally, a lot can’t be simultaneously zoned as both an R-1 AND a Parking Lot.

From: [French, Amy](#)
To: [Sauls, Garrett](#); [Gerhardt, Jodie](#)
Subject: FW: Parcel 127-35-152
Date: Wednesday, January 4, 2023 2:30:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Yikes

Ken reached out a couple years about about this ‘vacant corner parcel’ to ask which was front and which was side. I only answered the question he asked and didn’t do research on the property history.

From: Ken Hayes <khayes@thehayesgroup.com>
Sent: Monday, August 17, 2020 12:28 PM
To: French, Amy <Amy.French@CityofPaloAlto.org>
Subject: Re: Parcel 127-35-152

Thanks Amy!
Ken Hayes, AIA

President



From: French Amy <Amy.French@CityofPaloAlto.org>
Sent: Tuesday December 7 2021 9 07 AM
To: Hayes Ken <khayes@thehayesgroup.com>
Cc: PlannerOnDuty <planner@CityofPaloAlto.org>
Subject: FW Middlefield parcel

Hello Ken

Thanks for reaching out. Interesting/surprising to find a vacant residential parcel in Palo Alto. One less thing to research (no address to look up past permits no potentially historic home). Yes for this corner lot the front property line (shortest of the two street fronting lines) is Middlefield and development would need to observe the special setback noted in the parcel report. If there is no variance request and it is one story above grade observing height limit and setbacks there is no discretionary review only building permit (ministerial review). I copy the planner on duty to help further on this as needed. I am not aware of rules for substandard residential lots restricting basements for SFR use just height and number of stories.

Note that last night the Council adopted an interim urgency ordinance following SB9 for R1 and RE zoned properties.

From: Ken Hayes <khayes@thehayesgroup.com>
Sent: Tuesday December 7 2021 7 48 AM
To: French Amy <Amy.French@CityofPaloAlto.org>
Cc: Richard Dewey <rrd@deweyland.com>
Subject: Middlefield parcel

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

Hi Amy

We are about to start design a single family home on this parcel.

Given the dimension and area of the parcel, in accordance with PAMC 18.12.040C(1)(A), it is considered a non-conforming parcel in this district. Parcels that are less than 50' wide and less than 83% of the required minimum lot size are considered non-conforming. The subject parcel is less than 50' wide (it appears the average width is 45.5') and approximately 4,585 SF (less than 83% of 6,000).

Non-conforming parcels are permitted single-story development only, (basements excepted?) with a maximum roof peak height of 17'. The FAR is 0.45/1.0 or approximately 2,063 SF for this parcel. For lots less than 50' in width, the street-side setback is only 10'. A single-family use requires two off-street parking spaces, one of which must be covered. I believe the front yard will be considered Middlefield.

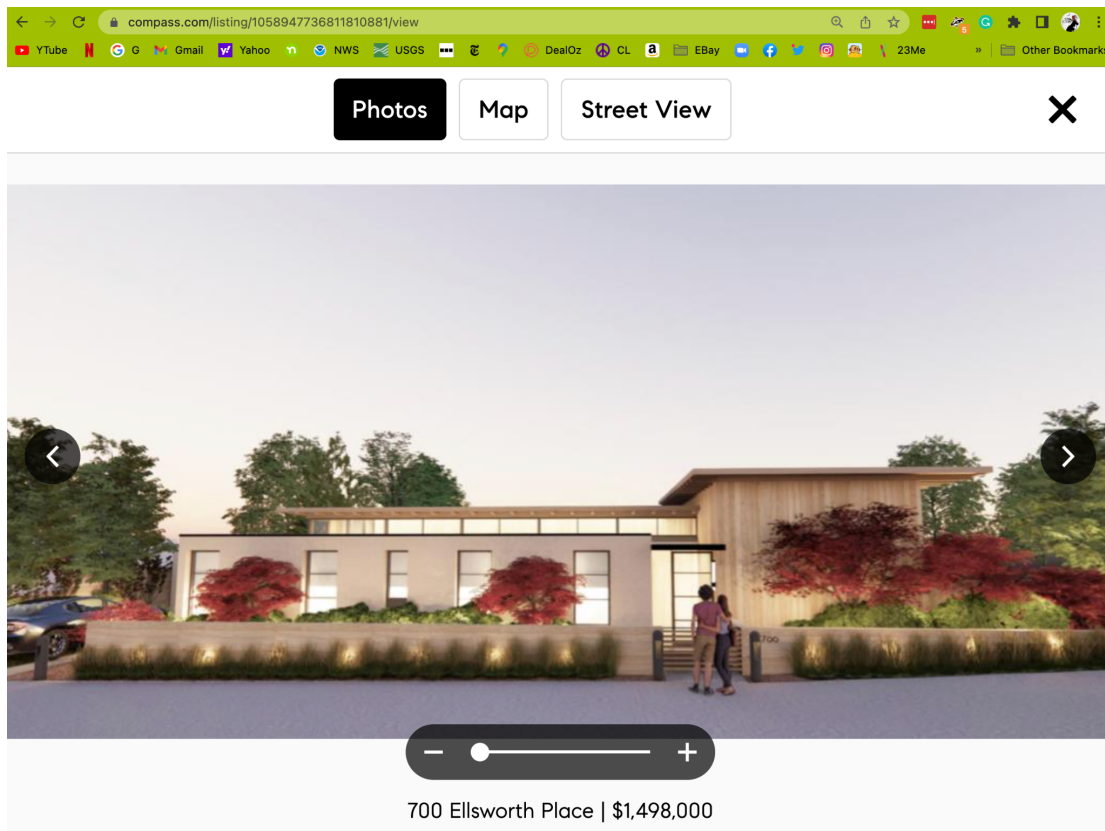
Can this project have a basement? Matadero creek is bordering the long side of the property. Also, does this require any special planning review or will planning review at the time of building permit submittal since it will be one story, and maybe a basement if permitted.

Thanks,

Ken Hayes, AIA

- The property was given the non-registered address of “700 Ellsworth Place” for “marketing purposes” according to the developers, per their statement at the City Council Prescreening meeting on March 13, 2023. Searching this address on Google, City Records via the City Clerk’s Website, or on the SCC Assessor’s website does not provide any history of the property. (The historical address before the home was demolished in c. 1967 is “702 Ellsworth Place” or it requires a search using APN: 127-35-152 to find information about the property.)

Below is a screenshot of the property listing on Compass.com



- Ordinances are not recorded on deeds and therefore do not show up in the chain of title reports.
- Not everything about a property shows in the chain of title reports. The research done by Ellsworth Place Neighbors found additional documents not included in the chain of title for parcel, APN: 127-35-152.
- Ordinances have to be researched at the City level.
- When CPA code enforcement was contacted they easily found both Ordinance PC-2343 and PC-1810 governing the property marketed as “700” or historically known as “702 Ellsworth Place”. These ordinances also came up via a Google search of the historical property address, “702 Ellsworth Place Palo Alto”. (This search now generates press coverage and CPA meeting notes pertaining to the zone change application.) Here is a screenshot of what a Google search produced in early March 2023.

Listing the R-1 parcel under 700 Ellsworth created confusion - a trivial Google search shows the Ordinances PC-2343 and OR-1810 for 702 Ellsworth Place

Google search for "702 Ellsworth Place" Palo Alto. Results include a map of the location, a PDF document titled "1961-1970-ordinance-master-list.pdf" showing Ordinance 2343 (Amending Section 2 of Ordinance No. 1810) and Ordinance 1810 (Amends § 3.02 of Ord. 324), and a webpage titled "ORDINANCE LIST AND DISPOSITION TABLE" from American Legal Publishing. The webpage lists Ord. 2343 as "Amends Ord. 1810, development plan for certain property (Special)" and Ord. 1810 as "Amends § 3.02 of Ord. 324, development plan for property on Middlefield Road and Ellsworth (Special)".

- “10 Things to Know Before Buying a Vacant Lot”, “There is plenty to know before investing in land. Here are 10 things, including everything from the basic expenses and city ordinances to land surveys and easements.” From the website: <https://home.howstuffworks.com/real-estate/buying-home/10-things-to-know-before-buying-a-vacant-lot.htm>

There's plenty to know before investing in land. Here are 10 things, including everything from the basic expenses and city ordinances to land surveys and easements.

Contents	
10.	Location
9.	Know the Costs Involved
8.	Zoning Restrictions
7.	Ordinances and Covenants
6.	Utilities
5.	Road Access
4.	Easements
3.	Surveying
2.	Flooding
1.	Building Permits

- Santa Clara County Assessor's Online Property Profile states under the line item Approved Building Site:

"Research needed to evaluate parcel as a Building Site"

<https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=fb3af8ce73b6407c939e1ac5f092bb30>

Santa Clara County
Department of Planning and Development
Online Property Profile

September 10, 2023 09:20:35 PM. The GIS data used in this analysis was compiled from various sources. While deemed reliable, the Planning Office assumes no liability.


Property Location Information
 APN: 127-35-152 Assessor's Map
 Site Address:
 Recorded Size (Assessor Database): 3,485 sq. ft. / 0.1 acres
 Computed Size (GIS): 4,447 sq. ft. / 0.1 acres
 TRA: 06001

Planning and Development Information
APN:12735152 is incorporated (PALO ALTO).
 General Plan: USA
 USA: Palo Alto (100%)
 SO: Palo Alto
 Zoning: INCORPORATED
 Supervisor District: 5
 Approved Building Site: Research needed to evaluate parcel as a Building Site

Special Area Policies and Information

- Fire Responsibility Area: LRA (100%)
- Geohazard: County liquefaction hazard zone
- Geohazard: State seismic hazard zone (liquefaction)
- Historic Parcel: NO
- FEMA Flood Zone: X (100%)
- Watershed: San Francisco Bay
- Rain isohyet: 17 inches
- Nearest named creek: MATADERO CREEK (26 feet)
- Nearest named lake: San Francisco Bay (8194 feet)

COUNTY OF SANTA CLARA PLANNING OFFICE
70 W. HEDDING ST., SAN JOSE, CA 95110
(408) 299-5770



- Searching either the marketing address of "700 Ellsworth Place" or the historical address of "702 Ellsworth Place" as recorded in the chain-of-title, produces the following result, which requires agreeing to "the terms and conditions" to view, and states, "Please note that the estimator is intended for reassessable changes in ownership only and NOT for new construction." **Since neither address exists, 700 or 702 Ellsworth Place, searching parcel APN 12735152 gives the Assessor's website stating the property is a "Parking Lot".** (Refer to the top of page 8).

