

From: [William Ross](#)
To: [Planning Commission](#); [Summa, Doria](#)
Cc: [French, Amy](#)
Subject: Agenda No. 3; Planning and Transportation Commission Meeting August 9, 2023; 2901 Middlefield Road and 702 Ellsworth Place
Date: Wednesday, August 9, 2023 6:32:54 PM
Attachments: [Summa 8.9.23.pdf](#)
[Summa \(Agenda No. 2; PTC Meeting July 12, 2023\).pdf](#)

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Good evening,

Please see the enclosed communication.

Thank you,

William D. Ross, Esq.

Law Offices of William D. Ross

A Professional Corporation

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William D. Ross
David Schwarz
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[REDACTED]; [REDACTED]

File No: 1/10

August 9, 2023

VIA E-MAIL

The Honorable Doria Summa, Chair
and Members of the Planning Commission
City of Palo Alto
250 Hamilton Ave
Palo Alto, CA 94303

Re: Agenda No. 3; Planning and Transportation Commission Meeting August 9, 2023; 2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend Planned Community 2343 (PC 2343) and to apply the R-1 Zoning to 702 Ellsworth Place to Enable the Development of a Single-Story, Single-Family Residence

Dear Chair Summa and Planning Commissioners:

This communication supplements a July 12, 2023 communication (a copy of which is enclosed) addressed to the Planning and Transportation Commission (“Commission”) on behalf of the Ellsworth Residents with respect to an application for a planned community zoning (“PC”) amendment to existing PC 2343 by current owner RRP Homes LLC (Principal, Nitan Honda) and joined by the seller of the involved parcel, RLD Land LLC (Principal, Richard Dewey Jr.).

The Ellsworth Residents renew their previously stated objection to Staff’s PC analysis and to the current Staff analysis as set forth in the current Staff Report which was available for public review on August 3, 2023.

Additionally, reference is made to the current City of Palo Alto (“City”) *Boards, Commissions and Committee Handbook* (specifically, page 19), where it is indicated with respect to the Commission Staff Liaison that:

“The Staff Liaison is also responsible for the coordination, distribution and posting of all committee agendas . . . Staff Reports *shall be provided to BCC members and the public seven (7) days in advance of each meeting.*” (*Emphasis added*)

The Ellsworth Residents have requested a continuance of this meeting to adequately address additional and new information that was (untimely) provided by Staff. It is critical to note that the Staff Liaison, Ms. French, is the same individual that has made *all* Staff presentations on this matter.

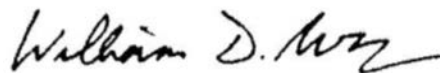
The Honorable Doria Summa, Chair
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Stated directly, Staff Liaison Ms. French, has *never* complied with the mandatory provisions of the Handbook's requirements for timely furnishing Project documents to either the Commission *or the public*, which includes the Ellsworth Residents.

In summary, the record before the Commission is insufficient for Commission's approval of the PC application because:

- (1) There is no General Plan (or Comprehensive Plan) consistency analysis that complies with applicable law regarding the proposed PC Amendment; there is no specific analysis of the requirements of the PC zoning (section 18.38.150) as required in the PC regulations; there is an improper analysis of the Project under CEQA as the claimed exemption is invalid because of an incomplete and inaccurate Project description, and even if there was a complete Project description under CEQA Guideline Section 15300.2 there are special circumstances associated with the application in the form of substantial evidence by adjoining Residents of physical impacts on traffic, access and safety that would require Staff Presentation of an Initial Study of an environmental analysis of the Project; and,
- (2) The cumulative effect of presenting inaccurate information in the Staff Report and again summarily concluding, without evidence of compliance with the PC regulations, and extra-hearing communications with a former Palo Alto Deputy City Attorney and the principal planner (and Commission Staff Liaison) processing the Project denied a fair hearing to Ellsworth Residents and members of the public.

Very truly yours,



William D. Ross

WDR:jf

Enclosure: July 12, 2023 Communication

cc: Amy French

Ellsworth Resident Representatives

William D. Ross
David Schwarz
Kypros G. Hostetter

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Los Angeles Office:



File No: 1/10

July 12, 2023

VIA E-MAIL

The Honorable Doria Summa, Chair
and Members of the Planning Commission
City of Palo Alto
250 Hamilton Ave
Palo Alto, CA 94303

Re: Agenda No. 2; Planning and Transportation Commission Meeting July 12, 2023; 2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend Planned Community 2343 (PC 2343) and to apply the R-1 Zoning to 702 Ellsworth Place to Enable the Development of a Single-Story, Single-Family Residence

Dear Chair Summa and Planning Commissioners:

This Office represents Residents¹ on Ellsworth Place in the City of Palo Alto (“City”) with respect to a request for a Planned Community Zoning (“PC”) amendment to existing PC 2343 by the current owner RRP Homes LLC (Principal, Nitin Handa) joined by the seller of the Parcel, RLD Land LLC (Principal, Richard Dewey, Jr.).²

**SUMMARY OF OPPOSITION IN SUPPORT OF DENIAL
OF REQUEST FOR PLANNED COMMUNITY AMENDMENT**

Ellsworth Residents request the Commission deny the Application because it presents insufficient or inaccurate information to comply with the standards for PC approval in City Municipal Code Chapter 18.38³ (PC Regulations). The Application, in conjunction with the Staff Report, does not present a required consistency analysis with the City Comprehensive Plan; does not comply with provisions of the California Environmental Quality Act (Public Resources Code

¹ Residents represented on Ellsworth Place are Susan Light, Chin Chong, On Chong, Tsing Xue, Shan Wang, Vadim Axelrod, Yevgeny Khasin, Robert Chen, Chen Wang, Natalie Fisher, John Abraham, Robyn Ziegler, Kristen Van Fleet, Paul Bigbee, Venketa Kurra, Kanaka Juvva, Bhanu Iyer, Hanh Nguyen, and Minh Do.

² This description was obtained from the June 8, 2023 communication by counsel for both owners, Cara Silvers, Esq. (July 12, 2023 Agenda Packet (“Packet”) p. 46), but *is different* from owners listed in the Staff Report (Packet p. 8) and Proposed PC Amendment (Packet p. 17).

³ All “Section” references will be to the Palo Alto Municipal Code unless otherwise noted.

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21000 *et seq.* “CEQA”); and, to date, does not present information consistent with applicable law to constitute a fair and objective Public Hearing on the Application.

CITY ACTIONS AND DOCUMENTS REVIEWED

The following was reviewed preparing this communication: the video of the City Council Prescreening on the Application (March 13, 2023), the video June 28, 2023 Commission proceedings, and Public Comments and communications⁴ associated with the Application and documents received from a Public Records Act Request (Gov. Code 7920 *et seq.*) by one of the Residents.

ANALYSIS

Section 18.38.010⁵ sets forth the mandatory requirements for the content and procedure for obtaining a PC with standards for what must be considered and followed by the Commission and Council. Stated differently, section 18.38.010 *et seq.* provides measure of power, or standards by which a PC application is to be processed by City Staff and considered and acted upon by the Commission and City Council. *See, Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 196.

Section 18.38.060 sets forth the findings that the Commission *must make* before issuing a recommendation of a proposed PC to the Council, including:

Section 18.38.060(c) The use or uses permitted, and the site development regulations applicable within the district *shall* be consistent with the Palo Alto Comprehensive Plan and *shall* be compatible with existing and potential uses on adjoining sites or within the general vicinity. (Emphasis added).

A review of Staff Reports and the City Council Prescreening, indicates *no consistency analysis* with respect to the present City Comprehensive Plan notwithstanding the mandatory duty of assessment in 18.38.060(c).⁶

A consistency determination has been the subject of several cases for over three decades, which indicated that a given action (here, the PC Amendment) will be consistent with a general plan (here, the City Comprehensive Plan *if it furthers without hindering the goals and purposes of*

⁴ It should be noted that the Staff Report for the June 28, 2023, Commission Hearing is *identical* to the Staff Report for the July 12, 2023, Commission Meeting.

⁵ The rules applicable to the construction of statutes are also applicable to the construction of Municipal Code provisions. *Woody's Group, Inc. v. City of Newport Beach* (2015) 233 Cal.App.4th 1012, 1026 (“*Woody's Group*”).

⁶ It is well established that the use of the term “shall” denominates a mandatory duty. Government Code Section 14; *Estate of Downing*, 134 Cal.App.3d 256, 265 (1982).

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the involved general plan. See, Citizens for Positive Growth & Preservation v. City of Sacramento (2019) 43 Cal. App. 5th 609, 619.

Although sections of the Comprehensive Plan are mentioned in the proposed PC Amendment Ordinance, there is *no analysis* or even discussion of the consistency of the proposed PC Amendment with the City Comprehensive Plan.

Replete in documentation and prior testimony of multiple Residents, both before the Council in the Prescreening, and previously before the Commission, is the traffic, access, and safety issue impacts on the physical environment because of the proposed Project development at the intersection of Ellsworth Place and Middlefield.

Several Residents have made observations concerning existing conditions with respect to traffic and line of sight hazards involving the Project property site. This type of testimony by surrounding Residents relevant personal observations that constitute *substantial evidence* of their existence. *See, Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal. App 3rd 872, 882. *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal App. 3rd 151, 173⁷.

The current City Comprehensive Plan adopted by the City Council on November 13, 2017, as amended December 19, 2022, reveals a critical, repeated goal and policy of the Plan to build “upon the strength of its neighborhoods, keeping them safe and attractive...” *See, 2017 Palo Alto Comp. Plan 2*

The Staff Report (Packet p. 10) only *mentions* a standard of the Project being “in accord,” rather than being *consistent with* the Comprehensive Plan and references findings in the proposed Ordinance (Packet p. 10). A review of the proposed Ordinance reveals only statements of selected Comprehensive Plan policies (Packet p. 18) *there is no consistency analysis* as required by applicable law.

A. *Missing and Incomplete Information*

The Applicant’s claimed basis for the PC amendment is to address a City “error” associated with the PC application on City Zoning Maps. Although the “error” was mentioned during the Prescreening and is set forth in Ms. Silver’s previously referred communication and described in the application as needed “to rectify a recently discovered zoning map,” it is respectfully noted that whether an error exists is irrelevant to the application before the Commission. An owner of property within any PC is entitled to file for an amendment. It is still not clear from the record of what the conversations have been with the City Staff and Applicant concerning the importance of

⁷This evidentiary testimony relates *both* to the findings required for a PC and the analysis of the Project under CEQA.

this error.

General principles of municipal liability would suggest that if it was an error that was material to the *current* ownership, there would be an analysis by the City Attorney and the assertion of immunities provided by the Government Code as to the lack of any City liability or any liability of any City Official for an error.

Accordingly, Residents maintain that the concept of an error by the City was advanced by the Project Applicant, and for purposes of obscuring their lack of compliance with the specific standards for achieving an amended PC at the location.

Other *requirements* for a PC application and Development Plan are contained in 18.38.150 entitled “Special Requirements.” Neither the application nor the respective Staff Reports address this issue.

At the June 28, 2023 Commission hearing, the Chair questioned Staff regarding supporting information to meet the specific PC Special Requirements without response.

Despite numerous requests, Staff was not responsive to this inquiry and there is no information in the duplicate Staff Report addressing these additional required issues.

An additional City regulation that went unanalyzed by Staff is with respect to the Application is “Stream Corridor Protection” as set forth in section 18.40.140, see Exhibit B. a definitional section of section 18.40.140(b)(1) it is clear that the streamside review area "would include that portion of the application as it is within 50 feet of the top of the streambank.” Notwithstanding provisions of section 18.40.140, which indicate its inapplicability to certain designations and zoning, there is *no exemption* for areas covered by PC Regulations.

B. Invalidity of CEQA Exemption

The Environmental Review section of both Staff Reports provides:

The proposed rezoning is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines, Section 15303 (New Construction or Conversion of Small Structures), because it consists solely of new construction of a single-family residence and reconfiguration of accessory parking uses.

The starting point in *any* CEQA analysis is that the Project definition be accurate and stable. *See, for example, Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985), 172 Cal. App. 3d 151, 165. Here, there is an ongoing dispute as to whether Emerson Place is a public street because of the Santa Clara County Assessor’s Map dedication, or the Applicant’s and

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City Staff assertion that it is a private street. From Prescreening onward, it is a matter that is yet to be resolved.

In other words, until there is clarification of the status of Emerson, there is an incomplete and unstable Project description. The initial steps under CEQA of determining whether there is a physical impact on the environment, or the Project is exempt, cannot be taken until there is a stable Project description.

Also, the actual “Project” is *not* new construction of a single-family residence, but as stated in Exhibit A, an “ordinance *to amend* the existing PC.” As such, Project is a zoning amendment which *requires a CEQA analysis*. As recently stated:

The CEQA requirements apply to discretionary projects carried out or approved by public agencies, including enacting and amending *zoning ordinances*, issuance of conditional use permits, and approving tentative subdivision maps (§ 21080). (Emphasis added).

Lucas v. City of Pomona (2023) 92 Cal. App. 5th 508, 535

Further, that are *exceptions* to categorical CEQA exemptions based on factors including location, cumulative impact, or unusual circumstances. As stated in *Salmon Protection & Watershed Network v. County of Marin* (2004), 125 Cal. App. 4th 1098, 1105.

A categorically exempt project, like a single-family residence, loses its exempt status

where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Ibid (citations omitted).

Reference is again made to the substantial evidence presented by Residents and other members of the Public as to impacts on traffic, access, and safety.

In summary, the Project is not exempt under CEQA, but must be analyzed by Staff through an initial study, taking into consideration the substantial evidence offered by Residents of impacts on traffic, access and safety.

LACK OF FAIR HEARING

In any quasi-judicial action, like CEQA review, a decision-maker must be fair and impartial as vested property rights are at stake. *See, Woody's Group* at 1027. This includes both actual

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fairness and the appearance of fairness. *See also, Nightlife Partners, Ltd. v City of Beverly Hills* (2003) 108 CA4th 81, 94.

During the preparation and pendency of the Application on this matter, the City's Planning Official Amy French, asked for a legal analysis of Applicant's attorney regarding the Ellsworth Place right-of-way and its potential use. *See*, Exhibit C, obtained through a Public Records Act Request. The City Attorney was not included on the correspondence for her input and analysis. Nor was the fact that Ms. French worked with the Applicant's attorney, Ms. Silver, while Ms. Silver was Deputy City Attorney of Palo Alto.

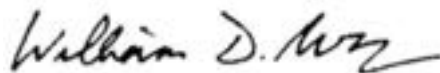
Part of the PC amendment process is a presentation by Staff to the Commission. If Staff presents a one-sided analysis to the Commission for their determination actual fairness does not exist and the appearance of fairness is eviscerated.

CONCLUSION

In conclusion the record before the Commission is insufficient for Commission approval because:

- (1) There is no General Plan consistency analysis that complies with applicable law regarding the proposed PC Amendment; there is no specific analysis of the requirements of the PC zoning (section 18.38.150) and required in the PC regulations; there is an improper analysis of the Project under CEQA as the claimed exemption is invalid because of an incomplete and inaccurate Project description, and even if there was a complete Project description under CEQA Guideline section 15300.2 there are special circumstances associated with the application in the form of substantial evidence by adjoining Residents of physical impacts on traffic, access and safety that would require Staff Presentation of an Initial Study of an environmental analysis of the Project; and
- (2) The cumulative effect of presenting inaccurate information in the Staff Report and summarily concluding, without evidence of compliance with the PC regulations, and extra-hearing communications with a former Deputy City Attorney for the City and the principal planner processing the Project denied a fair hearing to Residents and members of the public.

Very truly yours,



William D. Ross

The Honorable Doria Summa, Chair
and Members of the Planning Commission
July 12, 2023
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cc:

Amy French
Resident Representative

Enclosure:

Exhibit A – Palo Alto Municipal Code Section 18.38

Exhibit B – Palo Alto Municipal Code Section 18.40.140 Stream Corridor Protection

Exhibit C – Email Correspondence between Applicant Attorney Cara Silver and City Planning
Official Amy French

From: [Kristen Van Fleet](#)
To: [PlannerOnDuty](#); [Council, City](#); [Planning Commission](#); [City Attorney](#); [City Mgr](#); [Glanckopf, Annette](#); [Furman, Sheri](#); [William Ross](#)
Subject: Ellsworth Place - Requesting an Application for Establishing Road Ownership
Date: Monday, August 7, 2023 1:25:05 PM

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

To Whom it may concern,

Ownership of the Ellsworth Place "private" road is still an unanswered question. There is evidence it is already a public CPA road, per the 1968 County Assessor's Parcel Map, but this has recently been refuted by CPA during the Planning and Transportation Commission meetings regarding a proposed development on Ellsworth Place, Applications: 23PLN-00025, and 23PLN-00027. No one pays taxes for this road.

The Ellsworth Place Homeowners would like to start an application process with the City of Palo Alto to get ownership of the road determined. Per the research, a 170.8 foot portion of this road is abandoned and is, therefore, potential liability to the City of Palo Alto, (or does an abandoned road revert to County or State ownership?)

How do we go about starting this process?

Sincerely,

Kristen Van Fleet
on behalf of Ellsworth Place Homeowners



From: [Kristen Van Fleet](#)
To: [Planning Commission](#); [William Ross](#); [Glanckopf, Annette](#); [Furman, Sheri](#); [Sue Dremann](#); gsheyner@paweeekly.com
Subject: For PTC Meeting, Agenda Item #3 - Ellsworth Place Residents Letter
Date: Wednesday, August 9, 2023 2:36:01 PM
Attachments: [Ellsworth Place Letter August 9, 2023 for PTC Meeting, Agenda Item #3 - Google Docs.pdf](#)

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

Hi Veronica,

Please see that the Commissioners receive copies of this letter before tonight's PTC meeting.

Thank you!

-Kristen A. Van Fleet
On Behalf of Ellsworth Place Residents

Regarding: Request for Rezoning to Amend Planned Community 2343 (PC2343), and
702 Ellsworth Place; Applications 23PLN-27, 23PLN-00027, 23PLN-00025

August 9, 2023

Chair Summa, and Members of the Planning and Transportation Commission,

For your reference, Ellsworth Place Residents have prepared an outline of refutes to statements made during the PTC meeting of July 12, 2023. Additionally, we have included a list of “public benefits” and developer’s offerings that have been left out of the currently proposed Ordinance drafts, (see page 9), or are recorded in an ambiguous manner that leaves too much room for creative interpretation.. We have also included a list of “public benefits” we would like to see added.

Please understand where we are coming from, at the last meeting of July 12, 2023, new information was provided by the City of Palo Alto Planning Department that was not provided to the public with proper notification, and the Commissioners almost voted to accept this information as agreed upon by Ellsworth Place Residents! Going into that meeting, we had been told we were not allowed to give public comment if we had already done so at the meeting prior, and we respected this rule accordingly.

