

From: [Eric Gutierrez](#)
To: [Planning Commission](#); [French, Amy](#)
Subject: Protected Bicycle Lanes Proposal
Date: Friday, January 27, 2023 9:55:49 AM
Attachments: [Bike Lane Planter Proposal 2022.pdf](#)
[Cities from around North America that use our Planters for Bike Lanes.pdf](#)
[2022 - Planter Brochure.pdf](#)
[2020 Bike Lane and Crosswalk collage.png](#)
[2022 - Trash Can Brochure.pdf](#)
[2022 - Truckload Flyer.pdf](#)

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.

Good Day Amy and Members of the Planning and Transport Commission,

Eric here from Sybertech. I'm reaching out you to discuss any Bicycle Lane projects you have coming in the near future. We have some great products to help build Protected Bike Lanes in busy urban areas including our Divider Planter that you can see in the attached picture.

Our Self-Watering Planters are intended to reduce significant amounts of maintenance hours regarding watering times. They're often used to build protected bicycle lanes as well as manage large parking lots and crosswalks along with adding decorative greenery throughout the city. Our Planters have a built-in large water reservoir with an overflow drain that ensures perfect saturation always. Depending on how often it rains, they may not need to be watered for months on end and weeks on end in the summer.

Our In-ground trash cans also take a lot less maintenance hours to manage because of their high-capacity loads. They are much safer to maintain when changing the bags since they require equipment that can lift a 10ft waste bag weighing up to 400lbs. They are also rain and storm proof (they will never budge) and they contain the odours. Check out our Truckload flyer (attached) to see how you can get a free heavy-duty crane for your service truck, a value of about 20 thousand dollars.

Finally, you may qualify for State or Federal subsidies when they are available. Some of the larger local businesses will want to sponsor a bike lane or park. Our Planters have plenty of advertising space if so desired for that purpose. You may also consider designated add rental Planters so that smaller businesses can partake in promoting their products and services.

Please let me know if you have any interest. We would be happy to host a meeting with you and your team to present our products and services and discuss your requirements.

Warm Regards,

Eric Gutierrez

Sybertech Waste Reduction Ltd.

[REDACTED]
[REDACTED]



Website: www.swrl.com

Bike Lane Project - Planter Proposal

Planter Descriptions



48" Flat End Planter

Length: 48" Width: 20" Height: 23"

Water Storage: 21.04 US Gallons / 68.1L

Soil Capacity: 3.96 cubic feet of soil



48" Round End Planter

Length: 48" Width: 20" Height: 23"

Water Storage: 19.67 US Gallons / 68.1 L

Soil Capacity: 3.72 Cubic Feet of Soil

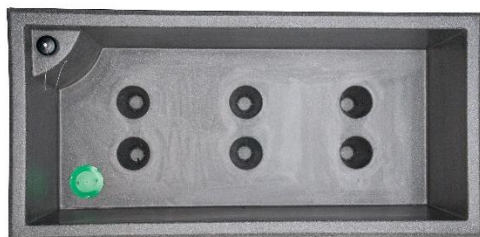


54" Rectangular Ground Level Planter

Length: 54" Width: 26" Height: 21"

Water Storage: 50.14 US Gallons / 189.81 L Soil Capacity: 8.60 Cubic Feet of Soil

Sybertech's [Millennium Series Self-Watering Reservoir Planters](#) have a water reservoir in the bottom of the planter with perforated tubes or columns that extend up to up to the divider or "floor" that holds the soil. The perforations allow water into the tubes; Rock wool is provided to limit soil erosion back into the water chamber.



Internal View



Rockwool

The planters are designed to store 7 to 8 inches of water in the reservoir. This eliminates the requirement of daily watering with some planters going a month in between filling the reservoir. (There is an overflow drain just below the soil level to make sure that the planter is never over-saturated by rainfall and/or overwatering.)

Our Planters also have a built-in filler tube with tethered cap to reduce vandalism.



Built-In Filler Tube

Plants flourish best in an environment where they are never under stress. The solution is our self-watering reservoir planters. Never too much or too little moisture. Plants need water and oxygen as well as the nutrients they find in the soil and water, with the Sybertech planter, the soil is never saturated so air is always available. Sybertech Planters have the additional advantage that the surface area is generally dry. Therefore, less weed germination is noticed and a cleaner presentation is achieved. Deep rooting is encouraged because of the lower water table.

All Sybertech Planters have forklift/strap slots on the bottom for ease of movement/relocation. There is also a cleanout access for the reservoir.



Bottom View with lifting slots



Standard Colors & Stone Finish options – custom colors are available

Sybertech has been in business for 25 years and we manufacture our planters locally in North America. We are committed to this product line and we anticipate we will continue to offer these planters for years to come.

As mentioned, our manufacturer is local to us. Once we receive a PO, the order is sent to the manufacturing floor and the general lead time is usually 4 weeks. Following completion, the planters will be wrapped, packed and sent out for ground delivery to your location.