<https://www.sccassessor.org/index.php/online-services/supplemental-calculator>

No records meet your search criteria: '700 Ellsworth Place' or the records are incomplete. Please select different values and try again. See also the list of search tips.

The tax estimator is designed to help new and prospective homeowners reduce confusion concerning the amount of property taxes they can expect to pay following their purchase.

Simple Address Search

(Please enter property address.)

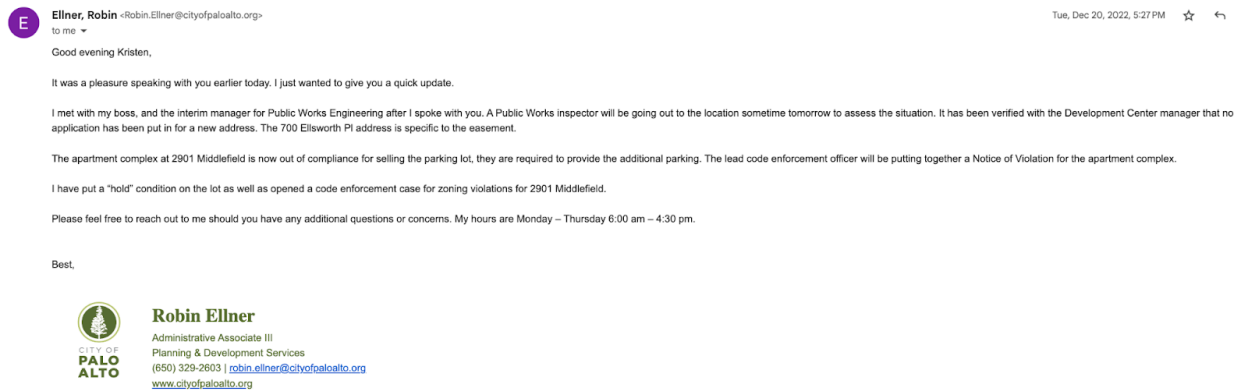
I have read, understand, and accept [the terms and conditions](#)

Item 7: Staff Report Pg 2 - Packet page 144

“It was not until residents filed a code enforcement complaint concerning new fencing around 702 Ellsworth Place in anticipation of a future development that research began and uncovered this mapping error.”

INCORRECT STATEMENT - CORRECTION NEEDED:

The “error” was uncovered by Robin Ellnor on December 20, 2022, when Handa developers were operating heavy machinery on the parcel without a permit, which was shaking our houses. We received the following email with copies of both ordinances PC-1810 and PC-2343 attached:



Below is a transcript of the above email:

“It was a pleasure speaking with you earlier today. I just wanted to give you a quick update.

I met with my boss, and the interim manager for Public Works Engineering after I spoke with you. A Public Works inspector will be going out to the location sometime tomorrow to assess the situation. It has been verified with the Development Center manager that no application has been put in for a new address. The 700 Ellsworth PI address is specific to the easement.

The apartment complex at 2901 Middlefield is now out of compliance for selling the parking lot, they are required to provide the additional parking. The lead code enforcement officer will be putting together a Notice of Violation for the apartment complex.

I have put a “hold” condition on the lot as well as opened a code enforcement case for zoning violations for 2901 Middlefield.

Please feel free to reach out to me should you have any additional questions or concerns. My hours are Monday – Thursday 6:00 am – 4:30 pm.”

Item 7: Staff Report Pg 2 - Packet page 144

“Ellsworth Place is neither owned nor maintained by the City. Similar conditions exist at other locations in the City, dating from development that occurred on formerly-unincorporated land before annexation to the City.”

Similar road conditions to Ellsworth Place exist only on one other road in Palo Alto, which is San Carlos Court. (Cypress Lane, Dymond Way, and Waverly Oaks were also developed pre-annexation, but their conditions are different.) ALL OTHER private roads in Palo Alto were built after their areas were already a part of CPA, and all but two of those have an HOA governing their establishment. (More information is available upon request.)

Item 7: Staff Report Pg 4 - Packet page 146

Missing Information and Possible Typo:

“2901 Middlefield Road’s planned community zoning is simply amended to reflect the ownership boundaries, expands easement access to widen a portion of Ellsworth Place and accounts for a new on-site parking arrangement that serves the apartment units.”

The upzoning of the remaining parcel containing the 12-unit apartment complex at 2901 Middlefield Road will be increased by 33% over what would be allowed by its current RM-20 zoning, without providing any affordable housing. Under its RM-20 zoning, the remaining lot would allow the apartments to have only 9 units in total. This provides a significant benefit to the developer. **(See attached PDF “Jeff Levinsky Letter_ptc-7.12-public-comments6.pdf”)**

The drafted amended PC Ordinance for the apartments reads under SECTION 5, (a), (i)

A 30-inch-wide swath of paving shall be crated alongside Ellsworth Place beginning at the Middlefield Road curb line and extending approximately 37 feet to the location of an existing utility pole guuy-wire, to increase **the perceived width** of Ellsworth Place.

PERCEIVED WIDTH is not the same as DRIVEABLE WIDTH!

Additionally, not all existing covered parking spots are wide enough, so tenants use the parking lot. The developers point to Sutter Ave. as their overflow parking, however, it should be noted that other developers and apartment owners also depend on Sutter Ave. for their parking. How will this plan scale?

Item 7: Staff Report Pg 4 - Packet page 146

INCORRECT STATEMENT - CORRECTION NEEDED:

“Ellsworth Place Private Street Easement

Ellsworth Place is a private street. Access to the private street is provided from Middlefield Road. An easement was previously conveyed by the developer of the 1960s era apartment building that grants access across portions of 2901 Middlefield Road, and the now proposed to be separated 702 Ellsworth Place property. This 20-foot wide easement provides access to 13 residential properties.”

The developer of the apartment building DID NOT convey the easements for the existing Ellsworth Place homes. The easements for ALL 13 Ellsworth Place residential parcels were established by the original property owner, Katherine Emerson, before her death in 1956. One of the many documents available, a Joint Tenancy deed recorded in book 1322, pages 523-524 and signed by Katherine Emerson on January 30, 1946, gives ingress/egress rights to eight of the 13 parcels, and every parcel can trace its chain-of-title and ingress/egress rights to Katherine Emerson. Katherine Emerson died on February 17, 1956, leaving the remaining property of 702 Ellsworth Place to Helen M. Kenny in a Gift Deed, which included half of the road, as recorded in book 3418, page 48. The apartments were built between in 1969.

The developers keep incorrectly using the deed for 705 Ellsworth Place as their own deed, saying it belongs to 2901 Middlefield Road. We have submitted this several times in writing and provided the correct deed, and they continue to present the false information as their own! (Please see PDF attachment: “Misrepresentation of the deed to 705 Ellsworth Place_ptc-7.12-public-comments6.pdf”)

Item 7: Staff Report Pg 4 - Packet page 146

“To improve ingress and egress access and sight line access for motorists, pedestrians and cyclists, area residents sought to increase the easement to 26-feet wide.”

This request is based on the minimum road width for a private road serving up to four homes, and it is a compromise. Ellsworth Place has 13 properties and 15 addresses, setting the road width required to be 32 feet wide, per city code.

- All 13 properties on Ellsworth Place have legitimate ingress/egress rights.
- Ellsworth Place is considered a “private road”. (See attached PDF “Chicago Title...”)

Item 7: Staff Report Pg 4 - Packet page 146

“The applicant proposed a 24-foot wide easement and submitted a safety study prepared by a traffic engineer to support their position that a wider easement was not necessary.”

This traffic study uses the Municipal Code for Parking Design of Multiple-Family Residential Uses.

Developers may have told Hexagon Transportation Consultants that Ellsworth Place was not a legitimate road because prior to the letter from Chicago Title, dated July 27, 2023, they were adamant that the Ellsworth Place homes did not have legal ingress/egress rights over the “702 Ellsworth Place” parcel.

Hexagon Transportation Consultants and the developers kept referring to the “Ellsworth driveway” in both their minimal *Traffic Review* and also during the PTC meetings.

Hexagon Transportation Consultants used Palo Alto Municipal Parking Lot Code*, as written on page 4 of their April 14, 2023, report titled, “Transportation Review for the Residential Single-Family Home at 702 Ellsworth Place in Palo Alto, California” (excerpt below).

“According to Table 5 of the Palo Alto Municipal Code 18.54.070, 20 feet is the minimum width to serve residential developments¹.”

***Palo Alto Municipal Code 21.20.240 is the “Widths” for a “Private Streets”**

(4) Private streets: Such right-of-way as would be required for a comparable public street, except as specified below. Streets serving five or more lots shall be no less than thirty-two feet wide. Streets serving four or fewer lots shall be no less than twenty-two feet wide providing that the Director of Planning and Community Environment and the City Council specifically approves the twenty-two foot street width.

(a) If a building adjacent to a private street has a setback of at least twenty feet between the street and building allowing on-site parking, then the width of the private street may be no less than twenty-six feet at the discretion of the Director of Planning and Community Environment and the City Council.

(b) If a private street has a public parking strip of at least six feet in width between the street and the building location, then the width of the private street may be no less than twenty-six feet at the discretion of the Director of Planning and Community Environment and the City Council.

Effective Date: This private street width requirement applies to any project or development that has not obtained a final map, building permit, and performed significant construction as of July 31, 2009. If the effective date of July 31, 2009, is held by a court of competent jurisdiction in a final judicial action to be void, voidable, or unenforceable, then the effective date of this ordinance as it applies to private street width shall be November 4, 2009.