Additionally, we have only had 5-days to “live with” the “Demonstration Structures” which has not been an adequate amount of time, nor have we been given any instructions on how to properly make our comments on them! We have sent emails and left phone messages to inquire about this and all of these inquiries went unanswered by CPA. Throughout this process, we continue to be treated unfairly by CPA, with all of their efforts clearly favoring the developers, and our requests for maintained road circulation and public safety have become trivialized at best with the absolute minimums offered in favor of profit over public safety. This is unacceptable! The Ellsworth Place Homeowners represent over 33M in Palo Alto property and our tax dollars pay CPA salaries. If monetary gain is the focus, then placing undue burdens onto the existing homes can lower property values and create further undue burden. We demand fair treatment in this process as is our legal right under the law.

Thank you for your consideration of the following information we are presenting to you. (See below.)

Sincerely,

The Ellsworth Place Residents and Homeowners

Excerpts below are from the Staff Report as prepared for the PTC meeting of July 12, 2023

Mr. Hayes - Packet page 101, Line 35: “Quickly, by way of background, Ellsworth Place has been 20-foot wide since its beginning.”

INCORRECT STATEMENT: This photo showing the “demonstration structures” proves the road has been functioning at a width of 21.5 feet wide “since its beginning.”

- The white dashed line is placed at the 20-foot wide measurement.
- The blue line is placed at the 21.5 foot wide measurement
- The orange line is placed at the 22.5 foot wide measurement.



Mr. Hayes - Packet page 101, Line 39: “...we’ve proposed numerous community benefits that justify the PC Amendment...”

INCORRECT STATEMENT: ALL Benefits from the current PC2343 have been removed and replaced with fewer benefits than we already have.

We would be losing the following:

- The 26-foot wide road width over the length of the parking lot, which is approximately 79 feet long
- Road circulation that provides the ability to pass a truck over the parking lot area
- Road circulation that provides a safe way for delivery and moving trucks to park
- Road circulation that provides a way for delivery and moving trucks to turn around prior to exiting back to Middlefield Road
- Overflow parking

We would be gaining the following:

- A yet unclear “dustpan” widening of the driveway entrance to Ellsworth Place
- A yet unclear widening along the first 35+/- feet of the road WHICH INCLUDES the 10-foot length of the City-owned “dustpan driveway” and sidewalk.

NOTE: The widening of the “private road” in this section is only for 25 feet of this total 35-foot length, which is 25% of the current entrance + parking lot length. THIS IS BEING EXCHANGED FOR 79 FEET OF ROAD THAT CURRENTLY HAS A DRIVEABLE 26-FOOT WIDE WIDTH, which is 79% of this total 100-foot length.

The other benefits we ALREADY HAVE:

- A delivery truck parking space that may or may not work. (WE ALREADY HAVE A DELIVERY TRUCK SPACE.)
- Ingress/Egress rights (WE ALREADY HAVE INGRESS/EGRESS RIGHTS)

Mr. Hayes - Packet page 102, Line 4: “...we are granting the owners of the other parcels on Ellsworth Place an access easement over a 20-foot by 100-foot strip of land called Ellsworth Place that here to for has not been properly memorialized.”

INCORRECT STATEMENT: We already have ingress/egress rights, so you would not be “granting” those rights to us! This is recorded in the chain-of-title for each of our properties and within the chain-of-title for APN: 127-35-152, which is the parking lot, formerly known as 702 Ellsworth Place. (Refer to the letter from Chicago Title already presented in the public comments.)

Mr. Hayes - Packet page 102, Line 7: “...increasing the width of Ellsworth 8 Place by 4-feet for the first 35- to 40-feet of the length of Ellsworth Place.”

INCORRECT STATEMENT: Ellsworth Place is already 21.5 feet wide (see photo above) for the first 31-foot length of driveway + sidewalk + roadway. With this proposal, they would be increasing the driveable width by only 2.5 feet over this first 31-feet of road, AND THEN DECREASING THE DRIVEABLE WIDTH for the next 4 - 9 feet of this section of road.

Mr. Hayes - Packet page 102, Line10: “...we plan on matching the paving of Ellsworth Place in those two extensions.”

INCORRECT STATEMENT: The Ordinance prepared in the current packet for the meeting of August 9, 2023, has the Ordinance for the parking lot, Attachment B, Section 5 (ii), as “perceived width”, meaning NOT DRIVABLE and therefore NOT MATCHED to “the paving of Ellsworth Place”.

Mr. Hayes - Packet page 102, Line 12: “We’re going to install no parking signs as they have further down the street on the fence in front of 702 Ellsworth so no one will park there.”

THIS ABOVE WAS LEFT OUT OF THE CURRENT DRAFT OF THE ORDINANCES.

Mr. Hayes - Packet page 102, Line 14: “We’re creating an enhanced 35-foot site triangle at the intersection of Ellsworth Place and Middlefield.”

THIS SITE TRIANGLE NEEDS RE-WORKING!

- On the creek side, it needs to extend to the curve in the sidewalk at the Matadero Creek overpass, which is also where the road narrows and the sidewalk curves to match. This is where we are looking for pedestrians and bicyclists when we exit Ellsworth Place.
- On the apartment side is it too aggressive and would require killing two more mature trees: An olive and what looks like a Sweetgum tree on the City's landscape strip which do not interfere with the ability to see when entering/exiting the Ellsworth Place road. (#SAVETHETREES).

Mr. Hayes - Packet page 102, Line 15: "That includes moving the new fence that could 16 otherwise be at the property line at 702 Ellsworth an additional 4-feet away from the... well, 2- 17 feet in from the side or the property line, 4-feet in from the sidewalk at transportation's 18 request to make the intersection safer. Then that in effect is Mr. Handa loses another 2-feet of 19 his front yard."

MISLEADING STATEMENT: Not all front yards have a fence. The front yard is NOT LOST, it just can't have anything higher than 1-foot in this section FOR THE SAFETY OF THE NEIGHBORHOOD! Artificial turf or California Natives, for example, could be planted there, and there would still be enough room to fence the patio space to protect "a barbeque."

NEIGHBORHOOD SAFETY > A BARBEQUE

Mr. Hayes - Packet page 102, Line 19:" We're also going to be creating a temporary delivery truck parking space at 2901 20 Middlefield."

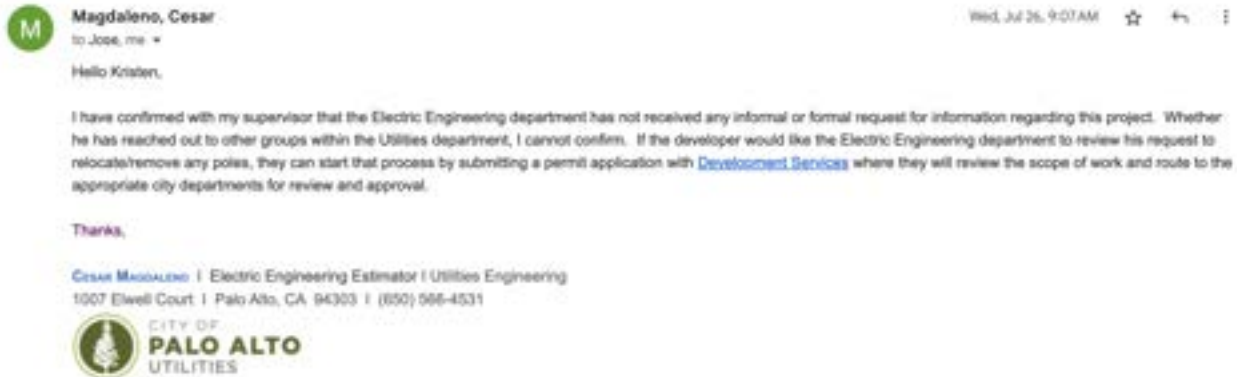
IT IS UNCLEAR IF THIS SPACE WOULD BE USED BY DELIVERY TRUCK DRIVERS, and therefore needs to be looked into before being approved. The Ellsworth Place Neighbors DO NOT WANT ANY POTENTIAL OF HAVING DELIVERY TRUCKS BANNED FROM OUR ROAD! This creates an undue burden on the existing 13 properties/15 houses.

Commissioner Akin - Packet pages 104, Line 37: For me, the two key transportation concerns here are safety at the entrance and also the ability to circulate along the length... the initial length of Ellsworth. And given that we're taking width away from Ellsworth, it seemed to me that perhaps the only way to restore that functionality was to increase the width. The applicants have proposed to do that to some extent and the question is did you consider increasing the width by undertaking other changes? For example, as I walked the site, it seemed to me that removing or relocating the power pole next to the one that's closest to Middlefield on Ellsworth Place could buy you as much as a 9-foot width increase. You're using much of that already in your current proposal for but perhaps there's room for more. Was this considered and if so, what was the rationale for not pursuing it?

COMMENT: THANK YOU, WE AGREE THERE IS "ROOM FOR MORE"! We will be losing road width and circulation with the current proposal. We would like to know if that utility pole can be removed and what looks like the phone line and Comcast lines put underground. The electrical lines appear to end at the prior pole. There are solutions for handling guy lines available online, so this needs more research. (See next section/comment.)

Mr. Hayes - Packet page 105, Line 8: So, we looked at the power pole quite closely. We tried to get a hold of Palo Alto Utilities probably, I don't know, I probably have a half dozen emails to them with no response but that pole is sort of the end pole. It has guy wires that come down that help kind of rack the forces of the line of power that strings entirely down Ellsworth. So, based on that, it's... we just figured... it's not going to be possible or within the means of the project.

MISLEADING/INCORRECT STATEMENT: According to communications an Ellsworth Place Neighbor had with CPA Utilities Engineer, Caesar Magdalena, back in March 2023, we learned that this pole can likely be moved. However, according to a follow-up email to inquire more about this with Mr. Magdalena, we learned that this will require an open application to investigate the possibilities, and an application had not been filed, at least not within the Electrical Engineering Department. (The full email communication has already been submitted into the public record). Here is an excerpt:



COMMENT: We want this further researched and ask that CPA waive any application fees to make it happen, on behalf of the safety of ALL Ellsworth Place Residents, which includes the apartment tenants, and also on behalf of the Midtown, Palo Alto Neighborhood and all who pass by Ellsworth Place on Middlefield Road.

Mr. Hayes - Packet page 105, Line 12: However, we are having to relocate a cable utility box and we don't really know what the implications of that are at this point because we've not been able to get the cable folks out there to tell us what's in that box but here we are agreeing to widening the street on that sort of Ellsworth Place on that side by 30-inches.

COMMENT: We want this further researched and a definitive answer of whether or not this cable box can be moved established. What happens if the developers can't do what they agree to do at this location? Not being able to widen the driveway entrance would be a catastrophe for everyone who uses or drives by this section of the road!

Below is a photo of the "cable box" being referred to in the above statement.



Ms. Camas Steinmetz, legal counsel - Packet page 105, Line 34: Just to correct for the record, I think you mentioned there would be a reduction in the width of Ellsworth Place and just for the record that the width is 20-feet. There will be an increase in the width...”

INCORRECT STATEMENT: This photo showing the “demonstration structures” proves the road has been functioning at a width of 21.5 feet wide “since its beginning.” (see photo shown above on page 1.)

Commissioner Akin - Packet page 106, Line 5: “Simply that people do... people were using the parking lot for passing and circulation purpose so I’m interested in being convinced that we’re doing no harm here.”

COMMENT: THANK YOU for bringing this up. HARM IS BEING DONE to the existing homes and ALL tenants who use Ellsworth Place, as well as, everyone who passes by Ellsworth Place on Middlefield Road!

Ms. Steinmetz - Packet page 106, Line 8: "Okay and we do have testimony from our property manager that's been on the site for 6-years or more that he has not seen any use of that space for circulation or passing and that's in our letter that we submitted in the record..."

INCORRECT STATEMENT: As the recent photos below prove, which have all been taken within the last couple of months. We have many more of these photos! According to apartment tenants we've talked to, the property manager does not live on site and is hardly ever there. (They won't comment publicly for fear of retaliation.)



Commissioner Templeton - Packet page 108, Line 32: “The issue of whether or not it's private, it looks like it's been settled from the City's perspective so I'm not going to get into that.”

COMMENT: This issue HAS NOT BEEN SETTLED. There is a piece of abandoned road which may be a liability to the City. We would like this issue settled BEFORE any potential development moves forward. HANDA MAY NOT OWN THE ROAD IN FRONT OF HIS PROPERTY because the road may already be a public road. No one has paid taxes on the road since at least 1968. THIS IS A PROBLEM THAT NEEDS TO BE SOLVED!

Mr. Shrupath Patel, Associate Transportation Planner - Packet page 109, Line 36: “So, that's what Office of Transportation recommended in the previous plans also and the fence was proposed 3-feet in height on Middlefield frontage and also 35-feet on Ellsworth Place. But because of this grade then there was... there's additional recommendation from Office of Transportation to put the fence 4-feet back. So, that way stop sign will be stop... the fence will be 4-feet back from basically from the stop line. So, that will increase the visibility for Middlefield vehicles and also Ellsworth Place. **That fence won't be... won't fall on that visibility triangle** and the traffic I think going northbound on Middlefield will be able to the car or the vehicles easily because the fence is already **4-feet back from the stop line.**”

CLARIFICATION NEEDED: The fence IS WITHIN the 35-foot site-triangle as it is currently marked by stakes on the ground.



CLARIFICATION NEEDED: The fence is currently placed 4-feet back from the sidewalk, NOT 4-feet back from the stop line. This stop line starts 1foot back from the sidewalk. EVERY FOOT MATTERS regarding this fence placement. The “demonstration structure” fence placement location DOES NOT WORK!



The Ellsworth Street-Side setback line and all four setback lines should be recorded on the Ordinance in accordance City Laws. If an R-1 house is going to be built on the lot, and all other Environmental and Special Requirements laws that would accompany a PC are being dismissed, then the lot should have to follow the same set-back laws and height restrictions as any other sub-standard R-1 house would have to follow. Setbacks for substandard R-1 lots are not easy to find in the current planning laws, but here is what we could locate via an online search. The house next door to this property is set back at 11-feet from Ellsworth Place.

THIS NEEDS CLARIFICATION :

https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-82517#JD_Chapter20.08

20.08.010 Setback line.

For the purposes of this chapter, a setback line means a line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement, or otherwise, or a line otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

(Ord. 3536 § 31, 1984: Ord. 1896 § I, 1959)

Standard setbacks

Standard setbacks apply in most cases.

Standard setbacks by zone

Zone District	Front*	Rear	Interior Side	Street Side*
R-1	Contextual or 20	20	6	16
R-1(7000)	Contextual or 20	20	8	16
R-1(8000)	Contextual or 20	20	8	16
R-1(10000)	Contextual or 20	20	8	16
R-1(20000)	Contextual or 20	20	8	16
Flag lot	10	20	see zone	na
Substandard lot	Contextual or 20	20	see zone	16
Substandard corner lot < 50' wide	Contextual or 20	20	see zone	10

Special regulations for substandard lots

- Maximum building height is single-story and 17' instead of 30'
- For lots less than 50' wide, the required street-side yard is 10' instead of 16'. (Fig 15 C on p. 23)

Here is a list of “Public Benefits” and other specifics that have been left out of the current Ordinance drafts. We want specifics recorded on more than some “attached development plan” so that there is no room for creative interpretation! The safety and circulation of the Ellsworth Place road depends on these details and they keep getting changed!

ATTACHMENT A - ORDINANCE FOR APARTMENTS

MISSING:

- The specifics of widening the Ellsworth Place driveway entrance “flares”.
- The specifics of widening the road entrance to Ellsworth Place: how wide, for how long. THIS IS NOT YET DEFINED.
- A requirement to move/relocate any infrastructure (examples, cable box and street sign, possibly the utility pole), that impedes the widening of the driveway entrance and the Ellsworth Place road.
- A requirement that all road widening be a “DRIVABLE, MATCHING BLACK-TOP ASPHALT TYPE OF A MATERIAL THAT MATCHES AND BLENDS INTO THE EXISTING ELLSWORTH PLACE ROAD”. (No pavers, no landscape strip, etc.)
- All added parking spots must be useable spaces and of a size according to standard parking lot codes for full sized vehicles (not landscape reserve, etc.)

ADD:

- Red painted curbs
- No Parking painted in white/red on the black-top asphalt, per other “driveway” entrances along Middlefield Road.
- Define the site-triangle per corrected adjustments as agreed upon by the the Ellsworth Place neighbors! (The 35-foot triangles do not work.)

ATTACHMENT B - ORDINANCE FOR PARKING LOT PARCEL APN: 127-35-152

MISSING or UNDEFINED:

- The specifics of widening the Ellsworth Place driveway entrance “flares”.
- The specifics of widening the road entrance to Ellsworth Place: how wide, for how long. THIS IS NOT YET DEFINED.
- A requirement to move/relocate any infrastructure (examples, fire hydrant, and road “No Outlet” sign), that may impedes the widening of the driveway entrance and the Ellsworth Place road.
- A requirement that all road widening be a “DRIVABLE, MATCHING BLACK ASPHALT TYPE OF A MATERIAL THAT MATCHES AND BLENDS INTO THE EXISTING ELLSWORTH PLACE ROAD”. (No pavers, no landscape strip, etc.)
- SECTION 4 (a) - Add “single story” to “single-family residence”.

- SECTION 4 (a) (ii) - CORRECT FOLLOWING TO READ
 - “The development plan shall include a 2’6” wide “DRIVABLE, MATCHING BLACK-TOP ASPHALT TYPE OF A MATERIAL THAT MATCHES AND BLENDS INTO THE EXISTING ELLSWORTH PLACE ROAD.”
 - The widened in a “drivable manner”, not a “perceived width”.
- SECTION 4 (a) (vi) - The house setbacks should follow those of other sub-standard lots. A rear setback of 6 feet is not standard code!
- Red painted curbs
- No Parking Signs on fence or painted in white/red on the black-top asphalt, per other “driveway” entrances along Middlefield Road.
- NO PARKING ON ELLSWORTH PLACE ROAD, not even two-wheels up on the front yard pavers. Make the pavers wide enough to hold a car completely off of the road, which requires 7-feet of pavers (not 4-feet). This matches other Ellsworth Place homes and helps avoid tandem parking in the driveway, which gets tiresome!!! (We speak from experience. Whomever lives in the house will appreciate this suggestion.)
- Define the site-triangle per corrected adjustments as agreed upon by the the Ellsworth Place neighbors! (The 35-foot triangles do not work.)

ADDITIONAL PUBLIC BENEFITS THAT COULD BE OFFERED:

- Work with both CPA and the Ellsworth Place homeowners to establish road ownership.
- If CPA does not already own the road, then the owner of the parking lot parcel, APN: 127-35-152, can Deed of Dedicate the 100 feet of Ellsworth Place road on his deed to the City of Palo Alto, and the through appropriate civic means like a City Council vote, the CPA can choose whether or not to accepts it, AND the remaining portions of the road; including the 170.8 feet of abandoned road (once attached to APN: 127-35-152), and also the remaining 254.25 feet of the road in the deed for APN: 127-35-132 (#741).

