

**From:** [Aram James](#)  
**To:** [Shikada, Ed](#); [Stump, Molly](#); [Roberta Ahlquist](#); [chuck jagoda](#); [Planning Commission](#); [Council, City](#); [Human Relations Commission](#); [winterqery@earthlink.net](mailto:winterqery@earthlink.net); [Jeff Moore](#); [Sajid Khan](#); [Jeff Rosen](#); [Joe Simitian](#); [Greg Tanaka](#); [Anjie Evans](#); [jay.boyarsky@bos.sccgov.org](mailto:jay.boyarsky@bos.sccgov.org); [cindy.chavez@bos.sccgov.org](mailto:cindy.chavez@bos.sccgov.org); [supervisor.ellenberg@bos.sccgov.org](mailto:supervisor.ellenberg@bos.sccgov.org); [Rebecca Eisenberg](#); [Raj](#); [Jonsen, Robert](#); [Binder, Andrew](#)  
**Subject:** RV dwellers can park on private property in residential areas under new ordinance  
**Date:** Wednesday, November 17, 2021 5:17:54 PM

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**NewsBreak**

Used by over 45 million people

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## RV dwellers can park on private property in residential areas under new ordinance

Oakland North

Oakland City Council unanimously passed an ordinance Tuesday that allows people to park and occupy recreational vehicles, mobile homes, and manufactured homes on private property in residential areas, if the property owner permits. The Construction Innovation And Expanded Housing Options ordinance was crafted to create more housing options for Oakland...



[Click to read the full story](#)

Sent from my iPhone

**From:** [Aram James](#)  
**To:** [robert.parham@cityofpaloalto.org](mailto:robert.parham@cityofpaloalto.org); [Jonsen, Robert](#); [Binder, Andrew](#); [Human Relations Commission](#); [Tannock, Julie](#); [nick.enberg@cityofpoalto.org](mailto:nick.enberg@cityofpoalto.org); [Planning Commission](#); [chuck jagoda](#); [Jeff Moore](#); [Winter Dellenbach](#); [Perron, Zachary](#); [Reifschneider, James](#); [Figueroa, Eric](#); [Joe Simitian](#); [Sajid Khan](#); [Jeff Rosen](#); [Jay Boyarsky](#); [Tony Dixon](#); [Council, City](#)  
**Subject:** Another piece in why Tasers should be banned by attorneys Richard Konda and Aram James  
**Date:** Thursday, November 18, 2021 12:19:39 PM

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<https://siliconvalleydebug.org/stories/stop-tasers-from-being-introduced-to-our-jails>

Shared via the [Google app](#)

Sent from my iPhone

**From:** [Aram James](#)  
**To:** [Kaloma Smith](#); [Human Relations Commission](#); [Council, City](#); [Jeff Moore](#); [Sajid Khan](#); [Jeff Rosen](#); [Jay Bovarsky](#); [darylsavage@gmail.com](#); [paloaltofreepress@gmail.com](#); [Planning Commission](#); [Joe Simitian](#); [Binder, Andrew](#); [Reifschneider, James](#); [Winter Dellenbach](#); [Tannock, Julie](#); [Jonsen, Robert](#); [Raj](#); [chuck jagoda](#); [roberta.ahluquist@sjsu.edu](#); [rebecca](#); [Enberg, Nicholas](#); [cindy.chavez@bos.sccgov.org](#); [Cecilia Taylor](#); [Perron, Zachary](#); [Greer Stone](#); [Shikada, Ed](#); [Tony Dixon](#)  
**Subject:** The FBI has a long history of targeting Black Activists —the HRC should study the history of hate crimes perpetrated by the FBI-against African Americans- instead of the HRC bringing the FBI into Palo Alto to lecture community members on hate crimes  
**Date:** Friday, November 19, 2021 10:13:22 AM

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Nov, 19, 2019

The Palo Alto HRC proposes to (at last night's HRC meeting) have local FBI agents lecture community members on hate crimes.

The FBI has a long and vile history of hate crimes against black citizens and black activist groups dating back to the inception of the FBI.

The FBI continues to this day in its efforts to disrupt the BLM movement and other black liberation struggles. The HRC should NOT bring the FBI to town to lecture community members on hate crimes until the FBI pays reparations for its past crimes against African Americans and African American activist organizations.

I personally oppose the Palo Alto Human Relations Commission proposal to have FBI members lecture members of our community on hate crimes until the FBI publicly admits its own hate crimes and pays appropriate reparations for these crimes.

Please join me in asking the Palo Alto HRC NOT to bring the FBI into our town at this time.

\*\*\*\* ( See the Guardian's article below re the history of FBI attacks on African Americans and African American Activists groups by former FBI agent Mike German circa 2020)

Aram James

<https://amp.theguardian.com/commentisfree/2020/jun/26/fbi-black-activism-protests-history>

Sent from my iPhone

**From:** [Aram James](#)  
**To:** [Jonsen, Robert](#); [city.council@menlopark.org](mailto:city.council@menlopark.org); [Human Relations Commission](#); [Binder, Andrew](#); [Kevin Nious](#); [Amanda del Castillo](#); [Gennady Sheyner](#); [Bill Johnson](#); [mark weiss](#); [cromero@cityofepa.org](mailto:cromero@cityofepa.org); [EPA Today](#); [Roberta Ahlquist](#); [rabrica@cityofepa.org](mailto:rabrica@cityofepa.org); [paloaltofreepress@gmail.com](mailto:paloaltofreepress@gmail.com); [Planning Commission](#); [ParkRec Commission](#)  
**Subject:** The FBI has a long history of targeting Black Activists —the HRC should study the history of hate crimes perpetrated by the FBI-against African Americans- instead of the HRC bringing the FBI into Palo Alto to lecture community members on hate crimes  
**Date:** Friday, November 19, 2021 10:30:59 AM

---

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FYI:

- >
- > Nov, 19, 2019
- >
- >
- > The Palo Alto HRC proposes to (at last night's HRC meeting) have local FBI agents lecture community members on hate crimes.
- >
- > The FBI has a long and vile history of hate crimes against black citizens and black activist groups dating back to the inception of the FBI.
- >
- > The FBI continues to this day in its efforts to disrupt the BLM movement and other black liberation struggles. The HRC should NOT bring the FBI to town to lecture community members on hate crimes until the FBI pays reparations for its past crimes against African Americans and African American activist organizations.
- >
- > I personally oppose the Palo Alto Human Relations Commission proposal to have FBI members lecture members of our community on hate crimes until the FBI publicly admits its own hate crimes and pays appropriate reparations for these crimes.
- >
- > Please join me in asking the Palo Alto HRC NOT to bring the FBI into our town at this time.
- >
- > \*\*\*\* ( See the Guardian's article below re the history of FBI attacks on African Americans and African American Activists groups by former FBI agent Mike German circa 2020)
- >
- > Aram James
- >
- >
- > <https://amp.theguardian.com/commentisfree/2020/jun/26/fbi-black-activism-protests-history>
- >
- >
- > Sent from my iPhone

**From:** [Palo Alto Free Press](#)  
**To:** [Aram James](#)  
**Cc:** [Jonsen, Robert](#); [city.council@menlopark.org](mailto:city.council@menlopark.org); [Human Relations Commission](#); [Binder, Andrew](#); [Kevin Nious](#); [Amanda del Castillo](#); [Gennady Sheyner](#); [Bill Johnson](#); [mark weiss](#); [cromero@cityofepa.org](mailto:cromero@cityofepa.org); [EPA Today](#); [Roberta Ahlquist](#); [rabrica@cityofepa.org](mailto:rabrica@cityofepa.org); [Planning Commission](#); [ParkRec Commission](#); [robert.parham@cityofpaloalto.org](mailto:robert.parham@cityofpaloalto.org); [Figueroa, Eric](#); [michael.gennaco@oirgroup.com](mailto:michael.gennaco@oirgroup.com); [Binder, Andrew](#); [ParkRec Commission](#); [Stump, Molly](#); [Council, City](#); [darylsavage@gmail.com](mailto:darylsavage@gmail.com)  
**Subject:** Re: The FBI has a long history of targeting Black Activists —the HRC should study the history of hate crimes perpetrated by the FBI-against African Americans- instead of the HRC bringing the FBI into Palo Alto to lecture community members on hate crimes  
**Date:** Friday, November 19, 2021 11:23:21 AM

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Racism begets Racism.... As I have stated Racism is a genetic defect which permeates the very DNA of the leadership of City of Palo Alto.

“The KKK Comes to Palo Alto” <http://www.paloaltohistory.org/kkk-in-palo-alto.php> since the 1920’s..

Nothing has changed.....sectioned, fostered, promoted, advocated by the HRC past and present.... Defended by City Attorney Molly Stump and her entire staff.....past and present.

In fact, her actions of neglect and malfeasance are ALL actionable and ripe for disbarment under “Moral turpitude” California State Bar.

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=6106.&lawCode=BPC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6106.&lawCode=BPC)

Mark Petersen-Perez editor in chief PaloAltoFreePress Reporting from Nicaragua

Sent from my iPad

On Nov 19, 2021, at 12:30 PM, Aram James <[abjpd1@gmail.com](mailto:abjpd1@gmail.com)> wrote:

FYI:

Nov, 19, 2019

The Palo Alto HRC proposes to (at last night’s HRC meeting) have

local FBI agents lecture community members on hate crimes.

The FBI has a long and vile history of hate crimes against black citizens and black activist groups dating back to the inception of the FBI.

The FBI continues to this day in its efforts to disrupt the BLM movement and other black liberation struggles. The HRC should NOT bring the FBI to town to lecture community members on hate crimes until the FBI pays reparations for its past crimes against African Americans and African American activist organizations.

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Please join me in asking the Palo Alto HRC NOT to bring the FBI into our town at this time.

\*\*\*\* ( See the Guardian's article below re the history of FBI attacks on African Americans and African American Activists groups by former FBI agent Mike German circa 2020)

Aram James

<https://amp.theguardian.com/commentisfree/2020/jun/26/fbi-black-activism-protests-history>

Sent from my iPhone

**From:** [slevy@ccsce.com](mailto:slevy@ccsce.com)  
**To:** [Steve Levy](#)  
**Subject:** Bay Area Economic Update  
**Date:** Friday, November 19, 2021 2:56:32 PM  
**Attachments:** [Nov 19, 2021 Economic Update.docx](#)

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Attached is the Bay Area economic update I prepare for the Bay Area Council Economic Institute

Highlights are

Bay Area job growth accelerated in September and October. At the same time VC funding has reached record levels, housing permits have begun to rebound, the Governor signed several housing bills and the region is a leader in vaccinations and lowering COVID cases. Congress passed an infrastructure bill and international travel restrictions have been eased. The Bay Area still faces challenges in housing, transportation and other areas that affect our economic competitiveness and, in doing so, reduce our ability to meet equity and environmental goals.

The highlights:

- The Bay Area added 178,600 jobs between January and October 2021 (+4.9%) outpacing U.S. gains (3.9%) for this period. The regional unemployment rate fell from 6.6% to 4.4%. Job gains were led by the San Francisco and San Jose metro areas
- The U.S. economy is recovering even as inflation and supply chain challenges remain and COVID cases are rising again. At the same time immigration and tourism are on pace to increase and some infrastructure spending could start next year.
- The region is a state and national leader in vaccinations and reducing COVID cases that is allowing a return to more normal living here.
- The long-term Bay Area economic challenges remain with only slow progress on housing, transportation and economic competitiveness, challenges at the front of the Bay Area Council policy agenda

I wish all a happy Thanksgiving week as we prepare to see our family in Ventura.

Steve

**From:** [Aram James](#)  
**To:** [Human Relations Commission](#); [Council, City](#); [Jeff Moore](#); [Planning Commission](#); [Perron, Zachary](#); [Tannock, Julie](#); [Binder, Andrew](#); [Figueroa, Eric](#); [Enberg, Nicholas](#); [chuck jagoda](#); [Sajid Khan](#); [Jeff Rosen](#); [Vara Ramakrishnan](#); [Jonsen, Robert](#); [Rebecca Eisenberg](#); [Raj](#); [roberta.ahlquist@sjsu.edu](mailto:roberta.ahlquist@sjsu.edu); [Joe Simitian](#); [Jay Boyarsky](#)  
**Subject:** This sickening story from 2017 speaks for itself! ( a killer cop and a racist)  
**Date:** Friday, November 19, 2021 5:43:42 PM

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<https://www.businessinsider.com/white-oklahoma-police-officer-shannon-kepler-convicted-manslaughter-jeremey-lake-2017-10?amp>

Sent from my iPhone



**From:** [Aram James](#)  
**To:** [Tom DuBois](#); [Filseth, Eric \(Internal\)](#); [Alison Cormack](#); [Greer Stone](#); [Council, City](#); [Planning Commission](#); [Kou, Lydia](#); [Tanaka, Greg](#); [Winter Dellenbach](#); [Rebecca Eisenberg](#); [Roberta Ahlquist](#); [Pat Burt](#); [wilpfpeninsulapaloalto@gmail.com](#); [chuck jagoda](#); [Shikada, Ed](#); [Angie Evans](#); [Dave Price](#)  
**Subject:** Housing Grades for every city in California including Palo Alto  
**Date:** Sunday, November 21, 2021 1:30:02 PM

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Follow the link below to view the article.

[https://mercurynews-ca.newsmemory.com/?publink=1cbe0a623\\_1345fd5](https://mercurynews-ca.newsmemory.com/?publink=1cbe0a623_1345fd5)

Sent from my iPhone

**From:** [Tanner, Rachael](#)  
**To:** [David Rogosa](#)  
**Cc:** [Planning Commission](#)  
**Subject:** RE: 985 Channing. Follow-up commentary and materials from Oct 13 deliberations, D Rogosa  
**Date:** Wednesday, November 24, 2021 1:03:59 PM  
**Attachments:** [DRogosaPTC11-10.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

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I have copied your comments to the Planning Commission and they will be received in the correspondence for this item and relayed to the Commission.



**RACHAEL A. TANNER, MCP**

Assistant Director

Planning & Development Services

(650) 329-2167 | [Rachael.Tanner@cityofpaloalto.org](mailto:Rachael.Tanner@cityofpaloalto.org)

[www.cityofpaloalto.org](http://www.cityofpaloalto.org)



---

**From:** David Rogosa <[ragxdr@gmail.com](mailto:ragxdr@gmail.com)>  
**Sent:** Tuesday, November 9, 2021 3:05 PM  
**To:** Tanner, Rachael <[Rachael.Tanner@CityofPaloAlto.org](mailto:Rachael.Tanner@CityofPaloAlto.org)>  
**Subject:** 985 Channing. Follow-up commentary and materials from Oct 13 deliberations, D Rogosa

You don't often get email from [ragxdr@gmail.com](mailto:ragxdr@gmail.com). [Learn why this is important](#)

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[note this page is included in the attachment]

985 Channing.

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

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

I hope my comments can be at least directed to Chairman Hechtman,

who in his comments addressed the ending item in my (rushed) Oct 13 presentation:

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

You will be aghast."

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

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

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

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

The consequences for my property at 991 are horrendous: Destruction of all privacy for my back deck and garden and even within the residence, Violation of compatibility or any sense of scale along adjoining property line. Remember that these two properties have the most minimal setback along the border, and these plans, I believe, would create a row house or bad apartment house situation. In more formal language, removal of the Parcel Map restrictions would have large negative impact and create substantial new burdens, substantially diminishing my property value and quality of life.

In the Oct 13 discussion, multiple individuals asserted some form of: "the modern review guidelines will adequately protect the adjoining residences". I believe these plans for 985 show that statement to be a canard. I believe the plans (which were sailing toward approval from the comments) show that this construction would dominate my residence, making it unlivable, perhaps unsellable.

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

restrictions when purchasing their properties.

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

**From:** [Aram James](#)  
**To:** [Council, City](#); [Human Relations Commission](#); [Planning Commission](#); [wintergery@earthlink.net](mailto:wintergery@earthlink.net); [Sajid Khan](#); [Jeff Moore](#); [Jeff Rosen](#); [Joe Simitian](#); [cindy.chavez@bos.sccgov.org](mailto:cindy.chavez@bos.sccgov.org); [mike.wasserman@bos.sccgov.org](mailto:mike.wasserman@bos.sccgov.org); [supervisor.ellenberg@bos.sccgov.org](mailto:supervisor.ellenberg@bos.sccgov.org)  
**Subject:** Progressive debt subsidy program to start in Oakland  
**Date:** Friday, November 26, 2021 4:06:03 PM

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Follow the link below to view the article.