(Ord. 5059 § 5, 2009; Ord. 3345 § 36, 1982; Ord. 3157 § 1 (part), 1979)

Item 7: Staff Report Pg 4 - Packet page 147

“Moreover, the applicant expressed concerns about the feasibility of increasing the easement width further and constraints imposed by existing utility infrastructure.”

To the best of our knowledge, the applicant has not inquired about moving the infrastructure!

- No ticket was opened with Comcast, as confirmed by a Comcast site visit on Thursday, September 14, 2023. (The Ellsworth Place Residents opened a ticket to inquire.)
- No application was submitted with CPA Utilities Engineering as of September 11, 2023. This was confirmed both in an email to Cesar Magdalena and also by a phone call with Benjamin Wong who answered the “general line”, and said that between 6 to 10 feet of space are needed for guy lines, so it may be possible to move them to the second pole. It will require an application to research this!

Kristen Van Fleet <kvanfleet@gmail.com>

Mon, Sep 11, 11:11AM (1 day ago) ☆ ↶ ⋮

to Cesar ▾

Hi Cesar,

The issues with Ellsworth Place will be going before the City Council one week from today, on Monday, September 18, 2023. In preparation for that meeting, I would like to know if there was an application opened to research the ability to move the first utility pole on Ellsworth Place. The Ellsworth Place Neighbors agree that moving that first utility pole would open up circulation on our street, so this is an important bit of information for us to have.

Thank you for your time and help with this question.

Sincerely,

Kristen A. Van Fleet
650-646-8677 cell

⋮

4 Attachments • Scanned by Gmail ⓘ

⬇️ 🔗



Magdaleno, Cesar

Mon, Sep 11, 11:16AM (1 day ago) ☆ ↶ ⋮

to me ▾

Hello Kristen,

I have not been assigned any project application for this location, so I am not aware of any. You can call our general line at 650-566-4500 to reach a staff member assigned for the day to see if they can find an application.

⋮

Thanks,

Cesar Magdaleno | Electric Engineering Estimator | Utilities Engineering
1007 Ewell Court | Palo Alto, CA 94303 | (650) 566-4531

Item 7: Staff Report Pg 4 - Packet page 146

“The PTC recommendation is to increase the proposed expansion of Ellsworth Place by two feet beyond the 24’ the applicant had offered. A City-imposed condition expanding the width of Ellsworth Place to 26-feet would be considered an “exaction” of property from the applicants.”

Commissioner Hechtman’s comments, copied from Item 7: Staff Report Pg 59 - Packet page 201

Commissioner Hechtman

“There are limitations on conditions that we can impose or require and for example, we have limitations in CEQA if there’s... you can’t impose... you can’t require a mitigation measures if there’s not an impact that needs to be mitigated. And even outside CEQA, you can’t exact rights from property owners unless [note – video skipped] impacts.”

...because we don’t have a public street. We have a private street and what the Commission is talking about doing last time and a little bit tonight is requiring one private property owner to give its property rights not to the public in relation to some impact of the project, but actually to 13 other private property owners.”

THIS SUPPORTS THE ARGUMENT THAT CPA SHOULD TAKE OWNERSHIP OF ELLSWORTH PLACE FOR THE GREATER GOOD AND SAFETY OF THE NEIGHBORHOOD!

Item 7: Staff Report Pg 4 - Packet page 146

“The City has the authority to make such exactions only when there is an “essential nexus” between the property being exacted and the public impacts of the application, as well as “rough proportionality” between the amount of the exaction and the amount of impact.”

ESSENTIAL NEXUS (“or “relationship” between the private party's activity and a burden that is placed on the community as a result; and the fee or requirement placed on the private party is “roughly proportional” to the burden imposed.

https://www.fhwa.dot.gov/ipd/pdfs/value_capture/rational_nexus_and_but_for_study_state_of_the_practice_report_final_05122021.pdf)

The ESSENTIAL NEXUS is the delivery space being offered by the developers IS NOT USEABLE. Not having an adequate delivery space will result in

- Trucks parking on Middlefield Road (refer to [photo above](#)) in either the bus pull out or by blocking the right lane
- Trucks backing out of Ellsworth Place into Middlefield Road traffic that flows at 40 MPH according to the radar speed display sign set up nearby on Middlefield Road
- Trucks making crazy multi-point back and forth turn abouts using driveways and walkways.

All of these scenarios happened when the temporary fence went up around the parking lot last December, and that fence was set 4-feet back from the property line; it had been hit several times!

We have reached out to UPS, FedEx, and Amazon, and all three companies have documented that there is a potential problem here once the parking lot is no longer usable. Amazon's Property Damage Department pointed out that the mere fact the City has a radar speed display sign set up nearby means they know there is a problem on this portion of Middlefield Road. These companies are more reactionary than proactive, but they have transcripts and emails on file which document this precarious situation with an isolated street in Palo Alto.

Item 7: Staff Report Pg 4 - Packet page 146 - 147

"Notably, this finding of essential nexus and rough proportionality do not apply to voluntary offers of property made by the applicant and the City Council is its deliberation can explore this topic further with the applicant."

A Reminder of what a PC is:

https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-80161

8.38.010 Specific purposes.

The PC planned community district is intended to accommodate developments for residential, commercial, professional, research, administrative, industrial, or other activities, including combinations of uses appropriately requiring flexibility under controlled conditions not otherwise attainable under other districts. The planned community district is particularly intended for unified, comprehensively planned developments which are of substantial public benefit, and which conform with and enhance the policies and programs of the Palo Alto Comprehensive Plan.

Item 7: Staff Report Pg 5 - Packet page 147

"Additionally, some public commenters have asserted that the prior PC (PC 1810) for the subject property required the widening of Ellsworth Place. This is not accurate; the PC 1810 condition was not to 'widen' a private street, but rather to 'modify' the 'driveway to Middlefield Road,' as stated in Section 2 of that ordinance."

How can you widen a driveway and not keep the road the same width as the driveway?

Once past the first about 20 feet of the Ellsworth Place "private road", which is 21.5 feet wide in this section, the road opens up to about 26 feet over the parking lot, even if it is full of cars.

Item 7: Staff Report Pg 5 - Packet page 147

Ellsworth Place Ownership

... “If the City Council were interested in exploring the possibility of taking over ownership of Ellsworth Place that would need to be agendized as a separate discussion. In contemplating such direction, the City Council may also want to be aware that there are many private streets in the City ...”

The decision of whether or not CPA takes ownership of Ellsworth Place should come BEFORE any decision is made regarding the PC amendment and the new PC is created.

Restating Commissioner Hechtman’s words, as referenced earlier “...because we don’t have a public street. We have a private street and what the Commission is talking about doing last time and a little bit tonight is requiring one private property owner to give its property rights not to the public in relation to some impact of the project, but actually to 13 other private property owners.”

Most “private roads” were built in the 2000s, with a few going back to 1977, and most were planned with HOAs to govern their maintenance. When you purchase one of these homes, you agree to the HOA.

When looking at the approaches of “private roads”, some are asphalt, some are driveway, and some are a mix of both. The busier their connector street is, or the more expensive the area, the more likely they are to have an asphalt approach. Private streets that connect to quiet roads tend to have driveway approaches. **(A document on Palo Alto Private Roads can be made available for more information.)**

Ellsworth Place was created by following the Mayfield Sewer Outlet, which runs down the street, back when the area was Santa Clara County Unincorporated, just outside of Mayfield. It was situated between a cannery and an airplane parts factory in an area that used to flood. In 1956, the water department took 30 feet from each of the homes on the Matadero Creek side for flood control, without compensation. While this was done for the greater good of the community, the taking of land by the County turned full-size lots into substandard ones, and anytime we remodel CPA Planning has at times made this extremely difficult! **(A document “Ellsworth Place - Our History Since 1937” was already been put into the public record for the pre-screening meeting on March 13, 2023.)**

We want an ordinance that would guarantees the “grandfathered status” of our homes between house numbers 705 - 742. During her site visit in February 2023, Amy French mentioned the possibility of some sort of “neighborhood overlay”. We would like to discuss this in more detail. (Amy’s parents rented a home on Ellsworth Place back in the 1950s.)

From: [Kristen Van Fleet](#)
To: [Burt, Patrick](#); kou.pacc@gmail.com; [Kou, Lydia](#); [Council, City](#); [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Stone, Greer](#); [Tanaka, Greg](#); greg@gregtanaka.org; [Veenker, Vicki](#); gsheyner@paweekly.com; [Planning Commission](#); [William Ross](#)
Subject: Re: Ellsworth Place - For September 18, 2023, Agenda Item 7 - 2901 Middlefield Road
Date: Thursday, September 14, 2023 2:44:25 PM
Attachments: [Chicago Title July 27 2023 950674-Letter.pdf](#)
[Misrepresentation of the deed to 705 Ellsworth Place_ptc-7.12-public-comments6.pdf](#)
[Jeff Levinsky Letter_ptc-7.12-public-comments6.pdf](#)

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

Regarding City Council Meeting on September 18, 2023, Item 7

Dear Mayor Kou, Vice-Mayor Stone, and members of the City of Palo Alto City Council,

Attached are the remaining 3 PDFs.

Sincerely,

Kristen A. Van Fleet
on behalf of Ellsworth Place Residents

On Thu, Sep 14, 2023 at 2:36 PM Kristen Van Fleet <kvanfleet@gmail.com> wrote:

Regarding City Council Meeting on September 18, 2023, Item 7

Dear Mayor Kou, Vice-Mayor Stone, and members of the City of Palo Alto City Council,

For your reference, Ellsworth Place Residents have prepared an outline of refutes and additional PDF documents to correct statements made in the packet, as prepared for the meeting of September 18, 2023, item 7 on the agenda.

There are a total of 4 PDF files, which will be sent in two emails.

We invite all of you to come for a site visit to Ellsworth Place and meet with us prior to this meeting. Thank you for your time and attention to this matter.