The planters we selected for this proposal are the ones that fit the criteria best, are esthetically pleasing and are in high demand. There are other options available, please see our website for more information – www.swri.com

Seattle WA – Bike Lane Project



Memphis TN



Burlington VT



Port Moody BC



Freemont CA – Crosswalk Application



Bike Lanes video: <https://www.youtube.com/watch?v=cldV98BB3PA>

Crosswalk Application video: https://www.youtube.com/watch?time_continue=7&v=QjaCjrO2mak

Seattle Crash Test video: https://www.youtube.com/watch?feature=player_detailpage&v=PxbdXOq07_E

Tactical Urbanist's Guide: <http://tacticalurbanismguide.com/>

Contact Information:

Sybertech Waste Reduction Ltd.

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████████████████████

www.swrl.com

Cities from around North America that have implemented Sybertech self-watering planters in various Protected Bike Lane projects.

Ever since the Velo-City Conference, held in Vancouver British Columbia, in 2012 there has been a dramatic increase in the installation of Protected Bike Lanes, now commonly referred to as PBL's, around North America. The understanding of, and now the acceptance that Protected Bike Lanes actually work, have seen many Cities now embrace Protected Bike Lanes. The perception of the bike Lanes being SAFE has increased ridership as much as three fold in some cities.

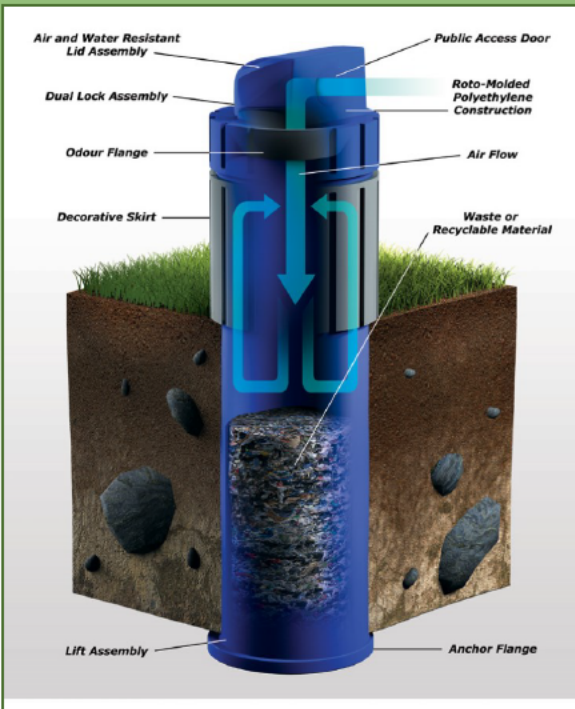
Sybertech is proud to see our wonderful reservoir style self-watering planters being used in many recent Protected Bike Lane installations, as well as other Cycling/Pedestrian/Downtown Improvement projects. They offer a physical barrier between vehicular and pedestrian traffic and also offer a very easy to maintain beautification factor.

Below is a list of Cities that have integrated Sybertech reservoir planters in Protected Bike Lane projects, are trialing Sybertech planters in Bike Lane projects or are Cities that we have been having ongoing dialogue with regarding their intent of also instigating or trialing Sybertech planters in various PBL or beautification projects

- **Vancouver BC.** Has a 1000+ self-watering planters along side of several downtown Bike Lanes. They recently installed Sybertech reservoir planters in "4" new Separated Bike Lanes.
- **Calgary AB.** Calgary was one of the first Canadian Cities after Vancouver to install Sybertech reservoir planters in a Protected Bike Lane. They have since expanded their Protected Bike Lane presence.
- **Hamilton ON.** The Cannon Street Separated Bike Lane was the first application in Ontario.
- **Seattle WA.** Has had huge success with their 2nd Avenue Bike Lane and are in the process of extending it. They also have other locations that have used Sybertech reservoir planters in other Cycling related projects.
- **Portland OR.** Has just purchased several Sybertech planters for a Bike Lane trial as well as a couple other Beautification projects.

- **Salt Lake City.** Has Sybertech planters in place along one Bike Lane with a second project on the books.
- **Tacoma WA.** Has a short section of a Bike Lane utilizing the Sybertech Divider Planter on top of Jersey Barriers.
- **University of Minnesota.** Used Sybertech planters in a traffic calming application on a Bike Lane on the Campus Grounds.
- **Austin TX.** Has utilized Sybertech reservoir planters in several Bike Lane projects and several other cycling and downtown improvement applications.
- **Toronto ON.** Has recently opened the Lakeshore Cycle Track.
- **Memphis TN.** Has used Sybertech self-watering planters in previous cycling related applications and recently has purchased planters for a Trial/Demonstration Protected Bike Lane project that will be in place for the 2017 abbp Conference
- **Burlington VT.** Created two “Parklet” style street project using Sybertech planters. They have since ordered a set of planters for a New Bicycle related project.
- **Westmount, Quebec.** Has just purchased a large number of the new “slimmer” Bike Lane planters for a large Protected Bike Lane project.
- **Oakland CA.** Recently added 60 Sybertech planters to their highly successful Telegraph Avenue Complete Streets Project
- **Tucson AZ** has undertaken a trial project.
- **Georgetown NY.** BID is undertaking a downtown trial project. They have recently purchased two more “batches” of planters for a beautification project.
- **Bellevue WA.** On July 31st Bellevue had the grand opening ribbon cutting ceremony for the 108th Avenue Demonstration Bike way project
- **Philadelphia PA** is looking at a trial project.
- **Atlanta GA** is looking at a couple of projects using Sybertech planters.
- **Decatur GA** purchased a large quantity of self-watering planters for a large PBL project
- **Nashville TN.** Has recently purchased planters and is looking at further projects.