WHY THIS IS IMPORTANT:

- 1) CPA and attorneys for the developers have been saying the parking lot also owns the road in front of it as one continuous parcel, choosing to ignore ingress/egress rights of existing homeowners. These rights have been proven by Chicago Title for house parcel #724, and the “1946 Deed” referenced also covers an additional 7 house parcels on the second half of Ellsworth Place.
- 2) Attorneys have continued to use the deed for house #705 as belonging to the apartments to prove ingress/egress.
- 3) 9 out of the 13 house parcels have proven ingress/egress as written on attorney letterhead.
- 4) Setback lines are being drafted for a home on the parking lot parcel and it is not clear where those setback lines are originating from.

From: [Robyn Ziegler](#)
To: [Planning Commission](#)
Subject: For Action Item 3, PTC Meeting of August 9, 2023
Date: Wednesday, August 9, 2023 3:31:56 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.

Regarding: Request for Rezoning to Amend Planned Community 2343 (PC2343), and 702 Ellsworth Place; Applications 23PLN-27, 23PLN-00027, 23PLN-00025

August 9, 2023

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

There are now orange painted stakes set behind the gorgeous Olive Tree to the right as we exit Ellsworth Place. Is this beautiful/stately and mature tree going to be hacked down to provide for paving? I hope not, as this would be extremely unfortunate. The tree is not obstructing vision when exiting and turning. I trust there is a way to remediate the problem/concern without harming the flora of the neighborhood.

Thank you for your consideration,

Robyn Ziegler

[REDACTED]
PA

From: [Melissa Borgesi](#)
To: [Kallas, Emily](#); [Planning Commission](#)
Cc: [Jane Mark](#); [Susanna Chan](#); [Ana Ruiz](#)
Subject: Midpen Comment Letter, RE: 575 Los Trancos Road PTC and Revised Plans
Date: Wednesday, August 9, 2023 4:06:30 PM
Attachments: [image001.png](#)
[575 Los Trancos PTC and Revised Plans.pdf](#)

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

Ms. Kallas,

The Midpeninsula Regional Open Space District is submitting our agency's comment letter for the 575 Los Trancos Road Project (21PLN-00196).

Thank you for reviewing our comments.

Regards,
Melissa Borgesi



Melissa Borgesi

Planner II

Midpeninsula Regional Open Space District
5050 El Camino Real, Los Altos, CA 94022

(650) 625-6531 Direct

[openspace.org](https://www.openspace.org)

August 9, 2023

City of Palo Alto Planning and Development Services Department
City Hall
250 Hamilton Ave
Palo Alto, CA 94301

SENT VIA E-MAIL TO: emily.kallas@cityofpaloalto.org and
Planning.Commission@cityofpaloalto.org

Subject: 21PLN-00196, 575 Los Trancos Road (APN 18246012) Planning & Transportation
Commission and Revised Plans

Dear Ms. Kallas,

On behalf of the Midpeninsula Regional Open Space District (Midpen), we respectfully submit the following comments regarding the revised plans for 575 Los Trancos Road in the City of Palo Alto. As the owner of an adjacent parcel (APNs 079-080-050, -080, and -090), Midpen appreciates the changes made thus far to support wildlife and riparian habitat.

Comprised of over 65,000 acres of acquired and protected open space on the San Francisco Peninsula, Midpen is one of the largest regional open space districts in California. Our mission is to acquire and preserve a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education.

While much of Midpen's open space lands are along the ridge of the Santa Cruz Mountains, Midpen owns and manages Windy Hill Open Space Preserve (Preserve), including the Hawthorns Area, which is located in the Town of Portola Valley and is located within a ¼ mile to the project site. Midpen previously commented on the Draft Initial Study Mitigated Negative Declaration for the project and while Midpen appreciates our comments being incorporated into the project plans, we see an opportunity for further improvement and describe these opportunities below.

Biological Resources

Riparian Habitat

The proposed swimming pool's placement is still within close proximity of the creek and could result in entrapment of semiaquatic species such as California Giant Salamander, Santa Cruz Black Salamander, Western Pond Turtle, California Red Legged Frog (CRLF), and San Francisco

Garter Snake (SFGS) that may travel across the landscape. We understand that a pool cover was added to the pool design, however if the pool cover is left open or becomes nonoperational, the pool continues to pose an entrapment hazard to the aforementioned species. Typically, a recommendation would be to install an 18' minimum height fence with an overhanging lip facing the creek (to prevent climbing by newts and or hopping over by other species). Creating a permanent barrier around the pool to prevent semi aquatic wildlife from accessing the pool at all times. However, installing a fence barrier around the pool's current proposed location would result in permanent construction within the 50' setback of top of bank. Ideally the pool would be modified in shape and/or size and be relocated entirely outside of a 50' setback along with a permanent wildlife barrier fence completely enclosing it.

Phytophthora / Sudden Oak Death

Midpen was pleased to see native noninvasive plants incorporated within the plant list. We would like to reiterate our request to incorporate appropriate protocols to minimize the spread of Phytophthora to prevent loss of trees within and adjacent to the parcel. Please see the four attached best management practice documents for conducting vegetation work in areas with potential Phytophthora infection.

We appreciate the opportunity to comment on this project. Should you have any questions about this letter, please contact me at (650) 625-6563 or via email.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane F. Mark", with a long horizontal flourish extending to the right.

Jane F. Mark, AICP

Planning Manager

Attachment 1: Guidelines to Minimize Phytophthora Contamination

Attachment 2: Midpen Phytophthora Sterilization Guidelines

Attachment 3: Sudden Oak Death Precautions and Acorn Planting Protocols

Attachment 4: Guidelines to Minimize Phytophthora Pathogens in Restoration Nurseries

CC: Ana Ruiz, General Manager
Susanna Chan, Assistant General Manager

Guidelines to Minimize *Phytophthora* Contamination in Restoration Projects

These guidelines aim to avoid contamination of restoration sites with exotic pathogenic *Phytophthora* species or other plant pathogens during planting and related activities.

Contents

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Definitions:

- **Holding facility or nursery:** A facility where nursery stock is maintained for a short to extended period of time prior to planting. Plant maintenance activities may include irrigation, fertilization or light pruning, as necessary. Nurseries involved in most other activities, including propagation or repotting are considered production nurseries.
- **Job site:** The job site includes areas for planting, soil stockpiling, parking, and access roads within and leading to the site.
- **Nursery stock:** All types of nursery grown plants.
- **Planting area:** Area being planted for habitat restoration, erosion control, or other purposes.
- **Planting site:** An individual planting basin or other spot, typically no larger than one square yard, where an individual plant or several grouped plants will be installed.
- **Sanitize:** Clean and treat with a sanitizing agent or via a lethal heat exposure to kill plant pathogens present as external contamination.
- **Sanitizing agent:** Materials such as bleach (sodium hypochlorite solutions), alcohol, quaternary ammonium compounds, and peroxides that can directly kill exposed propagules of *Phytophthora* or other plant pathogens when used properly. Most sanitizing agents can also kill a wide variety of bacteria and deactivate many viruses. Note that most materials referred to as fungicides are applied to plants to suppress disease but may not kill the pathogens and are not sanitizing agents.

I. Construction projects

In an effort to minimize the spread of plant pathogens the exterior and interior of all equipment and tools must be clean and free of debris, soil and mud (including tires, treads, wheel wells and undercarriage) prior to arrival at a new job site.

General guidance – suggested standard operating procedures:

- a. Vehicles need to stay on established roads unless infeasible.
- b. In general, vehicles and equipment need to be maintained clean – interior and exterior free of mud, debris and soil especially during the wet season.
- c. In general, work shoes need to be kept clean- inspect shoe soles and knock mud, debris and soil off treads before moving to a new job site.
- d. To minimize the potential for spreading potentially contaminated soil and time required for decontamination, if possible, avoid vehicle traffic and field work when soils are wet enough to stick readily to shoes, tools, equipment and tires.

II. Planting at Field Sites

Overview: Three general routes for the spread of *Phytophthora* and other soilborne plant pathogens are addressed in these guidelines. These routes are (1) contamination of planting material, including clean nursery stock, and other materials installed at the site, (2) inadvertent introduction of pathogens to a job site from other outside sources (e.g., via contaminated equipment), and (3) potential movement of undetected contamination within the planting area.

These guidelines assume that all nursery stock was originally grown under phytosanitary conditions and tested as remaining free from disease in the nursery (refer to nursery guidelines). These guidelines address how to protect the planting area from subsequent contamination during the delivery, storage onsite, and installation of planting stock and materials.

1. Prevent contamination of clean nursery stock or other clean plant materials

Planting stock shall be protected from potential contamination from the point that it leaves the production nursery or collection site until planting. Note that nursery stock has a high risk of infection by *Phytophthora* species if exposed to these pathogens. Excluding these pathogens provides the only viable option for maintaining outplanted nursery stock free of *Phytophthora*.

1.1. Maintaining nursery stock in a holding facility

When holding stock for an extended period (after delivery from production nursery and before planting), the following practices need to be followed to prevent contamination of the nursery stock with *Phytophthora*.

- 1.1.1. Delivered nursery plants that will be held before planting shall be transferred to cleaned and sanitized raised benches and maintained as described in “Guidelines to Minimize *Phytophthora* Pathogens for holding (non-production) nurseries at restoration sites, Section 3.”

1.2. Handling and transporting nursery plants at the job site

- 1.2.1. Nursery plants shall be transported on or in vehicles or equipment that have been cleaned before loading the stock. Truck beds, racks, or other surfaces need to be swept, blown with compressed air and/or power washed as needed so they are visibly free of soil and plant detritus. More information on sanitizing surfaces are described in the Appendix.
- 1.2.2. Keep plants in sanitized vehicles or on sanitized carts, trailers, etc. until delivered to their planting sites. (More information may be found in sections 1.3.3. and 1.3.4.)
- 1.2.3. At the job site, plants shall be handled to prevent contamination until delivered to each planting site. Nursery stock shall not be placed on the soil or other potentially contaminated surfaces until they are placed at their specific planting sites.
- 1.2.4. If it is necessary to offload plants at the job site, plants may be placed on clean waterproof plastic tarps or other clean, sanitized surfaces. If tarps are used for holding plants, one surface needs to be dedicated for contact with nursery stock and will be cleaned and sanitized to maintain phytosanitary conditions.

1.3. Other planting site inputs

- 1.3.1. Washing, soaking, or irrigation of plant material shall be conducted using clean water sources as specified in the Appendix below. Untreated surface waters should not be used for these purposes.
- 1.3.2. On-site or off-site collection of plant materials, including seed and cuttings for direct planting, shall be conducted in a phytosanitary manner (see guidelines for collection practices at www.calphytos.org).
- 1.3.3. Prior to delivery to the planting areas, mulch, compost, soil amendments, inoculants, and other organic products need to be examined and determined to be low-risk for pathogen introduction. Acceptable materials are those that are free of contamination by plant pathogens based on their composition or manufacturing conditions, or that have been exposed to an effective heat treatment to eliminate pathogens. Such materials must be handled and stored in a manner that prevents contamination. At the job site, delivered materials shall be handled to prevent contamination until delivered to each planting site in the same manner specified for nursery stock in section 1.2 above.
- 1.3.4. All other materials to be installed at the site shall be of new or sanitized material that has not been stored in contact with soil, untreated surface waters, or other potentially contaminated materials. This includes irrigation supplies (such as pipe, fittings, valves, drip line, emitters, etc.), erosion control fabrics, fencing, stakes, posts, and other planting site inputs.

2. Cleaning and sanitation required before entering planting area to prevent introducing contamination from other locations

Phytophthora contamination can be present in agricultural and landscaped areas, in commercial nursery stock, and in some infested native or restored habitat areas. Contamination can be spread via soil, plant material and debris, and water from infested areas. Arriving at the site with clean vehicles, equipment, tools, footwear, and clothing helps prevent unintentional contamination of the planting site from outside sources.

2.1. Vehicles, equipment, and tools

- 2.1.1. Equipment, vehicles and large tools must be free of soil and debris on tires, wheel wells, vehicle undercarriages, and other surfaces before arriving at the planting area. A high pressure washer and/or compressed air may be used to ensure that soil and debris are completely removed. Vehicles that only travel and park on paved roads do not require external cleaning.
- 2.1.2. The interior of equipment (cabs, etc.) should be free of mud, soil, gravel and other potentially contaminated material. Interiors should be vacuumed, washed, and/or treated with sanitizing agents as needed to eliminate pathogen propagules that could be transferred to the planting area.
- 2.1.3. Small tools and other small equipment (including hoses, quick couplers, hose nozzles, and irrigation wands) need to be washed to be free of soil or other contamination and sanitized (see Appendix).
- 2.1.4. Hoses shall be new or previously used only for clean water sources (see Appendix).

2.2. Footwear and clothing

- 2.2.1. Soles and uppers of footwear need to be visibly free of debris and soil before arriving at the planting area. (See the Appendix for more details.)
- 2.2.2. At the start of work at each new job site, worker clothing shall be free of all mud, soil or detritus. If clothing is not freshly laundered, all debris and adhered soil should be removed by brushing with a stiff brush.
- 2.2.3. Gloves and non-porous knee pads must be new (if disposable) or laundered/sanitized at the start of each work day, and/or clean coveralls must be worn. Non-disposable gloves should be made of or coated with material, such as nitrile, that can be sanitized.

3. Prevent potential spread of contamination within planting areas

Phytophthora can also be spread within plantings areas if some portions of the site are contaminated. However, it is not possible to identify every portion of a planting area that may contain *Phytophthora*. Because *Phytophthora* contamination is not visible, working practices should minimize the movement of soil within the planting area to reduce the likelihood of pathogen spread.

Note that areas with higher risk of *Phytophthora* infestation include areas adjacent to planted landscaping, areas previously planted with *Phytophthora*-infected stock, areas with existing or recently removed woody vegetation, disturbed wetlands, and areas directly along watercourses. Areas with low risk of contamination typically include upland sites with only grassy vegetation or sites where surface soils have been removed.

3.1. Worker training and site access

- 3.1.1. Before entering the job site, field workers need to receive training that includes information on *Phytophthora* pathogens and how to prevent the spread of these and other soilborne organisms by following approved phytosanitary procedures. Workers should also be informed about any site-specific phytosanitary practices before work commences.

- 3.1.2. Do not bring more vehicles into the planting area than necessary and keep vehicles on surfaced or graveled roads whenever possible to minimize potential for soil movement.
- 3.1.3. Travel off roads or on unsurfaced roads should be avoided when soil and road surfaces are wet enough that soil will stick to vehicle tires and undercarriages.
- 3.1.4. To allow for adequate decontamination of equipment, tools, gloves, and shoes, avoid planting under overly wet conditions or when soil is saturated.

3.2. Minimize unnecessary movement of soil and plant material within the planting area, especially from higher to lower risk areas

- 3.2.1 Brush off soil from tools and gloves when moving between successive planting sites to prevent repeated collection and deposition of soil across multiple sites.
- 3.2.2. Avoid contaminating clothing with soil during planting operations. Brush off soil accumulations before moving from one planting site to the next. Use nonporous knee pads that are cleaned between planting sites if kneeling is necessary.
- 3.2.3 When possible, plant nursery stock from a given block in the same local area rather than spreading it widely. If a problem is associated with a given block of plants, it will be easier to detect and deal with it if the plants are spatially grouped.
- 3.2.4. Phase work to minimize movement between areas with high and low risk of contamination. Where possible, complete work in low risk areas before moving to higher risk areas. Alternatively, assign personnel to working in either high or low risk areas exclusively to reduce the need for decontamination.
- 3.2.5. Clean soil and plant debris from large equipment and sanitize hand tools, buckets, gloves, and footwear when moving from higher risk to lower risk areas or when moving between widely separated portions of the planting area.
- 3.2.6. All non-plant materials to be installed at the site (irrigation equipment, erosion control fabric, fencing, etc.) shall be handled to prevent movement of soil within the site, especially movement from higher risk to lower risk areas. Materials should be kept free of soil contamination by maintaining them in clean vehicles or carts, trailers, etc., or stockpiling in elevated dry areas on clean tarps until used.

4. Clean water specifications

Objective: use only uncontaminated, appropriately-treated water for irrigation.

- 4.1.1. Water used for irrigating plants needs to be uncontaminated. See Appendix for specifications.

Appendix

A. Procedures for sanitizing tools, surfaces, and footwear

Surfaces and tools should be clean and sanitized before use. Tools and working surfaces (e.g., plant carts) should be smooth and nonporous to facilitate cleaning and sanitation. Wood handles on tools should be sealed with a waterproof coating to make them easier to sanitize.

Before sanitizing items, remove all soil and organic material (roots, sap, etc.) from their surfaces. If necessary, use a detergent solution and brush to scrub off surface contaminants. The sanitizing agent may also be used as a cleaning solution. Screwdrivers or similar implements may be needed to clean soil out of crevices or shoe treads. Brushes and other implements used to help remove soil must be visibly clean and sanitized after use.

After surface soil and contamination are removed, treat the surface with one of the following sanitizing agents, allowing the appropriate contact time before rinsing. If surfaces are clean and dry, wet surfaces thoroughly and allow for the appropriate contact time listed. If the sanitizer has been used to help clean the surface, use fresh sanitizer to rinse off any dirty solution and then allow the required contact time. If treated surfaces are wetted with water, the sanitizing solution will become diluted. Apply enough sanitizer to completely displace the water film and then allow the required contact time. Sanitizing agents may be applied with spray bottles to thoroughly wet the surface. Observe all appropriate safety precautions to prevent contact with eyes or skin when using these solutions.

- 70-90% ethyl or isopropyl alcohol - spray to thoroughly wet the surface and allow to air dry before use
- freshly diluted bleach solution (0.525% sodium hypochlorite, Table 1) for a minimum of 1 minute (due to corrosivity, not advised for steel or other materials damaged by bleach)
- quaternary ammonium disinfectant - use according to manufacturer recommendations, making sure that the label indicates that the product is suitable for your use situation and has activity against *Phytophthora* when used as directed. Solution should be freshly made or tested to ensure target concentration.

Table 1. Dilutions of commonly available bleach products needed to obtain approximately 0.525% sodium hypochlorite concentrations (5000 ppm available chlorine).

Percent sodium hypochlorite in bleach	Parts bleach	Parts water	Diluted bleach percent sodium hypochlorite
5.25%	1	9	0.525%
6.0%	1	10.4	0.526%
8.25%	1	14.6	0.529%
8.3%	1	14.8	0.525%

For example, adding 100 ml of 5.25% bleach to 900 ml of water will make 1000 ml of 0.525% NaOCl solution. If using 8.3% bleach, add 100 ml of bleach to 1480 ml of water to make 1580 ml of 0.525% NaOCl.

B. Clean water specifications

Surface waters, including untreated water from streams or ponds and nursery runoff, can be sources of *Phytophthora* contamination. Only uncontaminated water or water that has been effectively treated to remove or kill *Phytophthora* should be used for rinsing or irrigating plant material.

5.1. Water used for irrigation shall be from treated municipal water supplies or wells and delivered through intact pipes with backflow prevention devices. Tertiary-treated municipal recycled water is acceptable.