Sincerely,

Kristen A. Van Fleet
on behalf of Ellsworth Place Residents

CHICAGO TITLE INSURANCE COMPANY

2533 North 117th Avenue, Omaha, NE 68164-3679 • Tel: (402) 498-7000 • Fax: (402) 496-8802 • (888) 453-4095



July 27, 2023

Paul W Bigbee & Kristen A Van Fleet
724 Ellsworth Place
Palo Alto, CA 94306
kvanfleet@gmail.com

VIA U.S. MAIL AND EMAIL

RE: Claim Number: 950674
Policy No.: 114918-VW
Insured: Paul W. Bigbee & Kristen A. Van Fleet
Property: 724 Ellsworth Place, Palo Alto, CA 94306

Dear Mr. Bigbee & Ms. Van Fleet,

This letter is to inform you that Chicago Title Insurance Company (the “Company”) has reviewed the documents submitted with the above-referenced claim. As discussed below, coverage is not afforded for this claim.

The Company understands the facts underlying the claim as follows: On or about July 12, 2004, Weichert Relocation Resources, Inc. conveyed the property commonly known as 724 Ellsworth Place, Palo Alto, CA 94306 (the “Property”) to you via Corporation Grant Deed recorded in Santa Clara County on July 22, 2004, as Document No. 17915468. In connection with the transaction, you were issued the above-referenced ALTA Homeowner’s Policy of Title Insurance (the “Policy”), with an effective date of July 22, 2004. The Policy was underwritten by the Company.

The Property abuts Ellsworth Place, a private way which leads to Middlefield Road, a public way. Recently, the owner of the property commonly known as 702 Ellsworth Place, Palo Alto, CA 94306 (“702 Ellsworth”), which abuts Ellsworth Place between the Property and Middlefield Road, contested your right to cross over the portion of Ellsworth Place abutting 702 Ellsworth. You have submitted this claim to address the possibility that the Property lacks access to a public way.

For the Company to have liability for a claim, the claim must fall within one of the Covered Risks of the Policy and not also fall within an exception or exclusion from coverage. Covered Risk 11 of the Policy insures against a lack vehicular and pedestrian access to and from the Property, based upon a legal right. The Company’s investigation has revealed that the Property has both vehicular and pedestrian access to Middlefield Road, a public way, based upon a legal right.

Specifically, on or about January 30, 1946, Katherine Emerson, who owned the entirety of Ellsworth Place at the time, conveyed the Property, including the portion of Ellsworth Place abutting the Property, to Frank and Ruth Coulombe via Grant Deed recorded in Santa Clara County in Book 1322, Page 523 (the “1946 Deed”). In addition to the Property, the 1946 Deed conveyed to Frank and Ruth Coulombe an easement over the portion of Ellsworth Place between Middlefield Road and the Property. On or about May 10, 1947, Frank and Ruth Coulombe conveyed the Property, not including the portion of Ellsworth Place abutting the Property, to Robert and Ruth

Gates via Grant Deed recorded in Santa Clara County in Book 1470, Page 581 (the “1947 Deed”). In addition to the Property, the 1947 Deed conveyed to Robert and Ruth Gates an easement over the portion of Ellsworth Place from Middlefield Road to the Property, including the portion of Ellsworth Place abutting the Property (the “Easement”). The Easement, which provides vehicular and pedestrian access from the Property to Middlefield Road, continues benefit the Property, as it has never been released or otherwise extinguished.¹ As such, the Property has a legal right of access as insured by the Policy.

Additionally, please be advised that the Policy does not provide coverage for informal disputes with other parties over the use of Easement or their improper interference with your right to utilize the Easement. Here, as stated above, the Company’s investigation has revealed that the Property has a right of access to a public way via the Easement. Although the owner of 702 Ellsworth Place has disputed your right to utilize the Easement, they have not presented a meaningful legal challenge to the validity of the Easement. Therefore, this matter does not create a defect in title for which the Policy affords coverage.

Based on the foregoing, coverage is not afforded for this claim. Reference to any particular provision of the Policy in this letter, the contents of this letter, and the contents of any prior correspondence, do not constitute and shall not be construed as a waiver of any other term or provision of the Policy, any grounds for denial, or any applicable defenses as may be afforded by law. The Company retains the right to supplement this letter.

Please also note that the above is based upon the information currently available to the Company. If there are any facts which were unknown to the Company upon making this coverage determination, and which may alter such determination, please provide this information or documentation in writing as soon as possible and your claim will be reevaluated. If I do not receive additional information or documentation, your claim file will be closed in 30 days from the date of this letter.

Enclosed is a “Notice” for your reference. This notice is provided pursuant to state regulations and contains certain information that may be of assistance to claimants whose claims have been denied. Please contact me at (402) 498-7111 or via email at seth.brian@fnf.com should you have any questions or concerns regarding this matter. **Please reference the above claim number in all communications with my office.** Thank you.

Sincerely,



Seth Brian
Claims Counsel, AVP

Enclosure.

¹ *Moylan v. Dykes*, 181 Cal.App.3d 561, 571–72 (1986) (an express appurtenant easement benefits land until released or extinguished, even if not mentioned in subsequent deeds).

NOTICE

You have various rights, and limitations upon those rights, as provided in the policy or guarantee, under state or federal law, or under governmental regulations. It is important that you are aware of the following:

ARBITRATION

Your policy or guarantee may give you, and the Company, the right to Arbitration. If the right to Arbitration is contained in the Conditions and Stipulations of the policy or guarantee, then you may request that a neutral Arbitrator hear any coverage decision made by the Company. If you should decide to seek Arbitration, then the Company upon request will provide a copy of the Rules for Arbitration to you.

COMPLAINTS TO THE INSURANCE COMMISSIONER

If you believe all or part of your claim has been wrongfully denied or rejected, you may have the matter reviewed by the California Department of Insurance. The California Department of Insurance may be contacted at Claims Services Bureau, 300 South Spring Street, 11th Floor, Los Angeles, CA 90013. The telephone number is (213) 897-8921.

STATUTE OF LIMITATIONS

California Code of Civil Procedure §339 provides that the aggrieved party must file an action on a guaranty of title or policy of title insurance within two (2) years from the discovery of the loss or damage. The statute of limitations may be longer in other states.

From: sel@lightahead.com
To: [Dao, Veronica](#); [Planning Commission](#)
Subject: Fw: Misinformation Given in Packet for PTC Meeting of June 28, 2023 - Action Item #2
Date: Monday, July 10, 2023 11:24:39 AM
Attachments: [705 Ellsworth Deed.pdf](#)
[Geroge stern Grant Deed-705 Ellsworth place 12915085.PDF](#)

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

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

my understanding is that you did not receive this email. please let me know if you have any questions or need more information.

From: sel@lightahead.com
Sent: Thursday, July 6, 2023 10:34 AM
To: Planning.Commission@cityofpaloalto.org <Planning.Commission@cityofpaloalto.org>
Cc: amy.french@cityofpaloalto.org <amy.french@cityofpaloalto.org>; garrett.sauls@cityofpaloalto.org <garrett.sauls@cityofpaloalto.org>; city.clerk@cityofpaloalto.org <city.clerk@cityofpaloalto.org>
Subject: Misinformation Given in Packet for PTC Meeting of June 28, 2023 - Action Item #2

Regarding: The Continuation of Action Item #2 from the PTC meeting of June 28, 2023, "2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend Planned Community 2343 (PC2343)..." (Applications 23PLN-27, 23PLN-00027, 23PLN-00025)

July 6, 2023

Dear Chair Summa and Members of the Planning and Transportation Commission:

Please find attached copies of the deeds to 705 Ellsworth Place, one is mine and the other is from the previous homeowner.

Referring to the Staff Report prepared for the PTC meeting of June 28, 2023, Action Item #2,

Please go to the deed presented on [PDF page 39, \(Packet page 47\)](#).

This incorrect deed, along with a map showing the utility easements over the 702 property, were prepared by First American Title on behalf of the developers, and then presented to neighbors by Amy French during her sight visit on February 24, 2023. Neighbors had informed Amy that this deed was for 705 Ellsworth Place but it is continuing to be used incorrectly as per the PTC Packet prepared for June 28, 2023, Action Item #2.

In view of the complexity of the two issues being discussed, ownership of the street and zoning for Mr. Handa's property, it would seem to make sense to review these in sequence rather than in parallel since the decision of one will impact the other.

Sincerely,

Susan E. Light, MD

RECORDING REQUESTED BY:

Old Republic Title Company

Order No.: 0626019795-
APN: 127-35-135

When Recorded Mail Document and Tax Statements to:

Susan Light
705 Ellsworth Place
Palo Alto, CA 94306

DOCUMENT: 21327882



Pages: 3

Fees... 31.00
Taxes... ** Conf **
Copies...
AMT PAID 31.00

REGINA ALCOMENDRAS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
Old Republic Title Company

RDE # 005
9/20/2011
8:00 AM

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Corporation Grant Deed

R & T CODE 11932-11933

FILOR REQUESTS

DO NOT RECORD STAMP VALUE

The undersigned grantor(s) declare(s):

- Documentary Transfer Tax is Filor requests - Do not record stamp value X *W - yet OK*
- (X) computed on full value of property conveyed, or
- () computed on full value less of liens and encumbrances remaining at time of sale.
- () Unincorporated area: (X) City of Palo Alto

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
DGB Investments, Inc. , a Delaware corporation

hereby GRANT(S) to
Susan Light , an unmarried woman

that property in City of Palo Alto, Santa Clara County, State of California, described as:
See "Exhibit A" attached hereto and made a part hereof.

Date: September 08, 2011

In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its duly authorized officers.