- **Minneapolis MN** has introduced 64 Sybertech planters in a large PBL project near the Convention Centre.
- **New Orleans** in time for the Walk/Bike Place Conference introduced Sybertech self-watering planters for their Trial/Demonstration Bike Lane
- Los Angeles, Denver, St. Petersburg FL and San Francisco are among other Cities that we have been in discussion with about using Sybertech reservoir planters in Protected Bike Lane project.



The Millennium Series In-Ground Trash Systems and Recycling Containers consist of impermeable cylinders of plastic planted into the ground. Above ground, these look like regular trash cans. Inside the cylinder is a single, large, thick plastic bag supported in a lifting harness. Each unit has a capacity far greater than a regular can. 3-4 cubic yards of self-compacting trash. Due to this capacity, less frequent emptying is required, as well as solving a number of trash related issues.

Toll Free Phone:

1-888-888-7975

Toll Free Fax:

1-866-488-4120

Website:

www.swrl.com

Email:

sales@swrl.com

Facebook:

Sybertech Waste Reduction Ltd.

Sybertech is committed to bringing new and innovative technologies to the public and government to reduce expensive operational costs and provide a cleaner, safer environment.



MILLENNIUM SERIES IN-GROUND TRASH SYSTEMS & RECYCLING CONTAINERS





Specifications

Millennium 1000

- 54 gallon capacity
- 55 inches tall & 17 inch diameter
- Sunk into ground 19 inches
- Can use standard bag or full length bag

Millennium 2000

- 187 gallon capacity
- 5 feet tall and 30 inch diameter - Sunk into ground 2 feet
- Support rack with web straps for lifting 8 foot waste bag
- Uses 8 foot waste bag 4mm – 1 use only

Millennium 3000

- 300 gallon capacity
- 8 feet tall and 30 inch diameter
- Sunk into ground 5 feet
- Support rack with web straps for lifting 10 foot waste bag
- Uses 10 foot waste bag 6mm – 1 use only

Millennium 4000

- Certified as "Bear Resistant" by the North American Bear Resistant Products Testing Program by withstanding over 60 minutes of black bear contact
- New animal proof door opening
- 4000 Upgrade kit available soon to upgrade 3000 cans



Standard Colors & Stone Finishes

***Custom Colors available - contact us for more info!!**

Features

- Four different options for all applications: Millennium 1000, Millennium 2000, Millennium 3000 & Millennium 4000
- Public access openings in available in 3 sizes (9"round, 9"x12" Rectangular, 5" Round Recycling)
- One piece polyethylene container, rust & decay free – no leach in or out
- Odor flange
- Molded-in anchor flange for anti-flotation
- All stainless steel hardware
- Self-closing counterweighted lid with seal – air & water tight
- Lifting support rack & support rack base
- Decorative Plastic or Steel skirting available
- Container has a bottom flange underground to assist with holding the one piece constructed container in ground, in frost and high water conditions
- Containers have a dual-keyed locking system and an anti-tamper proof design

Benefits

- Less frequent pick-up allowing redeployment of staff time
- Self compacts for larger holding capacity reducing litter and overflow of trash cans
- Cooled by the ground naturally
- Anchor flange provides stability in frost and high ground water conditions
- No smell of trash to attract animals, birds and insects
- Below ground, built-in odor suppressing design
- Less residential waste going in
- Not disturbed from wind or vandals (no way to get loose)
- Emptied with equipment reducing possible staff injuries from lifting, sharp objects and contact with trash
- Once trash is in the can, it STAYS IN THE CAN



**Where you can use a Sybertech
Self-Watering Reservoir Planter:**

- City Improvement Projects
- Bike Lane & Cycling Projects
- Community Gardens / Communities In Bloom
- School Culinary & Teaching Programs
- Residential usage
- Almost anywhere!!



- Up to 80% reduction in water consumption reported by satisfied Sybertech customers.
- Under normal growing conditions, some planters only need to be filled once per month! This saves you time and maintenance dollars while conserving water and dramatically reducing your carbon footprint.
- The unique bottom feeding method, employed by all Sybertech Planters, produces a vibrant, healthy and colorful display of plants and flowers.
- Wide variety of sizes, colors and designs available - view them all at www.swrl.com
- Contact Sybertech Waste Reduction Ltd. today for more information!



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Facebook:

Sybertech Waste Reduction Ltd.

Sybertech is committed to bringing new and innovative technologies to the public and government to reduce expensive operational costs and provide a cleaner, safer environment.

**MILLENNIUM
SERIES
SELF-WATERING
RESERVOIR
PLANTERS**





New SCENCE PLANTER!

DESIGNS AVAILABLE

<p>SQUARE</p> 	<p>CONICAL</p> 	<p>RECTANGULAR</p> 
<p>DIVIDER PLANTER</p> 	<p>ROUND</p> 	<p>HANGING BOWL SHAPED PLANTERS</p> 
<p>FLAT END</p> 	<p>BOWL</p> 	<p>ROUND END</p> 

*Now with
Stainless Steel
Chain
& Hardware*



Standard Colors & Stone Finishes
 *Custom Colors available - contact us for more info!