Oakland starts rent subsidy program

[https://mercurynews-ca.newsmemory.com/?publink=2d63cb23c\\_1345fda](https://mercurynews-ca.newsmemory.com/?publink=2d63cb23c_1345fda)

Sent from my iPhone

**From:** [Aram James](#)  
**To:** [paloaltofreepress@gmail.com](mailto:paloaltofreepress@gmail.com); [Human Relations Commission](#); [Council, City](#); [Planning Commission](#); [Jeff Moore](#); [wintergery@earthlink.net](mailto:wintergery@earthlink.net); [chuck jagoda](#); [Sajid Khan](#); [Jeff Rosen](#); [Joe Simitian](#); [cindy.chavez@bos.sccgov.org](mailto:cindy.chavez@bos.sccgov.org); [supervisor.ellenberg@bos.sccgov.org](mailto:supervisor.ellenberg@bos.sccgov.org); [Jay Boyarsky](#); [roberta.ahlquist@sjsu.edu](mailto:roberta.ahlquist@sjsu.edu); [EPA Today](#); [Jonsen, Robert](#); [Binder, Andrew](#); [Tannock, Julie](#); [rebecca](#); [Enberg, Nicholas](#)  
**Subject:** RECONCILING THE DESTRUCTION OF A CULTURAL HAVEN  
**Date:** Sunday, November 28, 2021 11:44:32 AM

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[https://mercurynews-ca.newsmemory.com/?publink=15daf76a0\\_1345fdc](https://mercurynews-ca.newsmemory.com/?publink=15daf76a0_1345fdc)

Sent from my iPhone

**From:** [Jeanne Fleming](#)  
**To:** [Tanner, Rachael](#)  
**Cc:** [Planning Commission](#); ["Tina Chow"](#); [todd@toddcollins.org](mailto:todd@toddcollins.org); [wross@lawross.com](mailto:wross@lawross.com)  
**Subject:** RE: PTC consideration of wireless ordinance  
**Date:** Monday, November 29, 2021 4:37:20 PM  
**Attachments:** [image009.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[image016.png](#)  
[image017.png](#)

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Dear Rachael,


I would appreciate it if you would tell me:

1. Will the PTC's upcoming meeting on December 15<sup>th</sup> be both in person in Council chambers and on Zoom?
2. What is the purpose of the PTC's consideration of wireless matters on that date? In particular, what specifically is it that Staff will be asking the PTC to consider?
3. As I understand the public comment procedure at PTC meetings, four people may assign their public comment minutes to a fifth person, thereby allowing the fifth person to speak to the PTC for ten minutes. Is that correct?

Thank you, as always, for your help.

Regards,

Jeanne

Jeanne Fleming, PhD  


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**From:** Jeanne Fleming <jfleming@metricus.net>  
**Sent:** Wednesday, November 24, 2021 4:46 PM  
**To:** 'Tanner, Rachael' <Rachael.Tanner@CityofPaloAlto.org>; 'Jeanne Fleming' <jfleming@metricus.net>  
**Cc:** 'Planning Commission' <Planning.Commission@cityofpaloalto.org>; 'Tina Chow' <chow\_tina@yahoo.com>; todd@toddcollins.org; wross@lawross.com; 'AhSing, Sheldon' <Sheldon.AhSing@CityofPaloAlto.org>; 'Campbell, Clare' <clare.campbell@cityofpaloalto.org>  
**Subject:** RE: PTC consideration of wireless ordinance

Thank you.

Jeanne Fleming, PhD



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**From:** Tanner, Rachael <[Rachael.Tanner@CityofPaloAlto.org](mailto:Rachael.Tanner@CityofPaloAlto.org)>  
**Sent:** Wednesday, November 24, 2021 12:09 PM  
**To:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Cc:** Planning Commission <[Planning.Commission@cityofpaloalto.org](mailto:Planning.Commission@cityofpaloalto.org)>; 'Tina Chow' <[chow\\_tina@yahoo.com](mailto:chow_tina@yahoo.com)>; [todd@toddcollins.org](mailto:todd@toddcollins.org); [wross@lawross.com](mailto:wross@lawross.com); AhSing, Sheldon <[Sheldon.AhSing@CityofPaloAlto.org](mailto:Sheldon.AhSing@CityofPaloAlto.org)>; Campbell, Clare <[clare.campbell@cityofpaloalto.org](mailto:clare.campbell@cityofpaloalto.org)>  
**Subject:** RE: PTC consideration of wireless ordinance

That is correct.



**RACHAEL A. TANNER, MCP**  
Assistant Director  
Planning & Development Services  
(650) 329-2167 | [Rachael.Tanner@cityofpaloalto.org](mailto:Rachael.Tanner@cityofpaloalto.org)  
[www.cityofpaloalto.org](http://www.cityofpaloalto.org)



---

**From:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Sent:** Friday, November 19, 2021 3:30 PM  
**To:** Tanner, Rachael <[Rachael.Tanner@CityofPaloAlto.org](mailto:Rachael.Tanner@CityofPaloAlto.org)>  
**Cc:** Planning Commission <[Planning.Commission@cityofpaloalto.org](mailto:Planning.Commission@cityofpaloalto.org)>; 'Tina Chow' <[chow\\_tina@yahoo.com](mailto:chow_tina@yahoo.com)>; [todd@toddcollins.org](mailto:todd@toddcollins.org); [wross@lawross.com](mailto:wross@lawross.com)  
**Subject:** PTC consideration of wireless ordinance

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

Dear Rachael,

I would appreciate it if you would tell me on what date the PTC is next scheduled to consider revisions to the wireless ordinance.



I believe I understood Chair Hechtman to say on Monday that this consideration would occur on December 15, 2021.

Thank you for your help.

Jeanne

Jeanne Fleming, PhD



**From:** [Aram James](#)  
**To:** [Enberg, Nicholas](#); [Tannock, Julie](#); [robert.parham@cityofpaloalto.org](mailto:robert.parham@cityofpaloalto.org); [Binder, Andrew](#); [Jonsen, Robert](#); [Council, City](#); [Human Relations Commission](#); [Winter Dellenbach](#); [chuck jagoda](#); [Shikada, Ed](#); [Council, City](#); [Kou, Lydia](#); [Perron, Zachary](#); [Jay Boyarsky](#); [Planning Commission](#); [michael.gennaco@oirgroup.com](mailto:michael.gennaco@oirgroup.com); [Dave Price](#); [Emily Mibach](#); [Braden Cartwright](#); [Gennady Sheyner](#)  
**Subject:** The vegetable peeler - Police shooting of Bich Cau Thi Tran – AsAmNews by Dr. Raymond Chong  
**Date:** Monday, November 29, 2021 11:49:40 PM

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FYI: a case I was involved in circa 2003:

<https://asamnews.com/2021/11/29/a-grand-jury-cleared-a-san-jose-police-officer-of-any-wrongdoing-for-shooting-a-woman-waving-a-vegetable-peeler/>

Sent from my iPhone

**From:** [Lisa Tayeri](#)  
**To:** [Transportation](#); [City Mgr](#); [Planning Commission](#); [Council, City](#)  
**Subject:** RRP in Evergreen  
**Date:** Tuesday, November 30, 2021 10:14:01 AM

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

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

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Hello,

I have written previously about the stress the residential parking program has put on our medical practice at 1805 El Camino. My husband and I own and work in the building and I am a lifelong Palo Alto resident. We are also small business owners.

The notice we were sent last week was disappointing in many ways.

We have a five doctor, seven staff member medical practice. There is never a case when all of the doctors and staff are there at the same time. Only one of our doctors works two days a week in the Palo Alto office, the rest work one day a week. Our staff rotate, with the maximum being six in office once a week. Since we have never successfully been able to get permits for everyone we have used the hang tags as a way to share a permit among the staff and physicians, so that someone who only worked one day a week did not have to have their own permit. There seems to be no possibility of doing this with the new electronic system.

What is the incentive to carpool in the new system? Three of our employees carpool and rotate who's car they come to work in. They used to be able to share a hang tag. We also have two staff who drive different cars to the office, depending on whether they need to pick up their children on the way home from work or not. How do they get permits for two cars?

Three of us are lucky enough to be able to walk or bike to the office, which we frequently do, but cannot always because of weather or bringing equipment from office to office that cannot be carried. .

Our office was built with a large parking lot but demand for our services and those of our tenants (an endodontist and a dentist) has increased. A sign that we are providing necessary services. If we used our lot just for our doctors and staffs there would be little parking for our patients. We prefer to reserve the lot parking exclusively for the convenience of our patients who are often in pain or are elderly. It is also not uncommon for patients to be in our offices for over two hours because of dental surgery and glaucoma procedures.

Our medical practice has over 2500 patients who live in Palo Alto. I don't think they would like having to park on El Camino (where it is often dangerous to get in and out of your car) or the neighborhood, or get tickets from the City of Palo Alto because they were getting medical attention. It also seems that having an employee park in one spot on the street for six hours is safer than having patient cars going in and out frequently

Another shock is that the cost of employee permits has almost quadrupled! Isn't that a little extreme?

It is unfair to force employees who do not have the privilege of living in Palo Alto to walk to the new garage on California. At almost a mile away, it is too far from our office. They often have to transport medical equipment and records with them which are too heavy to walk that far with. It is also unjust to assume they can easily use public transportation when our public transportation is so poor in the south Bay. Three of my staff looked to see how long it would take them to get to the office using public transportation and it was just over two hours, versus a 25 minute carpool. Is it fair to take that time from them and their families just so we can have empty spaces on the east side of El Camino Real?

What is most surprising of all is that even before the RRP began, at our end of the Evergreen neighborhood there was always street parking. Instituting the RRP and excluding all the Stanford students/employees from Evergreen

opened up the parking even more.

I can count only one new business on our stretch of El Camino Real. All the other businesses have been there for decades (or replaced existing businesses). I cannot believe that there is too much stress on residents to park near their homes (if for some reason they are unable to use their garages or driveways).

Cities are dynamic, not static. This is not the exact same Palo Alto that my great grandfather settled in in 1901, or the Palo Alto I grew up in during the 1980s. The positive change is reflected in our housing prices and the vibrancy of Palo Alto. Burdens such as the RRP, added to the difficulty of finding skilled employees, are the reason many beloved local businesses have closed (The Prolific Oven and Keeble and Shuchat just to name a few).

I urge the City Council and the Department of Transportation to consider the needs of essential business and reconsider the employee parking program.

Please make an exception for medical practices and the other businesses that are far from California Ave.

Thank you,

Lisa and Tom Tayeri

**From:** [Aram James](#)  
**To:** [Council, City](#); [Human Relations Commission](#); [wintergery@earthlink.net](mailto:wintergery@earthlink.net); [Planning Commission](#); [Sajid Khan](#); [Jay Boyarsky](#); [Jeff Rosen](#); [chuck jagoda](#); [Roberta Ahlquist](#); [Binder, Andrew](#); [Joe Simitian](#); [Raj](#); [Jeff Moore](#); [Cecilia Taylor](#); [Betsy Nash](#); [chuck jagoda](#)  
**Subject:** Safe Parking Program extended til June 2022  
**Date:** Tuesday, November 30, 2021 11:32:45 AM

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<https://www.paloaltoonline.com/news/2021/11/29/santa-clara-county-chips-in-funding-to-keep-safe-parking-lots-open-through-june-2022>

Shared via the [Google app](#)

Sent from my iPhone

**From:** [Aram James](#)  
**To:** [Council, City](#); [Human Relations Commission](#); [Roberta Ahlquist](#); [Jeff Moore](#); [winterqery@earthlink.net](mailto:winterqery@earthlink.net); [Binder, Andrew](#); [Jay Boyarsky](#); [Sajid Khan](#); [Jeff Rosen](#); [chuck jagoda](#); [Planning Commission](#); [Tannock, Julie](#); [Enberg, Nicholas](#); [robert.parham@cityofpaloalto.org](mailto:robert.parham@cityofpaloalto.org); [Perron, Zachary](#); [Jonsen, Robert](#); [EPA Today](#); [rebecca](#); [Rai](#)  
**Subject:** Possible nooses found on Stanford campus  
**Date:** Tuesday, November 30, 2021 11:37:34 AM

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<https://www.paloaltoonline.com/news/2021/11/30/stanford-administrators-uncertain-if-possible-nooses-found-on-campus-were-deliberate>

Shared via the [Google app](#)

Sent from my iPhone

**From:** [Jeanne Fleming](#)  
**To:** [Sauls, Garrett](#)  
**Cc:** [Council, City Planning Commission; Architectural Review Board; Clerk, City; "Tina Chow"; todd@toddcollins.org; wross@lawross.com; Lait, Jonathan](#)  
**Subject:** RE: How many cell towers are there in Palo Alto?  
**Date:** Wednesday, December 1, 2021 3:03:18 PM  
**Attachments:** [image014.png](#)  
[image015.png](#)  
[image017.png](#)  
[image018.png](#)  
[image019.png](#)  
[image021.png](#)  
[image002.png](#)  
[image003.png](#)  
[image005.png](#)  
[image006.png](#)  
[image023.png](#)

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Hi Garrett,

Thank you for this most helpful information.

As I understand it, you're sure there are 52-55 macro towers in Palo Alto, but you expect that number to rise as you obtain more information from the carriers. And your count on small cell node cell towers is 116. So for now, the total number cell towers already installed—or approved and about to be installed—in Palo Alto is between 168-171.

I'm glad to know that you will be updating the City's GIS maps to reflect what you have determined.

I would appreciate it if you would send me the addresses of each the 168-171 cell towers you've identified, along with a brief description (e.g., T-Mobile macro tower, Verizon 4G & 5G small cell) of each.

Thank you again for your help.

My best,

Jeanne

**Jeanne Fleming, PhD**  


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**From:** Sauls, Garrett <Garrett.Sauls@CityofPaloAlto.org>  
**Sent:** Tuesday, November 30, 2021 8:22 AM  
**To:** Jeanne Fleming <jfleming@metricus.net>  
**Cc:** 'Tina Chow' <chow\_tina@yahoo.com>; todd@toddcollins.org; wross@lawross.com; Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>  
**Subject:** RE: How many cell towers are there in Palo Alto?

Hi Jeanne,

I was able to look through everything the day before Thanksgiving but had to run some questions by other staff members yesterday. After filtering through the data that we had from 2000 this is what I came out with:

1. 52-55 Macrosites
2. 116 Small Cell sites (43 Small Wireless Facilities from 2015 onward and 73 AT&T DAS sites prior to that)

There were a number of sites that had multiple addresses for the same site, sites that had been approved on buildings recently demolished (so therefore no longer existing), and sites that had been decommissioned. In addition to all of this there are sites that haven't been decommissioned but also have not been modified for some time. I'm going to reach out to carriers to confirm whether these sites are still active or not so that number will likely change again.

I'll let you know when I have an update for you on this information. Ultimately, once we have that, we'll be able to update our WCF layer in GIST so that we can have all the facilities mapped properly as some of those haven't been updated based on what I mentioned above.

Let me know if you have any questions.

Best regards,



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



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

**From:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Sent:** Thursday, November 18, 2021 6:20 PM  
**To:** Sauls, Garrett <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>  
**Cc:** Council, City <[city\\_council@cityofpaloalto.org](mailto:city_council@cityofpaloalto.org)>; Planning Commission <[Planning.Commission@cityofpaloalto.org](mailto:Planning.Commission@cityofpaloalto.org)>; Architectural Review Board <[arb@cityofpaloalto.org](mailto:arb@cityofpaloalto.org)>; Clerk, City <[city\\_clerk@cityofpaloalto.org](mailto:city_clerk@cityofpaloalto.org)>; 'Tina Chow' <[chow\\_tina@yahoo.com](mailto:chow_tina@yahoo.com)>; [todd@toddcollins.org](mailto:todd@toddcollins.org); [wross@lawross.com](mailto:wross@lawross.com); Atkinson, Rebecca <[Rebecca.Atkinson@CityofPaloAlto.org](mailto:Rebecca.Atkinson@CityofPaloAlto.org)>  
**Subject:** RE: How many cell towers are there in Palo Alto?

Hi Garrett,

Thank you for your email of last week.

I look forward to your final tally of how many small cell nodes, and how many macro towers, have already been installed—or are approved and pending installation—in Palo Alto.

One observation: You say in your email that you went back as far as 2015 to count small cell node cell towers. Please be aware that small cells were installed here earlier than 2015. For example, 75 small cells were approved in 2013. So that alone would take the tally up to:

128 Existing small cell node cell towers

60-70 Existing macro towers

I appreciate your help, and, again, I look forward to your final tally.

Regards,

Jeanne

Jeanne Fleming, PhD  
[REDACTED]

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**From:** Sauls, Garrett <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>  
**Sent:** Wednesday, November 10, 2021 2:36 PM  
**To:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Cc:** City Mgr <[CityMgr@cityofpaloalto.org](mailto:CityMgr@cityofpaloalto.org)>; Lait, Jonathan <[Jonathan.Lait@CityofPaloAlto.org](mailto:Jonathan.Lait@CityofPaloAlto.org)>  
**Subject:** RE: How many cell towers are there in Palo Alto?