Delaware
DGB Investments, Inc., a ~~California~~ Corporation

By: *D. G. Bergeron*
Douglas G. Bergeron, President

127-35-135


STATE OF CA)SS
COUNTY OF SANTA CLARA

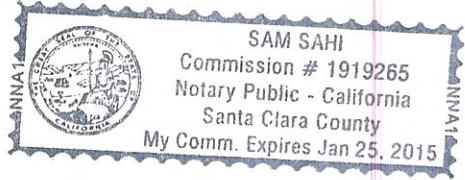
On MAY 9, 2013, before me, SAM SAHI, Notary
Public, personally appeared SCISAN E LIGH

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____




This area for official notarial seal

My Commission Expires: Jan 25, 2015

Notary Name: SAM SAHI

Notary Registration Number: 1919265

Notary Phone: 650-327-7147

County of Principal Place of Business: SANTA CLARA

EXHIBIT A

The land referred to is situated in the County of Santa Clara, City of Palo Alto, State of California, and is described as follows:

Parcel One:

CM. Wooster Company's Subdivision of the Clarke Ranch, Mayfield, filed November 11, 1912 in Book "O" of Maps, Page 16, Santa Clara County Records, described as follows:

Beginning at a point in the center line of Middlefield Road distance thereon S. 52° E. 355.74 feet from the common corner of Lots 70 and 71; thence leaving said center line and running parallel with the line dividing said Lots 70 and 71, N. 38° E. 135 feet to the True Point of Beginning of the Parcel of Land described herein; thence from said last name point of beginning N. 38° E. and parallel with said dividing line between said Lots 70 and 71, a distance of 115 feet; thence parallel with the center line of Middlefield Road, N. 52° W. 44.50 feet; thence S. 38° W. 115 feet; thence S. 52° E. 44.50 feet to the point of beginning, being a part of Lot 71 of the subdivision herein referred to.

Parcel Two:

A Non-Exclusive right of way as appurtenant to the property herein above described as Parcel No. One for ingress and Egress over a strip of Land described as follows:

Beginning at a point on the center line of Middlefield Road distant thereon South 52° East 355.74 feet from the common corner of Lots 70 and 71, as shown on said Map; thence along said line of Middlefield Road, South 52° East 20 feet; thence at right angles and parallel with the line dividing said Lots 70 and 71, N. 38° E. 250.00 feet; thence at right angles and parallel with the center line of Middlefield Road N. 52° W. 20 feet; thence at right angles S. 38° W. 250 feet to the point of beginning.

APN: 127-35-135

ARB: 127-35-135

Order No. 277608
Escrow No. 408946MP
Loan No.

REC FEE	6
RMF	2
MICRO	1
RTCF	1
LIEN	
SMPF	10
TC PCOR	

Recorded at the Request of
First American Title Guaranty Co.

JUN 13 1995 8:00 A.M.

BRENDA DAVIS, Recorder
Santa Clara County, Official Records

WHEN RECORDED MAIL TO:

GEORGE H. STERN
705 Ellsworth Place
Palo Alto, Ca. 94306

DOCUMENTARY TRANSFER TAX \$ 284.90

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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.
 City of Palo Alto Transfer Tax \$854.70

As declared by the undersigned Grantor
Signature of Declarant or Agent determining tax - Firm Name

127-35-135

GRANT DEED

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

THOMAS E. STEWART and MARTHA CASTILLO, husband and wife

hereby GRANT(S) to

GEORGE H. STERN, an unmarried man

the real property in the City of
County of

Palo Alto
Santa Clara

, State of California, described as

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

Dated May 26, 1995

STATE OF CALIFORNIA)
COUNTY OF San Mateo)ss.

On May 26, 1995 before me,
Anne Kaz

personally appeared THOMAS E. STEWART and MARTHA CASTILLO

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

Signature [Handwritten Signature]

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

[Handwritten Signature]
Thomas E. Stewart

[Handwritten Signature]
Martha Castillo



ARS No.	127	35	135	PTN
---------	-----	----	-----	-----

LEGAL DESCRIPTION

REAL PROPERTY In the City of Palo Alto, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

C.M. Wooster Company's Subdivision of the Clarke Ranch, Mayfield, filed November 11, 1912 in Book "o" of Maps, page 16, Santa Clara County Records, described as follows:

Beginning at a point in the center line of Middlefield Road distant thereon S. 52° E. 355.74 feet from the common corner for Lots 70 and 71; thence leaving said center line and running parallel with the line dividing said Lots 70 and 71. N. 38° E. 135 feet to the true point of beginning of the parcel of land described herein; thence from said last named point of beginning, N. 38° E. and parallel with said dividing line between said Lots 70 and 71, a distance of 115 feet; thence parallel with the center line of Middlefield Road N. 52° W. 44.50 feet; thence S. 38° W. 115 feet; thence S. 52° E. 44.50 feet to the point of beginning, being a part of Lot 71 of the Subdivision herein referred to.

PARCEL TWO:

A non-exclusive right of way as appurtenant to the property hereinabove described as Parcel No. One for ingress and egress over a strip of land described as follows:

Beginning at a point on the center line of Middlefield Road distant thereon S. 52° E. 355.74 feet from the common corner of Lots 70 and 71, as shown upon the map of said Subdivision; thence along the center line of Middlefield Road S. 52° E 20 feet; thence at right angles and parallel with the common line of said Lots 70 and 71, N. 38° E. 250.00 feet; thence at right angles and parallel with the center line of Middlefield Road N. 52° W. 20 feet; thence at right angles S. 38° W. 250 feet to the point of beginning.

APN: 127-35-135

From: [Jeff Levinsky](#)
To: [Planning Commission](#)
Subject: Important Corrections Regarding Ellsworth Place PC
Date: Wednesday, July 12, 2023 6:54:13 AM

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

Dear Planning Commissioners:

A member of the applicant's team at your June 28, 2023 hearing tried during rebuttal to discount the upzoning in the current PC proposed amendment by claiming the 1967 PC had already upzoned the property to have more units than allowed. He stated that upzoning would have been a reason for the PC in 1967 because:

“the density didn't comply with the RM-15 because our density is like at 20 DUA [dwelling units per acre]”

The above statement contains two major errors.

First, the RM-15 zone did not exist back in 1967. So the 1967 approval could not possibly have used RM-15 standards. Rather, the zoning designation the City evaluated the 1967 project under was R-3:G (“Residential Garden Apartment District”), as can be seen in this excerpt from the March 1, 1967 City Council meeting:

George Cody, architect representing the applicant, said the R-3:G use is based on the overall consideration of the total property and the 12 units would use up the number of units permitted for the land area; that in addition it would be very difficult and very uneconomical to develop the land between Ellsworth Place and the canal in any way.

Second, the 1967 apartment project did not exceed its allowed density. At the bottom of this excerpt from City Ordinance 1426 is the rule for calculating the number of units allowed in R-3:G:

ARTICLE 8. R-3-G RESIDENTIAL GARDEN APARTMENT DISTRICT REGULATIONS

Sec. 8.01 The following specific regulations and the general rules set forth in Article 22 shall apply in all R-3-G Districts.

Sec. 8.02 Uses Permitted:

(a) Uses permitted in the R-1 and R-2 Districts except for boarding and lodging houses.

(b) Apartments.

Sec. 8.03 Uses Requiring Use Permits as provided in Article 23.

(a) Uses as permitted in R-2 Districts.

Sec. 8.10 Minimum Height, Bulk and Space Requirements:

Sec. 8.11 Lot Area: 10,000 square feet with 2,500 square feet for each structure that provides one dwelling unit plus 2,000 square feet for each dwelling unit added to each initial structure.

The R-3:G lot area rule above (Sec 8.11) requires a lot size of 24,500 square feet for a 12 unit apartment building (2,500 sq. ft. for the first unit + 2,000 sq. ft. for each of the 11 other units). So 12 units could legally be built on the 1967 PC lot, which was slightly larger at 26,478 sq. ft. in size after combining the four parcels extending from Sutter to the creek, including 2,000 sq. ft. of the Ellsworth Place road. The 1967 project's own architect himself explicitly stated that the project was compliant with R-3:G zoning in the City Council minutes excerpt above.

In sum, the City Council did not upzone the property when it approved the 12 units in 1967 because those 12 units were legal under R-3:G rules for the combined site. Rather, the obvious reason for the PC was to combine those four parcels, which included a street and land on both sides of the street, for the calculation. The statement made to the PTC in rebuttal was not correct.

Bringing this forward to the present, by removing 702 Ellsworth Place and the street from the project, the current City Council will have to upzone the property to allow 12 units on the reduced site, as that lot size allows only 9 units under RM-20. By the way, had the applicant in 1967 excluded 702 Ellsworth Place and the road segment from the project, he would have only have been allowed 9 units on 2901 Middlefield Road under the R-3:G rules. Simply put, the R-3:G rules were more generous than RM-15 and allowed about the same density as RM-20 today.

I hope this makes clear that the current proposal is requesting significant upzoning whereas the existing PC, as approved in 1967, actually did not. Determining if any public benefits offered by the proposed amendment justify the upzoning therefore remains relevant.

Thank you,

Jeff Levinsky

From: [Amie Ashton](#)
Subject: Transit Month Bike/Bus Event - 9/24
Date: Friday, September 15, 2023 1:18:52 PM
Attachments: [ECR Bike Bus FB.png](#)

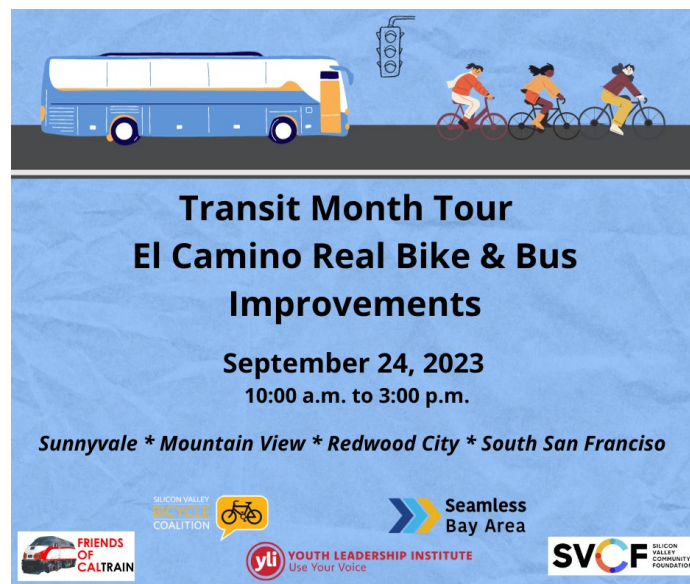
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Honorable City Council Members, Commission Members, and Multi-modal Transportation Advocates,

Mark your calendars for a celebration of Transit Month with a tour of [bus and bike improvements on El Camino Real](#) on **Sunday, September 24th**.