2 NEW DESIGNS—PERFECT FOR SMALLER SPACES



20 Inch Square Self-Watering Reservoir Planter

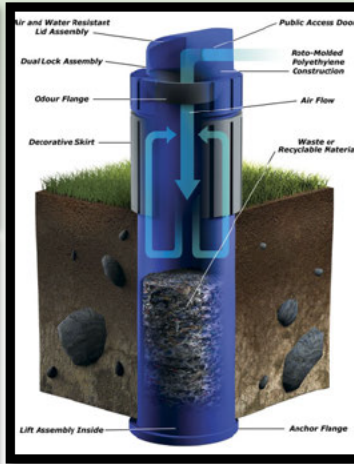


Scence Self-Watering Reservoir Planter

SYBERTECH'S TRUCKLOAD SPECIAL!!

Buy a Truckload (48) of our Millennium 3000 In-Ground Trash Cans and we will include one of our **BigMax TC 200.3** cranes at no cost to you!!

Take advantage of this incredible promotion today as quantities are limited!! *See below



MILLENNIUM 3000 IN-GROUND TRASH CANS

- 300 gallon capacity
- 8 ft. tall and 30 in. diameter - sunk into ground 5 ft.
- One piece polyethylene container, rust & decay free – no leach in or out
- Odour flange
- All stainless steel hardware
- Self-closing counterweighted lid with seal – air & water tight
- Emptied with equipment reducing possible staff injuries from lifting, sharp objects and contact with trash
- Once trash is in the can, it STAYS IN THE CAN!!

BIGMAX TC 200.3 CRANE

- Compact design, requires minimum mounting and storage space
- Strong, light weight hexagonal boom construction
- Safer flange mounted counterbalance valve
- Rugged, cast steel base with enclosed oil bath slewing gears
- There are so many different avenues in which this crane will prove very useful - contact us today to discuss them all further!



* Limit of 2 Truckloads
per customer

BIGMAX

* Only a limited quantity of cranes are ready to be shipped immediately (more available on order) - Make sure to call us today!

 **SYBERTECH**
Waste Reduction Ltd.

Toll Free Phone: 1-888-888-7975

Toll Free Fax: 1-866-488-4120

Email: sales@swrl.com

Website: www.swrl.com





2009

2009

Rosslyn Station
Elevators to Mezzanine



ROSSLYN



From: [Sandhya Laddha](#)
To: [Planning Commission](#)
Subject: Two funding opportunities
Date: Thursday, February 2, 2023 2:35:18 PM

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

Dear Planning,

I wanted to pass along two recent funding announcements:

Safe Routes to BART grant program: Cycle 2 call for projects

BART launched its Cycle 2 of The Safe Routes to BART (SR2B) grant program on 01/19/2023. This program aims to help local jurisdictions in Alameda, Contra Costa, and San Francisco Counties deliver capital projects that improve infrastructure for riders who walk or bike to and from BART. Total funding available for SR2B Cycle 2 is \$10 million with individual awards from \$0.5 million to \$1.5 million. Submittable at <https://bart.submittable.com/submit> no later than 5 PM on March 2. BART has set aside a total of \$25 million for the SR2B program. The most competitive projects for this grant are those that support the goals of BART's Station Access Policy, expand station access choices and make it safer and easier for all riders to use the system. SR2B provides grant funding for construction activities only. For more information, please visit the SR2B website at www.bart.gov/SR2B.

FY 2023-24 Sustainable Transportation Planning Grant Program - Call for Applications


The California Department of Transportation (Caltrans) has released the Fiscal Year (FY) 2023-24 Sustainable Transportation Planning Grant Application Guide and Call for Applications. Applications are due by 5:00 PM on Thursday, March 9, 2023. The grant awards will be announced this summer 2023. This year's grant program includes a one-time augmentation of \$50 million in Climate Adaptation Planning grants to support local and regional identification of transportation-related climate vulnerabilities through the development of climate adaptation plans, as well as project-level adaptation planning to identify adaptation projects and strategies for transportation infrastructure. Caltrans will be conducting grant application workshops to provide a grant program overview and review the resources, that they have, to assist with competitive application development. Contact the appropriate Caltrans district staff to request workshop information and draft application feedback. They can also help choose the best grant category for your proposed planning project.

Visit the grants website for workshop dates and times, the Grant Application Guide, application forms and templates, and Caltrans district staff contacts.

Sustainable Transportation Planning Grants Website: <https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/regional-and-community-planning/sustainable-transportation-planning-grants>.

Thank you!

Cheers,
Sandhya Laddha
Policy Director

Silicon Valley Bicycle Coalition 

From: [Jeanne Fleming](#)
To: [French, Amy](#)
Cc: [Clerk, City](#); [Kou, Lydia](#); [Stone, Greer](#); [Tanaka, Greg](#); [Lauing, Ed](#); "Julie Lythcott-Haims"; "Vicki Veenker"; [Planning Commission](#); [Architectural Review Board](#); [Lait, Jonathan](#); [Sauls, Garrett](#); [REDACTED]
Subject: Re: Cell Tower Applications
Date: Tuesday, January 31, 2023 5:03:49 PM
Attachments: [image005.png](#)
[image008.png](#)
[image009.png](#)
[image011.png](#)
[image013.png](#)
[image014.png](#)
[PLN_WCF.xls](#)

Hi Amy,

Thank you for this helpful spreadsheet, which describes, by project number, each of the 28 cell tower projects you cited in your December 13th email.