Hi Jeanne,

I'm not sure why this email didn't come to my inbox, spam, or junk folder but this was shared with me from Rebecca. I was able to take a preliminary look at the last 20 years of permits that we have received for WCF applications. Overall, there appear to be between 60-70 macro sites and 43 small/micro sites within the City. All of the small/micro sites have been approved since 2015 which are easier to confirm a specific number. This includes Crown Castle's 19 sites in the Downtown, Verizon Cluster 1's 11 sites, AT&T Cluster 1's 10 sites, and Verizon Cluster 4's three sites. Given the volume of applications for macro sites, I was only able to scan our records but I wanted to get back to you with a rough idea at least before the holiday and my 9/80 day on Friday. I am aware of a couple of sites that have been decommissioned or not approved in the last 20 years so its likely that number will change but I don't have an accurate assessment right now. I'll try to get a clearer picture by the end of next week but its probably going to take a whole day to sort through the data outside of the other staff reports I need to get done between then and now.

Let me know if you have any questions.

Best regards,



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



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

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**From:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Sent:** Friday, November 5, 2021 4:10 PM  
**To:** Atkinson, Rebecca <[Rebecca.Atkinson@CityofPaloAlto.org](mailto:Rebecca.Atkinson@CityofPaloAlto.org)>  
**Cc:** Council, City <[city\\_council@cityofpaloalto.org](mailto:city_council@cityofpaloalto.org)>; Planning Commission <[Planning.Commission@cityofpaloalto.org](mailto:Planning.Commission@cityofpaloalto.org)>; Architectural Review Board <[arb@cityofpaloalto.org](mailto:arb@cityofpaloalto.org)>; 'Tina Chow' <[chow\\_tina@yahoo.com](mailto:chow_tina@yahoo.com)>; 'Todd Collins' <[todd@toddcollins.org](mailto:todd@toddcollins.org)>; 'William Ross' <[wross@lawross.com](mailto:wross@lawross.com)>; Clerk, City <[city\\_clerk@cityofpaloalto.org](mailto:city_clerk@cityofpaloalto.org)>; AhSing, Sheldon <[Sheldon.AhSing@CityofPaloAlto.org](mailto:Sheldon.AhSing@CityofPaloAlto.org)>; Sauls, Garrett <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>  
**Subject:** FW: How many cell towers are there in Palo Alto?



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

Hi Rebecca,

Thank you for the heads up to Tina, Todd, Bill and me regarding the "study session" on November 15<sup>th</sup>, and for letting us know that you are once more the person at City Hall we should contact first if we need cell tower information.

On the latter point, I would appreciate it if you would answer the questions I asked your colleague Garrett Sauls two weeks ago, namely: 1) how many macro towers have been installed or are pending installation in Palo Alto, and 2) how many small cell node cell towers have been installed or are pending installation here. (My email to Garrett is appended below.)

Thanks and best,

Jeanne

Jeanne Fleming, PhD

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From: Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>

Sent: Friday, October 22, 2021 3:21 PM

To: 'Sauls, Garrett' <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>

Cc: [city\\_council@cityofpaloalto.org](mailto:city_council@cityofpaloalto.org); [Planning\\_Commission@CityofPaloAlto.org](mailto:Planning_Commission@CityofPaloAlto.org); 'Architectural Review Board' <[arb@cityofpaloalto.org](mailto:arb@cityofpaloalto.org)>; 'Tina Chow' <[chow\\_tina@yahoo.com](mailto:chow_tina@yahoo.com)>; 'Todd Collins' <[todd@toddcollins.org](mailto:todd@toddcollins.org)>; 'William Ross' <[wross@lawross.com](mailto:wross@lawross.com)>; 'Clerk, City' <[city.clerk@cityofpaloalto.org](mailto:city.clerk@cityofpaloalto.org)>

Subject: How many cell towers are there in Palo Alto?

Hi Garrett,

I would appreciate it if you would tell me: 1) how many macro towers have been installed or are pending installation in Palo Alto, and 2) how many small cell node cell towers have been installed or are pending installation here.

Thank you for your help. Please let me know if you have any questions.

Regards,

Jeanne

Jeanne Fleming, PhD

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Front page of today's Da by Post (dec 1 2021). If want the rest of the story pick up the Post. Very troubling at icel. I unders and agent Mullarkey is sti l with the PAPP.

The newspaper page features several articles. At the top, there's a 'Post' logo and a 'THE WILLOW MARKET' sign. The main headline is 'Carjacking reported downtown'. Below it, a sub-headline reads 'Cop's nickname: 'The fuse''. A photo of a man is labeled 'BENITEZ'. Another headline is 'Omicron called 'extremely mild''. To the right, there's a yellow sticky note with handwritten notes in blue and black ink, including 'US 2021', 'Lama C', '16 789', 'Lara Costa', 'dollar ho', 'nt', 't', 'overly self', 'Lama C', 'FBI', and 'sw'.

**Carjacking reported downtown**  
BY BRADEN CARTWRIGHT  
Daily Post Staff Writer  
A man was arrested after trying to escape a carjacking in downtown Menlo Park on Friday. The suspect, a 36-year-old man, was arrested for felony carjacking. He is charged with kidnapping, false imprisonment, and possession of a firearm. He faces a \$100,000 bail and a court appearance scheduled for today.

**Cop's nickname: 'The fuse'**  
Internal police messages include this exchange between then-Agent Thomas DeStefano and Officer Kevin Mullarkey after then-Sgt. Wayne Benitez allegedly assaulted Gustavo Alvarez in 2018.  
DeStefano: "You missed out - the fuse was lit tonight!"  
Mullarkey: "That's my favorite thing ever ... I saw it go off before when I was brand new and I was like this is what it's like in Los Angeles."  
DeStefano: "Yup ... it happened tonight."  
Mullarkey: "Amazing ... I love it ... that's a 100% real cop right there."  
BY BRADEN CARTWRIGHT  
Daily Post Staff Writer  
Former Palo Alto Police Sgt. Wayne Benitez — who is charged with assault and lying on a police report for slamming a man into a car windshield during an arrest — was nicknamed "the fuse" by his fellow officers, according to court documents filed by District Attorney Jeff Rosen.  
Two officers celebrated Benitez's use of force the night of Feb. 17, 2018, which led to the charges against Benitez and a lawsuit against the city.  
"The fuse was lit tonight!" Agent Thomas DeStefano wrote in a message to another officer, according to documents.  
[See FUSE, page 18]

**Omicron called 'extremely mild'**  
Covid symptoms linked to the new Omicron variant are "extremely mild," says the South African doctor who first raised the alarm over the new strain.  
Dr. Angelique Coetzee, chair of the South African Medical Association, told the BBC that she started to see patients around Nov. 18 presenting with "unusual symptoms" that differed slightly from those associated with the Delta variant, which is the most virulent strain of the virus.  
"It actually started with a male patient who's around the age of 33 ... and he said to me that he's just (been) extremely tired for the past few days and he's got these body aches and pains with a bit of a headache," she told the BBC.  
Dr. Coetzee said the patient didn't have a sore throat but more of a "scratchy throat" and wasn't suffering from a cough or loss of taste or smell.  
[See OMICRON, page 18]

**From:** [Aram James](#)  
**To:** [Shikada, Ed](#); [Tanner, Rachael](#); [Human Relations Commission](#); [Council, City](#); [Planning Commission](#); [wintergery@earthlink.net](mailto:wintergery@earthlink.net); [Dave Price](#); [Stump, Moly](#)  
**Subject:** Cupertino and SB -9 —will Palo Alto match Cupertino in resisting truly low and very low income housing? Will Palo Alto make it as difficult as possible for homeowners to take advantage of SB-9?  
**Date:** Monday, December 6, 2021 7:05:48 PM

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<https://www.mercurynews.com/2021/12/06/cupertino-faces-its-housing-reputation-as-sb-9-goes-into-effect-jan-1/amp/>

Sent from my iPhone

**From:** [Aram James](#)  
**To:** [Enberg, Nicholas](#); [Tannock, Julie](#); [Binder, Andrew](#); [Jonsen, Robert](#); [Human Relations Commission](#); [Planning Commission](#); [Filseth, Eric \(Internal\)](#); [robert.parham@cityofpalto.org](mailto:robert.parham@cityofpalto.org); [michael.gennaco@oirgroup.com](mailto:michael.gennaco@oirgroup.com)  
**Subject:** Pointing gun reportable and council restored IPA authority to handle internal complaints( archives June 2021)  
**Date:** Monday, December 6, 2021 9:35:39 PM

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<https://www.paloaltoonline.com/news/2021/06/15/police-auditor-to-vet-cases-in-which-palo-alto-officers-point-guns>

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**From:** [Tanner, Rachael](#)  
**To:** [Planning Commission](#)  
**Subject:** FW: Consolidation Statements in Opposition to 985 Channing 2nd Story Project  
**Date:** Wednesday, December 8, 2021 4:12:41 PM  
**Attachments:** [Consolidated Statements of Opponents to the 2nd Story Project at 985 Channing Avenue RFS.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

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**RACHAEL A. TANNER, MCP**  
Assistant Director  
Planning & Development Services  
(650) 329-2167 | [Rachael.Tanner@cityofpaloalto.org](mailto:Rachael.Tanner@cityofpaloalto.org)  
[www.cityofpaloalto.org](http://www.cityofpaloalto.org)



Service Feedback

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**From:** David Loftus <[loftusdjl1@aol.com](mailto:loftusdjl1@aol.com)>  
**Sent:** Wednesday, December 8, 2021 3:37 PM  
**To:** Sauls, Garrett <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>  
**Cc:** Tanner, Rachael <[Rachael.Tanner@CityofPaloAlto.org](mailto:Rachael.Tanner@CityofPaloAlto.org)>  
**Subject:** Consolidation Statements in Opposition to 985 Channing 2nd Story Project

You don't often get email from [loftusdjl1@aol.com](mailto:loftusdjl1@aol.com). [Learn why this is important](#)

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

Dear Garrett,

In preparation for the upcoming meeting of the PTC on December 15 (at which time 985 Channing Avenue will be discussed), I have prepared this single PDF document which gathers all of the previous statements by the opponents of the project, together with statements that the opponents plan to make on December 15, 2021.

Please include this PDF file in the "packet" that PTC commissioners are given prior to the December 15 meeting.

If you have any questions, please do not hesitate to call.

Thanks.

Kind regards,

David Loftus



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

--Statements Delivered at the  
Oct. 13 2021 Meeting of the PTC and before

--Statements to be Delivered at the Dec. 15 2021  
Meeting of the PTC

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



David Rogosa Statement October 13, 2021, PTC Meeting

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

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

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

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

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

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

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

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

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

I do not have a two-story structure.

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

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

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

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

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

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

Objective Facts/Chronological Timeline:

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

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

#### Subjective Statements:

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

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

Final Statement:

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

Thank you for hearing us out.

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

## Objective Facts/Timeline:

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

## Subjective Statements:

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

October 13, 2021

## Final Statement:

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

--David and Juanita Loftus and Boys

December 30, 2020

*Via E-Mail and U.S. Priority Mail*

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

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

Dear Mr. Sauls:

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

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

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



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

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

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

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

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

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

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

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

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

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

You also noted:

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

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

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

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

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

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

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

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

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

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

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

We appreciate and thank you for your time and attention.

Sincerely,

Ropers Majeski PC



Jennifer E. Acheson

JEA

Attachments

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

4824-8262-2165.1

# **EXHIBIT 1**



CITY OF  
**PALO  
ALTO**

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

Dear property owner or resident,

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

**ADDRESS: 985 Channing Avenue AV**

**FILE NUMBER: 20PLN-00192**

**PROJECT DESCRIPTION:**

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

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

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

**PROJECT PLANNER: GARRETT SAULS**

**PHONE: 650-329-2471**

**EMAIL: garrett.sauls@cityofpaloalto.org**

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

# **EXHIBIT 2**

**OWNER'S CERTIFICATE**

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

CONSTRUCTION SYSTEMS, INC.

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

**ACKNOWLEDGEMENT**

STATE OF CALIFORNIA ) SS:  
COUNTY OF SANTA CLARA )

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

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

MY COMMISSION EXPIRES 12/24/83

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



**SURVEYOR'S CERTIFICATE**

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

DATED: May 1, 1980

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

**NOTES**

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

**DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT CERTIFICATE**

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

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

**CITY ENGINEER'S CERTIFICATE**

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

DAVID G. ADAMS, CITY ENGINEER

DATED: May 8, 1980

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



**RECORDER'S CERTIFICATE**

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

GEORGE A. MANN, SANTA CLARA COUNTY RECORDER

BY: M. Elaine Duggan  
DEPUTY RECORDER

Fee \$ 5.00

**PARCEL MAP**

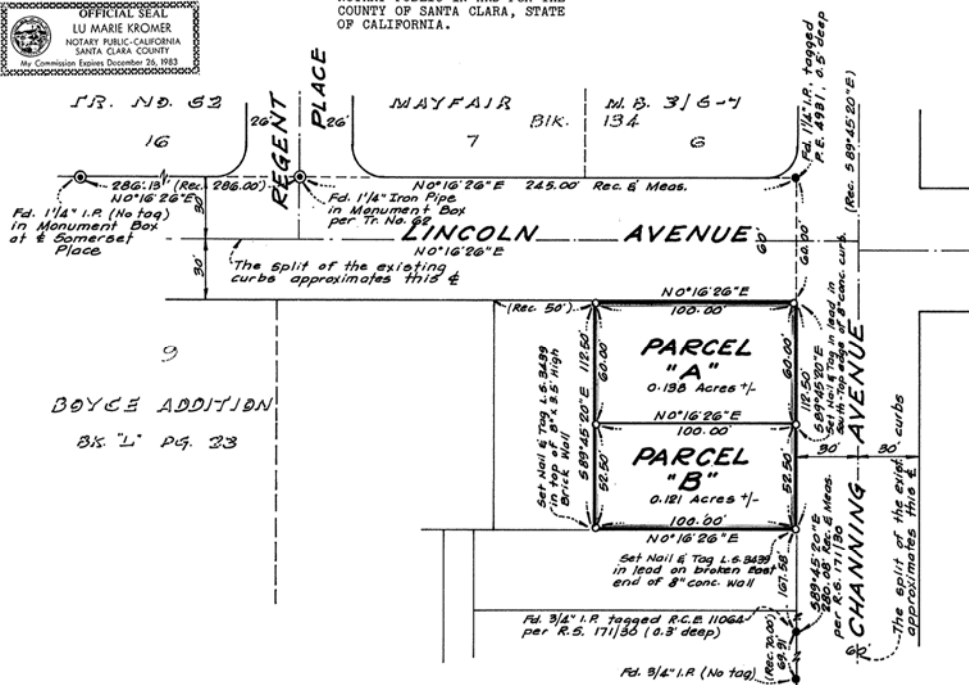
BEING A SUBDIVISION OF A PORTION OF THE PROPERTY SHOWN UPON THE MAP OF BOYCE ADDITION TO THE CITY OF PALO ALTO, ACCORDING TO THAT CERTAIN MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON FEBRUARY 27, 1906, IN BOOK "L" OF MAPS AT PAGE 23.

CITY OF PALO ALTO  
SANTA CLARA COUNTY, CALIFORNIA

JONES-TILLSON & ASSOCIATES  
Civil Engineers  
Palo Alto, California

Scale 1" = 40' April 1980

Sheet 1 of 1 Sheets



**NOTE:**

PARCEL "B" IS SUBJECT TO THE FOLLOWING CONDITIONS:

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

463/51

463/51

51

2764 51



# **EXHIBIT 3**

985 Channing 20PLN-00192 Inbox

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

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

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

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

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

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

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

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

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

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

A bit of history.

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

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

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

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

Others involved can speak directly to that process.