5.2. If well water is used, wellheads shall be protected from contamination by surface water sources.

5.3 Untreated surface waters and recycled nursery runoff shall not be used, and plants shall not be held where potential contamination from such sources is possible via splash, runoff, or inundation.

5.4. Irrigation equipment must be kept free of contamination that could be transferred to irrigation water or plants. All hoses, wands, and nozzles, and hand irrigation equipment must either be new or sanitized before use. Drip irrigation and other sprinkler parts should be new or sanitized. Hose ends, wands, or nozzles that become contaminated with soil or mud during use should be cleaned and sanitized before being used further.

Guidelines for Minimizing *Phytophthora* Contamination at Midpeninsula Regional Open Space District Preserves

The goal of these guidelines is to minimize the contamination of Midpeninsula Regional Open Space District (MROSD) preserves with *Phytophthora*, a soil pathogen that kills plants. Once a site is contaminated, this soil pathogen can spread farther into wildland areas and can be difficult to eradicate. Prevention is the lowest cost and easiest method to manage contamination.

The best way to prevent the spread of this disease is to not move soil from one location to another by cleaning tools, equipment, and footwear.

Part of the District's mission is to protect and restore the natural environment. Within the last few years, planted restoration sites have unintentionally exposed preserves to soil pathogens brought in by nursery plants that were later found to be contaminated. Testing of former restoration sites on District preserves is now underway to determine which sites are contaminated and the necessary remedial actions.

Who should use these guidelines?

These guidelines are intended for use by field staff and Natural Resource (NR) staff who pose the highest chance of spreading soil *Phytophthora* via equipment and footwear. Several methods are provided on how and when to decontaminate tools and equipment depending on the site conditions (contaminated versus clean site) and staff activities (planting, other). Guidelines for contractors, consultants, volunteers and preserve visitors are under development. Consult NR staff (Amanda Mills, amills@openspace.org or x558, or Coty Sifuentes-Winter, csifuentes@openspace.org or x560) on which guidelines are best for your project.

When to use these guidelines?

Use these guidelines for any activity that contacts soil, water or plants on a known *Phytophthora*-contaminated site, on a formerly planted site, on a site with rare plants, or when preparing or planting a new restoration site.

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1. Overview

Remember to **Arrive Clean and Leave Clean**. The best way to prevent the spread of *Phytophthora* is to leave soil at its original location in the field. Equipment and footwear should be clean and sanitized before entering a site, especially for planting events where extra precautionary steps will be taken. Before leaving a site, especially at contaminated sites, it's crucial to clean and sanitize footwear and equipment.

Definitions:

Clean - remove soil and organic debris from tools and footwear

Sanitize - Use disinfecting agent such as alcohol or chlorine bleach.

Phytosanitary - control of plant pests and diseases especially in agricultural crops

1.1 What is Phytophthora?

- 1.1.1 *Phytophthora* (Fie-tof-thora) is a group of water molds that infect plants. There are many species, mostly notably *P. ramorm* (Sudden Oak Death), *P. infestans* (potato blight/ Irish potato famine) and *P. tentaculata* (nursery root rot).
- 1.1.2 Symptoms are similar to drought, making diagnosis difficult without testing.
- 1.1.3 Symptoms include leaf spots, branch die-back, cankers, trunk bleeding and death of whole plant.
- 1.1.4 Hosts include many native and nursery plants including oaks, bay laurel, madrones, sticky monkeyflower.
- 1.1.5 Brought to California through imported camellia and rhododendron nursery plants.
- 1.1.6 Mainly spreads from contaminated nursery stock, pots and soil. Can spread by foot traffic from contaminated footwear.

1.2 General Steps:

- 1.2.1 **What** - Items to be cleaned: Anything that comes into contact with soil, water or plants. This includes tools (shovels, hand trowels, hori-horis, rakes, tree cages, plant protection tubes etc.), footwear, equipment, wheeled equipment and vehicles.
- 1.2.2 **When** - Prior to the project day, field staff will be notified what items need to be cleaned and by which method. In general, tools and equipment should be cleaned at the field office before bringing them to the field site, and soil should be removed from footwear beforehand and more thoroughly cleaned at the entrance to the field site.
- 1.2.3 **Transportation** - Cleaned equipment should be transported in a truckbed from which all soil has been washed out, or cleaned equipment can be wrapped in a clean tarp before placed in a dirty truck.

1.3 Proper Disinfectants

All recommended disinfectants are considered pesticides. Personal protective equipment required by the State of California for anyone using disinfectants is eye protection with wrap-around and brow protection and 14 mil chemical resistant gloves. You can use smaller mil gloves if handling chemicals for 15 minutes or less.

- 1.3.1 The disinfectants listed in Table 1 are recommended by standard phytosanitary guidelines.
- 1.3.2 Other disinfecting agents or methods, such as Lysol or heat treatments, must be reviewed and approved by NR staff before use.
- 1.3.3 Disinfectants are most effective when surfaces are clean of soil and user follows label instructions.

Disinfecting Agent	Active ingredient	Contact time	Product shelf life	Proper Disposal	Health Risk	Personal Protective Equipment
Granular Chlorine Bleach (Leslies Chlor Brite, EZ Chlor)	Sodium dichloroisocyanurate dihydrate	2 min	Long if undiluted	Neutralizer (Vita-D-Chlor)	High	Eyewear, gloves; do not inhale
Liquid Bleach (Clorox)*	Sodium chloride	2 min	3-5 months	TBD	High	Eyewear, gloves; do not inhale
Rubbing Alcohol	Ethanol or Isopropyl Alcohol	1 min	Long	TBD	Med	Eyewear, gloves; flammable
Quaternary ammonium compounds (Quat 128 or Phisan 20)	Dodecyl dimethyl ammonium chloride	10 min	Long if undiluted	TBD	Med	Eyewear, gloves; toxic to fish

Table 1: List of approved disinfecting agents. Always follow chemical label instructions.

*Liquid bleaches are generally not recommended as a disinfectant because they lose potency in storage.

2. Cleaning at the Field Office

Clean equipment, tools and footwear at the field office **before** arriving to the project site. This is the easiest way to prevent soil contamination. For those occasions where equipment and footwear must be cleaned at a field site, see Cleaning at Field Site (page 7).

2.1 Remove Soil from Equipment and Footwear

- 2.1.1 At the field office, scrape, brush, and wash off any soil or organic material. Take care to remove soil trapped in treads or cracks.
- 2.1.2 Pathogens can survive inside soil clods even after soaking because disinfectants may not completely penetrate large or clayey masses. Therefore, it is important to remove large clods of soil before soaking or otherwise treating with disinfectants.

2.2 Disinfect Tools With Bleach

Several disinfecting agents are available for treating Phytophthoras (Table 1). When many tools need treatment, use granular chlorine bleach at the field office. Spraying with rubbing alcohol is more appropriate for spot treatment at remote field locations.

NEVER MIX DIFFERENT DISINFECTING AGENTS.

ALWAYS FOLLOW LABEL DIRECTIONS.

FOLLOW REQUIREMENTS FOR PERSONAL PROTECTIVE EQUIPMENT WHEN USING DISINFECTING AGENTS.

List of Equipment for Disinfecting Tools:

- **Disinfectant** – most frequently, we expect to be using granular chlorine bleach such as EZ Chlor or Leslie’s Chlor Brite when cleaning multiple tools at the field office. Carefully follow the directions below when using any [?] of the bleach disinfectants.
- **Vita-D-Chlor (chlorine neutralizer)** - This neutralizing product is only required if you used chlorine bleach as a disinfectant.
- **Waterproof container** - A large [minimum size?] plastic trashcan or waterproof pop-up garden trimming container in which to mix the water-based disinfectant and soak the tools.
- **Hard bristled scrub brushes and paint scrapers** - Grill brushes with scrapper attachment are handy tools to loosen soil from both flat surfaces and narrow cracks.
- **Personal Protective Equipment** Close-toed shoes, apron or coveralls, protective eyewear, 14 mil chemical resistant gloves (not leather or cloth).
- **Clean water source** - should not be cloudy or with a lot of organic material in it. Pressure washers or nozzles are helpful to remove soil quickly and get into small cracks.

- 2.2.1 Before using the disinfectant, remove soil as described in above section.

- 2.2.2 Fill waterproof container with 10 gallons of water. Use label instructions to add the right amount of disinfecting agent. For granular bleach, use one teaspoon in 10 gallons to get the desired 0.525% dilution.
- 2.2.3 Dunk tools in solution for required soaking time (see Table 1). For granular bleach, this is 2-minutes. Just getting tools wet does not mean they will be disinfected. Think of it as chemical cooking.
- 2.2.4 If you used chlorine bleach as a disinfectant, it needs to be neutralized after soaking. This ‘rinse cycle’ will deactivate the bleach so it does not corrode metal and so that it is safer to dispose of the soak water. Equipment sprayed with alcohol does not require this neutralization step.
- 2.2.5 In addition to tools, remember to disinfect the sanitation kit, gloves, tarps, or other miscellaneous items that have come into contact with soil.
- 2.2.6 Let tools dry. The hose lay is great for drying tarps.

2.3 Disinfect Wheeled Equipment/ Vehicles

Anything with wheels, including wheel barrels, ATV’s, motorized carts that will be used at the field site needs to be cleaned and this is best done at the field office before the project. Vehicles that stay at the staging area do not have to be cleaned and sanitized. However, it is good phytosanitary practice to remove soil from wheels every time you leave a site.

- 2.3.1 Scrub down tires either by hand scrubbing or using a pressure spray wash.
- 2.3.2 Sanitize using disinfecting spray such as bleach (must be made weekly) or rubbing alcohol.

3. Cleaning at Field Site

Remember to **Arrive Clean and Leave Clean**. If equipment was cleaned and treated with a disinfectant at the field office and delivered in a clean truck, then on-site cleaning of equipment will only be required when leaving at the end of a work day. We recommend that everyone be encouraged to thoroughly clean their footwear of soil before arrival at the site, and then footwear be treated with alcohol upon arrival. Volunteers may not always be aware of this recommendation and may arrive with boots that need to be cleaned of foreign soil at the field site. Scraping all soil off equipment and footwear is required before leaving site, and sanitation of all footwear is usually recommended when leaving a site, especially for known contaminated sites. Rubbing alcohol is usually the preferred disinfectant in the field. Bleach products can be used in the field, but it is harder to mix and dispose of them properly in the field. See details below.

3.1 Cleaning at Start of Field Day

Tools:

Portable sanitation kits include the following items in a bin: 2 tarps, boot brush with scraper, 2 spray bottles of 70% isopropyl alcohol, 2 long-handled brushes, 2 paint scrapers, and instructions. On muddy days, also bring a basin and 2 jugs of water.

Alcohol 70% Ethyl alcohol (Ethanol) or 90% Isopropyl alcohol is fine. Called rubbing alcohol at drug stores.

Spray bottle - we take the nozzles from chemical resistant spray bottles and screw them directly into the rubbing alcohol bottle. Sometimes the stem needs to be trimmed. This allows you to have a spray bottle that is properly labeled with rubbing alcohol information and precautions.

- 3.1.1 Any equipment or footwear not cleaned and sanitized at the field office must be cleaned and sanitized before entering the site. Off-site soil should be considered contaminated.
- 3.1.2 Using the items in the portable sanitation kit, set up a staging area where equipment and footwear will be cleaned and sanitized. A paved parking lot or surface near the entrance to the work site is preferred.
- 3.1.3 Lay out 2 tarps, one labeled 'dirty' and one labeled 'clean'.
Remove any off-site soil from footwear and equipment onto the 'dirty' tarp. Try not to use water. If water is used, DO NOT dump potentially contaminated water onto on-site soil. Water can be dumped onto non-permeable pavement such as a road or parking lot in a low traffic area. This will UV-sterilize the dirty water (24 hr daylight cycle) as long as no clumps exist. Potentially contaminated soil in the 'dirty' tarp should be bagged in a trash bag and thrown away. DO NOT dispose of off-site soil at the new site.
- 3.1.4 Use the 'clean' tarp to sanitize soil-free footwear and equipment. Standing on the tarp, spray cleaned footwear and tools with 70% isopropyl alcohol, thoroughly wetting the surface. If the surface of your footwear or tools is already wet, spray extra alcohol to displace the water and allow the alcohol to soak the surface. Spray the footwear from the top down to avoid contamination.
- 3.1.5 Allow alcohol to evaporate (approx. 1 min) before starting work. You can stand on the tarp until your shoes are dry.
- 3.1.6 Footbath Alternative - we are investigating sanitizing mats where sanitizing only requires stepping on the mat. Gemplers.com, sanistride.com, and nelsonjameson.com sell both sponge mats and footbath mats for disinfecting shoes. Either chlorine bleach or non-evaporating disinfectants are used in these footbaths and the solution is changed weekly or as needed. Chemical strips are available to test if disinfectants are still effective. Caution should be taken if footbaths and solutions are transported to avoid spills.
- 3.1.7 Bleach alternative in the field. We are currently recommending that the bleach alternative be used at the field office and alcohol be used in the field. Bleach may be a better alternative in the field under some circumstances (large amounts of tools that must be disinfected in field), but will require special processes for safety and to properly dispose of the chlorine treatment water. Consult with the NR Department to determine best methods under these conditions.

3.2 Cleaning at End of Field Day

Tools:

Portable sanitation kits include the following items in a bin: 2 tarps, boot brush with scraper, 2 spray bottles of 70% isopropyl alcohol, 2 long-handled brushes, 2 paint scrapers, and instructions. On muddy days, also bring a basin & 2 jugs of water.

- 3.2.1 Sanitation of equipment and shoes is important for known or suspected contaminated sites. More leniency can be given for 'clean' sites.
- 3.2.2 Remove all soil and organic material from footwear and equipment. Leave soil onsite. Use the boot scraper, paint scraper and a stiff brush to remove any soil and plant material on both the top and bottom of footwear and from tools including the digging ends and handles. Make sure to clean out crevices. On muddy days, fill the basin with water to assist in rinsing off excess soil once the majority of debris has been removed.
- 3.2.3 Water helps in removing dried clods of soil. This water can be dumped on-site only if the soil originates from on-site.
- 3.2.4 Standing on the 'clean' tarp, spray cleaned footwear and tools with 70% isopropyl alcohol, thoroughly wetting the surface and allowing it to dry (approx. 1 min). If the surface of your footwear or tools is already wet, spray extra alcohol to displace the water and allow the alcohol to soak the surface.
- 3.2.5 Before leaving the site, shake soil off the scrapers, brushes and tarp.
- 3.2.6 At the field office, thoroughly clean the portable sanitation kit by washing out, spraying with alcohol and drying the container and all contents before storage. The portable sanitation kit must be clean before moving to a new site.

4. FAQ

Q. What do we do with left over soil?

A. Depends on the soil. Soil from off-site should be disposed of in a trash bag and thrown away--there's no knowing if off-site soil is contaminated or not. On site soil can be disposed of on-site back where it came from.

Q. What do we do with dirty water?

A. Pouring on pavement or another non-porous surface should disperse the contaminated soil enough to UV (sun) sterilize the water. If using bleach, use neutralizer and the water can be considered clean and safe enough to pour out anywhere. Don't pollute! Other disinfectants need proper disposal that isn't safe for dumping on the ground. Contact Natural Resources Department (Amanda Mills/Coty Sifuentes-Winter) or EH&S for safe disposal procedures.

Q. How do we use the tarps?

A. Two tarps, two purposes. Dirty tarp: use as a containment area to clean off soil clogs, especially offsite soil, for later disposal. Clean tarp: provides users a clean surface to sterilize (with alcohol or other sanitation liquid) shoes and equipment not cleaned at the Field offices.

Q. When will we need to sanitize or use the kits?

A. 1. Contaminated sites (list TBD) 2. Planting events-NR staff lead 3. When NR Staff recommend sanitation. Most of these will be NR staff lead, otherwise a leading crew member will advise on Phytosanitary BMP.

Q. Can we use hot water to sterilize?

A. Hot water can be used only if equipment bathes in 120-125° water for 30 minutes in order to be effective at killing both surface contaminants and internal infections.

Q. What about large equipment and Ranger lead projects?

A. TBD. Field staff will be trained on phytosanitary measures. For field crew lead projects, a crew member should be in charge of facilitating phytosanitary compliance.

Q. Why does this take so much time?

A. It's best to prevent rather than respond to contamination by *Phytophthora*. Once a natural area has been exposed to this soil disease, it can slowly spread and kill other plants. It is very difficult and expensive to kill all the pathogens in the soil of a natural area.

5. Sources

CalPhytos.org. "Guidelines to minimize *Phytophthora* Pathogens in Restoration Nurseries".
Suddenoakdeath.org. http://www.suddenoakdeath.org/wp-content/uploads/2016/04/Restoration.Nsy_.Guidelines.final_.092216.pdf

Kurowki, Chet. "Control Pathogen Spread through use of Disinfectants". Calseed.org.
<http://www.calseed.org/documents/Disinfectants%2004-22-14a.pdf>

Cornell University Institutional Animal Care and Use Committee "Cleaning and sanitizing equipment used in the transport of animals."
<https://ras.research.cornell.edu/care/documents/ACUPs/ACUP532.pdf>

http://agriculture.mo.gov/animals/pdf/animalag_guide4.pdf

6. Future Methods

Let us know how these guidelines worked for your project! We may adjust guidelines based on feedback.

**Midpeninsula Regional Open Space District
Sudden Oak Death Precautions and Acorn Planting Protocol**

1. Sudden Oak Death (SOD) Precautions

- a. Prior to the start of construction work, the Construction Superintendent shall inform construction personnel that they are working in a potential SOD-infested area, the implications of the disease, and the need to prevent further disease spread. Non-English speaking personnel shall be provided the appropriate written or verbal translations.
- b. To the extent practical, avoid locating equipment and material near host plants and trees, especially if showing disease symptoms.
- c. Route equipment away from host plants and trees, especially if showing disease symptoms.
- d. Any cutting or chipping of on-site plant material shall be restricted to the project area and the debris shall remain in the project area.
- e. After completing any cutting or chipping of on-site plant material, ensure that the equipment is free from host debris by first removing any visible plant material that clings to the equipment and follow with the cutting or chipping of non-host material.
- f. Before any equipment or vehicles leave the preserve, the contractor shall inspect the equipment and vehicles for host plant debris (leaves, twigs, and branches). Host plant debris must be removed from equipment and vehicles prior to their departure.
- g. If conditions at the work site are muddy due to dust suppression activities or summer rains, remove or wash off accumulations of soil, mud, and organic debris from shoes, boots, vehicles, and heavy equipment prior to exiting the preserve. If an equipment power wash station is used, its location must first be approved by the District Representative.

2. Acorn Planting Protocols

- a. Prior to planting, the contractor will remove debris within a 2-3 foot diameter of the planting basin and hollow out a planting hole fist deep and wide in loose soil. Place 3 seeds on their side in the hole, cover with soil to grade and firmly pat down. Contractor shall install Tubex Shrubshelters (2.5' height) centered on the planted seeds. Contractor shall insure that each installed Tubex Scrubshelter is in good condition and securely attached to wooden stakes with the bottom edge covered by soil. Contractor shall install a mulch layer or certified weed free stry 3 to 5-inches deep in an area of 3-foot diameter around each tree shelter. Contractor will provide and water each basin with one (1) gallon of water.
- b. After the first Spring, keep only the most vigorous seedling in each basin. If space is an issue, plant trees closer together.
- c. At year 5, thin trees to 2:1 ratio.
- d. At year 10, thin trees to 1:1 ratio.