As I read it, the cell tower projects submitted to the City from June 1, 2021 through January 30, 2023 consist of modifications to two sets of pole-mounted cell towers located in the Public Right of Way (i.e., "small cells") in areas zoned commercial, and two new macro towers, while the remaining projects are modifications to existing macro towers.

So as things stand at the end of January, 2023, Palo Alto has 116 small cell node (i.e., wood utility pole mounted or metal streetlamp pole mounted) cell towers, and 69 macro towers. There are no submissions for new small cell nodes currently under consideration, and no submissions for new macro towers under consideration either.

Please let me know if I am mistaken about any of this.

I also would appreciate it if you would tell me whether Staff anticipates receiving applications for new small cell nodes and/or new macro towers in the first two quarters of 2023.

Thank you, as always, for your help.

Sincerely,

Jeanne

Jeanne Fleming, PhD
[REDACTED]

From: French, Amy <Amy.French@CityofPaloAlto.org>
Sent: Monday, January 30, 2023 5:06 PM

To: [REDACTED]
Cc: Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>
Subject: FW: Cell Tower Applications

Hello Jeanne,
I retrieved this spreadsheet regarding wireless applications.
Copying Garrett in case you need assistance deciphering the list.
Hope this is helpful to you.

From: Jeanne Fleming <[REDACTED]>
Sent: Wednesday, January 4, 2023 4:16 PM
To: French, Amy <Amy.French@CityofPaloAlto.org>
Cc: Clerk, City <city.clerk@cityofpaloalto.org>; DuBois, Tom <Tom.DuBois@CityofPaloAlto.org>; Kou, Lydia <Lydia.Kou@CityofPaloAlto.org>; Stone, Greer <Greer.Stone@CityofPaloAlto.org>; Tanaka, Greg <Greg.Tanaka@CityofPaloAlto.org>; 'Julie Lythcott-Haims' <[REDACTED]>; 'Vicki Veenker' <[REDACTED]>; Lauing, Ed <[REDACTED]>; Planning Commission <Planning.Commission@cityofpaloalto.org>; Architectural Review Board <arb@cityofpaloalto.org>; Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; [REDACTED]; [REDACTED]; [REDACTED]
Subject: FW: Cell Tower Applications

Dear Ms. French,

Happy New Year.

I am resending my email to you of December 14, 2022, with the thought that you may have missed it.

As that email says, I would appreciate it if you would tell me the project number of each of the 28 WCF [cell tower] projects that your December 13th, 2022, email says have been submitted to the City of Palo Alto since June, 2021.

Please note that, while you cite 28 cell tower projects, there are records for only *three* such projects on Palo Alto's Building Eye website. (The project numbers of the three are 21PLN-00260, 21PLN-0213 and 22PLN-00258.)

Please note as well that United Neighbors' members are reporting that Verizon is adding 5G equipment to the cell towers installed in Midtown (original "Vinculums/Verizon Cluster 1"). There is no record of this collocation project on Palo Alto Building Eye.

As I trust you can appreciate, residents are concerned that they do not have complete, accurate or timely information about cell tower applications in Palo Alto.

Thank you, as always, for your help.

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD

[REDACTED]

From: Jeanne Fleming <[REDACTED]>
Sent: Wednesday, December 14, 2022 4:43 PM
To: 'French, Amy' <Amy.French@CityofPaloAlto.org>
Cc: 'Clerk, City' <city.clerk@cityofpaloalto.org>; Tom.DuBois@CityofPaloAlto.org;
Lydia.Kou@CityofPaloAlto.org; Planning.Commission@CityofPaloAlto.org; 'Architectural Review Board' <arb@cityofpaloalto.org>; 'Lait, Jonathan' <Jonathan.Lait@CityofPaloAlto.org>;
[REDACTED]
Subject: Re: Cell Tower Applications

Dear Ms. French,

Thank you for your response.

In answer to my question “How many cell tower applications—including applications to modify existing cell towers—have been submitted or resubmitted to the City of Palo Alto since June 1, 2021?”, you have written:

“A total of 28 WCF [cell tower] projects were submitted to the City of Palo Alto since last July. “

Please tell me the project number of each of the 28 submissions, and please provide me with a link or links to the submissions.

I am stunned that—despite being signed up for not one, but two, Palo Alto automatic notification systems for cell tower projects—I was never notified of any of these 28 projects.

But I am most appreciative that Director Lait is directing staff to put in place reliable automatic notification to interested residents of new cell tower submittals, resubmittals and modifications to existing towers.

Thank you for your help.

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD



From: French, Amy <[Amy.French@CityofPaloAlto.org](mailto:amy.french@cityofpaloalto.org)>

Sent: Tuesday, December 13, 2022 11:00 AM

To: [Redacted]

Cc: Lait, Jonathan <[Jonathan.Lait@CityofPaloAlto.org](mailto:jonathan.lait@cityofpaloalto.org)>

Subject: FW: Cell Tower Applications

Hello Ms. Fleming,

I didn't respond because I did not have the answer the day you requested the information. I do now:

Regarding applications filed since July 2021:

A total of 28 WCF projects were submitted to the City of Palo Alto since last July.