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

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

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

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

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

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

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

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

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

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

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

David Rogosa  
owner/occupant of 991 Channing since June 1980

Contact info

David Rogosa

991 Channing Ave

Palo Alto 94301

[rag@stanford.edu](mailto:rag@stanford.edu)

home landline 650 3267372

# **EXHIBIT 4**

/

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

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

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

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

**Record Type : Planning - Entitlement**

**Document Filename : C1\_985Channing\_PLANS.pdf Uploaded:08/24/20**

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

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

Reviewer Contact Information:

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

**Corrections Table**

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

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

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

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

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



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

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

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

### Conditions of Approval Table

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

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

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



LINCOLN AVENUE

CHANNING AVENUE

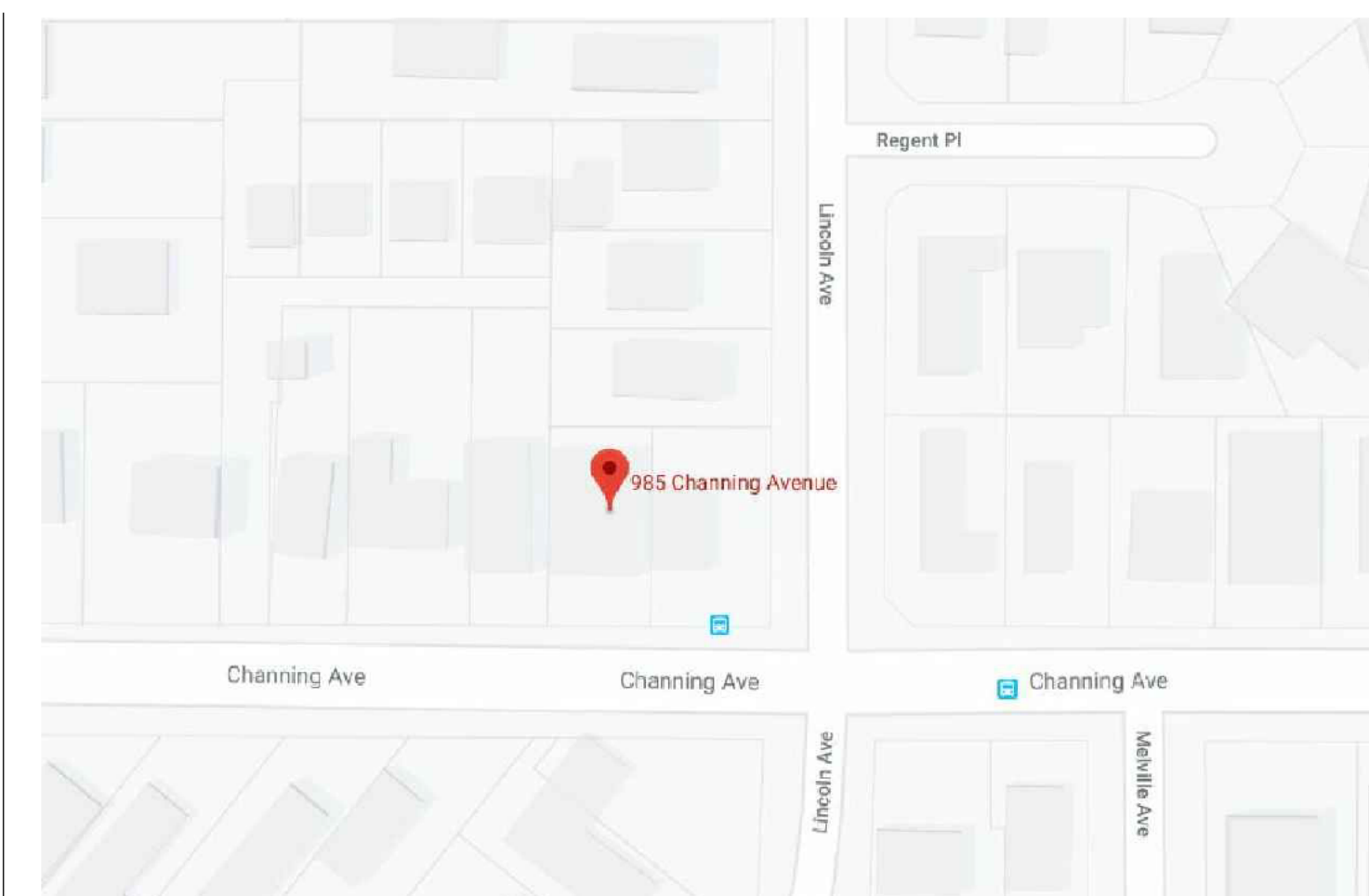
SITE CONTEXT DIAGRAM  
SCALE: 3/32" = 1'-0"

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

ABBREVIATIONS

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

APPLICABLE CODES



VICINITY MAP



RENDERING OF THE PROPOSED PROJECT

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

PROJECT DESCRIPTION

PROJECT ADDRESS: 985 CHANNING AVENUE, PALO ALTO, CA 94301  
 ASSESSOR'S PARCEL NUMBER: 003-26-062  
 ZONING DISTRICT: R-1  
 NET LOT AREA: 5,250 SF  
 FLOOD ZONE: AH29.7

ALLOWABLE FLOOR AREA (FAR): 2,325 SF (45% OF FIRST 5,000 SF + 30% > 5,000 SF)  
 800 SF GARAGE-TO-ADU CONVERSION  
 TOTAL ALLOWABLE FAR: 3,125 SF

PROPOSED FLOOR AREA (FAR): 1,288 SF @ FIRST FLOOR, MAIN RESIDENCE  
 798 SF @ FIRST FLOOR, ADU  
 1,005 SF @ SECOND FLOOR, MAIN RESIDENCE  
 TOTAL PROPOSED FLOOR AREA: 3,091 SFPS

LOT COVERAGE: 2,389.5 SF MAX. FAR PERMISSIBLE FOR MAIN HOUSE & GARAGE-TO-ADU (800 SF MAX. FOR ADU)  
 261.4 SF (5% OF LOT AREA) PERMITTED FOR COVERED PORCH

TOTAL ALLOWABLE LOT COVERAGE: 2,650.9 SF

PROPOSED LOT COVERAGE: 2,085 SF (MAIN HOUSE + ADU)  
 89 SF ENTRY FEATURE

TOTAL PROPOSED LOT COVERAGE: 2,174 SF

CONTEXTUAL FRONT YARD SETBACK: 24'-0" SPECIAL SETBACK ALONG CHANNING AVENUE

INTERIOR SIDE YARD SETBACK: 6'-0"

REAR YARD SETBACK: 20'-0"

ALLOWABLE ENCRoACHMENT: A PORTION OF THE MAIN DWELLING (NO WIDER THAN 20'-3" OR, HALF THE MAX. WIDTH OF THE DWELLING), MAY ENCRoACH INTO THE REAR YARD SETBACK, AT THE GROUND FLOOR UP TO 6FT, PROVIDING A MINIMUM SETBACK OF 14FT IS MAINTAINED.

PARKING REQUIREMENT: TWO PARKING SPACES REQUIRED FOR MAIN RESIDENCE. ONE (1) EXISTING UNCOVERED PARKING SPACE WILL REMAIN AND ONE (1) NEW PARKING SPACE WILL BE PROVIDED IN THE FRONT YARD WHEN THE (E) SINGLE CAR GARAGE IS CONVERTED INTO A (N) ACCESSORY DWELLING UNIT (ADU). NO PARKING REQUIRED FOR THE ADU.

PROJECT INFORMATION

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

DRAWING INDEX



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

DRAWN BY: S.FARRELL

DUNLAP RESIDENCE

APN: 003-26-062

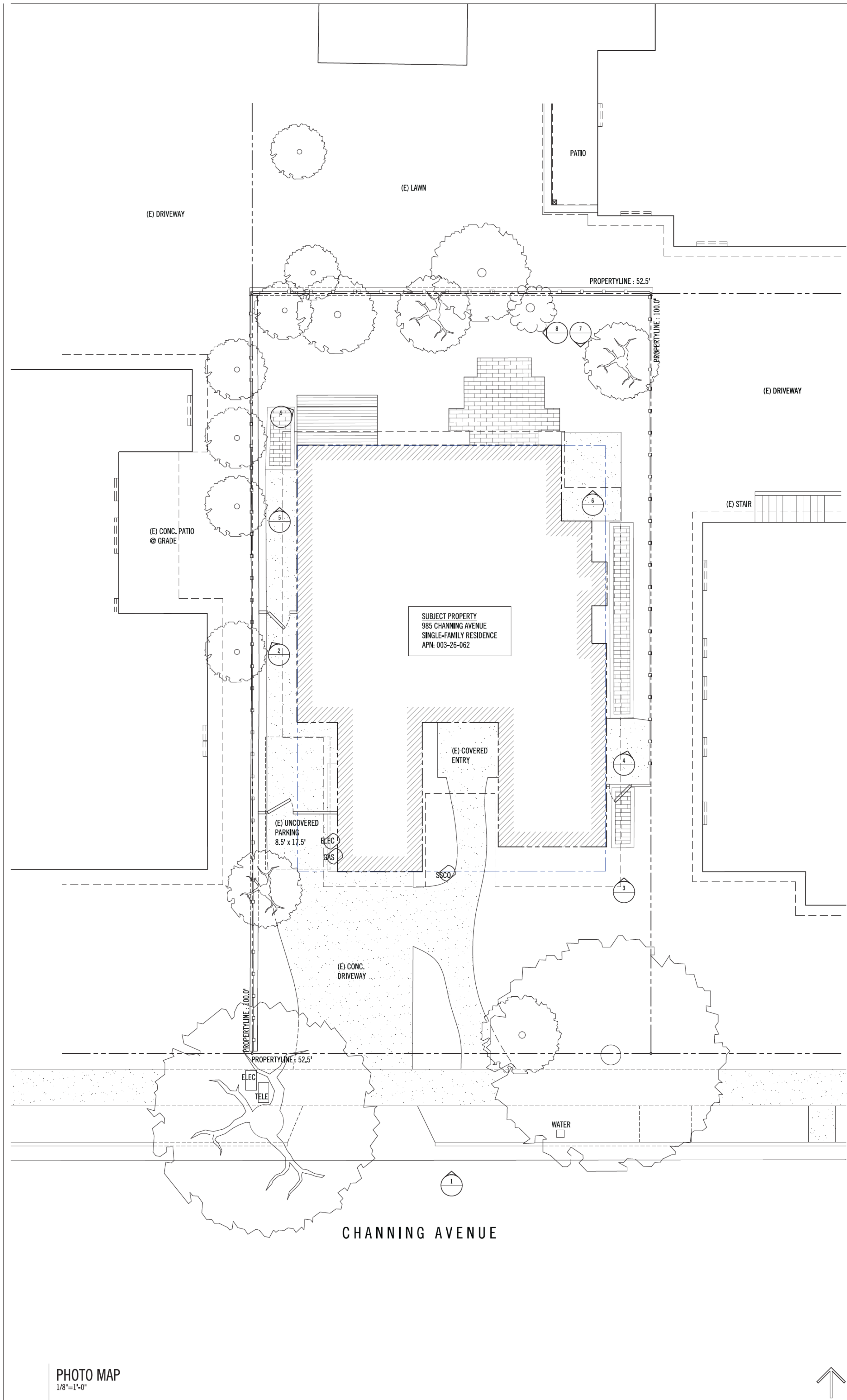
985 CHANNING AVENUE  
 PALO ALTO, CA 94301

INDIVIDUAL REVIEW

DRAWING INDEX,  
 PROJECT INFORMATION,  
 DESCRIPTION & RENDERING

03 AUGUST 2020

A1.0



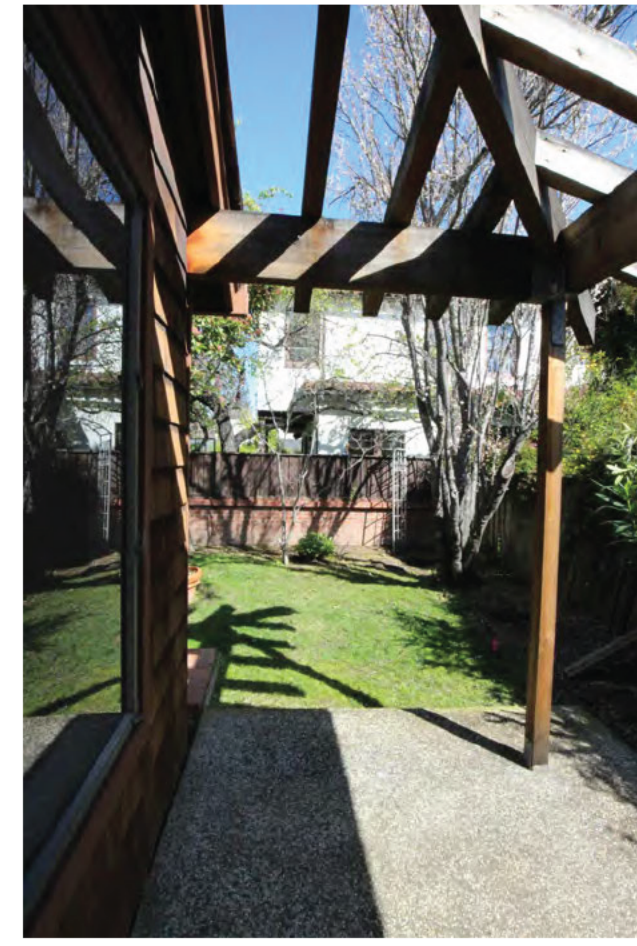
8 (E) DECK, TREES, BRICK WALL & FENCE IN NORTHWEST CORNER OF REAR YARD



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



5 PATH TO NORTHWEST CORNER OF REAR YARD



6 (E) PATIO AT AT NORTHEAST CORNER OF BUILDING



7 (E) PATIO AT AT NORTHEAST CORNER OF BUILDING



2 VIEW OF 975 CHANNING FROM WEST SIDE YARD



3 GATE TO EAST SIDE YARD



4 VIEW OF 991 CHANNING FROM EAST SIDE YARD



1 VIEW OF 985 CHANNING FROM CHANNING AVENUE

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

INDIVIDUAL REVIEW

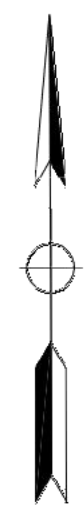
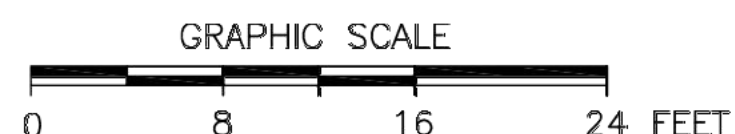
PHOTOS

DATE 03 AUGUST 2020

SCALE 1/8" = 1'-0"

REVISIONS

NO.	DESCRIPTION



**SURVEYOR'S NOTES:**

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

**LEGEND**

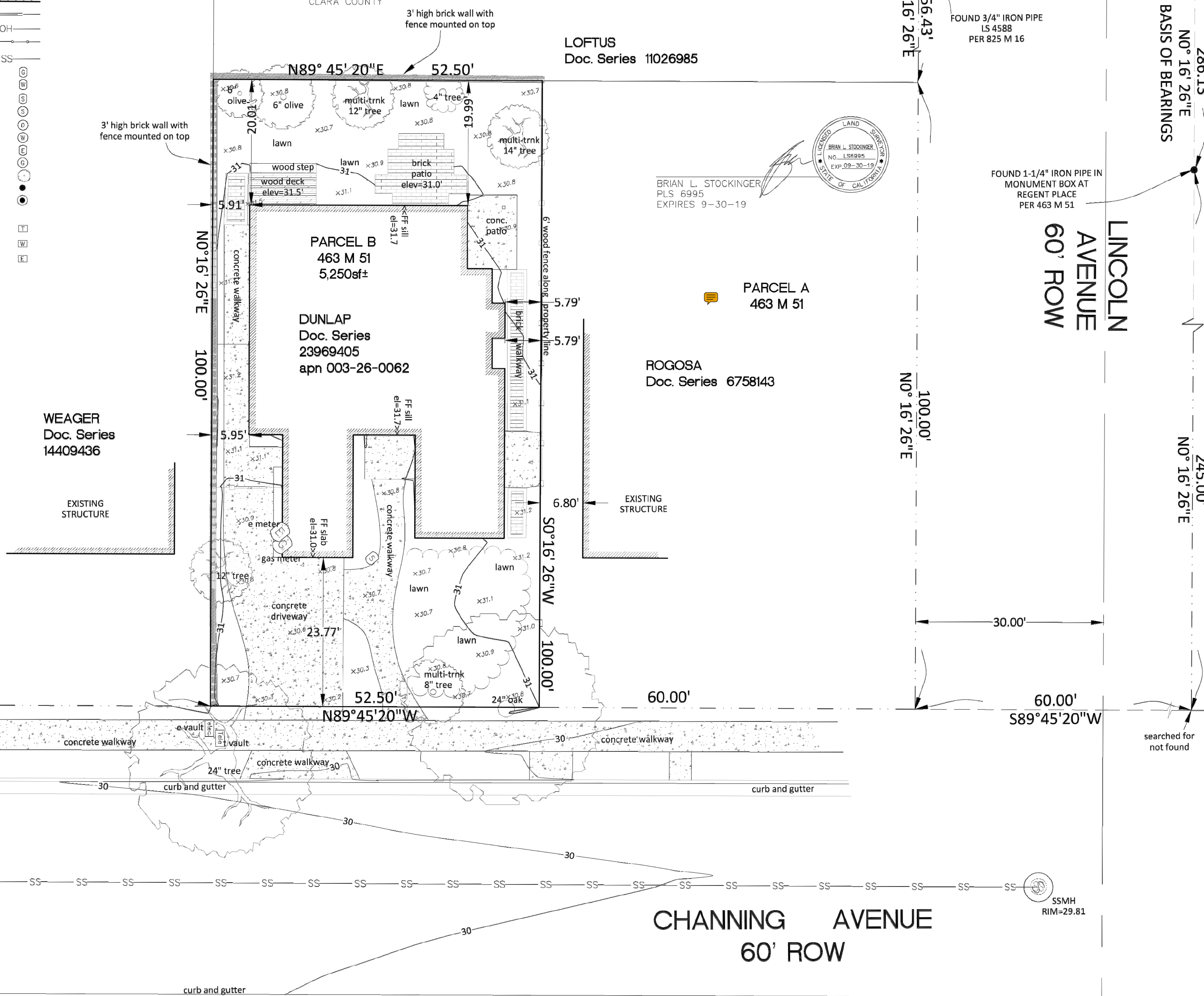
- BOUNDARY
- PROPERTY LINE
- RIGHT OF WAY LINE
- SETBACK LINE
- FACE OF BUILDING LINE
- WOODEN FENCE
- OVERHEAD WIRE
- PICKET FENCE
- SEWER MARKING
- GAS METER
- WATER METER
- SANITARY SEWER CLEANOUT
- SANITARY SEWER MANHOLE
- STORMDRAIN MANHOLE
- WATER VALVE
- ELECTRIC METER
- GAS VALVE
- TREE AS NOTED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