Join your fellow citizens to learn about plans for bus and bike improvements on El Camino Real. This tour will visit key sites, provide a picture of what's happening at several locations, and provide an overview of the whole corridor at a poster session at the Redwood City Library. You can start the tour from the North or South, or just come to the poster session at 2:00 p.m.



Routes start in Sunnyvale, Mountain View, Redwood City, and South San Francisco. Get more information and sign up [here](#)!

Thank you and please email me any questions you may have.

Amie Ashton
Board Chair, Silicon Valley Bicycle Coalition
Executive Director, Palo Alto Forward

From: [Bhanu Iyer](#)
To: [Council, City](#)
Cc: [Planning Commission](#)
Subject: 9/18/2023 City Council Meeting Agenda Item 7 (2901-2905 Middlefield Road and 702 Ellsworth Place)
Date: Saturday, September 16, 2023 12:14:27 AM

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Dear Mayor Kou, Vice-Mayor Stone, and members of the City of Palo Alto City Council,

Thank you for your time and service to our community. While there is a lot to consider regarding this complicated situation, our biggest concerns are the following:

1. Safety: Our biggest concern
2. Optimum use of the road: For all residents and services (delivery and other vehicles)
3. Fairness: A developer's application for a home should be treated like every other resident on this street who has built or remodeled a home on Ellsworth Place.

Please get in touch with me if you have any questions or need more information.

Warm regards,
Bhanu

Bhanu Iyer
[REDACTED]

From: [Matthew Chen](#)
To: [Planning Commission](#)
Cc: [Council, City](#)
Subject: Urgent Call for Housing Reform
Date: Saturday, September 16, 2023 1:42:02 PM

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Dear Members of the Planning and Transportation Committee,

I write to urge your support for changes to the zoning ordinance to address our town's housing crisis. My partner and I are long-time members of this community. Our favorite activities include taking long walks, visiting the parks, smelling the lavender, and spending time at the library. We cherish the idea of spending the rest of our lives here and raising a family. We have both pursued careers in engineering, affording us decent salaries. However, even with this financial stability, finding a suitable two-bedroom home that meets the needs of our growing family at an affordable price has proven to be nearly impossible.

This predicament is not unique to us. Many families in our town face similar challenges, struggling to secure stable housing in the very community they love. This housing crisis demands immediate attention and action.

Your support for these reforms will not only help families like ours but also contribute to the overall well-being and prosperity of our community.

Thank you for your attention to this matter.

Sincerely,
Matt Chen

From: [Chin Chong](#)
To: [Planning Commission](#); [Council, City](#); [Burt, Patrick](#); [Kou, Lydia](#); kou.pacc@gmail.com; [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Stone, Greer](#); [Tanaka, Greg](#); greg@gregtanaka.org; [Veenker, Vicki](#)
Subject: Regarding the Council Meeting, September 18, 2023, Item 7, 2901 Middlefield Rd and 702 Ellsworth Place
Date: Saturday, September 16, 2023 4:05:18 PM

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Dear Mayor Kou, Vice Mayor Stone, and members of the City of Palo Alto City Council,

As property owners with tenants on Ellsworth Place, it is imperative for their safety and way of life on Ellsworth that this situation be resolved once and for all. Through this process, we learned that a portion of our property is on the abandoned section of the Ellsworth Place road, and we don't know who is responsible for it. Your packet includes this statement under Item 7: page 5,

"If the City Council were interested in exploring the possibility of taking over ownership of Ellsworth Place that would need to be agendized as a separate discussion."

We would like the road ownership "agendized" before making any changes to the existing PC-2343 Ordinance. As we understand it, the city can make the Ellsworth Road much safer over the "parking lot" area and as it joins Middlefield Road if the road is public. This discrimination against private roads is appalling, and the developer's proposal is more dangerous than our current road conditions over the parking lot as were designed and approved with the current PC-2343 Ordinance.

Our tenants, like most people, rely on getting deliveries to their homes and it would be burdensome to their lives if they lost the ability to receive deliveries. This would in turn have a direct effect on our property values.

The city must preserve package delivery to Ellsworth Place residents and also make the intersection at Middlefield Road and Ellsworth Place safer than what is being proposed by the developers. If this is not possible to do with the proposed development plans, then the current conditions of the PC-2343 Ordinance should remain in place.

Sincerely,

On and Chai Chin Chong

Owner of [REDACTED]

Palo Alto

From: [On Chong](#)
To: [Planning Commission](#)
Subject: Regarding the Council Meeting, September 18, 2023, Item 7, 2901 Middlefield Rd and 702 Ellsworth Place
Date: Saturday, September 16, 2023 4:12:55 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

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

Dear Mayor Kou, Vice Mayor Stone, and members of the City of Palo Alto City Council,

As property owners with tenants on Ellsworth Place, it is imperative for their safety and way of life on Ellsworth that this situation be resolved once and for all. Through this process, we learned that a portion of our property is on the abandoned section of the Ellsworth Place road, and we don't know who is responsible for it. Your packet includes this statement under Item 7: page 5,

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The city must preserve package delivery to Ellsworth Place residents and also make the intersection at Middlefield Road and Ellsworth Place safer than what is being proposed by the developers. If this is not possible to do with the proposed development plans, then the current conditions of the PC-2343 Ordinance should remain in place.

Sincerely,
On Chong, Co-Owner of
[REDACTED]
Palo Alto, CA

From: [Robert Chen](#)
To: [Planning Commission](#); [Council, City](#); [Burt, Patrick](#); [Kou, Lydia](#); kou.pacc@gmail.com; [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Stone, Greer](#); [Tanaka, Greg](#); greg@gregtanaka.org; [Veenker, Vicki](#)
Cc: [Kristen Van Fleet](#)
Subject: Regarding the City Council Meeting on September 18, 2023, Agenda Item 7, for 2901-2905 Middlefield Road and 702 Ellsworth Place
Date: Saturday, September 16, 2023 11:44:10 PM

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Dear Mayo Kou, Vice-Mayor Stone, and members of the Palo Alto City Council,

Per the Planned Community Ordinances (#1810 and #2343), the open space at the front of Ellsworth Pl is an important **community benefit** for people living on Ellsworth Pl as well as some tenants of the Apartments. For the past half century, it has provided a safety buffer for people get in and out of Ellsworth & the Apartments, which also including delivery & other service trucks.

The **split-off** of the open space not only takes the **community benefit** from us because of somebody else's mistake (which is **definitely unfair**), but it also creates a serious public safety problem for people get in and out of the street.

In my humble opinion and with 10+ years living on Ellsworth Pl, it would be safe for the City to keep the original PC zoning **unchanged**, to avoid future problems such as car accident & people get injured, which might cause potential lawsuit against the city due to the **split-off** of the open space.

In addition, "Law and Order" should be respected in our renowned PALO ALTO, cutting of protected trees without permit should not be tolerated, not even be encouraged by sacrifice of other community members' benefit.

Chaoqiang Chen
Ellsworth Pl resident

From: [Andrea Evestone](#)
To: [Planning Commission](#); [Council, City](#); [Burt, Patrick](#); [Kou, Lydia](#); kou.pacc@gmail.com; [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Stone, Greer](#); [Tanaka, Greg](#); greg@gregtanaka.org; [Veenker, Vicki](#)
Subject: Ellsworth Place Proposal Safety Concerns
Date: Sunday, September 17, 2023 5:50:19 PM

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Regarding the City Council Meeting on September 18, 2023, Agenda Item 7, for 2901-2905 Middlefield Road and 702 Ellsworth Place

Dear Mayor Kou, Vice-Mayor Stone, and members of the City of Palo Alto City Council,

We are writing to emphasize one of our concerns with the changes on Ellsworth Place being proposed by the developers. We are very concerned the temporary 3-foot fence is planned to become a permanent fence.

Even with the temporary fence being made of netting, it obstructs sightlines, making it challenging for pedestrians, especially children, and drivers to anticipate each other's movements at the intersection of Ellsworth Place and Middlefield Road. Our concerns are rooted in the fact that the fence makes it extremely difficult for a car on Ellsworth Place to see our daughter when she walks or rides her bike on the sidewalk, and we have to keep her very close to us because she doesn't know to stop at that intersection since it doesn't look like a road.

Additionally, when in our compact car, we are unable to see down the sidewalk, to the bend in the sidewalk at Matadero Creek, until our vehicle partially encroaches onto the sidewalk.

These are serious safety issues, and we fear they could lead to accidents due to poor visibility, especially with children.

Removal of the fence will help address this huge safety concern by keeping the line of sight clear, and an asphalt entry would bring awareness to both drivers and pedestrians that the Ellsworth Place road is there while providing a wider entry that allows two cars to pass one another for a safer entry/exit.

We kindly request you take into consideration the safety concerns the fence poses to our neighborhood's children and residents.

Sincerely,
Daniel and Andrea Alberson

From: [gala b](#)
To: [Planning Commission](#); [Council, City](#); [Burt, Patrick](#); [Kou, Lydia](#); kou.pacc@gmail.com; [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Stone, Greer](#); [Tanaka, Greg](#); greg@gregtanaka.org; [Veenker, Vicki](#)
Subject: For City Council Meeting on September 18, 2023, Item 7, Regarding 2901-2905 Middlefield Road and 702 Ellsworth Place
Date: Sunday, September 17, 2023 8:40:08 PM

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Dear Mayor Kou, and members of the City of Palo Alto City Council,

As a mother of three elementary-aged children and resident of Ellsworth Place, my thoughts are that the orange netting temporary fence is not safe there, not allowing the seeing of pedestrians and cars as I drive out of Ellsworth Place onto Middlefield Road. The inclines and the narrowing of the road make it topographically challenging.

I worry about what will be inside the fence if that fence were permanent. Who will keep the site triangle clear inside of the fence? The home occupant could not know this rule and then place shrubbery, large kid's toys, or a table and chair set, etc. in that corner that would block the visibility. No one has mentioned who has to police this and it would not be a good situation to be in, having to knock on the door and ask them to follow the rules!