Regarding re-submittals:

Building Eye does not provide notifications for re-submittals; it only provides alerts when projects are initially submitted. Building Eye is not sophisticated enough to single out application types when they provide notifications to subscribers. That is, Building Eye will send a notification for every kind of Planning application rather than Wireless Communication Facility (WCF) applications specifically. I believe you would need to sift through notifications to find the ones that are WCF-specific. Director Lait has requested technical staff embark upon an effort with the Building Eye team so that they could target what you are looking for. However, this effort may take some time.

Hopefully, this information is helpful to you.



AMY FRENCH

Chief Planning Official

Planning and Development Services

(650) 329-2336 | amy.french@cityofpaloalto.org

www.cityofpaloalto.org



Service Feedback

From: Jeanne Fleming [REDACTED]
Sent: Monday, December 12, 2022 3:12 PM
To: French, Amy <Amy.French@CityofPaloAlto.org>
Cc: Clerk, City <city.clerk@cityofpaloalto.org>; DuBois, Tom <Tom.DuBois@CityofPaloAlto.org>; Kou, Lydia <Lydia.Kou@CityofPaloAlto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; Architectural Review Board <arb@cityofpaloalto.org>; Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; [REDACTED]
Subject: FW: Cell Tower Applications

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

Dear Ms. French,

I haven't heard from you, so—with the thought that you might have missed my email—I am resending it below.

Thanks and best,

Jeanne Fleming

Jeanne Fleming, PhD
[REDACTED]

From: Jeanne Fleming [REDACTED] >
Sent: Monday, November 28, 2022 5:53 PM
To: 'French, Amy' <Amy.French@CityofPaloAlto.org>
Cc: 'Clerk, City' <city.clerk@cityofpaloalto.org>; Tom.DuBois@CityofPaloAlto.org; Lydia.Kou@CityofPaloAlto.org; Planning.Commission@CityofPaloAlto.org; 'Architectural Review Board' <arb@cityofpaloalto.org>; 'Jonathan' <Jonathan.Lait@CityofPaloAlto.org>; [REDACTED]
Subject: Cell Tower Applications

Dear Ms. French,

I would appreciate it if you would answer this question:

How many cell tower applications—including applications to modify existing

cell towers—have been submitted or resubmitted to the City of Palo Alto since June 1, 2021?

As you know, I receive both Building Eye's automatic messaging with respect to building and planning information in Palo Alto, as well as the City's "Hot Topics" cell tower website automatic messaging. Neither has notified me of any new or resubmitted cell tower applications during this period. So I believe the answer to my question is "zero," but I want to be sure.

Thank you for your help.

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD



From: [French, Amy](#)
To: [Dao, Veronica](#)
Cc: [Foley, Emily](#)
Subject: FW: 2147 2149 Yale Planning & Transportation Commission hearing Feb. 8, 2023.
Date: Monday, February 6, 2023 10:41:12 PM
Attachments: [SKM_C450i23020617430.pdf](#)
[image004.png](#)
[image006.png](#)

Veronica, can you please sent the below email to the PTC members? Mr. Hanna asked in a separate email for staff to send it to PTC members.

From: John Hanna [REDACTED] >
Sent: Monday, February 6, 2023 6:45 PM
To: French, Amy <Amy.French@CityofPaloAlto.org>; Foley, Emily <Emily.Foley@CityofPaloAlto.org>
Cc: Kathryn Gelman [REDACTED] [REDACTED] >; Firth Griffith [REDACTED] >
Subject: 2147 2149 Yale Planning & Transportation Commission hearing Feb. 8, 2023.

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Dear Commissioners: I am representing the applicants and will be appearing at the 6:00 pm meeting Wednesday. The application comes before the Commission in the form of an application for approval of a parcel map, with exceptions. This was based on the recommendation of staff in response to the applicant's initial request that staff consider a lot line adjustment. We were advised that a parcel map with exceptions would be looked upon more favorably than a lot line adjustment. We did not expect and are a bit surprised by the staff's recommendation of denial. Had we known that the parcel map with exceptions application would have been denied (or denial recommended), we would have applied for a lot line adjustment. As discussed in the last part of my attached memo, the lot line adjustment is a much simpler procedure, and it makes more sense in this particular situation. The granting of a lot line adjustment would correct the mistake that was made by allowing these two single family residences to be built across the existing recorded subdivision map common boundary line. A lot line adjustment should have been granted then, and the mistake can be corrected by granting it now. If the Commissioners are inclined not to follow the staff's recommendation to deny, and will approve the parcel map, we will follow through with that procedure and live with it. If the Commissioners decide to follow staff's recommendation, then we would very much appreciate it if you would discuss the lot line adjustment alternative and indicate whether you would welcome and consider an application for a lot line adjustment if we were to re-submit the application for a lot line adjustment and thereby enable the applicant to avoid the alternative of an appeal to the Council.

Respectfully,

John Hanna

John Paul Hanna, Esq.

NOTE: NEW ADDRESS AS OF 1/1/22!