**BASIS OF BEARINGS**

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

**BENCHMARK**

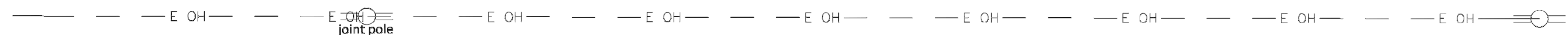
VERTICAL ELEVATIONS ARE BASED UPON A NGS HT1331 Y150 (NAVD88) VERTICAL BENCHMARK DISK SET IN THE TOP OF THE ABUTMENT OF THE BRIDGE OVER SAN FRANCISCO CREEK AT MIDDLEFIELD ROAD, NAVD88 ELEVATION IS TAKEN AS 58.5'



SS SSMH RIM=30.61

SSMH RIM=29.81

**CHANNING AVENUE**  
**60' ROW**



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

CALIFORNIA  
SANTA CLARA COUNTY  
985 CHANNING AVENUE  
TOPOGRAPHICAL BOUNDARY SURVEY

DATE	BY	CHK	SCALE	AS SHOWN	DATE	BY	CHK	SCALE	AS SHOWN

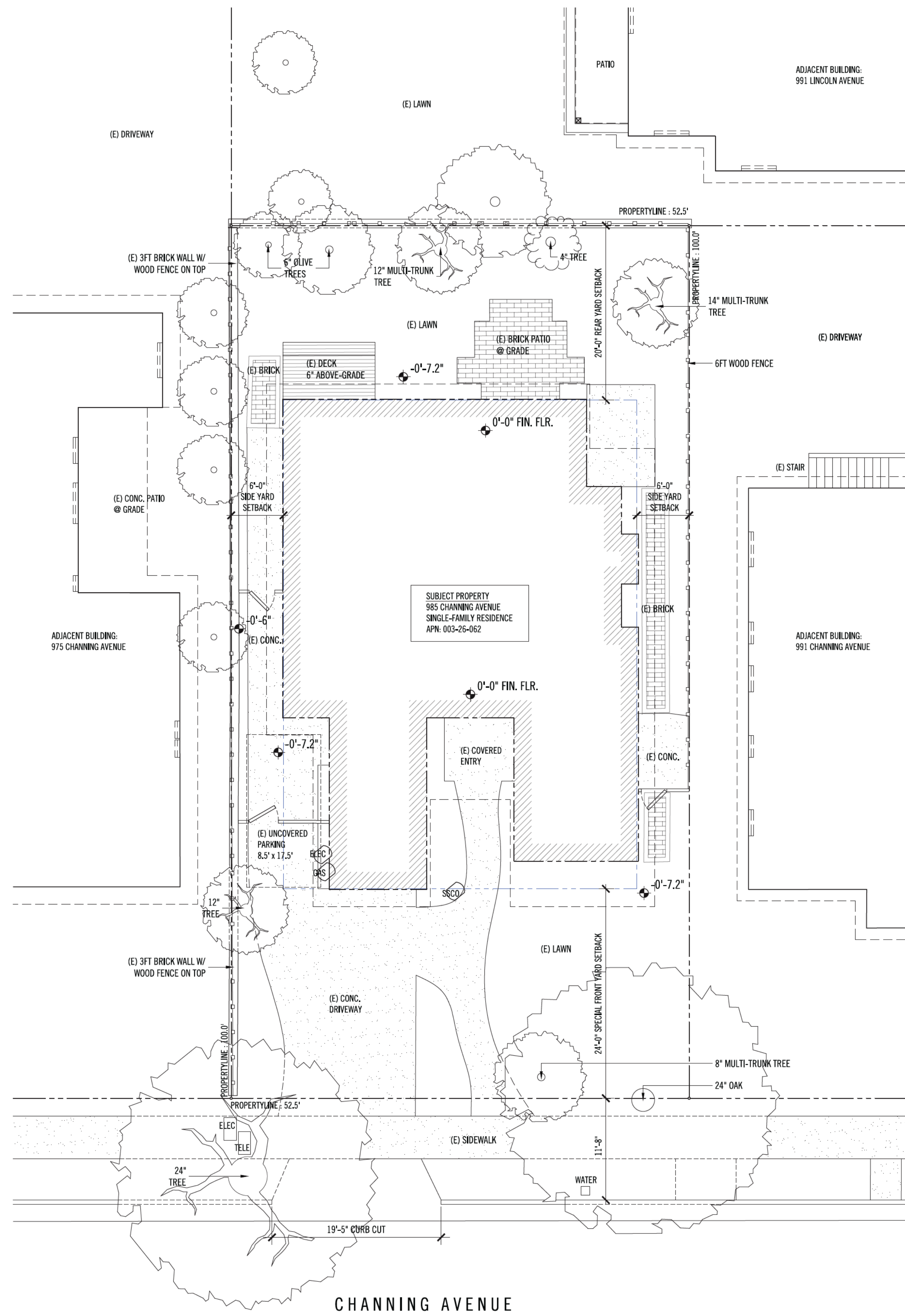
  

SHEET NO.	NO.
1	1

DATE	BY	CHK	SCALE	AS SHOWN	DATE	BY	CHK	SCALE	AS SHOWN



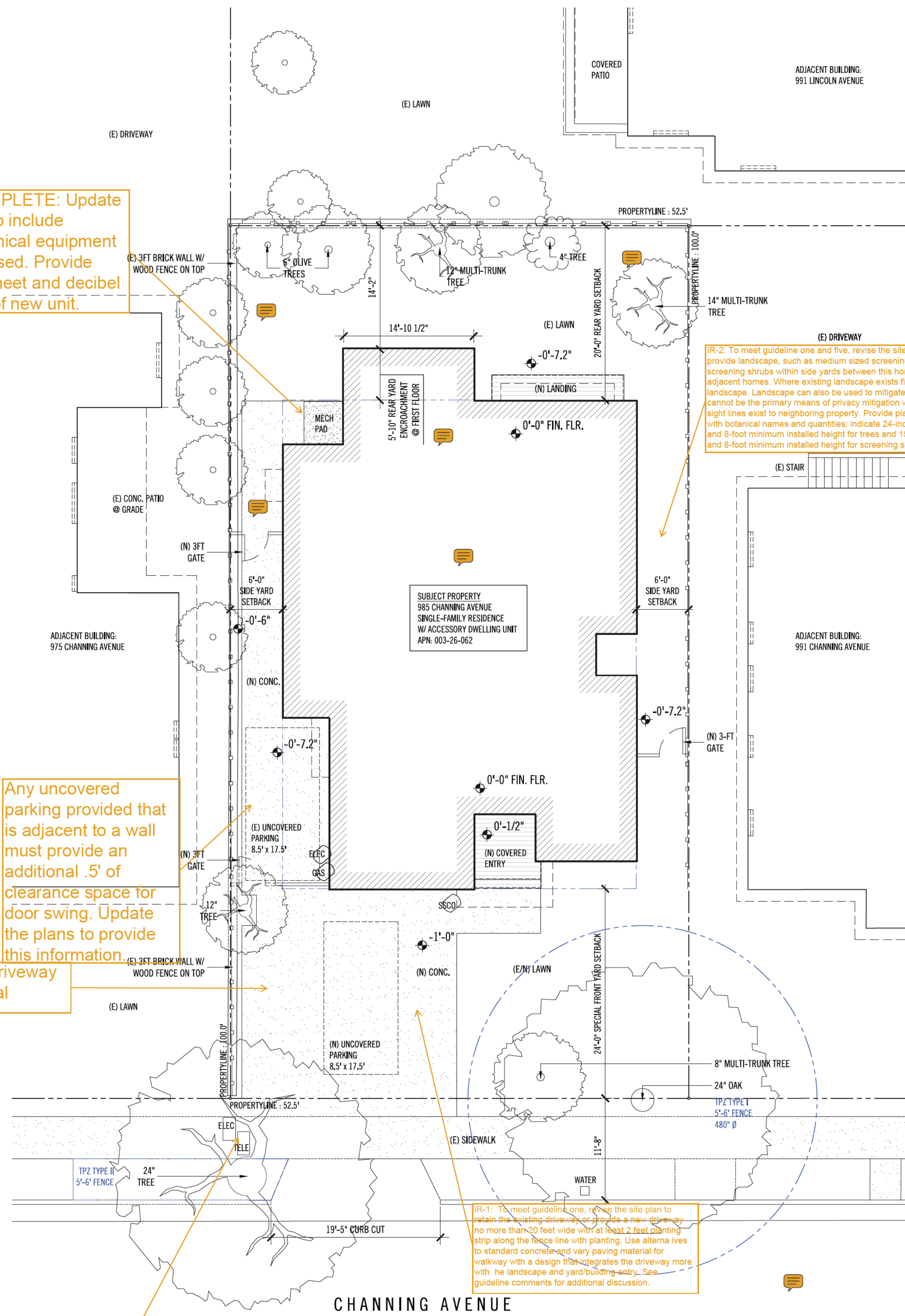


INCOMPLETE: Update plans to include mechanical equipment to be used. Provide spec sheet and decibel rating of new unit.

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

Note driveway material

Update to show



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

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

GENERAL NOTES

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

EXISTING LOT COVERAGE

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

PROPOSED LOT COVERAGE

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

**07 STUDIOS**

1305 INDIANA STREET  
SAN FRANCISCO CA 94107  
415.890.4834  
07STUDIOS.COM

DRAWN BY S FARRELL

**DUNLAP RESIDENCE**

APN: 003-26-062

985 CHANNING AVENUE  
PALO ALTO, CA 94301

INDIVIDUAL REVIEW

EXISTING & PROPOSED SITE PLANS

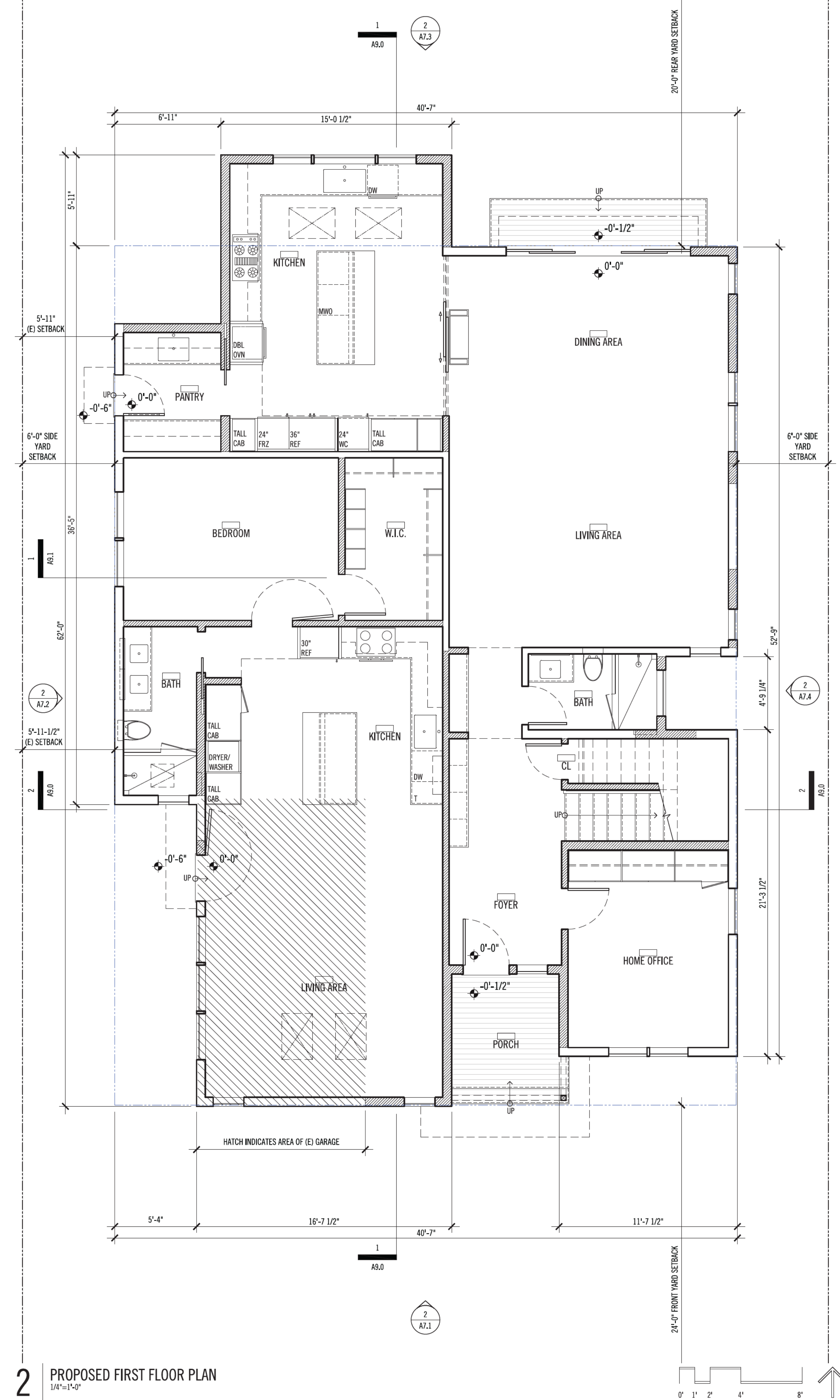
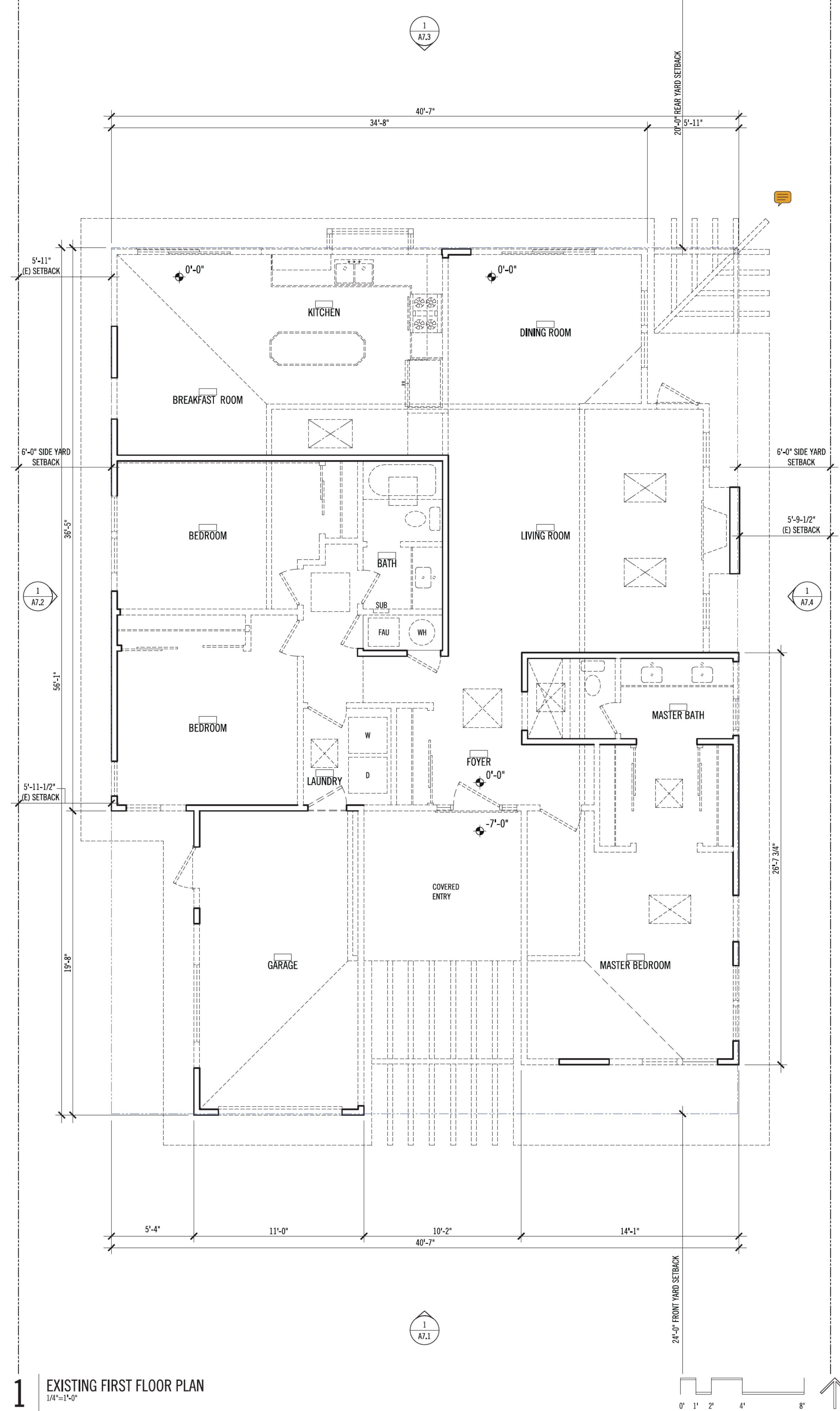
DATE 03 AUGUST 2020