For the safety of the neighborhood, there should not be a fence within the sight triangle, and the line of sight needs to be clear to the creek where the sidewalk curves, narrows and has a blind spot for seeing pedestrians. Pedestrians don't see there is the Ellsworth Place road and come down that incline more quickly because they assume it is safe for them to use the sidewalk here.

Thank you for keeping Midtown safe for my children.

Sincerely,

Gala Beykin

From: [Charlie Effinger](#)
To: [Planning Commission](#); [Council, City](#); [Burt, Patrick](#); [Kou, Lydia](#); kou.pacc@gmail.com; [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Stone, Greer](#); [Tanaka, Greg](#); greg@gregtanaka.org; [Veenker, Vicki](#)
Subject: Regarding the Council Meeting, September 18, 2023, Item 7, 2901 Middlefield Rd and 702 Ellsworth Place
Date: Monday, September 18, 2023 10:40:22 AM

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To Whom it May Concern,

I am a tenant who currently rents a house on Ellsworth Place. For environmentally conscious reasons, I choose to not have a car - instead relying on biking, walking, and public transportation for mobility. Thus, I rely on deliveries and delivery services for a fair amount of my livelihood (averaging 2-3 deliveries per week.)

Because of this, I am concerned about any changes to the street that do not adequately consider delivery drivers and safe spaces for them to park and turn around. The inability for delivery drivers to access the lane safely would have a major impact on my life.

I hope that any major changes to the lane are forward-thinking and provide a thought-out approach to support those who choose to be without cars in the long-term.

Thanks,
Charlie Effinger

From: [Kristen Van Fleet](#)
To: [Planning Commission](#); [Council, City](#); [Burt, Patrick](#); [Kou, Lydia](#); kou.pacc@gmail.com; [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Stone, Greer](#); [Tanaka, Greg](#); greg@gregtanaka.org; [Veenker, Vicki](#); [William Ross](#)
Subject: Ellsworth Place - Delivery Truck Space - For September 18, 2023, Agenda Item #7
Date: Monday, September 18, 2023 3:51:38 PM
Attachments: [Delivery Trucks on Ellsworth Place - Google Docs.pdf](#)

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

Dear Mayor Kou, Vice-Mayor Stone, and members of the City of Palo Alto City Council,

Please find attached a PDF regarding Ellsworth Place which focuses on delivery trucks and why the proposed delivery truck space does not work. It includes the information we have obtained from talking to delivery drivers and the companies they work for.

The PDF includes this link to a video uploaded to show what it was like for FedEx when the parking lot was fenced off: https://youtube.com/shorts/SY-4B99PS_o?feature=share

Thank you again for all you do to make Palo Alto a better city.

Sincerely,

Kristen A. Van Fleet

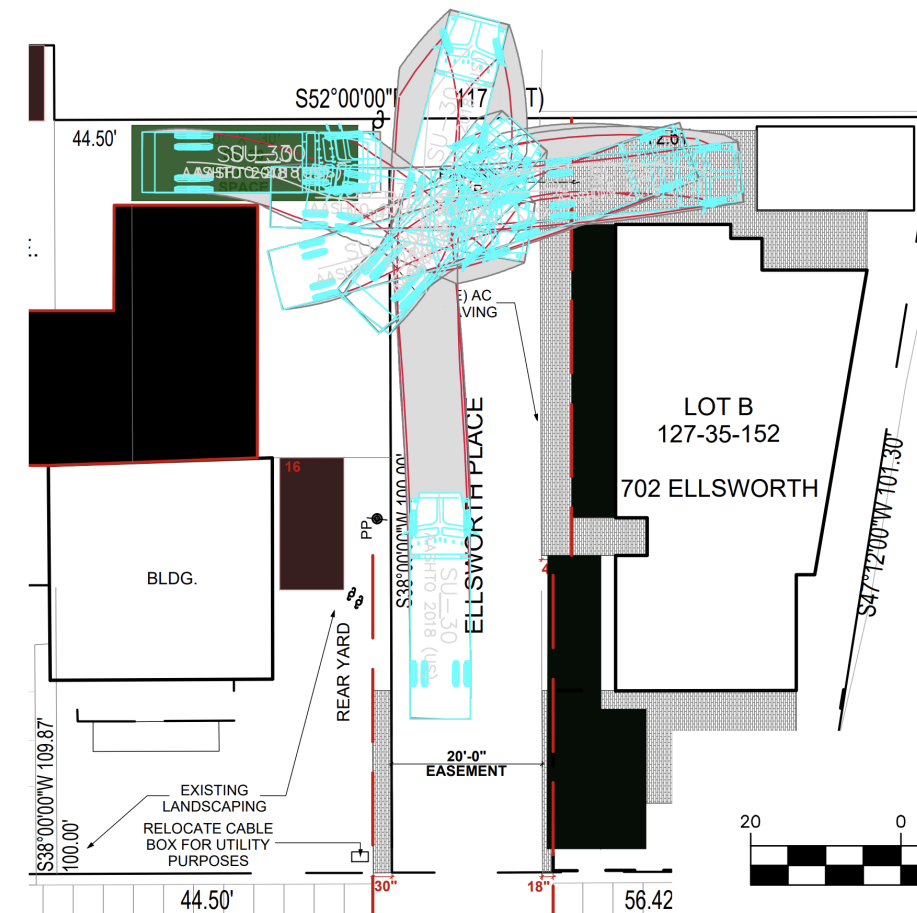
Delivery Trucks on Ellsworth Place
September 18, 2023

Without the use of the parking lot a.k.a. 702 Ellsworth Place, delivery trucks such as UPS and FedEx, will lose their place to park safely and legally. In this area of Midtown, Palo Alto, Middlefield Road has no shoulder and "No Parking" signs, making it illegal for trucks to block the right lane on Middlefield Road. Additionally, UPS does not allow their drivers to make excessive back-up maneuvers for safety reasons, and most shipping companies do not allow the use of residential driveways for turning their trucks around, so most drivers are not allowed to back up into a residential driveway, as planned by the delivery space, nor backup onto Middlefield Road.

In learning how delivery drivers access Ellsworth Place homes and the Sutter Arms apartments, which share delivery schedules, currently, the majority of delivery trucks will drive into Ellsworth Place and then use a short backup maneuver to park their trucks in the parking lot.

Several delivery drivers from the various delivery companies were shown the proposed delivery space plan below. This plan was entered into the Public Comments section of the Planning and Transportation Commission (PTC) meeting of July 12, 2023. Here is a link to see all five delivery diagrams; refer to PDF pages 58 - 62:

<https://www.cityofpaloalto.org/files/assets/public/v/5/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2023/ptc-7.12-public-comments6.pdf>



The 2nd utility pole, shown below, is missing from the above diagram, (it is missing from all five diagrams), and the diagrams show vehicles traveling through where this utility pole stands.



Unanimously, all delivery drivers who were asked about the proposed delivery space made similar comments pertaining to why they could not park their trucks in the proposed space. None of the drivers were allowed to give their names for public comment and instead directed us to contact their respective companies. Below are some comments drivers made under the condition of anonymity:

- There is a GPS black box on my truck that records everything I do, and if I were to back up to get out of this road I would be called in! (He recommended contacting corporate for a copy of the company's backup policy.)
- We aren't allowed to back up into people's driveways, ever. This truck is 10 - 12 tons fully loaded and it will displace or break pavers and the tires can leave black marks; especially those new light grey ones.
- When that fence was up, (referring to the temporary cyclone fence placed around the parking lot from December 2022 to April 2023), I didn't even try to enter the street. I wasn't supposed to be parking out there either, but there was no other choice. (Referring to when the truck was parked in the bus pull-out. This was from a driver of this route since the 1990s.)
- My truck won't fit there, I wouldn't even try.
- How would I get out of the vehicle? (Not enough room to open the doors.)
- That pole is in the way. (Referring to the 2nd utility pole.)
- My side mirrors would get busted up if I tried to squeeze in there.
- You seriously want me to park there?

Phone conversations with both Amazon and UPS have occurred.

Amazon's Property Damage Department pointed out that the fact the City (CPA) has a radar speed tracker on Middlefield Road (near Ellsworth Place) tells them that the City knows it has a traffic problem here! (Amazon has recorded our calls and even read back transcription notes, so this is all well documented with them.)

UPS - East Menlo Park Depot, stated over the phone:

- The trucks used for our route are either 10 or 11 feet wide, including the side mirrors, and UPS will not change trucks to accommodate one street.
- If a safe and legal delivery space is not available, then an alternative address will be required for package delivery, or packages will have to be picked up in East Menlo Park.
- Their drivers are not going to walk .33 to .5 miles to deliver to a street, (the complete trip from Sutter Ave to the end of Ellsworth Place and back).
- They have forwarded our request for something in writing to UPS Corporate and said it will take several weeks to receive a response.

For more information about how UPS drivers are trained, view this YouTube video:

<https://youtu.be/QULvx6liwPY?si=tWSXwPVdarZZtKaA>

- UPS is known to be the safest delivery company in the industry.
- Their policies are designed to protect their workers from repetitive stress and to protect everyone from accidents.

HERE IS A VIDEO LINK SHOWING FED-EX getting out of Ellsworth Place when the temporary fence was around the parking lot. Taken on February 23, 2022. This video is unlisted and requires sharing this link to view: https://youtube.com/shorts/SY-4B99PS_o?feature=share

The trucks kept hitting the temporary fencing, pushing it back about 2 feet from its original placement at 4 feet from the property line. The developer wants pavers along this whole section, touching the edge of the road and narrowing the road down to a 20-foot width.