Midpen will gladly issue a free permit to collect acorns for use from either Coal Creek or Los Trancos Open Space Preserves to a qualified contractor.

2. Clean planting materials

Objective: Start with propagative material that is free from infection or external contamination by *Phytophthora* species as well as other possible pathogens.

Suggested practices:

- 2.1. To avoid introducing *Phytophthora* into seed collection areas, make sure your equipment, vehicle, and footwear are clean. Clean and sanitize your footwear and tools between locations.
- 2.2. Where possible, collect seeds and cuttings as high above the ground as possible, preferably at least 3 ft above the soil surface.
- 2.3. Whenever possible, seed/fruit should not be collected directly from the ground. Seed can be knocked onto clean tarps placed on the ground or collected using seed traps. If seed is otherwise unavailable, exceptions may be considered based on the following criteria: 1). Vegetation is robustly healthy, the site is not known to be and not likely to be contaminated; 2). Seed has recently dropped on dry ground or leaf litter. Seeds that may be contaminated with soil via water splashed from the soil should be appropriately treated before storage or use (see section 9. Sanitizing materials and treatments). Ground-collected seed will be kept separate from other collected material during seed processing and planting and should be prioritized for testing throughout propagation.
- 2.4. Seeds, cuttings, and other plant propagules should not be collected from the vicinity of past restoration plantings or other areas where *Phytophthora* infestations are known, suspected, or likely. In the unusual situations where this is not possible (e.g., for rare populations), seed or tip cuttings may be collected if collected at a distance of 1 m or more above the ground. Material propagated from such sources should be kept segregated from plant material propagated from pathogen-free areas.
- 2.5. Protocols for seed collection from species that are low growing (with height stature less than 1 m above the ground) should minimize the risk of potential *Phytophthora* contamination. In general, seed that matures after the rainy season has ended has a low risk of being contaminated if collected before fall rains begin.
- 2.6. Collect seeds, cuttings, or other propagules only from plants and fruit that appear healthy. Do not collect or store seeds or other propagules with apparent disease symptoms such as decay, atypical discoloration, or fungal fruiting bodies.
- 2.7. If possible, avoid collecting seeds or other propagules during wet or muddy conditions to minimize potential for contaminating propagules or spreading contaminated soil.
- 2.8. Collect propagules with clean hands/gloves and equipment (pruning shears, etc.) and place them in new bags/envelopes and new or clean containers. Sanitize gloves, hands, and tools immediately if they come in contact with soil. Sanitize cutting tools frequently.
- 2.9. Conduct all processing of seeds or cuttings in a clean work area with clean equipment and clean hands or gloves. Discard or sanitize any seed or propagule that is dropped on the ground or comes in contact with contaminated surfaces or materials.

- 2.10. Clean seed as soon as possible after collection to remove any debris before storage or stratification. Inspect stored seeds or other propagules regularly and discard materials that develop symptoms in storage.
- 2.11. Where compatible with seed storage and germination requirements, treat seed using heat or appropriate disinfecting chemicals to eliminate seed-borne pathogens or external contamination. Seed treatment may be omitted for species where it is impractical or the risk of seed-borne or contaminating pathogens is negligible.
- 2.12. Do not bring potentially infected or contaminated plant material into clean production areas of the nursery. Properly collected seed and tip cuttings (described above) will normally be free of *Phytophthora*.
- 2.13. Plant propagules that have been in contact with the soil (divisions, tubers, rhizomes, bulbs, etc.) have an elevated risk of being infected or contaminated with *Phytophthora* or other soilborne pathogens. Plant stock originating from such propagules should be segregated from planting material started from cleaner sources, such as seed or cuttings and from other vegetatively propagated material from different localities. The goal is to avoid introducing pathogens, including pathogens that may be endemic to a given site, to new areas or native plant populations via plants that become infected in the nursery.
- 2.14. Plant propagules from the soil (divisions, tubers, rhizomes, bulbs, etc.) should be thoroughly cleaned to remove soil and inspected. Discard propagules that show evidence of decay. Surface contamination can be removed with treatments such as diluted bleach dips, but surface treatments will not eliminate internal infections. Internal infections can only be eliminated by heat treatments, but not all plant propagules will tolerate temperatures needed to kill *Phytophthora* infections.

From: [Dao, Veronica](#)
To: [Kristen Van Fleet](#); [Planning Commission](#); [William Ross](#); [Glanckopf, Annette](#); [Furman, Sheri](#)
Subject: RE: Mandarin Translator Requested for PTC Meetings Regarding Ellsworth Place
Date: Monday, August 7, 2023 10:20:02 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Kristen,

I wanted to confirm that Robert will be joining in-person on Wednesday? I'm currently coordinating for a translator and wanted to double-check.

Zoom does have the option for simultaneous translation, but regardless of virtual or in-person we will try to get a translator to assist Robert.

Please let me know.

Best,

Veronica



Veronica Dao
Administrative Associate III
Planning and Development Department
(650) 329-2440 | veronica.dao@cityofpaloalto.org
www.cityofpaloalto.org

Provide feedback on Planning Development and Administration services

From: Kristen Van Fleet <[REDACTED]>
Sent: Thursday, August 3, 2023 5:42 PM
To: Dao, Veronica <Veronica.Dao@CityofPaloAlto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; William Ross <[REDACTED]>; City Mgr <CityMgr@cityofpaloalto.org>; City Attorney <city.attorney@CityofPaloAlto.org>; Glanckopf, Annette <[REDACTED]>; Furman, Sheri <[REDACTED]>
Subject: Mandarin Translator Requested for PTC Meetings Regarding Ellsworth Place

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

Hi Veronica,

My neighbor Robert Chaoqiang Chen is a native speaker of Mandarin. While he holds a Ph.D. in structural engineering and has been an integral part of the Ellsworth Place property dispute, he is missing key information during public meetings, and his public presentations are becoming cut off and made more challenging due to the language barrier. Reading English is a better way to

communicate for him than hearing the spoken word, and he has been doing his best to take part in all of the pertinent public meetings we've had thus far. However, the next meeting is perhaps crucial to this process, and it is, for this reason, he is requesting a Mandarin translator to assist him at the next public meeting, per ADA laws, which will be covering a discussion and planning of a potential development at 702 Ellsworth Place. (Although a language barrier is hardly a disability, but it is likely covered by public laws.)

The next meeting has been scheduled for Wednesday, August 9th at 6 pm, however, we have requested this date be postponed due to the lack of "Demonstration Structures" being in place before the 7-day period prior to the scheduled meeting, and are awaiting a response on this request from the City Manager.

In clarification, to be sure Robert is able to understand the public meetings he is integrally a part of, he would like a translator provided by the City on his behalf for this upcoming PTC meeting, regardless of when it is scheduled.

Sincerely,

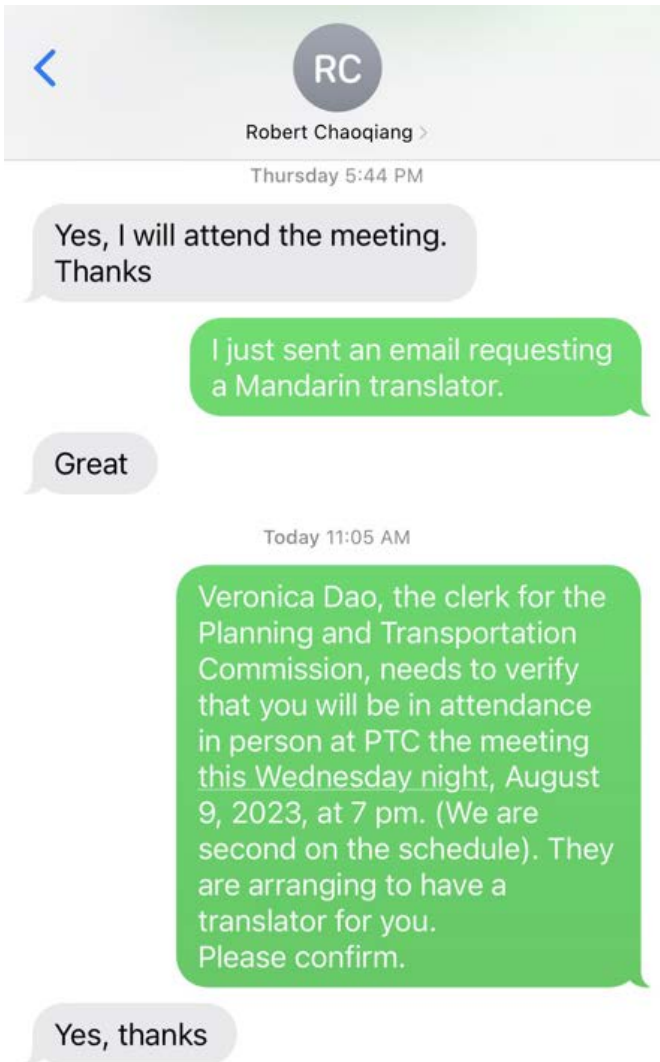
Kristen A. Van Fleet
on behalf of Robert Chaoqiang Chen

From: [Kristen Van Fleet](#)
To: [Dao, Veronica](#); [Robert Chaoqiang Chen](#)
Cc: [Planning Commission](#); [William Ross](#); [Glanckopf, Annette](#); [Furman, Sheri](#)
Subject: Re: Mandarin Translator Requested for PTC Meetings Regarding Ellsworth Place
Date: Monday, August 7, 2023 12:30:45 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Veronica,

I have included Robert's email in this response. Yes, he will be attending the meeting scheduled for this Wednesday, August 9, 2023.

Here is a screenshot of the text I had with him this morning.



Thank you.

-Kristen Van Fleet
on behalf of Robert Chaoqiang Chen

On Mon, Aug 7, 2023 at 10:20 AM Dao, Veronica <Veronica.Dao@cityofpaloalto.org> wrote:

Hi Kristen,

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Zoom does have the option for simultaneous translation, but regardless of virtual or in-person we will try to get a translator to assist Robert.

Please let me know.

Best,

Veronica



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**PALO
ALTO**

Veronica Dao

Administrative Associate III

Planning and Development Department

(650) 329-2440 | veronica.dao@cityofpaloalto.org

www.cityofpaloalto.org

Provide feedback on Planning Development and
Administration services

From: Kristen Van Fleet <[REDACTED]>

Sent: Thursday, August 3, 2023 5:42 PM

To: Dao, Veronica <Veronica.Dao@CityofPaloAlto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; William Ross <[REDACTED]>; City Mgr <CityMgr@cityofpaloalto.org>; City Attorney <city.attorney@CityofPaloAlto.org>; Glanckopf, Annette <[REDACTED]>; Furman, Sheri <[REDACTED]>

Subject: Mandarin Translator Requested for PTC Meetings Regarding Ellsworth Place

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

Hi Veronica,

My neighbor Robert Chaoqiang Chen is a native speaker of Mandarin. While he holds a Ph.D. in structural engineering and has been an integral part of the Ellsworth Place property dispute, he is missing key information during public meetings, and his public presentations are becoming cut off and made more challenging due to the language barrier. Reading English is a better way to communicate for him than hearing the spoken word, and he has been doing his best to take part in all of the pertinent public meetings we've had thus far. However, the next meeting is perhaps crucial to this process, and it is, for this reason, he is requesting a Mandarin translator to assist him at the next public meeting, per ADA laws, which will be covering a discussion and planning of a potential development at 702 Ellsworth Place. (Although a language barrier is hardly a disability, but it is likely covered by public laws.)

The next meeting has been scheduled for Wednesday, August 9th at 6 pm, however, we have requested this date be postponed due to the lack of "Demonstration Structures" being in place before the 7-day period prior to the scheduled meeting, and are awaiting a response on this request from the City Manager.

In clarification, to be sure Robert is able to understand the public meetings he is integrally a part of, he would like a translator provided by the City on his behalf for this upcoming PTC meeting, regardless of when it is scheduled.

Sincerely,

Kristen A. Van Fleet

on behalf of Robert Chaoqiang Chen

From: [Dao, Veronica](#)
To: [Kristen Van Fleet](#); [Robert Chaoqiang Chen](#)
Cc: [Planning Commission](#); [William Ross](#); [Glanckopf, Annette](#); [Furman, Sheri](#)
Subject: RE: Mandarin Translator Requested for PTC Meetings Regarding Ellsworth Place
Date: Monday, August 7, 2023 12:42:13 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Kristen,

Perfect, thank you so much!

Best,

Veronica



Veronica Dao

Administrative Associate III
Planning and Development Department
(650) 329-2440 | veronica.dao@cityofpaloalto.org
www.cityofpaloalto.org

Provide feedback on Planning Development and Administration services

From: Kristen Van Fleet <kvanfleet@gmail.com>
Sent: Monday, August 7, 2023 12:30 PM
To: Dao, Veronica <Veronica.Dao@CityofPaloAlto.org>; Robert Chaoqiang Chen <[REDACTED]>
Cc: Planning Commission <Planning.Commission@cityofpaloalto.org>; William Ross <[REDACTED]>; Glanckopf, Annette <[REDACTED]>; Furman, Sheri <[REDACTED]>
Subject: Re: Mandarin Translator Requested for PTC Meetings Regarding Ellsworth Place

Hi Veronica,

I have included Robert's email in this response. Yes, he will be attending the meeting scheduled for this Wednesday, August 9, 2023.

Here is a screenshot of the text I had with him this morning.



Thank you.

-Kristen Van Fleet
on behalf of Robert Chaoqiang Chen

On Mon, Aug 7, 2023 at 10:20 AM Dao, Veronica <Veronica.Dao@cityofpalto.org> wrote:

Hi Kristen,

I wanted to confirm that Robert will be joining in-person on Wednesday? I'm currently coordinating for a translator and wanted to double-check.

Zoom does have the option for simultaneous translation, but regardless of virtual or in-person we will try to get a translator to assist Robert.

Please let me know.

Best,

Veronica



Veronica Dao

Administrative Associate III

Planning and Development Department

(650) 329-2440 | veronica.dao@cityofpaloalto.org

www.cityofpaloalto.org

Provide feedback on Planning Development and Administration services

From: Kristen Van Fleet <[REDACTED]>

Sent: Thursday, August 3, 2023 5:42 PM

To: Dao, Veronica <Veronica.Dao@CityofPaloAlto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; William Ross <[REDACTED]>; City Mgr <CityMgr@cityofpaloalto.org>; City Attorney <city.attorney@CityofPaloAlto.org>; Glanckopf, Annette <[REDACTED]>; Furman, Sheri <[REDACTED]>

Subject: Mandarin Translator Requested for PTC Meetings Regarding Ellsworth Place

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Sincerely,

Kristen A. Van Fleet
on behalf of Robert Chaoqiang Chen

From: [doria.s](#)
To: [Planning Commission](#)
Subject: Re: FW: Mandarin Translator Requested for PTC Meetings Regarding Ellsworth Place
Date: Monday, August 7, 2023 1:01:42 PM
Attachments: [image001.png](#)
[image002.png](#)

Thank you Veronica

On Mon, Aug 7, 2023 at 12:42 PM Planning Commission
<Planning.Commission@cityofpaloalto.org> wrote:

From: Dao, Veronica <Veronica.Dao@CityofPaloAlto.org>
Sent: Monday, August 7, 2023 12:42:09 PM (UTC-08:00) Pacific Time (US & Canada)
To: Kristen Van Fleet <kvanfleet@gmail.com>; Robert Chaoqiang Chen <chaoqiangc@hotmail.com>
Cc: Planning Commission <Planning.Commission@cityofpaloalto.org>; William Ross <wross@lawross.com>; Glanckopf, Annette <annette_g@att.net>; Furman, Sheri <sheri11@earthlink.net>
Subject: RE: Mandarin Translator Requested for PTC Meetings Regarding Ellsworth Place

Hi Kristen,

Perfect, thank you so much!

Best,

Veronica



CITY OF
**PALO
ALTO**

Veronica Dao

Administrative Associate III

Planning and Development Department

(650) 329-2440 | veronica.dao@cityofpaloalto.org

www.cityofpaloalto.org

Provide feedback on Planning Development and
Administration services

From: Kristen Van Fleet [REDACTED] >
Sent: Monday, August 7, 2023 12:30 PM
To: Dao, Veronica <Veronica.Dao@CityofPaloAlto.org>; Robert Chaoqiang Chen <[REDACTED]>
Cc: Planning Commission <Planning.Commission@cityofpaloalto.org>; William Ross <[REDACTED]>; Glanckopf, Annette <[REDACTED]>; Furman, Sheri <[REDACTED]>
Subject: Re: Mandarin Translator Requested for PTC Meetings Regarding Ellsworth Place

Hi Veronica,

I have included Robert's email in this response. Yes, he will be attending the meeting scheduled for this Wednesday, August 9, 2023.

Here is a screenshot of the text I had with him this morning.



Today 11:03 AM

Veronica Dao, the clerk for the Planning and Transportation Commission, needs to verify that you will be in attendance in person at PTC the meeting this Wednesday night, August 9, 2023, at 7 pm. (We are second on the schedule). They are arranging to have a translator for you. Please confirm.

Yes, thanks

Thank you.

-Kristen Van Fleet

on behalf of Robert Chaoqiang Chen

On Mon, Aug 7, 2023 at 10:20 AM Dao, Veronica <Veronica.Dao@cityofpaloalto.org> wrote:

Hi Kristen,

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Please let me know.

Best,

Veronica



CITY OF
**PALO
ALTO**

Veronica Dao

Administrative Associate III

Planning and Development Department

(650) 329-2440 | veronica.dao@cityofpaloalto.org

www.cityofpaloalto.org

Provide feedback on Planning Development and
Administration services

From: Kristen Van Fleet <[REDACTED]>
Sent: Thursday, August 3, 2023 5:42 PM
To: Dao, Veronica <Veronica.Dao@CityofPaloAlto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; William Ross <[REDACTED]>; City Mgr <CityMgr@cityofpaloalto.org>; City Attorney <city.attorney@CityofPaloAlto.org>; Glanckopf, Annette <[REDACTED]>; Furman, Sheri <[REDACTED]>
Subject: Mandarin Translator Requested for PTC Meetings Regarding Ellsworth Place

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My neighbor Robert Chaoqiang Chen is a native speaker of Mandarin. While he holds a Ph.D. in structural engineering and has been an integral part of the Ellsworth Place property dispute, he is missing key information during public meetings, and his public presentations are becoming cut off and made more challenging due to the language barrier. Reading English is a better way to communicate for him than hearing the spoken word, and he has been doing his best to take part in all of the pertinent public meetings we've had thus far. However, the next meeting is perhaps crucial to this process, and It is, for this reason, he is requesting a Mandarin translator to assist him at the next public meeting, per ADA laws, which will be covering a discussion and planning of a potential development at 702 Ellsworth Place. (Although a language barrier is hardly a disability, but it is likely covered by public laws.)