SCALE 1/8" = 1'-0"

REVISIONS

LEGEND

- LINE ABOVE
- PROPERTY LINE
- HIDDEN LINE
- FENCE



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

**07 STUDIOS**

1305 INDIANA STREET  
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07STUDIOS.COM

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**DUNLAP RESIDENCE**

985 CHANNING AVENUE  
PALO ALTO, CA 94301

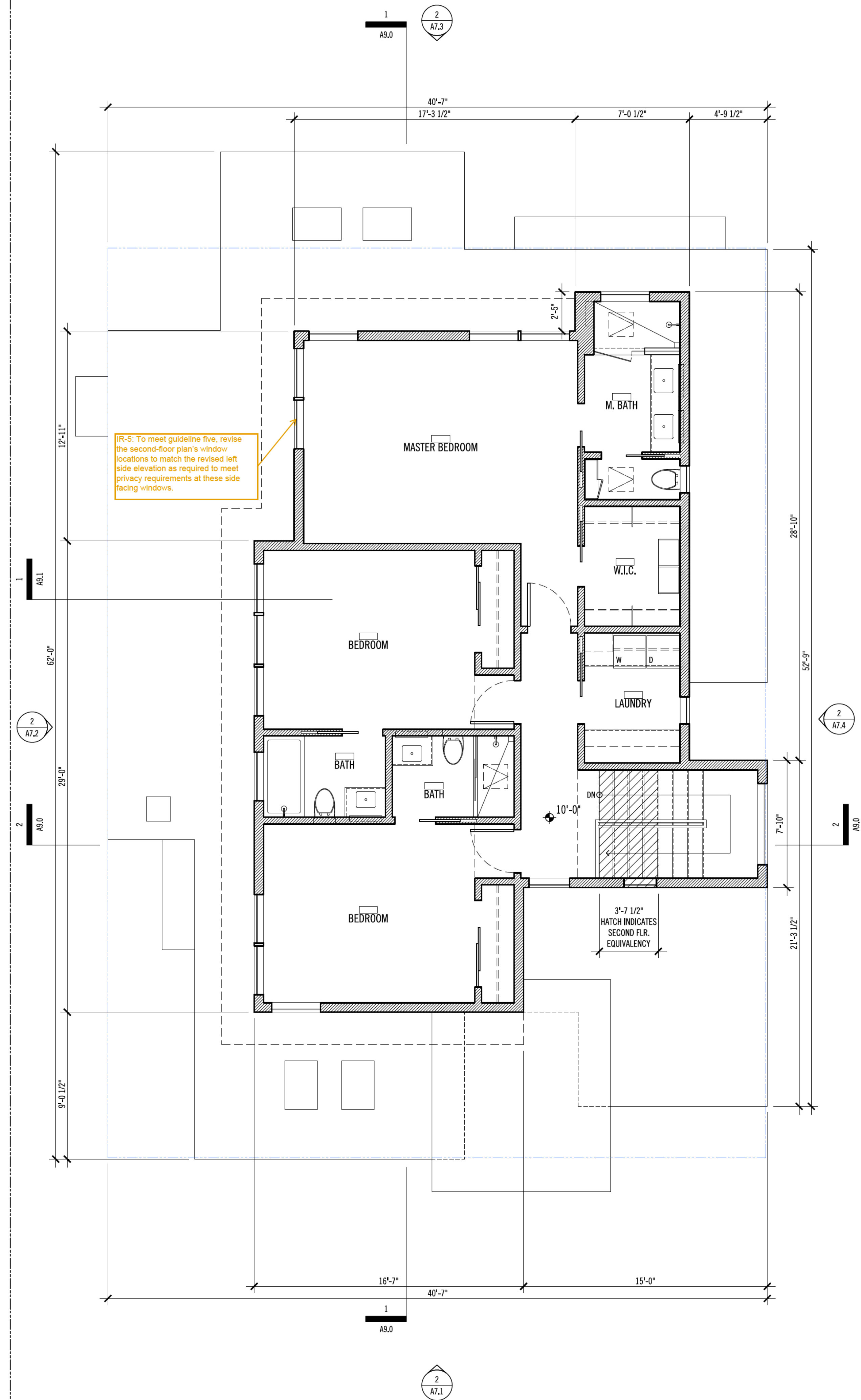
APN: 003-06-062

INDIVIDUAL REVIEW

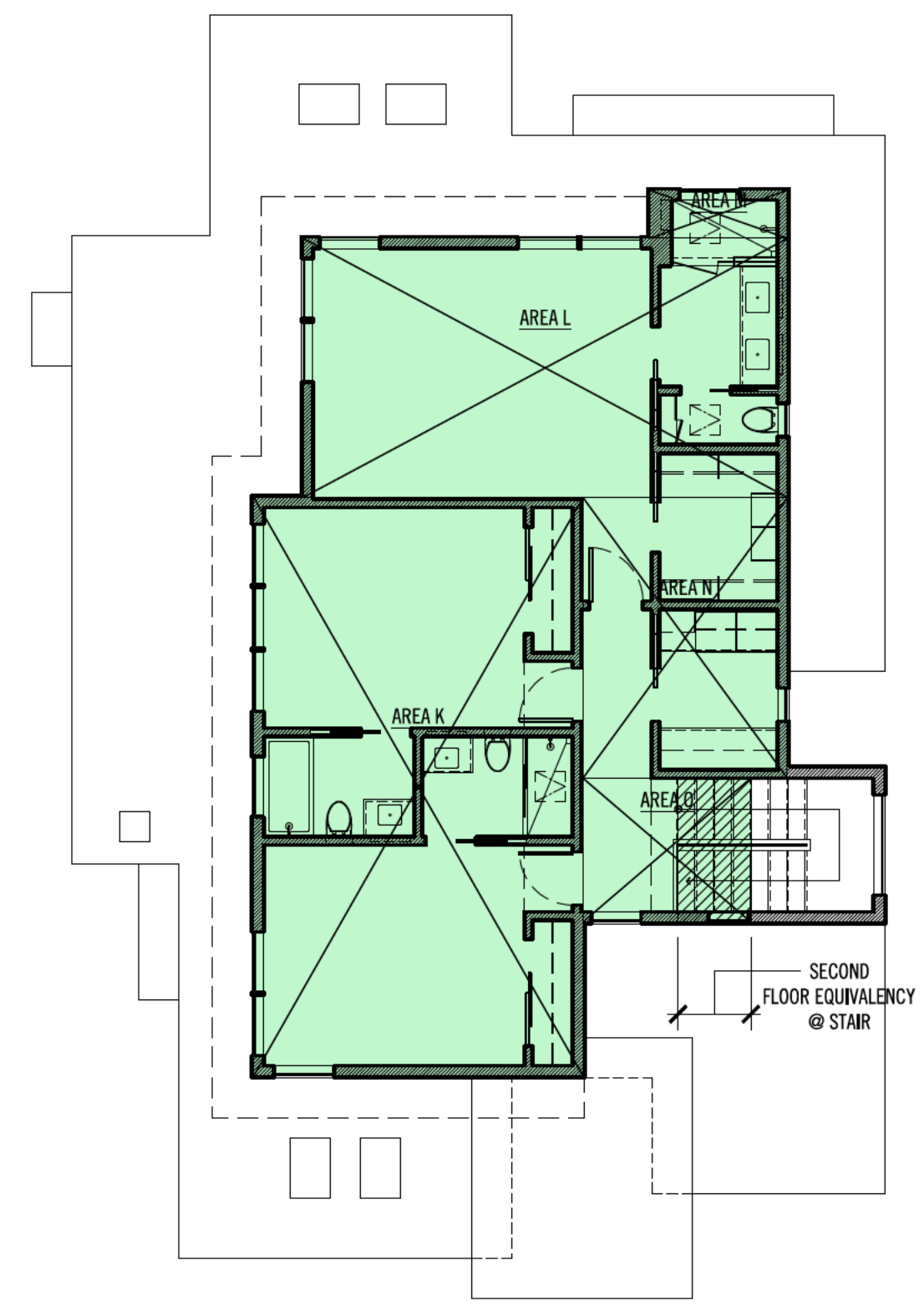
EXISTING & PROPOSED  
FIRST FLOOR PLANS

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

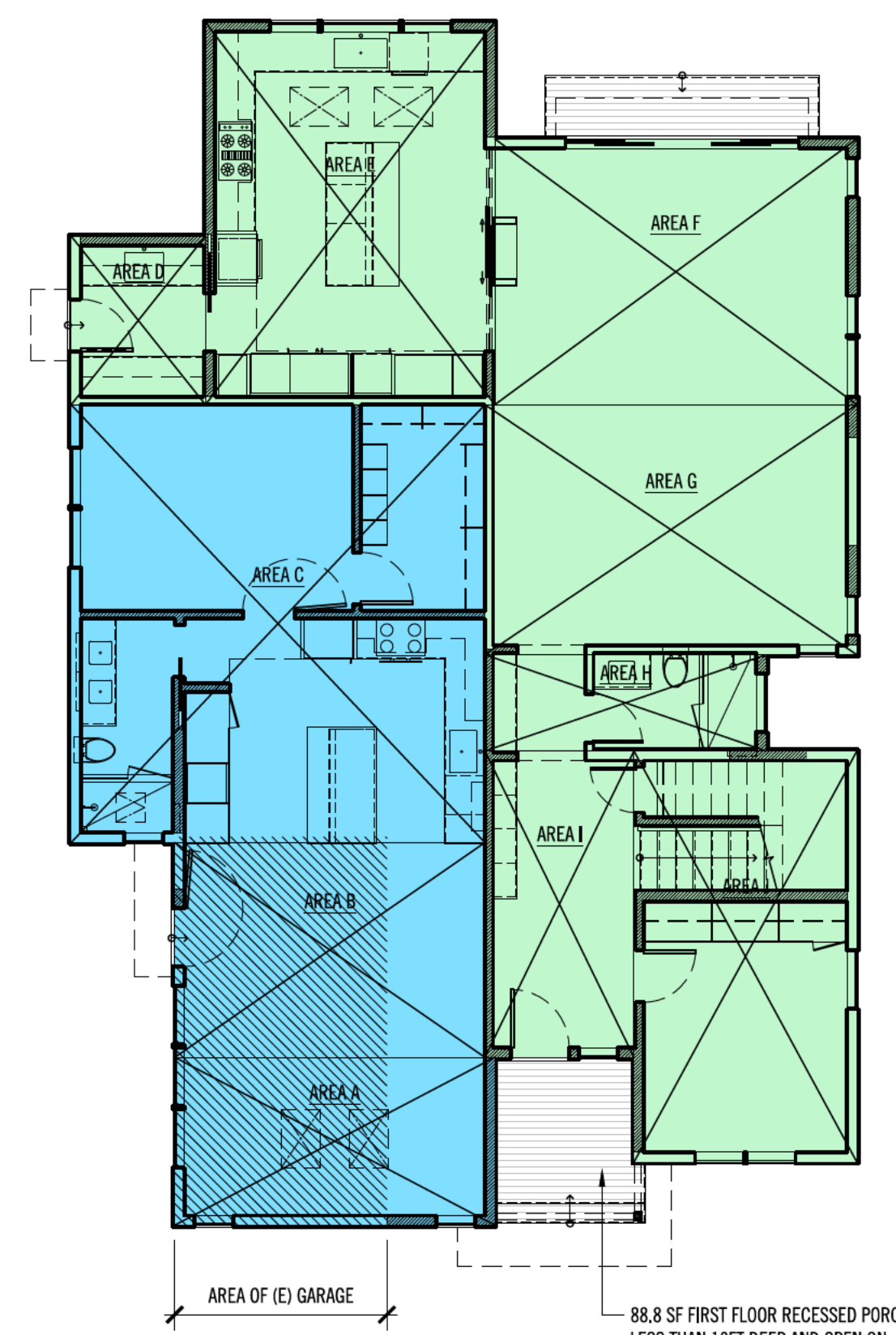
- WALL TYPE LEGEND**
- (E) WALL
  - (N) WALL
  - LINE OF DEMOLITION
  - LINE ABOVE
  - HIDDEN LINE



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



SECOND FLOOR



FIRST FLOOR

**PROPOSED FLOOR AREA TOTALS**

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

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

**GENERAL NOTES**

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



1305 INDIANA STREET  
SAN FRANCISCO CA 94107  
415.800.4834  
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DRAWN BY S FARRELL