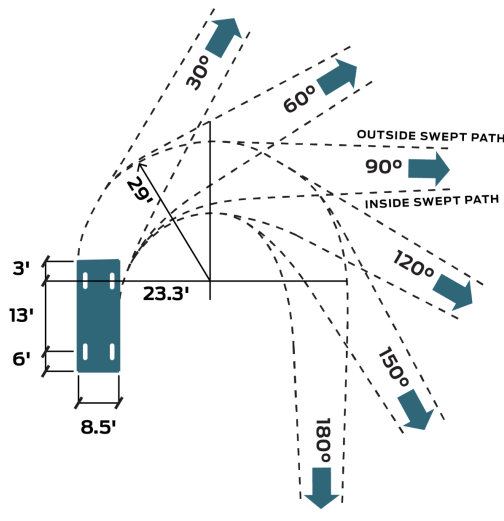


Below are several photos of how delivery trucks park on Ellsworth Place. Drivers often choose to drive into Ellsworth Place and then back into the parking lot.





Here is a turning diagram for an 8.5-foot-wide x 22-foot-long truck, with a radius of 29 feet



The City of Palo Alto Code for Turnarounds = 40-foot radius

21.20.230 Turnarounds.

All dead-end streets shall have a turnaround with a minimum radius of forty feet, except that where necessary to give access to or to permit a satisfactory future subdivision of adjoining land, streets may extend to the boundary of the property and the resulting dead-end streets may be approved without a turnaround.

(Ord. 3157 § 1 (part), 1979)

ELLSWORTH PLACE serves 13 home parcels (15 addresses), and also helps to serve the 12-unit apartment complex located at 2901 - 2905 Middlefield Road. According to Chicago Title, Ellsworth Place is a “private way” that connects to a “public way”. All 13 parcels have “a non-exclusive easement for ingress and egress” over Ellsworth Place. Ellsworth Place should be treated as a Private Street, as outlined below:

21.20.240 Widths.

(a) Streets shown in any master street plan or affected by proceedings initiated or approved by the city council shall have widths as required by such plan or proceedings.

(b) All other streets shall have rights-of-way of the following widths, except where the city council determines that the topography or the small number of lots served and the probable future traffic development are such as to justify a narrowed width. Increased widths may be required where streets are to serve nonresidential property, or where probable traffic conditions warrant such increased widths:

- (1) Major arterials: eighty-six feet to one hundred feet;
- (2) Collector streets, local streets, or cul-de-sac streets longer than three hundred fifty feet: sixty feet;
- (3) Cul-de-sac streets three hundred fifty feet or less in length: fifty feet;
- (4) Private streets: Such right-of-way as would be required for a comparable public street, except as specified below. Streets serving five or more lots shall be no less than thirty-two feet wide. Streets serving four or fewer lots shall be no less than twenty-two feet wide providing that the Director of Planning and Community Environment and the City Council specifically approves the twenty-two foot street width.

(a) If a building adjacent to a private street has a setback of at least twenty feet between the street and building allowing on-site parking, then the width of the private street may be no less than twenty-six feet at the discretion of the Director of Planning and Community Environment and the City Council.

(b) If a private street has a public parking strip of at least six feet in width between the street and the building location, then the width of the private street may be no less than twenty-six feet at the discretion of the Director of Planning and Community Environment and the City Council.

Effective Date: This private street width requirement applies to any project or development that has not obtained a final map, building permit, and performed significant construction as of July 31, 2009. If the effective date of July 31, 2009, is held by a court of competent jurisdiction in a final judicial action to be void, voidable, or unenforceable, then the effective date of this ordinance as it applies to private street width shall be November 4, 2009.

(Ord. 5059 § 5, 2009; Ord. 3345 § 36, 1982; Ord. 3157 § 1 (part), 1979)

From: [Jessica Sheldon](#)
To: [Planning Commission](#); [Council, City](#); [Burt, Patrick](#); [Kou, Lydia](#); kou.pacc@gmail.com; [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Stone, Greer](#); [Tanaka, Greg](#); greg@gregtanaka.org; [Veenker, Vicki](#)
Subject: Regarding the Council Meeting, September 18, 2023, Item 7, 2901 Middlefield Rd and 702 Ellsworth Place
Date: Monday, September 18, 2023 5:08:14 PM

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

To Whom it May Concern,

I am a tenant renting a house on Ellsworth Place in Palo Alto. I do not own a car for environmental and financial reasons and prefer to rely on biking, walking and public transit whenever possible. When I need to reach a place that is not accessible by these transportation modes or need something delivered, I rely on ridesharing and delivery services.

I am concerned about any changes on this street that might impact my ability to access these services, as well as for anyone else who currently or may in the future reside here who needs these types of services for any reason. I believe it is an issue of accessibility and sustainability for anyone who does not have a car by choice or necessity, or otherwise has mobility issues.

Modifying the parking lot at the end of Ellsworth Place can also result in current or future residents' abilities to move onto or out of the street or otherwise move things like heavy furniture into their household. When I moved into my house, our moving van utilized this space to unload our furniture, as I've seen other movers and delivery trucks do in the past for residents of both Ellsworth Place and the apartments on Middlefield.

I hope the Council seriously considers how any changes to this street might impact accessibility and sustainability for both current and future residents.

Best,
Jessica Sheldon

From: [Aram James](#)
To: jessica_murray@dailyjournal.com; [Bryan Gobin](#); [Planning Commission](#); [ParkRec Commission](#); Patricia.Guerrero@jud.ca.gov; [REDACTED]; [Emily Mibach](#); [Dave Price](#); [Braden Cartwright](#); [Molly](#); [Council, City](#)
Subject: Tortured by Military Chemical Weapons While Incarcerated
Date: Monday, September 18, 2023 8:13:06 PM

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[https City Council members et al:](#)

Just completed testimony/video of those who have been gassed in our Santa Clara County jail in our name. This video released 4 hours ago. Five minutes long. Please watch and then speak against this torture by gas at tomorrow's Board of Supervisors meeting.

[aram://youtu.be/BU_IlvTK9ZE?si=8ybyfZcuU5EJQFhX](https://youtu.be/BU_IlvTK9ZE?si=8ybyfZcuU5EJQFhX)

Sent from my iPhone

From: [Suzanne Keehn](#)
To: [Planning Commission](#); [Council, City](#)
Subject: Fw: Cell Tower Update: Three pieces of news
Date: Tuesday, September 19, 2023 7:56:58 PM

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

We need to learn from other cities, 5 G is not SAFEd
Suzanne Keehn, 94306

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

From: Jeanne Fleming [REDACTED]
To: 'Jeanne Fleming' [REDACTED]
Cc: [REDACTED]
Sent: Tuesday, September 19, 2023 at 05:12:15 PM PDT
Subject: Cell Tower Update: Three pieces of news

Dear Neighbors,

We are writing to you with news on three fronts:

1. *Yet another city beats Palo Alto to the punch.*

This time it's tiny Carmel-by-the-Sea, which is in the process of passing a wireless ordinance a) that does not lock their city into the so-called "objective" aesthetic standards that have unnecessarily hamstrung Palo Alto since 2019, and b) that does not, as Palo Alto's does, place all decision-making power with respect to new cell towers behind closed doors in the hands of one, unelected official.

To expand on the latter point: In Carmel, every cell tower application requires a public hearing in front of the town's Planning Commission. In Palo Alto, Planning Director Jonathan Lait unilaterally approves the application, with no oversight and no input from residents. If residents are unhappy with his decision, their only option is to pay \$651 to formally appeal it. Most recently, the Planning Director chose to approve a cell tower located only 25 feet from not one, but two, homes—a cell tower that, in direct contravention of our city's wireless ordinance, incorporates antennas pointing straight at the homes.

You read this right: If the Planning Director wishes to permit a cell tower right next to your house that flouts our code, you'll have to pay \$651 before you can object. And if you do pay the \$651, you'll have 15 minutes to express your concerns to City Council, after which Mr. Lait will have unlimited time to respond, assisted not only by his large

staff and the City Attorney, but by a lawyer working for the telecom company that wants the cell tower. Moreover, you will not be allowed to ask questions of any of these people or challenge what they say. ... How can this be right?

2. *France has banned iPhone 12 sales over radiation levels.*

In addition, the *Washington Post* reports:

Other European countries could block sales of the iPhone 12.

Germany's network regulator said it may launch similar proceedings, Reuters [reported](#), while Spain's Organization of Users and Consumers [called](#) on authorities to temporarily withdraw the phone from the market.

Apple has two weeks to respond to the French regulator. If it fails to remedy the issue, Digital Minister Jean-Noël Barrot told the newspaper [Le Parisien](#), he is "prepared to order a recall of all iPhones 12 in circulation."

Unsurprisingly, the telecom industry and their flacks are trying to dismiss Europe's concerns as a tempest in a teapot. Here is a link to the story in the *Post*:

<https://www.washingtonpost.com/wellness/2023/09/14/france-ban-iphone-12-radiation-levels/>.

3. *The investigative reporting that revealed the telecom industry's failure to remove disintegrating lead-sheathed cables from communities across the nation continues to reverberate.*

Now a class action has been filed against Verizon asserting that the company endangered utility workers by leaving these overhead cables in place after Verizon made the switch to fiber optic wire in the 1980s.

Our question: If disintegrating lead sheaths on Verizon's cables threaten the health of the utility workers who occasionally work near them, what effect might they have on the people who live under them? To remind you, Palo Alto currently has lead-sheathed telecom cables hanging between utility poles in some parts of town.

Thank you, as always, for your consideration.

Jeanne, Jerry & Jyo
For United Neighbors.

From: [Jo Ann Mandinach](#)
To: [Suzanne Keehn](#)
Cc: [Planning Commission](#); [Council, City](#)
Subject: Re: Fw: Cell Tower Update: Three pieces of news
Date: Tuesday, September 19, 2023 8:34:37 PM

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Interesting. Thanks. How Palo Alto lets Lait get away with with he gets away with I'll never understand.

On Tue, Sep 19, 2023 at 7:56 PM Suzanne Keehn <dskeehn@pacbell.net> wrote:

We need to learn from other cities, 5 G is not SAFEd
Suzanne Keehn, 94306

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

From: Jeanne Fleming [REDACTED] >
To: 'Jeanne Fleming' [REDACTED]
Cc: [REDACTED]; 'Jerry Fan' [REDACTED]
Sent: Tuesday, September 19, 2023 at 05:12:15 PM PDT
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Jeanne, Jerry & Jyo

For United Neighbors.