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Sincerely,

Kristen A. Van Fleet

on behalf of Robert Chaoqiang Chen

--

Doria Summa



From: [Jeanne Fleming](#)
To: [Sauls, Garrett](#)
Cc: [Lait, Jonathan](#); [Clerk, City](#); [Council, City](#); [Architectural Review Board](#); [REDACTED]
Subject: Cell Tower Applications
Date: Thursday, August 3, 2023 3:41:58 PM

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

Dear Garrett,

I would appreciate it if you would answer three questions:

1. Since January 31, 2023, has the City of Palo Alto received any new applications for small cell node cell towers?
2. Since January 31, 2023, has the City of Palo Alto received any new applications for macro cell towers?
3. Does Staff anticipate receiving applications for new small cell nodes and/or new macro towers before the end of the year? As I understand it, applicants typically preview their intentions.

Thank you, as always, for your help. I have, of course, checked the City's websites to see if there have been new cell tower applications since the beginning of the year, and I don't see any. Nor have I received any notifications related to cell towers from Building Eye. But I want to be sure I am correct that no cell tower applications have been filed with the City in the last seven months.

Sincerely,

Jeanne

Jeanne Fleming, PhD
[REDACTED]

From: [Jeanne Fleming](#)
To: [Sauls, Garrett](#)
Cc: [Lait, Jonathan](#); [Clerk, City](#); [Council, City](#); [Architectural Review Board](#); [Planning Commission](#); [REDACTED]
Subject: RE: Cell Tower Applications
Date: Thursday, August 3, 2023 4:05:03 PM
Attachments: [image016.png](#)
[image017.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Thank you for your prompt and helpful reply, Garrett.

On behalf of United Neighbors, I would be most appreciative if you would give me a heads up 1) when a new cell tower application is submitted and 2) when you or your colleagues learn that a new application is in the offing.

My best,

Jeanne

Jeanne Fleming, PhD
[REDACTED]

From: Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>
Sent: Thursday, August 3, 2023 3:53 PM
To: Jeanne Fleming [REDACTED] >
Cc: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; [REDACTED]
Subject: RE: Cell Tower Applications

Hi Jeanne,

Below are my responses:

1. We haven't received any new small cell applications this year so far.
2. So far this year I've only received two applications for macro cell tower modifications and both are Tier 1 applications: 2047 East Bayshore Road (DISH), 4005 Miranda Avenue (AT&T).
3. I haven't heard from any of the carriers that they are interested in applying for new small cell applications this year. In the past and to this point, I've only ever heard from AT&T or Verizon about small cell projects. Nothing from DISH or T-Mobile.

Let me know if you have any questions.

Best regards,



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



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

From: Jeanne Fleming [REDACTED] >
Sent: Thursday, August 3, 2023 3:42 PM
To: Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>
Cc: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; Clerk, City <city.clerk@cityofpaloalto.org>; Council, City <city.council@cityofpaloalto.org>; Architectural Review Board <arb@cityofpaloalto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; [REDACTED]; [REDACTED]
Subject: Cell Tower Applications

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Dear Garrett,

I would appreciate it if you would answer three questions:

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Thank you, as always, for your help. I have, of course, checked the City's websites to see if there have been new cell tower applications since the beginning of the year, and I don't see any. Nor have I received any notifications related to cell towers from Building Eye. But I want to be sure I am correct that no cell tower applications have been filed with the City in the last seven months.

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From: [Jeanne Fleming](#)
To: [Sauls, Garrett](#)
Cc: [Lait, Jonathan](#); [Clerk, City](#); [Council, City](#); [Architectural Review Board](#); [Planning Commission](#); [REDACTED]
Subject: RE: Cell Tower Applications
Date: Thursday, August 3, 2023 4:19:04 PM
Attachments: [image009.png](#)
[image010.png](#)
[image013.png](#)
[image016.png](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[image031.png](#)
[image032.png](#)
[image034.png](#)
[image035.png](#)
[image036.png](#)

Thank you.

Best regards to you,

Jeanne

Jeanne Fleming, PhD
[REDACTED]

From: Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>
Sent: Thursday, August 3, 2023 4:09 PM
To: Jeanne Fleming [REDACTED]
Cc: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; [REDACTED]
Subject: RE: Cell Tower Applications

I will be sure to let you know whenever any of the carriers have submitted projects for new cell towers.

Best regards,



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



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

From: Jeanne Fleming <[REDACTED]>
Sent: Thursday, August 3, 2023 4:05 PM
To: Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>
Cc: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; Clerk, City <city.clerk@cityofpaloalto.org>; Council, City <city.council@cityofpaloalto.org>; Architectural Review Board <arb@cityofpaloalto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; [REDACTED]; [REDACTED]
Subject: RE: Cell Tower Applications

Thank you for your prompt and helpful reply, Garrett.

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[REDACTED]

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Sent: Thursday, August 3, 2023 3:53 PM
To: Jeanne Fleming <[REDACTED]>
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Subject: RE: Cell Tower Applications

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[REDACTED]

From: [Kristen Van Fleet](#)
To: [Dao, Veronica](#); [Planning Commission](#); [William Ross](#); [City Mgr](#); [City Attorney](#); [Glanckopf, Annette](#); [Furman, Sheri](#)
Subject: Mandarin Translator Requested for PTC Meetings Regarding Ellsworth Place
Date: Thursday, August 3, 2023 5:42:43 PM

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Hi Veronica,

My neighbor Robert Chaoqiang Chen is a native speaker of Mandarin. While he holds a Ph.D. in structural engineering and has been an integral part of the Ellsworth Place property dispute, he is missing key information during public meetings, and his public presentations are becoming cut off and made more challenging due to the language barrier. Reading English is a better way to communicate for him than hearing the spoken word, and he has been doing his best to take part in all of the pertinent public meetings we've had thus far. However, the next meeting is perhaps crucial to this process, and it is, for this reason, he is requesting a Mandarin translator to assist him at the next public meeting, per ADA laws, which will be covering a discussion and planning of a potential development at 702 Ellsworth Place. (Although a language barrier is hardly a disability, but it is likely covered by public laws.)

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In clarification, to be sure Robert is able to understand the public meetings he is integrally a part of, he would like a translator provided by the City on his behalf for this upcoming PTC meeting, regardless of when it is scheduled.

Sincerely,

Kristen A. Van Fleet
on behalf of Robert Chaoqiang Chen

From: [Aram James](#)
To: [Planning Commission](#); [Council, City](#); [Jethroe Moore](#); [Sean Allen](#); [Shikada, Ed](#); [Lait, Jonathan](#); [Stump, Molly](#); [Angie Evans](#); [Shana Segal](#)
Subject: Is this the city council's fault along with planning and transportation for years of a segregationist mind set?
Date: Friday, August 4, 2023 2:46:10 PM

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

<https://www.paloaltoonline.com/news/2023/08/03/fish-market-developer-invokes-contentious-law-to-get-fast-approval-of-380-apartment-project>

Shared via the [Google app](#)

Sent from my iPhone

From: [Aram James](#)
To: [Lydia Kou](#); [Greer Stone](#); [Lauing, Ed](#); [Burt, Patrick](#); Patricia.Guerrero@jud.ca.gov; [Julie Lythcott-Haims](#); [Jethroe Moore](#); [Sean Allen](#); [Council, City](#); [Shikada, Ed](#); [Joe Simitian](#); [Shana Segal](#); [Vara Ramakrishnan](#); [Tanaka, Greg](#); [Veenker, Vicki](#); [Josh Becker](#); [Lait, Jonathan](#); [Planning Commission](#); [ParkRec Commission](#); [Kaloma Smith](#)
Subject: Palo Alto's housing element fails to satisfy the state yet again and guarantees more huge developments by way of the "Builder's Remedy." The state also blasts the city's housing element for continuing to promote old school vile housing segregation
Date: Monday, August 7, 2023 2:25:33 AM

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

<https://paloaltoonline.com/news/2023/08/06/state-again-rejects-palo-altos-housing-plan>

Shared via the [Google app](#)

Sent from my iPhone

From: [Kristen Van Fleet](#)
To: [Planning Commission](#); [Council, City](#); [City Mgr](#); [French, Amy](#); [Sauls, Garrett](#); [Star-Lack, Sylvia](#); [City Attorney](#); [William Ross](#); [Glanckopf, Annette](#); [Furman, Sheri](#)
Subject: Requesting Postponement of PTC Meeting Agenda Item of August 9, 2023, for Ellsworth Place Applications 23PLN-27, 23PLN-00027, 23PLN-00025
Date: Wednesday, August 2, 2023 11:53:48 AM
Attachments: [PTC Meeting 7-12-23, Story Poles transcription.pdf](#)
[Gmail - Fwd Code Enforcement Temporary Fence corner of Ellsworth Place and 2901 Middlefield Road.pdf](#)
[Gmail - Ellsworth Place Story Poles - Applications 23PLN-27, 23PLN-00027, 23PLN-00025.pdf](#)
[Gmail - Ellsworth Place - Power Pole located next to 2901 Middlefield Road Apartments.pdf](#)
[SIGNED Letter to City Manager 8-2-23, for postponement of PTC Meeting of 8-9-23.pdf](#)

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

Please find attached five PDF supporting documents, including a signed version of this letter copied and pasted below.

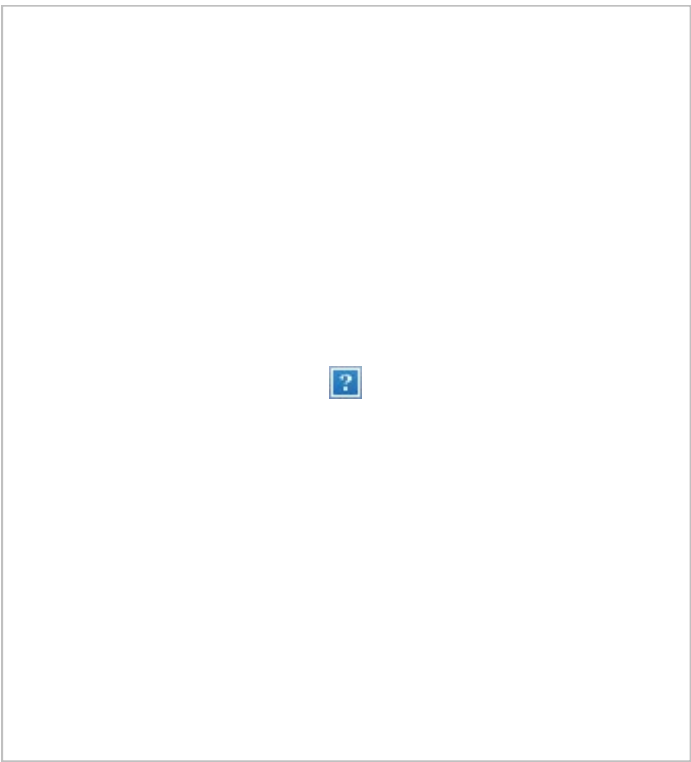
Regarding: Request for Rezoning to Amend Planned Community 2343 (PC2343), and 702 Ellsworth Place; Applications 23PLN-27, 23PLN-00027, 23PLN-00025

August 2, 2023

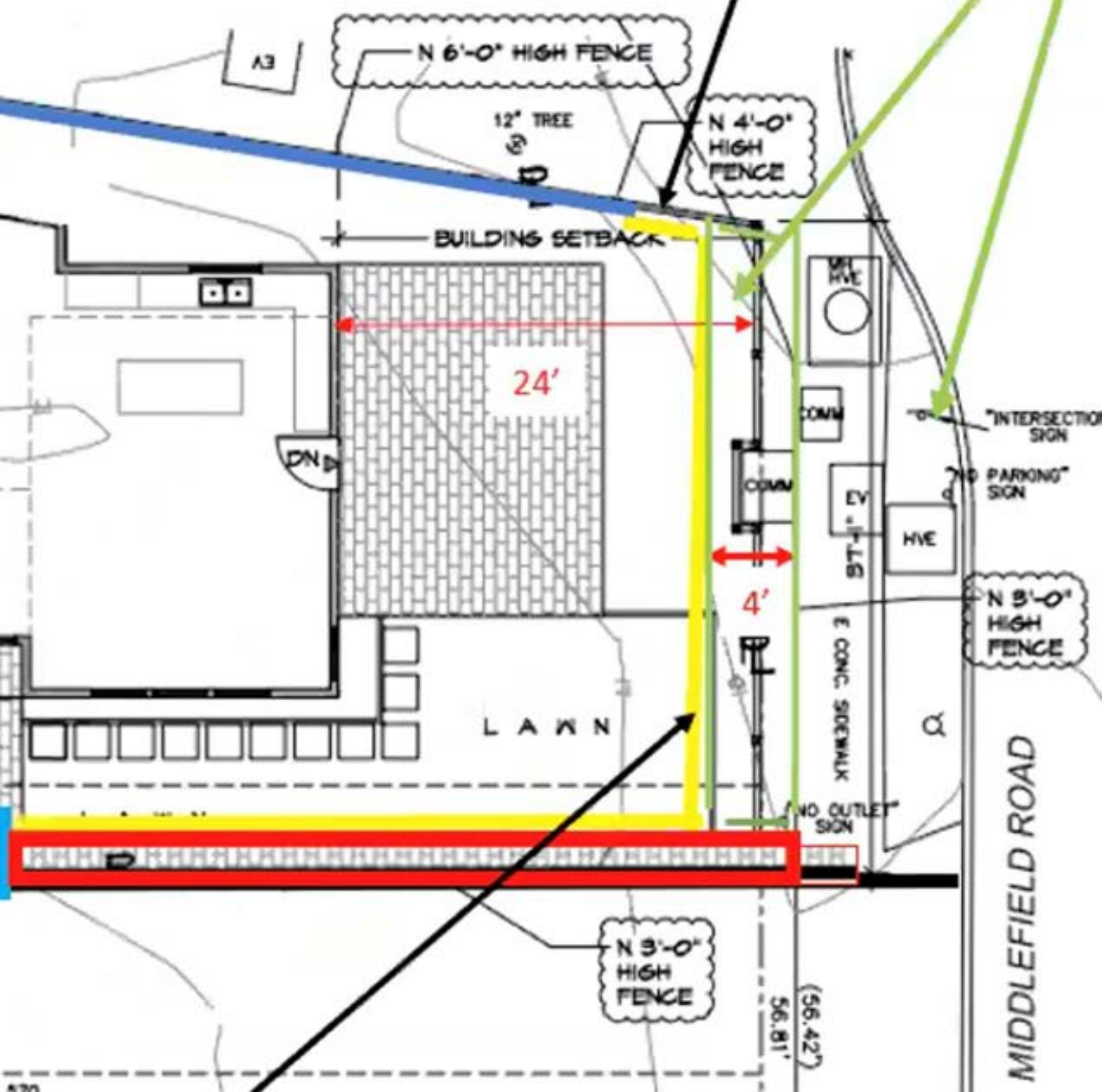
Dear Ed Shikada, Chair Summa, and Members of the Planning and Transportation Commission,

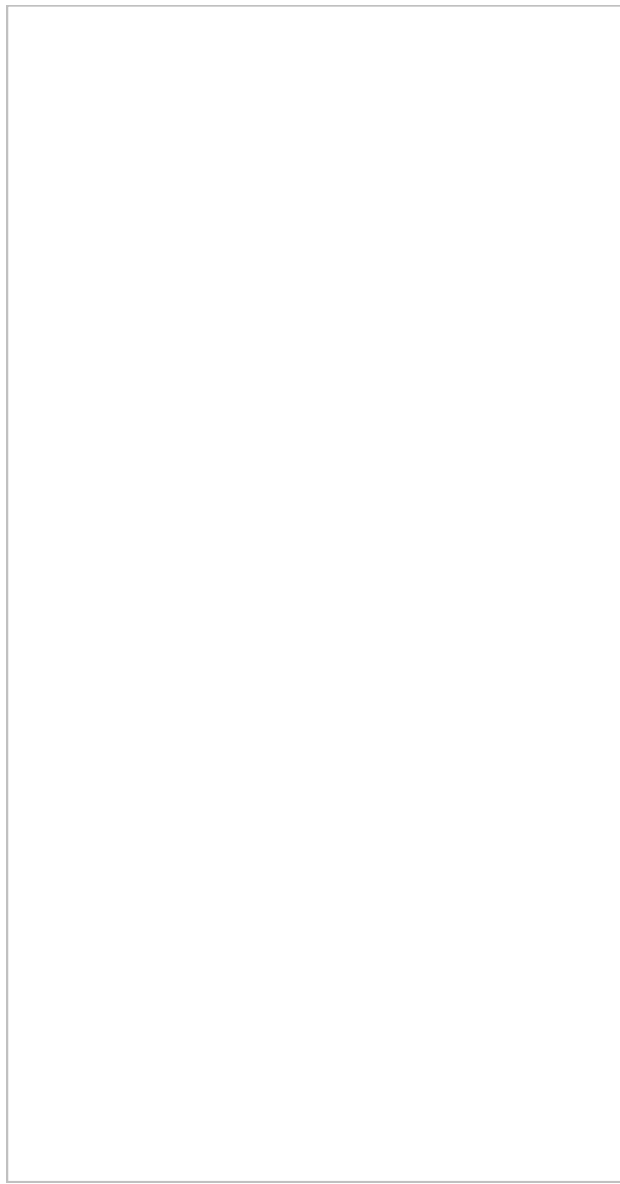
The residents of Ellsworth Place would like the PTC meeting regarding 702 Ellsworth Place and 2901 Middlefield Road, which is currently scheduled for Wednesday, August 9, 2023, to be postponed until the following information can be obtained:

1. As of this writing, the placement of the story poles or temporary visual aid is incomplete per the request of the PTC during the meeting on July 12, 2023. (A transcript is attached in a separate PDF which documents what was said regarding the story poles.) It was asked that the sight triangle also be marked. As of today, they have not been marked. It is essential that this area be laid out so that residents and commissioners who visit the site can understand what area will have restricted plant height so that visibility of the sidewalk and the roads can be determined.
2. The placement of the orange temporary fence as of this writing is incorrect. It is partly located 3 feet + 2 inches from the sidewalk. Per our understanding, it is supposed to be 4 feet away from the sidewalk. It is also placed in a curve instead of a straight line as the architect's drawing indicates with the yellow line.



Shorten 4' to 3' fence next to creek









POSSIBLE
UTILITY

POSSIBLE
UTILITY

We have tried to expedite matters by asking City staff to correct this situation. On Thursday, July 27, 2023, an email on behalf of Ellsworth Residents was sent to both Planning and Code Enforcement, and another Ellsworth Homeowner also emailed Code Enforcement directly on that day. (See two attached PDFs). Per the response of Amy French, she was going to make a site visit and she thanked me for my “patience.” There has not been any follow-up to this and nothing has changed on the Ellsworth Place site.

3.