**DUNLAP RESIDENCE**

APN: 003-26-462

985 CHANNING AVENUE  
PALO ALTO, CA 94301

**INDIVIDUAL REVIEW**

**PROPOSED SECOND FLOOR PLAN & FLOOR AREA DIAGRAMS**

DATE 03 AUGUST 2020

SCALE VARIES

REVISIONS

**WALL TYPE LEGEND**

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

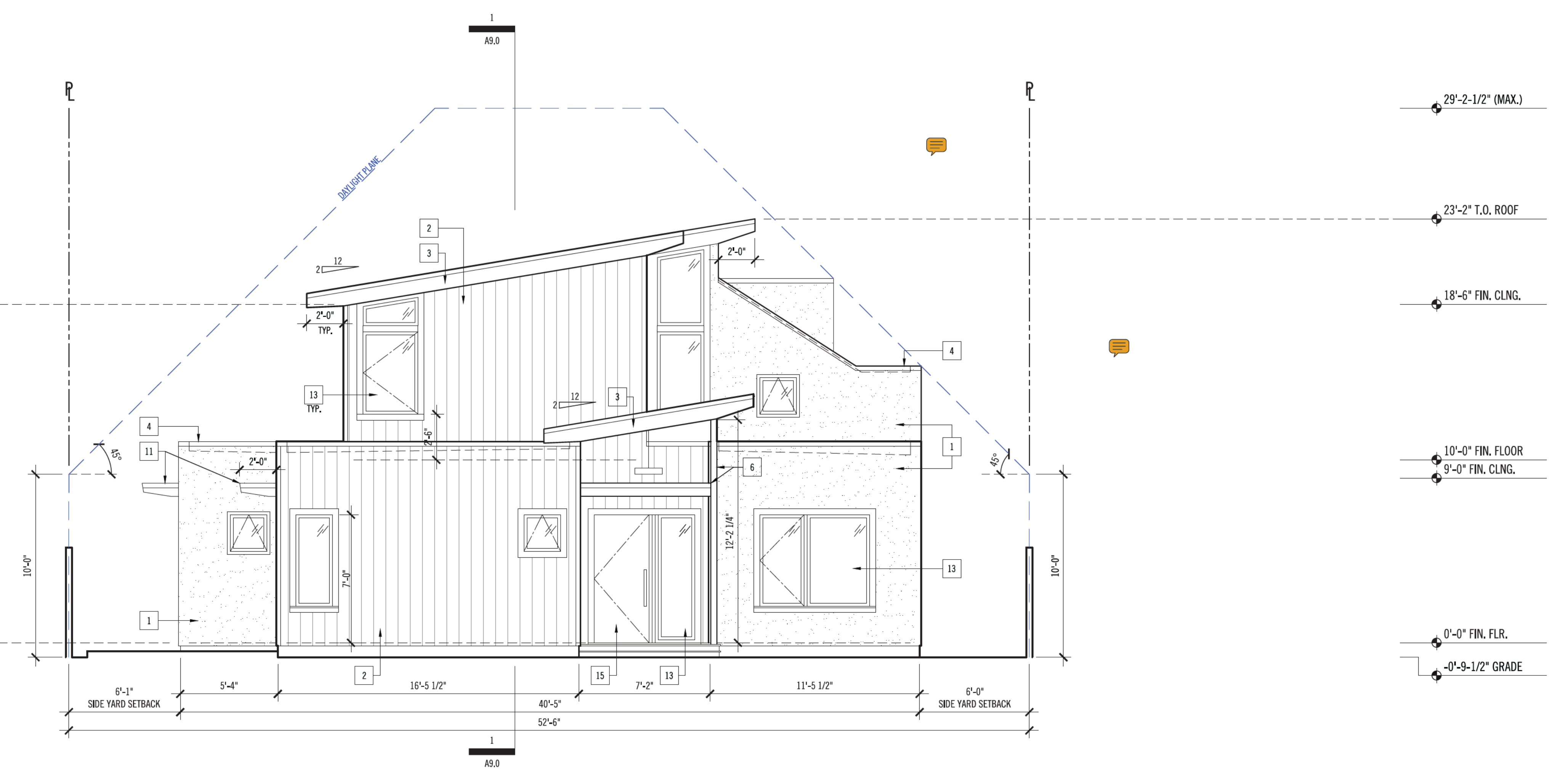
**A6.2**

**GENERAL NOTES**

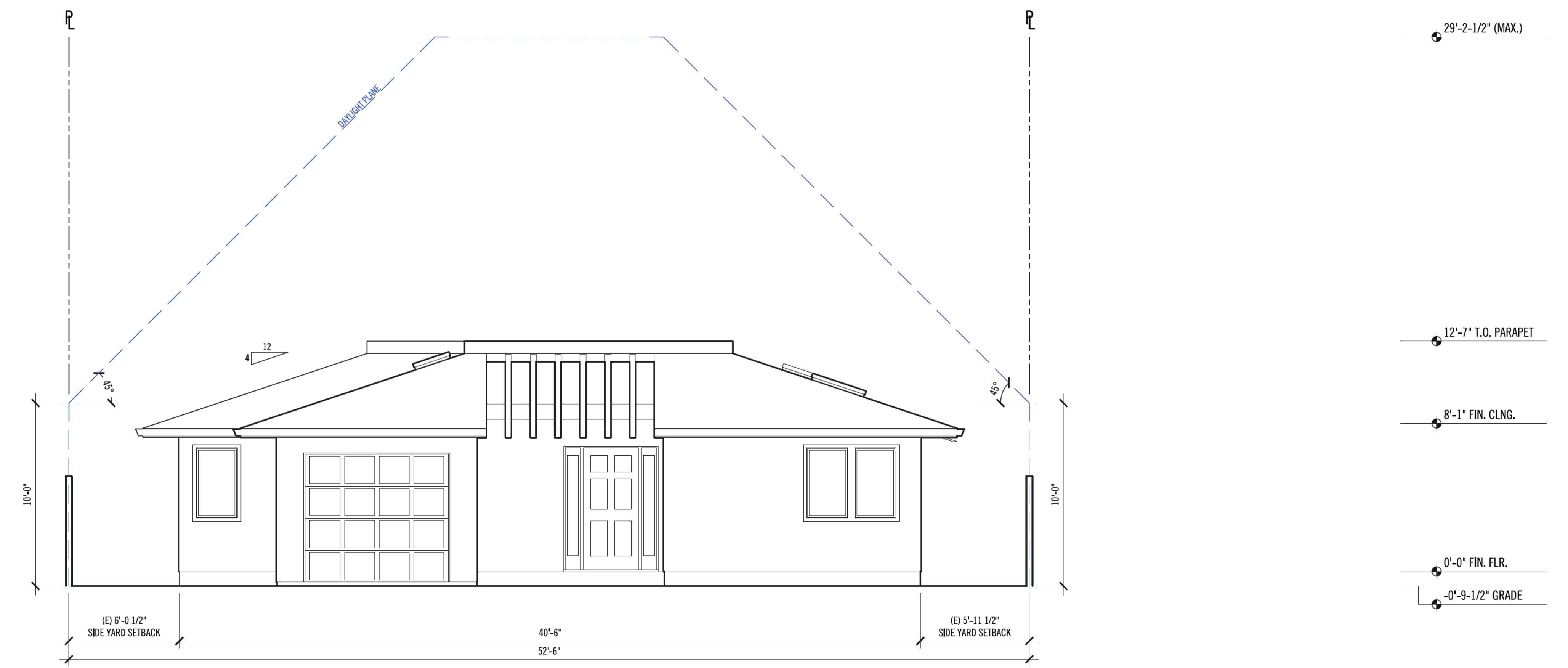
1. REFER TO FLOOR AND ROOF PLANS
2. BUILDING SECTIONS PROVIDED ON SHEETS A9.0
3. DAYLIGHT PLANE AND MAXIMUM HEIGHT MEASURED FROM THE AVERAGE GRADE. SEE SITE SURVEY.

**KEYNOTES**

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



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



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

GENERAL NOTES

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

KEYNOTES

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

INDIVIDUAL REVIEW

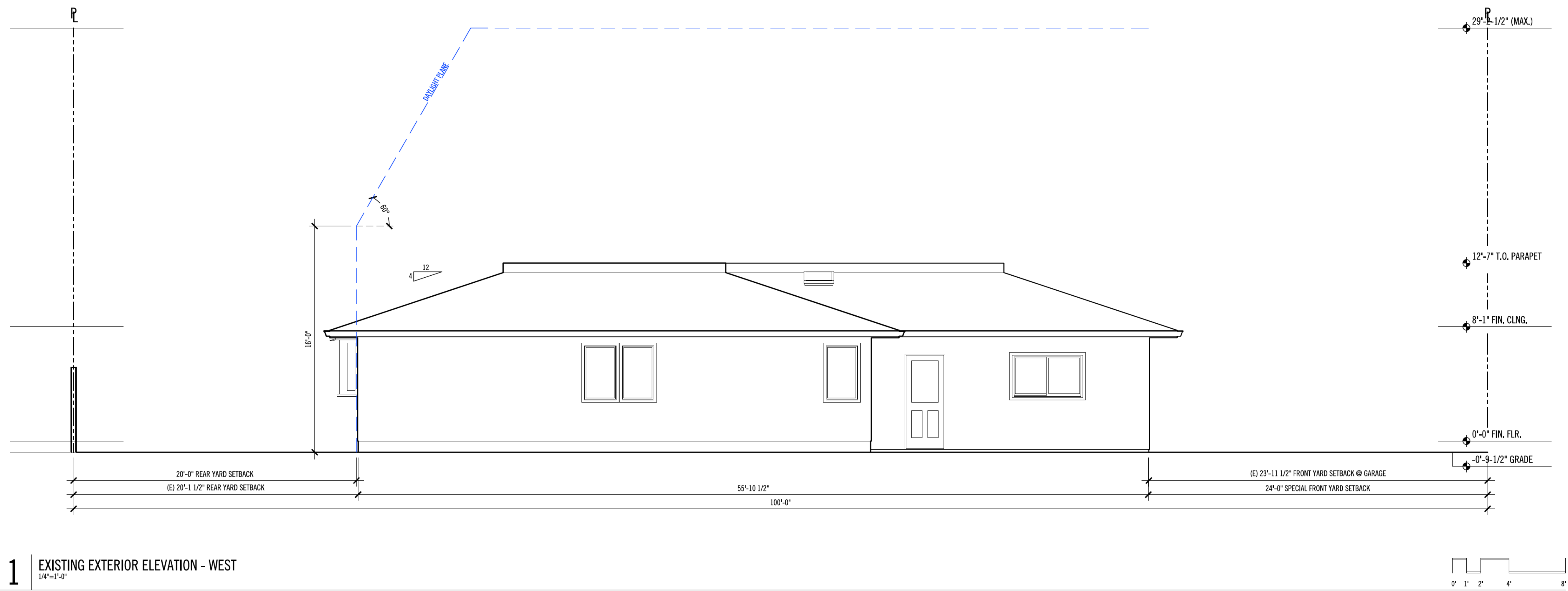
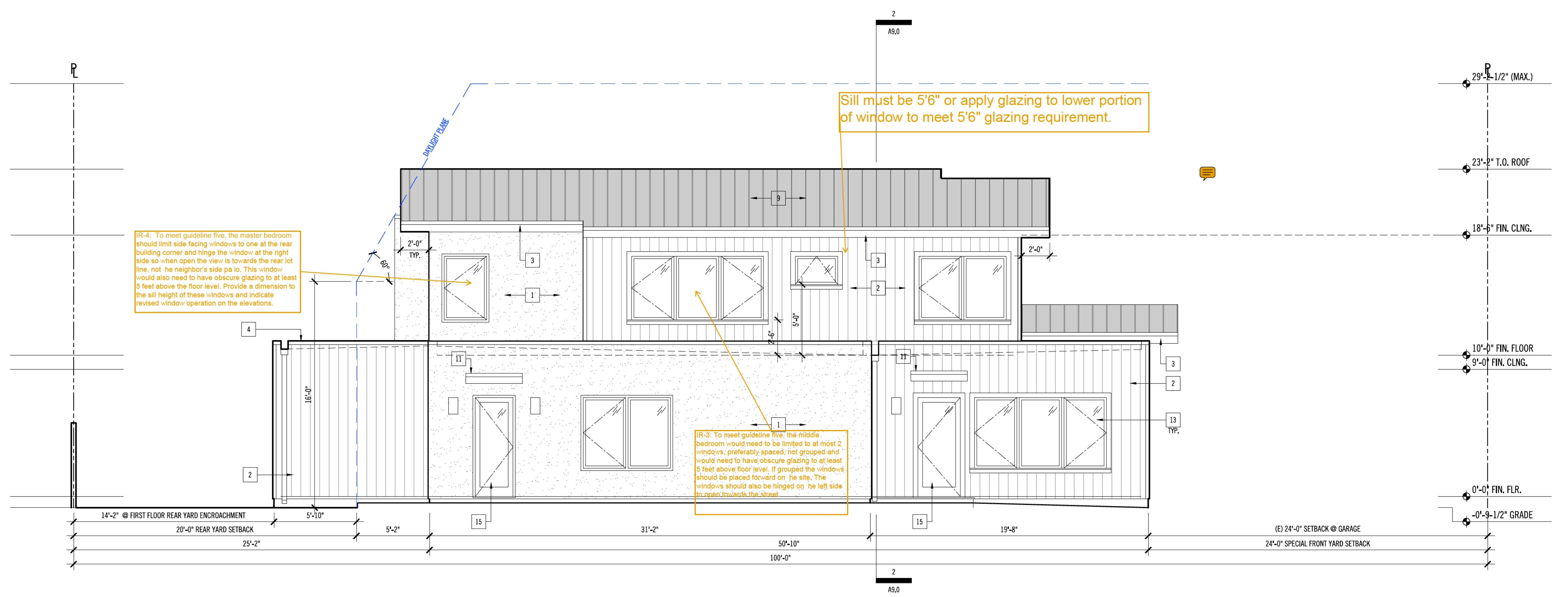
EXISTING & PROPOSED EXTERIOR ELEVATIONS - WEST

DATE 03 AUGUST 2020

SCALE 1/4" = 1'-0"

REVISIONS

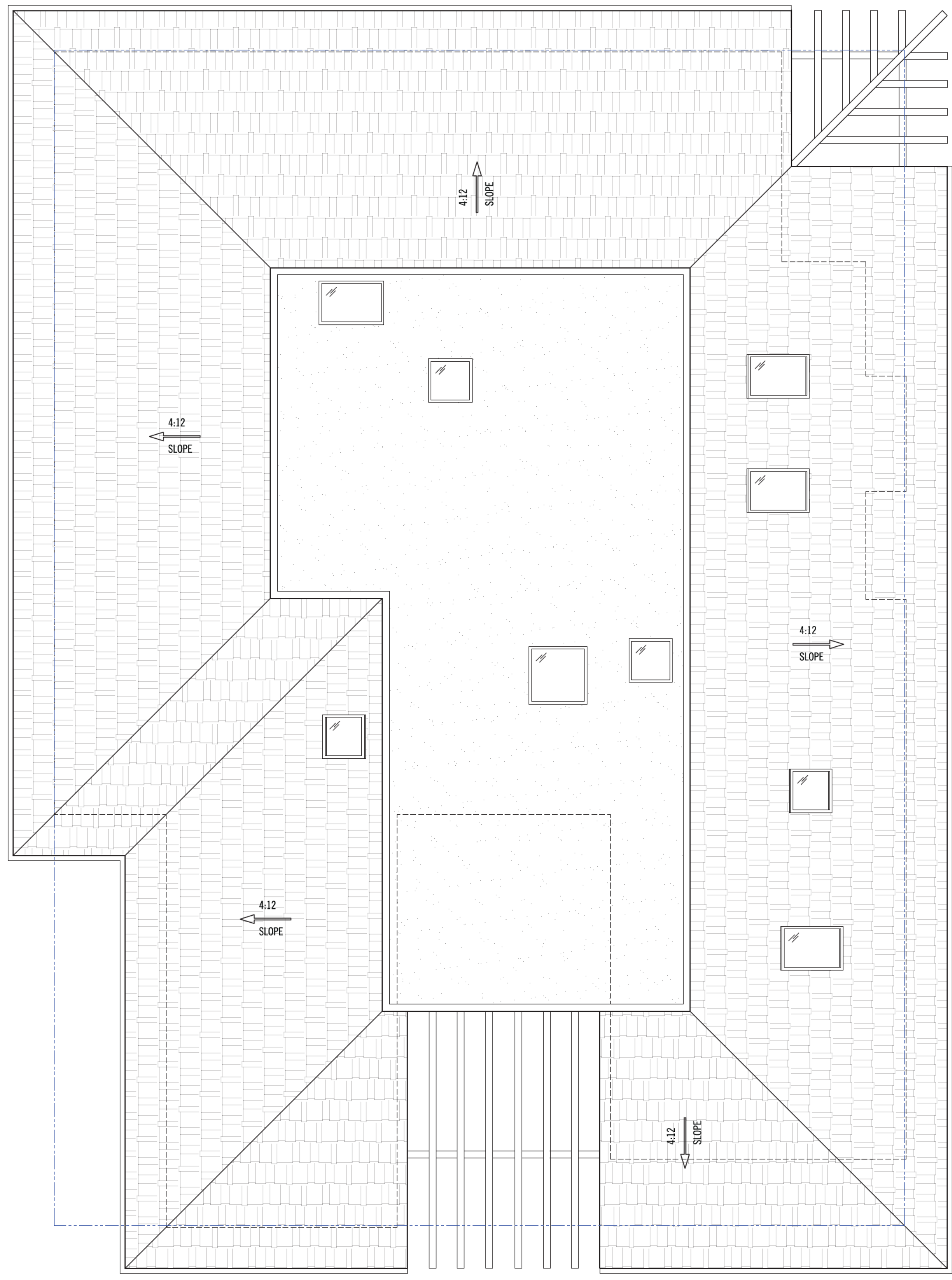
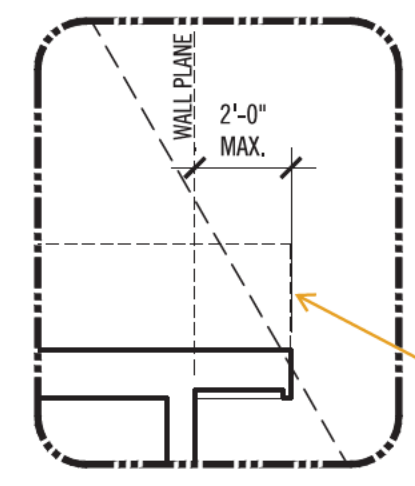