HANNA & VAN ATTA



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Memo

HANNA & VAN ATTA

To: File – Gelman Griffith
From: JPH
Date: February 3, 2023
Re: 2147-2149 Yale Street/Response to Planning and Transportation Commission Staff Report

The Staff Report begins by describing the project as the proposal to subdivide an existing lot into two lots with one house on each lot. In fact, there are two lots now because the original recorded subdivision map has never been amended and the current legal description of the property is referred to as Lots 1 and 2 in Block 48 of the subdivision map. It is inaccurate to describe the project as a proposal to subdivide an existing lot.

The Staff Report also says that the two lots are not legally separate parcels. It is based, they say, on the fact that the lots were created in 1891 before the adoption of the first Subdivision Map Act, and that the lots are “only recognized” if they were separately conveyed, and since these lots were never separately conveyed they are not recognized. The fact remains that, whether the staff or the City recognizes lots as two lots, they are in fact two lots, have been from the beginning and to this day remain two lots.

The staff does state that the existing structures and uses are consistent with a comprehensive plan and are consistent with the policies in the comprehensive plan. As the staff indicates, the site is compliant with the zoning code even though, or despite, the fact that the site includes two separate lots which have never been resubdivided, nor merged. The Staff Report says that the two proposed lots would not meet minimum lot size requirements. The two existing lots do not meet minimum lot size requirements and approving the proposed Parcel Map would not change that. The staff reports that both of the proposed lots would exceed the allowable floor area ratio by approximately 3%. Since the approval of the Parcel Map would not physically change anything on the site, if staff is correct about the 3% overage (which I should point out is a minor exception) the same is true of the existing situation, so the approval would not in any way change the existing floor area.

The Staff Report states that if the subdivision were approved that the lots would be out of compliance for parking. If viewed logically and with common sense, the approval of a Parcel Map would not have any effect on parking. The same situation would continue, which is that each parcel has its own garage, and there is one uncovered space which is and can continue to be shared by the two owners. In discussing findings that would result in denial of the approval, staff focuses on finding #3 which is that the site is not physically suitable for the type of development, stating that the two created lots would not meet the minimum lot size requirements.

Logic and reasonable interpretation of statutory language would cause one to conclude that this particular finding is directed at a proposed new project. To say that the site is not physically suitable for the type of development is nonsense since the development is there and has been there for a number of years.

Staff does agree that the subdivision application will not change the existing residential density, so the finding that the site is not physically suitable for the proposed density cannot be made.

Staff also agrees that the design of the subdivision and the existing (rather than proposed) improvements will not cause environmental damage or injure fish wildlife or other habitat. Staff also agrees in connection with finding #6 that the design of the subdivision or the type of improvements is not likely to cause serious public health problems. In connection with finding #7, there is no finding that the approval of the project would conflict with any public easements.

Turning to the findings required for exceptions, Staff asserts that special circumstances do not exist and are not necessary to preserve an existing property right. To the contrary, the special circumstances here are there are two existing legally created subdivision lots which are not in compliance with current standards. The current owners are not responsible for this fact. The lots were created a long time ago. The special circumstance is that whoever built these two homes, with the approval of the City, did not build the homes within the existing legal but non-conforming lots, but instead built them in such a way that the boundary line between the two lots bisects each of the two homes.

This is a special circumstance which can easily be created simply by moving the lot line so that it runs between the two homes instead of through the middle of each home. The existing tenancy-in-common agreement is not by any means the vehicle of choice for property ownership. It is dictated by the special circumstance, that being the action taken by the developer of these two homes, with the approval of the City, in failing to build the two homes within the boundaries of the existing subdivision parcels. In fact, the exception is necessary for the enjoyment of a substantial property right which is the right to own your own home and be at liberty to sell and transfer title to your home to a third party without the buyer having to sign on to a tenancy-in-common agreement, with the owner of the adjoining property. The Staff Report says no property rights are affected because either or both sellers may sell their share of the property. As any realtor will tell you, and as your own common sense will tell you, there is a really significant difference in property rights between the right to own and hold title to your own home and owning a half interest in your home and a half interest in your neighbor's home. Staff concludes by saying that the granting of the exception would not be detrimental to public welfare or injurious to other property owners, and that it will not violate the requirements, goals, policies or the spirit of the law. We do of course agree with that, but take exception to the staff conclusion that granting the exception would render the existing units non-conforming. The fact is that the existing situation is non-conforming and the moving of the lot line would not create any additional non-conformity, but would merely improve the existing situation without causing any detriment. The statement in the Staff Report which asserts that granting the exception would act against the City's goals to build more housing and increase density in lower density residential neighborhoods is simply wrong. It would do nothing of the sort.

When the owners first approached the City staff with the proposal to take advantage of SB-9, which would enable them to create two legal lots, they were informed by the City staff that SB-9 is applicable only in single-family residential districts, and does not apply in the RMD (NP) zone. They were advised to apply for a Preliminary Parcel Map with exceptions.

The original developer of the project acquired title to the parcel in an auction sale in 2010. The development ignored the boundary lien between the two lots and marketed the

two homes as separate single-family homes. The homes were first sold in 2011 and a tenancy-in-common agreement was entered into between the two owners.