A voicemail was left for Sylvia Star-Lack, Transportation Planning Manager, on the afternoon of August 1, 2023, asking for a follow-up site visit. We hope this can occur prior to the commission hearing so that residents can ask more detailed questions about the proposed road and other changes in advance and thus be able to comment on those at the hearing.

4.

Regarding the story poles or visual aids, Chair Doria Summa said, “Leave that up for 6 weeks or whatever is standard Miss French and then have the, have everyone

comment on it.” While Palo Alto does not appear to have a standard for how long to leave up the story poles, Los Altos requires 20 days, which seems like a reasonable amount of time once the proper installation has occurred.

5.

A key issue commissioners have raised is whether the utility pole nearest to Middlefield can be moved, as that would allow for a 26-foot wide road extending for 100 feet and provide passing and improved safety and visibility. The feasibility of moving the utility pole needs to be properly asked of CPA Utilities Engineering. Per emails with Cesar Magdaleno, no application has been submitted to inquire about this within the Electrical Engineering Department. (There are solutions available for this scenario according to an online search.) Can any application fee for this assessment be waived on behalf of the greater good of Midtown, Palo Alto?

(See attached PDF of this email communication.)

The utility pole does have guy lines, but the electrical lines appear to stop at the pole prior to it, with only the telephone line and Comcast lines actually routing to this end pole. Eliminating this pole would open up circulation to the entrance of the Ellsworth Place road and solve a lot of safety and other foreseeable problems, such as the potential banning of delivery trucks on Ellsworth Place, as was discussed during a site visit by City Planning on July 3, 2023.

Having the Ellsworth Place “PC” on the PTC meeting agenda for August 9, 2023, is too short of notice to accomplish the above and it would be a waste of everyone’s time and taxpayer money to have the meeting without the ability for us to give proper feedback.

Sincerely,

The Ellsworth Place Residents

(A signed copy of this letter is attached as a PDF)

Transcript from PTC Meeting on July 12, 2023 - Discussion of Implementing Story Poles

2:31:15 - Chair Doria Summa

May I make a suggestion, in the form of an amendment, that we amend it to read to increase the width to 26 feet in the distances that are being, currently being proposed to be increased to 24 and that we have story poles put up for a described number of weeks whatever is standard. And also to represent. To represent this stuff so people on Ellsworth, everybody can experience it and see how it's going to work. We don't use these kind of things often enough. And I think the illegal fence wasn't really providing that sort of information. So I think we might be able to resolve some of these issues if people could see what it felt like by using a story pole type of thing.

And also we could mark the sight triangles and the three-foot requested fence. Leave that up for 6 weeks or whatever is standard Miss French and then have everyone comment on it. It might be quicker than resolving it in a motion this evening.

2:32:25 - Amy French

If I may, with a qualification, I don't think we want to put story poles to block the triangles. I would think that would want to be tape or something at the ground level.

2:32:43 - Chair Doria Summa

Yeah, just open poles with not solid but with you know tape so everybody can see what it's gonna look like and see if it serves the role of the best compromise we can make. Would that be?

2:32:50 Vice Chair Bryna Chang

Yeah, I think that's a great idea. Accepted.

2:32:56 Chair Doria Summa

Accepted. Okay.

2:33:04 Vice Chair Bryna Chang

And so we are reintroducing the fence as suggested, 4 feet set back as Miss Star-Lack had suggested too. So we're not gonna say. We'll keep the plants no taller than one foot, but we can reintroduce the fence at 3-feet high, right?

2:33:20 Chair Doria Summa

Yes, in the form of a temporary visual aid so people can experience; story poles is just the word I knew. It may not be the right term. Temporary visual aid so people can experience <ah> what this is gonna be like. And I think that would help Commissioner Lou also.

2:33:40 - Amy French

So we're mocking up a fence, a 3-foot fence.

2:33:47 - Chair Doria Summa

And a 26-foot wide distance.

2:33:51 - Amy French

Okay.

2:33:52 - Chair Doria Summa

And I would also indicate where the, um, sight triangles are. I mean it's not a complicated thing to do and I think it might alleviate a lot of concerns, and I don't know how typically, how long you typically have to leave that up to ensure that people will experience it.

2:34:13 - Carolyn Templeton

I have my hand up, Chair.

2:34:15 - Chair Doria Summa

Yes, go ahead.

2:34:17 - Carolyn Templeton

So I do love the idea of rapid prototyping it. I'm still not sold on why it needs to be 26 feet there, <um> and I'm very uncomfortable with the idea suggesting they couldn't have a fence around their property when they are adjacent to a major street like Middlefield. I mean if you want to talk about safety that's a very unsafe...

2:34:39 - Chair Doria Summa

It wasn't to suggest that they couldn't have a fence, it was to say that if it interfered with the sight...

2:34:42 - Carolyn Templeton

I was talking about the original motion and she (Vice Chair Bryna Chang) was suggesting no fence...

2:34:45 - Chair Doria Summa

Oh, sorry...

2:34:46 - Carolyn Templeton

So, <um> I, we're still not there as far as if, if I would support this motion because they need to be able to have a fence for sure, and if the story poles are going to go up we should do it at 24 feet because that's what the compromise offered by the applicant. And then we'd see whether that works or not. And then they would have a better case for making if they need 26 feet or not. So those are some feedback on the changes.

2:35:18 - Sivia Star-Lack

Chair Suma?

2:35:19 - Chair Doria Summa

Yes.

2:35:21 - Sivia Star-Lack

Hi, sorry, I just, um, Silvia Star-Lack, Transportation Planning Manager, sorry, just wanted to note that the story polls <um> adding those so that folks will be able to experience a different width, is a little bit of a misnomer because the stop sign exists in the current location within the area that you're discussing as does the cable box, I believe, that the applicant talked about having to relocate, so I just want to make sure that everyone understands there are some existing things in that zone.

2:36:01 - Chair Doria Summa

Yeah, but I think that the people that use this road all the time can kind of see, can kind of see around those things...

2:36:09 - Sivia Star-Lack

Okay, I just want to make sure everyone's aware. Like it's not gonna be an actual simulation of the actual width. There is stuff in the way. Thank you.

2:36:19 - Chair Doria Summa

Okay, thank you for that.

2:36:32 - George Lu

So, so just so I understand how the motion is going to work, were going to have placeholder numbers, well not placeholder numbers, but like default numbers as 26 and one foot and then do the poles so that when this gets to Council they can decide or like how would that work?

2:36:42 - Chair Doria Summa

I think it has to come back to us. If you are happy with the motions, we should call the vote.

2:36:51 - Vice Chair Bryna Chang

I'm happy with the motion as it is.

2:36:58 - Chair Doria Summa

Okay, Ms. Dao will you conduct the vote, please.



Kristen Van Fleet <[redacted]>

Fwd: Code Enforcement:Temporary Fence corner of Ellsworth Place and 2901 Middlefield Road

1 message

Bhanu Iyer <[redacted]>
To: Kristen Van Fleet <[redacted]>

Tue, Aug 1, 2023 at 4:30 PM

Here you go!

Sent from my iPhone

Begin forwarded message:

From: Bhanu Iyer <[redacted]>
Date: July 27, 2023 at 10:08:43 AM PDT
To: "Ellner, Robin" <Robin.Ellner@cityofpaloalto.org>
Cc: "Reynolds, Brian" <Brian.Reynolds@cityofpaloalto.org>
Subject: Re: Code Enforcement:Temporary Fence corner of Ellsworth Place and [2901 Middlefield Road](#)

Thank you!

On Thu, Jul 27, 2023 at 8:32AM Ellner, Robin <Robin.Ellner@cityofpaloalto.org> wrote:

Good morning Bhanu,

I am forwarding your email to Brian Reynolds, Lead Code Enforcement Officer, included.



CITY OF
**PALO
ALTO**

Robin Ellner
Administrative Associate III
Planning and Development Department
(650) 329-2603 | robin.ellner@cityofpaloalto.org
www.cityofpaloalto.org

Provide feedback on Development Center Services

From: Bhanu Iyer <[REDACTED]>
Sent: Wednesday, July 26, 2023 8:02 PM
To: Ellner, Robin <Robin.Ellner@CityofPaloAlto.org>
Subject: Code Enforcement:Temporary Fence corner of Ellsworth Place and [2901 Middlefield Road](#)

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.

Hi Robin,

Re: Parking lot corner of Ellsworth Place and Middlefield Road that was sold to Nitin Handa who has submitted plans to build a house on that lot.

While driving out of Ellsworth Place this evening, I had to drive my car all the way onto the sidewalk to see past the temporary fence.

The location of the fence is completely unacceptable. It must move at least 4 feet back, or we will have major safety issues. I spent an additional 10 minutes ensuring I was clear before entering Middlefield Road. I had to back up to let pedestrians pass since my car was blocking their path on the sidewalk.

Not only is this a traffic hazard, but it is also a significant inconvenience to all the pedestrians that use the sidewalk to get to the Midtown Shopping Center if the cars exiting Ellsworth Place have to pull up onto the sidewalk to get a clear line of vision before entering Middlefield Road.

Exiting Ellsworth Place has always been a challenge. With quite a few near misses, the location of this fence is only going to make a bad situation significantly worse. The City must take action immediately and have the temporary fence removed to avert an accident waiting to happen.

Please contact me if you have any questions or need more information. I tried to send this through Palo Alto-311 but I kept getting a message to verify my email, and even after repeated attempts did not receive an email with the link, to do so.

Best regards,

Bhanu

Bhanu Iyer
[REDACTED]

8/1/23, 10:05 PM

Gmail - Fwd: Code Enforcement:Temporary Fence corner of Ellsworth Place and 2901 Middlefield Road

Palo Alto, CA 94306





Kristen Van Fleet [redacted] >

Ellsworth Place Story Poles - Applications 23PLN-27, 23PLN-00027, 23PLN-00025

Kristen Van Fleet <kvanfleet@gmail.com>

Thu, Jul 27, 2023 at 4:20 PM

To: "French, Amy" <amy.french@cityofpaloalto.org>, "Sauls, Garrett" <garrett.sauls@cityofpaloalto.org>, "Ellner, Robin" <robin.ellner@cityofpaloalto.org>, William Ross [redacted], "Star-Lack, Sylvia" <sylvia.star-lack@cityofpaloalto.org>, Annette Glanckopf <[redacted]>, sheri11 <[redacted]>

[Large redacted area]

Regarding Applications 23PLN-27, 23PLN-00027, 23PLN-00025

To whom it may concern,

Several Ellsworth Place residents have complained to me about the placement of the story pole fence. It is too high or not set back far enough from the sidewalk. Something has to change with it quickly. We also wonder if the fence is in the correct place per the recommendations of the Transportation Department.

Not sure who to report this situation to, I spoke with Robin Ellner earlier today, and she transferred me to Garrett Sauls to leave a message, which I did. I'm also aware that one of my neighbors has already filed a code enforcement case for this fence. I've spoken with our attorney William Ross about this and he said to send this information to the Planning Department. He is Cc'd on this email.

Let me know how you want the complaints/comments submitted going forward. (There are many!)

Here are two photos showing how far a car must be into the sidewalk in order to see to the left (creek side) when pulling out of Ellsworth Place. More neighbors will get photos to me over the weekend.

Photo of Andrea's sedan-style car. She is approx. 6-feet tall and still has to pull the driver's side window past the temporary orange fence in order to see to Matadero Creek.



This is mine and my husband's car, which is a Forerunner and it still requires putting the front end of the car about halfway into the sidewalk in order to have a clear line of sight to the creek.



We've asked for an asphalt approach which would probably solve both the need for a car to pull into the sidewalk and also bring attention to pedestrians and cyclists on the sidewalk that a road is here.

Thank you for looking into this.

Sincerely,

Kristen Van Fleet



French, Amy <Amy.French@cityofpaloalto.org> Thu, Jul 27, 2023 at 4:49 PM
To: Kristen Van Fleet <kvanfleet@gmail.com>, "Sauls, Garrett" <Garrett.Sauls@cityofpaloalto.org>, "Ellner, Robin" <Robin.Ellner@cityofpaloalto.org>, William Ross <[REDACTED]>, "Star-Lack, Sylvia" <Sylvia.Star-Lack@cityofpaloalto.org>, "Glanckopf, Annette" <[REDACTED]>, "Furman, Sheri" <[REDACTED]>

Thank you for sending your observations, Kristin and especially thank you for sending to my correct email. This is not a code enforcement case because this is to demonstrate the height and placement of the fence, per PTC recommendation, in advance of the PTC's consideration in an upcoming public hearing.

These installations in the field were placed by the applicants. I asked them to place installations by yesterday's date to give the community time to see them.

The applicants are trying to follow the motion of the PTC from July 12 as to placement. Mr. Dewey had everything but the orange fence installed. Mr. Handa is not in the US at moment; he asked others to do the installation of the plastic fencing to indicate where he proposed the fence to be installed, I am guessing - or possibly placed 4' back from the back of sidewalk along Middlefield, if that is what he did, then that follows the staff recommendation. I am not sure about the Ellsworth side. Attached are some photos and below is the photo Mr. Handa's team took of the fence effort.



I plan to come tomorrow to take photos and measurements on the site. If the plastic fence is not 4 feet back from the back of sidewalk on middlefield, I will ask the applicant to move it back to that location. If it is taller than 3' I will ask the applicant to shorten it.

Thank you for your patience.

From: Kristen Van Fleet <[REDACTED]>

Sent: Thursday, July 27, 2023 4:20 PM

To: French, Amy <Amy.French@CityofPaloAlto.org>; Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>; Ellner, Robin <Robin.Ellner@CityofPaloAlto.org>; William Ross <[REDACTED]>; Star-Lack, Sylvia <Sylvia.Star-Lack@CityofPaloAlto.org>; Glanckopf, Annette <[REDACTED]>; Furman, Sheri <[REDACTED]>

Subject: Ellsworth Place Story Poles - Applications 23PLN-27, 23PLN-00027, 23PLN-00025

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



Kristen Van Fleet <kvanfleet@gmail.com>

Ellsworth Place - Power Pole located next to 2901 Middlefield Road Apartments

Kristen Van Fleet >
To: Cesar.Magdalen@cityofpaloalto.org

Fri, Jul 14, 2023 at 2:14 PM

Hi Cesar,

A few months back, you and I had talked by phone about the potential moving or undergrounding of the first power pole on Ellsworth Place, which is located to the side/back of the 2901 Middlefield Road apartments. At the time, it was my understanding that the functions of this pole could be placed underground.

Per our phone conversation this morning, you informed me that you were not aware of correspondence with the developer, nor was an application opened to inquire about whether or not the phone pole could be relocated.

During the latest Planning and Transportation Commission meeting of July 12, 2023, Commissioner Allen Akin asked the applicant's architect, [Ken Hayes](#), if this pole could be moved. Here is his response via the YouTube video of this meeting:

[This link is timestamped to begin at 34:22](#)

Hayes says he tried to contact City Utilities in a "half-dozen emails" with no response. He also implies that that pole can not be moved.

The Ellsworth Place residents would like to know if that utility pole could be moved, as it would open up road circulation for Ellsworth Place and solve the problem of lost circulation if the parking lot were to be lost to the building of an R-1 home, which is currently designed to set only 10-feet back from the road, and therefore requires the road to be made narrower to only 20-foot wide per the ingress/egress easements of the homeowners.

Here is a map of the circulation room we have now, showing the 21-foot wide road entrance and the widening of the road to 25 - 26 feet over the parking lot. The location of two utility poles are also shown on this map:



Below is an approximation of what has been proposed by the developers. The areas in blue are the only portions they are offering to widen to 24 feet, and as you can see, we would lose the cul-de-sac function of the Ellsworth Place road. Our road serves 13 properties (15 addresses) and has a dead-end against a fence at the end of its 530-foot length. Our road width in front of the homes is "grandfathered" 20 feet, with garages built in front of houses so that a car parked in front of them has its back bumper at the edge of the road, (in otherwords, there is no room to widen the road along the homes.).

The [Code for Widths](#) (see section 4), of a private road serving more than 5 homes is 32 feet, and for four or fewer homes is 26 feet. We are asking for a road width over the first 100 feet of Ellsworth to be 26 feet wide, per this minimum private code width. This would require the moving or undergrounding of the utility pole.

As you can see, if that first pole can be underground, then the road could be opened up to maintain road circulation and safety, and solve many of our potentially lost road circulation problems!



This is how the parking lot functions as the "cul-de-sac" and circulation of Ellsworth Place. This Google Maps screenshot also shows the location of both utility poles.



On behalf of the Ellsworth Place Residents, thank you for any factual information you can provide.

Sincerely,

Kristen A. Van Fleet
Ellsworth Place Homeowner
[Redacted signature]

Fri, Jul 14, 2023 at 2:16 PM

[Redacted email body content]

Kristen Van Fleet [Redacted] >
To: Cesar.Magdaleno@cityofpaloalto.org

Tue, Jul 25, 2023 at 4:10 PM

Hi Cesar,

Is there any more information available about the utility pole on Ellsworth Place?

-Kristen
[Quoted text hidden]

Magdaleno, Cesar <Cesar.Magdaleno@cityofpaloalto.org>
To: Kristen Van Fleet [Redacted] >

Wed, Jul 26, 2023 at 6:22 AM

Hello Kristen,

I have asked my supervisor if it is possible to assist with this inquiry without a utility service application and am waiting on a response. I will ask again and get back to you later today.

Thanks,

Cesar Magdaleno | Electric Engineering Estimator | Utilities Engineering

1007 Elwell Court | Palo Alto, CA 94303 | (650) 566-4531



From: Kristen Van Fleet <[REDACTED]>
Sent: Tuesday, July 25, 2023 4:11 PM
To: Magdaleno, Cesar <Cesar.Magdaleno@CityofPaloAlto.org>
Subject: Re: Ellsworth Place - Power Pole located next to 2901 Middlefield Road Apartments

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.

Hi Cesar,

Is there any more information available about the utility pole on Ellsworth Place?

-Kristen

On Fri, Jul 14, 2023 at 2:14 PM Kristen Van Fleet <[REDACTED]> wrote:

Hi Cesar,

A few months back, you and I had talked by phone about the potential moving or undergrounding of the first power pole on Ellsworth Place, which is located to the side/back of the 2901 Middlefield Road apartments. At the time, it was my understanding that the functions of this pole could be placed underground.

Per our phone conversation this morning, you informed me that you were not aware of correspondence with the developer, nor was an application opened to inquire about whether or not the power pole could be relocated.

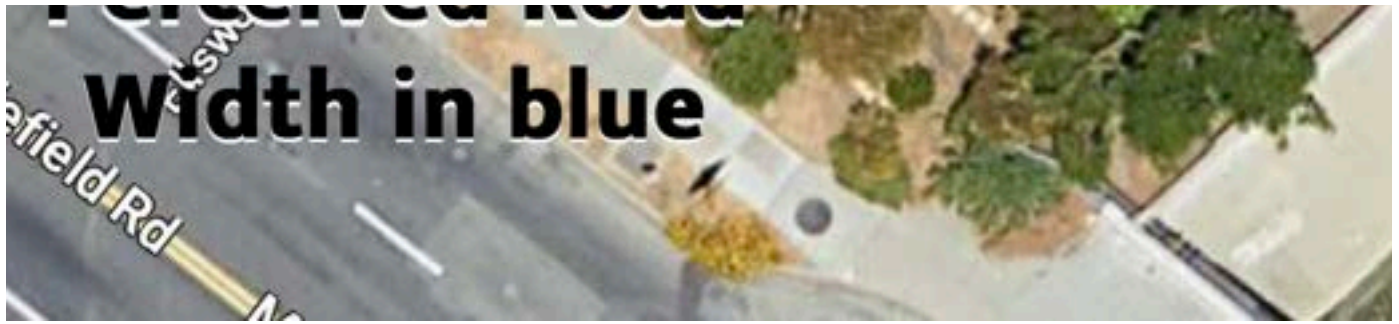
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[This link is timestamped to begin at 34:22](#)

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The Ellsworth Place residents would like to know if that utility pole could be moved, as it would open up road circulation for Ellsworth Place and solve the problem of lost circulation if the parking lot were to be lost to the building of an R-1 home, which is currently designed to set only 10-feet back from the road, and therefore requires the road to be made narrower to only 20-feet wide per the ingress/egress easements of the homeowners.

Here is a map of the circulation room we have now, showing the 21-foot wide road entrance and the widening of the road to 25 - 26 feet over the parking lot. The location of two utility poles are also shown on this map:



This is how the parking lot functions as the "cul-de-sac" and circulation of Ellsworth Place. This Google Maps screenshot also shows the location of both utility poles.



[Quoted text hidden]

Magdaleno, Cesar <Cesar.Magdaleno@cityofpaloalto.org>
 To: Kristen Van Fleet <[redacted]>
 Cc: "Jovel, Jose" <Jose.Jovel@cityofpaloalto.org>

Wed, Jul 26, 2023 at 9:07 AM

Hello Kristen,

I have confirmed with my supervisor that the Electric Engineering department has not received any informal or formal request for information regarding this project. Whether he has reached out to other groups within the Utilities department, I cannot confirm. If the developer would like the Electric Engineering department to review his request to relocate/remove any poles, they can start that process by submitting a permit application with Development Services where they will review the scope of work and route to the appropriate city departments for review and approval.

Thanks,

CESAR MAGDALENO | Electric Engineering Estimator | Utilities Engineering
 1007 Elwell Court | Palo Alto, CA 94303 | (650) 566-4531



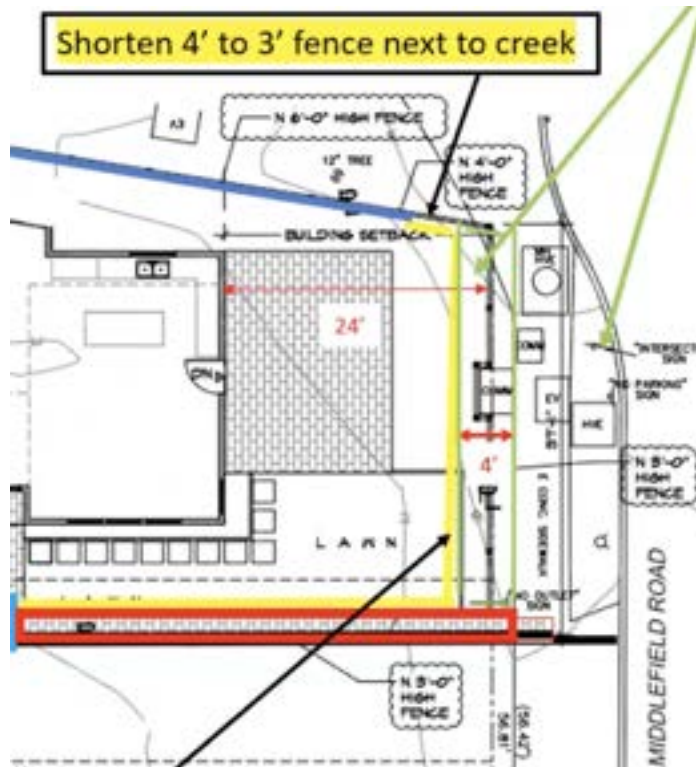
Regarding: Request for Rezoning to Amend Planned Community 2343 (PC2343), and 702 Ellsworth Place; Applications 23PLN-27, 23PLN-00027, 23PLN-00025

August 2, 2023

Dear Ed Shikada, Chair Summa, and Members of the Planning and Transportation Commission,

The residents of Ellsworth Place would like the PTC meeting regarding 702 Ellsworth Place and 2901 Middlefield Road, which is currently scheduled for Wednesday, August 9, 2023, to be postponed until the following information can be obtained:

- 1) As of this writing, the placement of the story poles or temporary visual aid is incomplete per the request of the PTC during the meeting on July 12, 2023. (A transcript is attached in a separate PDF which documents what was said regarding the story poles.) It was asked that the sight triangle also be marked. As of today, they have not been marked. It is essential that this area be laid out so that residents and commissioners who visit the site can understand what area will have restricted plant height so that visibility of the sidewalk and the roads can be determined.
- 2) The placement of the orange temporary fence as of this writing is incorrect. It is partly located 3 feet + 2 inches from the sidewalk. Per our understanding, it is supposed to be 4 feet away from the sidewalk. It is also placed in a curve instead of a straight line as the architect's drawing indicates with the yellow line.





We have tried to expedite matters by asking City staff to correct this situation. On Thursday, July 27, 2023, an email on behalf of Ellsworth Residents was sent to both Planning and Code Enforcement, and another Ellsworth Homeowner also emailed Code Enforcement directly on that day. (See two attached PDFs). Per the response of Amy French, she was going to make a site visit and she thanked me for my "patience." There has not been any follow-up to this and nothing has changed on the Ellsworth Place site.

- 3) A voicemail was left for Sylvia Star-Lack, Transportation Planning Manager, on the afternoon of August 1, 2023, asking for a follow-up site visit. We hope this can occur prior to the commission hearing so that residents can ask more detailed questions about the proposed road and other changes in advance and thus be able to comment on those at the hearing.
- 4) Regarding the story poles or visual aids, Chair Doria Summa said, "Leave that up for 6 weeks or whatever is standard Miss French and then have the, have everyone comment on it." While Palo Alto does not appear to have a standard for how long to leave up the story poles, Los Altos requires 20 days, which seems like a reasonable amount of time once the proper installation has occurred.
- 5) A key issue commissioners have raised is whether the utility pole nearest to Middlefield can be moved, as that would allow for a 26-foot wide road extending for 100 feet and provide passing and improved safety and visibility. The feasibility of moving the utility pole needs to be properly asked of CPA Utilities Engineering. Per emails with Cesar Magdaleno, no application has been submitted to inquire about this within the Electrical Engineering Department. (There are solutions available for this scenario according to an online search.) Can any application fee for this assessment be waived on behalf of the greater good of Midtown, Palo Alto?
(See attached PDF of this email communication.)

The utility pole does have guy lines, but the electrical lines appear to stop at the pole prior to it, with only the telephone line and Comcast lines actually routing to this end pole. Eliminating this pole would open up circulation to the entrance of the Ellsworth Place road and solve a lot of safety and other foreseeable problems, such as the potential banning of delivery trucks on Ellsworth Place, as was discussed during a site visit by City Planning on July 3, 2023.

Having the Ellsworth Place "PC" on the PTC meeting agenda for August 9, 2023, is too short of notice to accomplish the above and it would be a waste of everyone's time and taxpayer money to have the meeting without the ability for us to give proper feedback.

Sincerely,

The Ellsworth Place Residents

DocuSigned by:
Tanya Xue
57768B2FC9F4440...

DocuSigned by:
Venkata kurra
BB8E2W3D3ADE40F...

DocuSigned by:
Gala Brykin
0A1E3A91C8A14AC...

DocuSigned by:
Susan E. Light
04E26911547843C...

DocuSigned by:
Kristin A. Van Fleet
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DocuSigned by:
Bhama Iyer
4A17230D800C480...

DocuSigned by:
CHIN CHONG
47776E3885C64A8...

From: [Kristen Van Fleet](#)
To: [Lait, Jonathan](#); [City Attorney](#); [City Mgr](#); [Planning Commission](#); [Sauls, Garrett](#); [Star-Lack, Sylvia](#); [William Ross](#); [Furman, Sheri](#); [Glanckopf, Annette](#)
Subject: Fwd: Requesting Postponement of PTC Meeting Agenda Item of August 9, 2023, for Ellsworth Place Applications 23PLN-27, 23PLN-00027, 23PLN-00025
Date: Wednesday, August 2, 2023 12:41:56 PM
Attachments: [Screenshot 2023-08-02 at 12.26.34 PM.png](#)
[PTC Meeting 7-12-23, Story Poles transcription.pdf](#)
[Gmail - Fwd Code Enforcement Temporary Fence corner of Ellsworth Place and 2901 Middlefield Road.pdf](#)
[Gmail - Ellsworth Place Story Poles - Applications 23PLN-27, 23PLN-00027, 23PLN-00025.pdf](#)
[Gmail - Ellsworth Place - Power Pole located next to 2901 Middlefield Road Apartments.pdf](#)
[SIGNED Letter to City Manager 8-2-23, for postponement of PTC Meeting of 8-9-23.pdf](#)

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

Deat Jonathan Lait,

The Ellsworth Place residents thought Amy French was looking into this situation, however, an automatic response received after sending the forwarded letter (see below) says she is out of the office until August 7th, as copied below.

The contact card says the PTC meeting scheduled for August 9th is a "Review of Demonstration Structures..." and those structures have not been fully installed as of the writing of this email. This meeting needs to be postponed until those structures are fully installed and an appropriate amount of time has been given to the Ellsworth Residents to be able to live with and then comment on them. Please see to this oversight.

Sincerely,

Kristen A. Van Fleet

Amy's automatic response to the email is below:



The notification card we received in the mail earlier this week:



**PLANNING & TRANSPORTATION
COMMISSION MEETING**
Council Chambers & Zoom

NOTICE IS HEREBY GIVEN that the **City of Palo Alto Planning & Transportation Commission (PTC)** will conduct a public hearing on **Wednesday August 9, 2023 at 6:00 PM**. To maximize public safety while still maintaining transparency and public access, members of the public can choose to participate from home or attend in person. Instructions for the Zoom meeting, agendas and staff reports can be found at <https://bit.ly/PaloAltoPTC>.

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

You are receiving this hearing notice because you are an owner or tenant of property within 600 feet of the proposed project.

AMERICANS WITH DISABILITY ACT (ADA) Persons with disabilities who require auxiliary aids or services in using City facilities, services or programs or who would like information on the City's compliance with the Americans with Disabilities Act (ADA) of 1990, may contact (650) 329-2550 (Voice) or (650) 328-1199 (TDD) 72 hours in advance.

----- Forwarded message -----

From: **Kristen Van Fleet** <[REDACTED]>

Date: Wed, Aug 2, 2023 at 11:50 AM

Subject: Requesting Postponement of PTC Meeting Agenda Item of August 9, 2023, for Ellsworth Place Applications 23PLN-27, 23PLN-00027, 23PLN-00025

To: <Planning.Commission@cityofpaloalto.org>, <city.council@cityofpaloalto.org>, <CityMgr@cityofpaloalto.org>, French, Amy <amy.french@cityofpaloalto.org>, Sauls, Garrett <garrett.sauls@cityofpaloalto.org>, Star-Lack, Sylvia <sylvia.star-lack@cityofpaloalto.org>, <city.attorney@cityofpaloalto.org>, William Ross <[REDACTED]>, Annette Glanckopf <[REDACTED]>, sheri11 <[REDACTED]>

Please find attached five PDF supporting documents, including a signed version of this letter copied and pasted below.

Regarding: Request for Rezoning to Amend Planned Community 2343 (PC2343), and 702

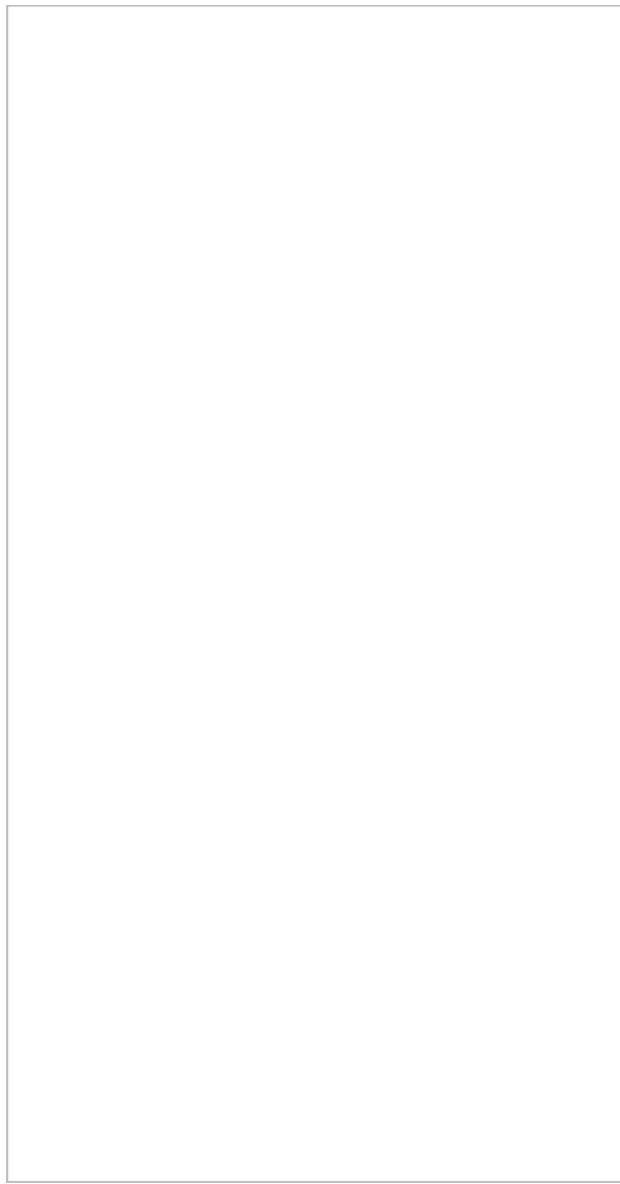
Ellsworth Place; Applications 23PLN-27, 23PLN-00027, 23PLN-00025

August 2, 2023

Dear Ed Shikada, Chair Summa, and Members of the Planning and Transportation Commission,

The residents of Ellsworth Place would like the PTC meeting regarding 702 Ellsworth Place and 2901 Middlefield Road, which is currently scheduled for Wednesday, August 9, 2023, to be postponed until the following information can be obtained:

1. As of this writing, the placement of the story poles or temporary visual aid is incomplete per the request of the PTC during the meeting on July 12, 2023. (A transcript is attached in a separate PDF which documents what was said regarding the story poles.) It was asked that the sight triangle also be marked. As of today, they have not been marked. It is essential that this area be laid out so that residents and commissioners who visit the site can understand what area will have restricted plant height so that visibility of the sidewalk and the roads can be determined.
2. The placement of the orange temporary fence as of this writing is incorrect. It is partly located 3 feet + 2 inches from the sidewalk. Per our understanding, it is supposed to be 4 feet away from the sidewalk. It is also placed in a curve instead of a straight line as the architect's drawing indicates with the yellow line.



We have tried to expedite matters by asking City staff to correct this situation. On Thursday, July 27, 2023, an email on behalf of Ellsworth Residents was sent to both Planning and Code Enforcement, and another Ellsworth Homeowner also emailed Code Enforcement directly on that day. (See two attached PDFs). Per the response of Amy French, she was going to make a site visit and she thanked me for my “patience.” There has not been any follow-up to this and nothing has changed on the Ellsworth Place site.

3.

A voicemail was left for Sylvia Star-Lack, Transportation Planning Manager, on the afternoon of August 1, 2023, asking for a follow-up site visit. We hope this can occur prior to the commission hearing so that residents can ask more detailed questions about the proposed road and other changes in advance and thus be able to comment on those at the hearing.

4.

Regarding the story poles or visual aids, Chair Doria Summa said, “Leave that up for 6 weeks or whatever is standard Miss French and then have the, have everyone

comment on it.” While Palo Alto does not appear to have a standard for how long to leave up the story poles, Los Altos requires 20 days, which seems like a reasonable amount of time once the proper installation has occurred.

5.

A key issue commissioners have raised is whether the utility pole nearest to Middlefield can be moved, as that would allow for a 26-foot wide road extending for 100 feet and provide passing and improved safety and visibility. The feasibility of moving the utility pole needs to be properly asked of CPA Utilities Engineering. Per emails with Cesar Magdaleno, no application has been submitted to inquire about this within the Electrical Engineering Department. (There are solutions available for this scenario according to an online search.) Can any application fee for this assessment be waived on behalf of the greater good of Midtown, Palo Alto?

(See attached PDF of this email communication.)

The utility pole does have guy lines, but the electrical lines appear to stop at the pole prior to it, with only the telephone line and Comcast lines actually routing to this end pole. Eliminating this pole would open up circulation to the entrance of the Ellsworth Place road and solve a lot of safety and other foreseeable problems, such as the potential banning of delivery trucks on Ellsworth Place, as was discussed during a site visit by City Planning on July 3, 2023.

Having the Ellsworth Place “PC” on the PTC meeting agenda for August 9, 2023, is too short of notice to accomplish the above and it would be a waste of everyone’s time and taxpayer money to have the meeting without the ability for us to give proper feedback.

Sincerely,

The Ellsworth Place Residents

(A signed copy of this letter is attached as a PDF)

From: [Kristen Van Fleet](#)
To: [Sauls, Garrett](#); [French, Amy](#); [Planning Commission](#)
Subject: For Packet Inclusion of PTC Meeting Agenda Item of August 9, 2023, for Ellsworth Place Applications 23PLN-27, 23PLN-00027, 23PLN-00025
Date: Thursday, August 3, 2023 2:09:09 PM
Attachments: [Chicago Title July 27 2023 950674-Letter.pdf](#)

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

Regarding: Ellsworth Place Applications 23PLN-27, 23PLN-00027, 23PLN-00025

To Whom it may concern,

Please include the attached PDF of a letter from Chicago Title, which further proves Ellsworth Place homeowner ingress/egress rights, in the printed packet being prepared for the PTC Meeting Agenda Item of August 9, 2023.

Please also include in the printed packet, the letter sent yesterday and its supporting PDF, titled "Requesting Postponement of PTC Meeting Agenda Item of August 9, 2023, for Ellsworth Place Applications 23PLN-27, 23PLN-00027, 23PLN-00025".

Sincerely,

Kristen A. Van Fleet

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

VIA U.S. MAIL AND EMAIL

██████████
Palo Alto, CA 94306
██████████

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.

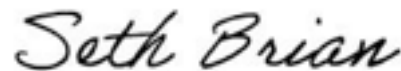
Additionally, please be advised that the Policy does not provide coverage for informal disputes with other parties over the use of Easement or their improper interference with your right to utilize the Easement. Here, as stated above, the Company's investigation has revealed that the Property has a right 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.