In the recent past, at least six buyers have made offers to purchase 2147 Yale Street, but in each case they refused to complete the sale because of the tenancy-in-common structure. In addition, a concern about the neighbors sharing a 50% interest in the home created a problem with lenders, most of whom were unwilling to work with tenancy-in-common properties.

To say that in an R-1 District a lot can be divided into two parcels to allow two homes to be built and be separately owned, but that within the RMD District (which allows two separate single-family residences) separate ownership of each residence is not allowed, does not make any sense. This is particularly so here in this case where the two single-family homes, one on each lot, are already there. Approving the application would reconcile the existing situation with the past history of the property, which was in the beginning two parcels and is still, based on the record, two parcels (Lots 1 and 2). Approving the application would be totally consistent with the requirements of SB-9, the only obstacle being that the parcel is not located within a single-family residential zone. It remains to be seen whether the legislature will address that loophole in the SB-9 legislation, but the City should not wait for the legislature to make that change and the City has full authority to do that without waiting for Sacramento to act.

What is simply involved here is a request to reorient the boundary line between the two lots so that it runs between the two homes rather than running through the middle of both homes.

We had suggested to the City Attorney's office that the best procedure here would be to record a lot line adjustment map, followed by the issuance of a Certificate of Compliance, with the undersized lots being grandfathered in. The advantages of proceeding in that fashion include that it would be categorically exempt from CEQA, no survey would be required, no Parcel Map would be required, the Permit Streamlining Act applies to lot line adjustments, and it can be done by recording a deed and save everyone, including the City staff, a lot of time and expense. The City Attorney's office responded that because

the tract map which created these lots was recorded in 1891, before the adoption of the first Subdivision Map Act, the lots are only recognized if they were separately conveyed.

Government Code Section 66412(d) provides that a lot line adjustment between four or fewer existing adjoining parcels does not require a Parcel Map where a greater number of parcels than originally existed is not created, and if the lot line adjustment is approved by the local agency. The local agency shall limit its review and approval to a determination whether or not the parcels resulting from the lot line adjustment will conform to the local General Plan and any applicable Specific Plan. The staff in this case states in attachment C (Findings for Approval) that the project is consistent with the policies in the comprehensive plan. The City Attorney has taken the position that Lots 1 and 2 of Block 48 should not be recognized because the map creating them was recorded in 1891, two years before the adoption of the first Subdivision Map Act. The authority for that statement is a 2003 case (*Gardener v. County of Sonoma* (2003)) decided by the Supreme Court of California. It should be noted that in that case, the map in question had been recorded in 1865 and consisted of 90 rectangular lots in a grid superimposed on over 1,000 acres of open land west of Sebastopol. The map did not show any interior roads or other subdivision infrastructure. On the other hand, the map of College Terrace which created Parcels 1 and 2 creates all of the streets in College Terrace, all of the infrastructure, each street being named for a different college, and the map remains as an accurate depiction of the streets, blocks and lots as they were originally created and as they remain today, as a matter of record. Lots 1 and 2 have continually been referred to in all legal descriptions as two separate lots. They have never been described as a single lot by a metes and bounds description. Moving the lot line so that it runs between the two homes rather than through the middle of the two homes is simply recognizing a situation that exists, is not creating a new rule of broad application, nor is it opening the door to a flood of new applications. It is simply correcting an existing anomaly by recognizing and accepting what is and what has been for 10 years and making sense out of an unfortunate situation which the current owners have nothing to do with creating in the first place. We believe that the City has the legal authority to approve the reorientation of the lot line, either by means of a Parcel Map or a lot line adjustment, and that it is the right thing to do.

From: [Jeanne Fleming](#)
To: [French, Amy](#)
Cc: [Clerk, City](#); [Kou, Lydia](#); [Stone, Greer](#); [Tanaka, Greg](#); [Lauing, Ed](#); "Julie Lythcott-Haims"; "Vicki Veenker"; [Planning Commission](#); [Architectural Review Board](#); [Lait, Jonathan](#); [Sauls, Garrett](#); chow_tina@yahoo.com; todd@toddcollins.org; wross@lawross.com
Subject: RE: Cell Tower Applications
Date: Monday, February 6, 2023 3:13:01 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

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Thank you for the clarification, Amy. I appreciate it.

You don't mention it, so I trust I am correct that, as of the end of January, 2023: 1) Palo Alto has 116 small cell node cell towers, and 69 macro towers; and 2) there are no submissions for new small cell nodes or for new macro towers currently under consideration.

Does Staff anticipate receiving applications for new small cell nodes and/or new macro towers in the first two quarters of 2023? As I understand it, applicants typically preview their intentions.

Thank you again,

Jeanne

PS I have few additional questions about the spreadsheet you sent and will write to Garrett separately with them.

Jeanne Fleming, PhD
JFleming@Metricus.net
650-325-5151

From: French, Amy <Amy.French@CityofPaloAlto.org>
Sent: Monday, February 6, 2023 9:01 AM
To: jfleming@metricus.net
Cc: [Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>](mailto:Garrett.Sauls@CityofPaloAlto.org)
Subject: FW: Cell Tower Applications

Good morning Jean,

An update to say there were actually 29 – one more than the 28 I had previously emailed to you.

This email came a little later in the day to me via email, after the data I received that I forwarded to you.

Just so you have the correct number.

Thanks for understanding



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Chief Planning Official

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