A7.2



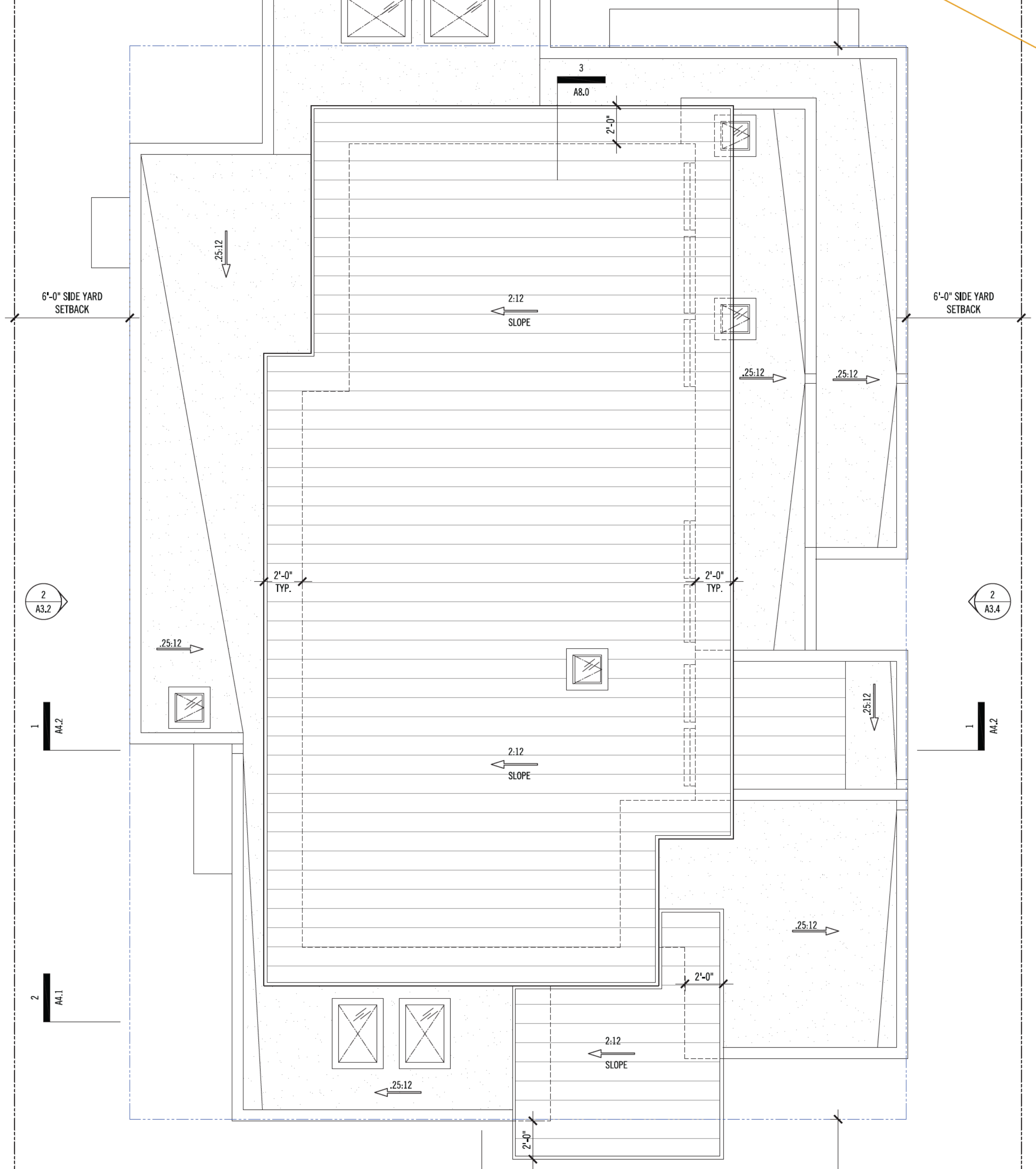
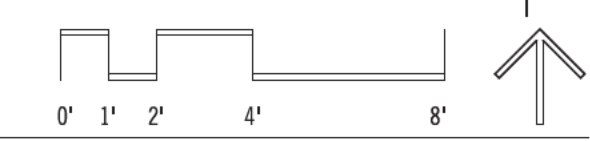
GENERAL NOTES

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

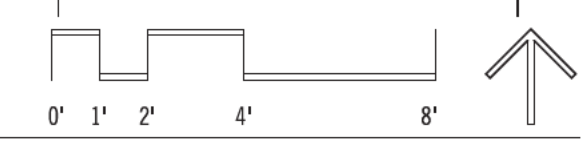
Clarify outline of drawing to identify top of roof and bottom of roof slope.



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

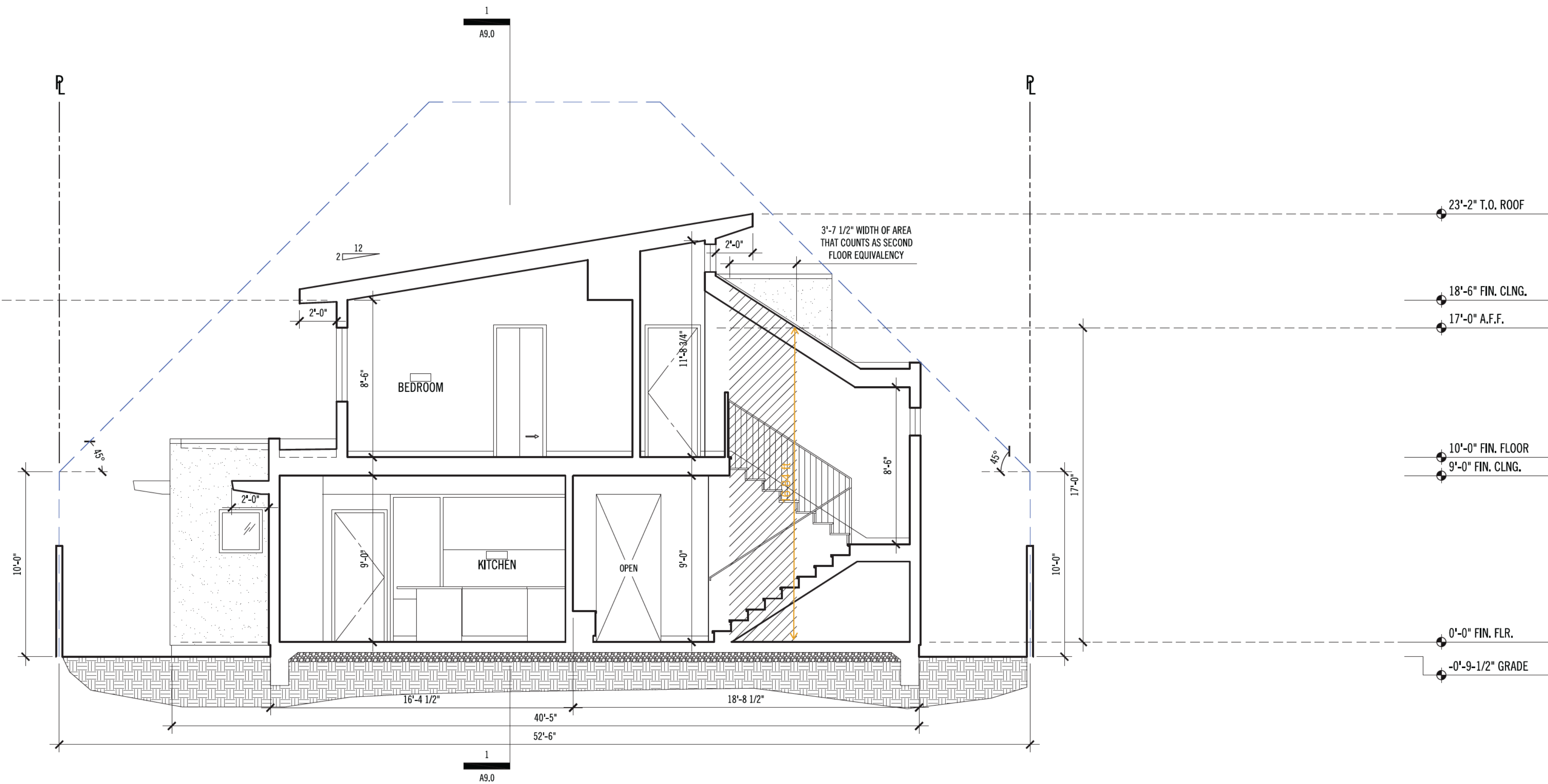


2 PROPOSED ROOF PLAN  
1/4"=1'-0"

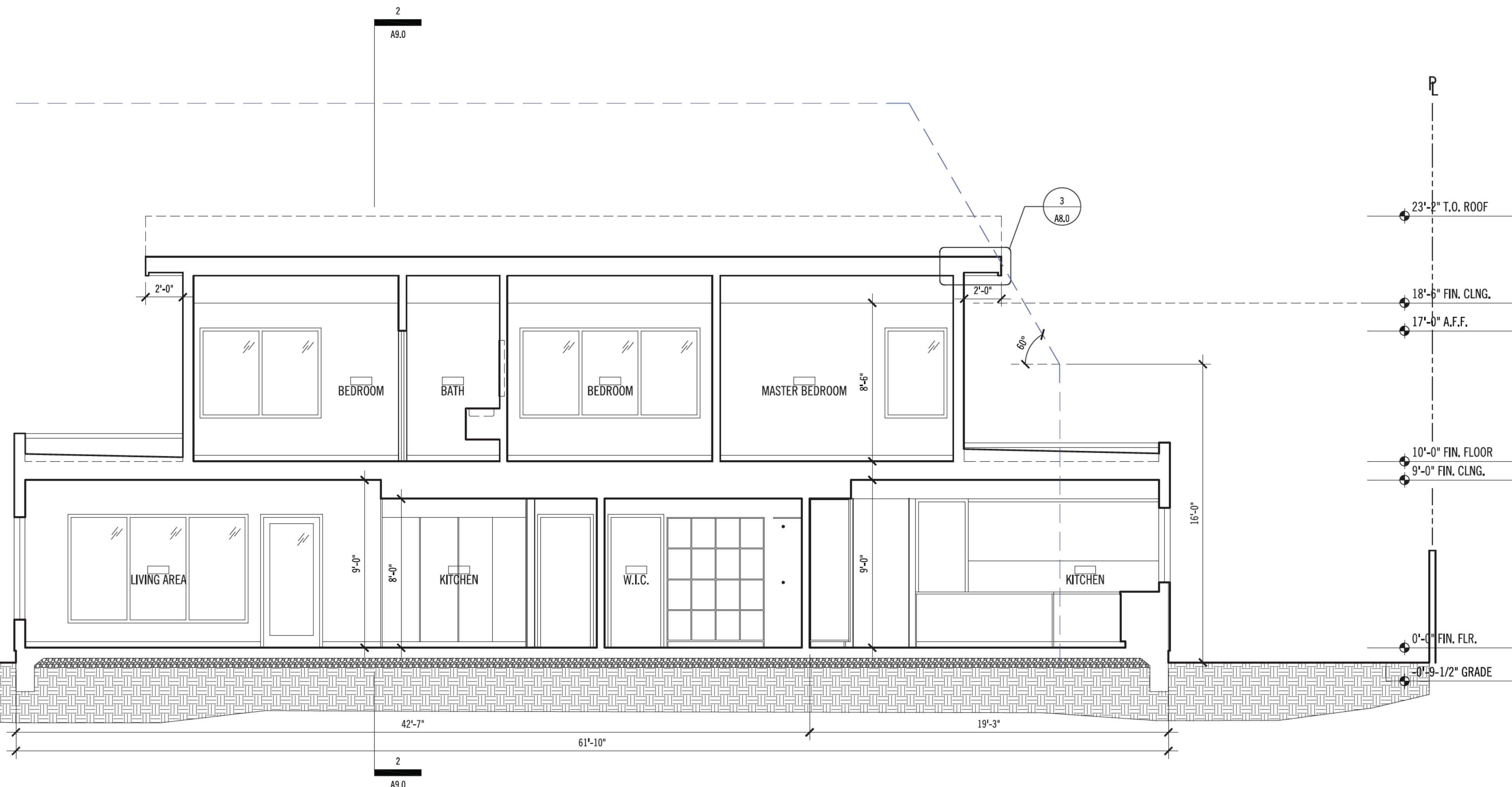


WALL TYPE LEGEND

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



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



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

**GENERAL NOTES**

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



1305 INDIANA STREET  
SAN FRANCISCO CA 94107  
415.890.4834  
07STUDIOS.COM

DRAWN BY S FARRELL

**DUNLAP  
RESIDENCE**

APN: 003-06-062

985 CHANNING AVENUE  
PALO ALTO, CA 94301

**INDIVIDUAL REVIEW**

**PROPOSED BUILDING  
SECTIONS**

DATE 03 AUGUST 2020

SCALE 1/4" = 1'-0"

REVISIONS

**A9.0**

# **EXHIBIT 5**





528

Contact info  
David Rogosa  
991 Channing Ave  
Palo Alto 94301  
[rag@stanford.edu](mailto:rag@stanford.edu)  
home landline 650 3267372

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

Sep 25, 2020, 10:27 AM

Hi David,

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

Best regards,



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

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

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



PDF IR Guidelines Bookl

Reply Forward


No  
of  
Start  
c



# **EXHIBIT 6**

**COVID-19 UPDATES:**

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

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

Pay for IR Preliminary Meeting


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

Record Info 
Payments 

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

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

**Processing Status**

 Application Submittal  
 PCE Historic

 IR Guideline Review

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

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

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

 PCE Project Planner

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

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

- Public Hearings
- Decision
- Entitlement



**City Hall**  
250 Hamilton Avenue  
Palo Alto, CA 94301

General City Information  
(650) 329-2100

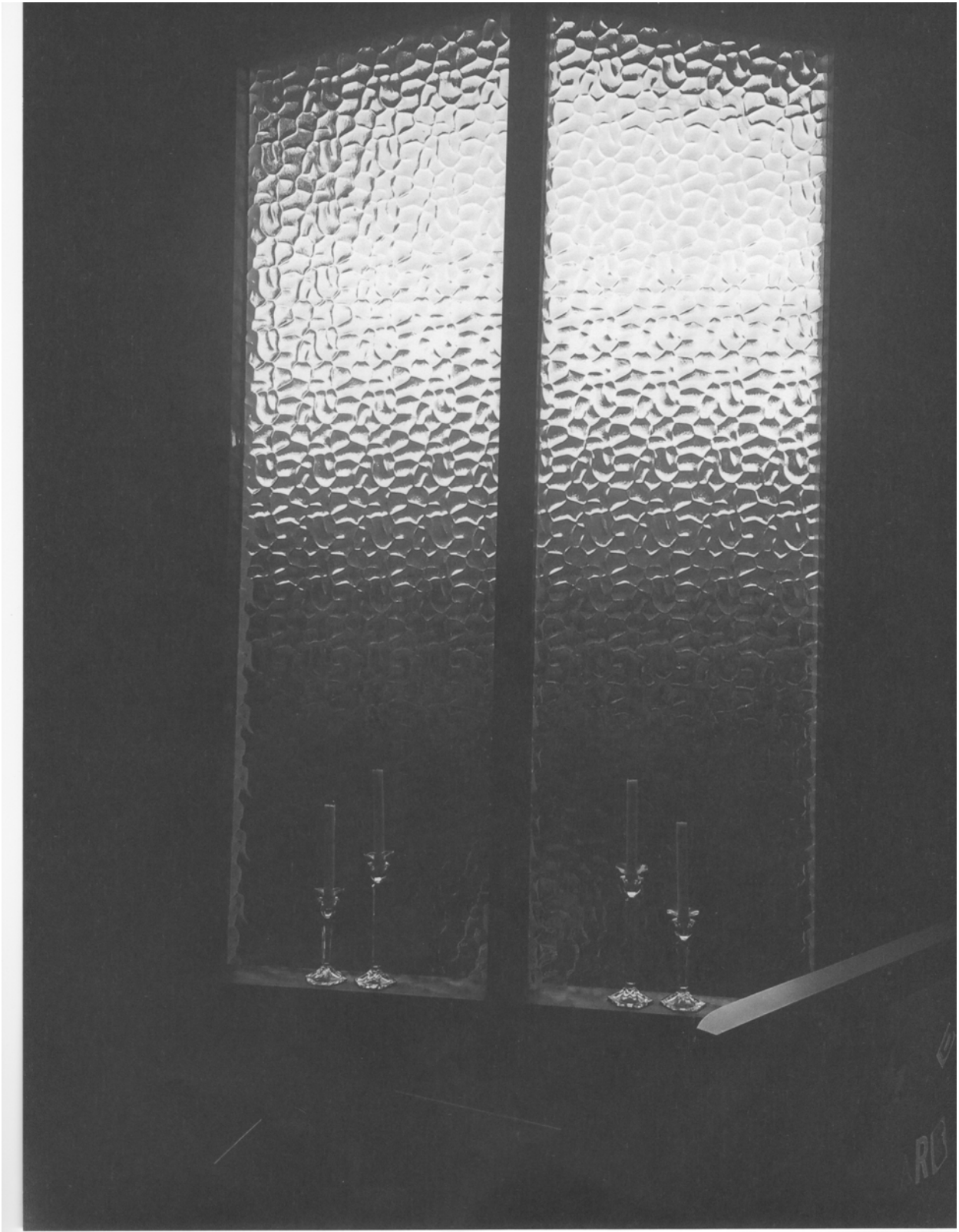
--The Following Items are  
Statements to be Delivered at the  
Dec. 15 2021 Meeting of the PTC  
In Opposition to the 985 Channing 2<sup>nd</sup> Story Project

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

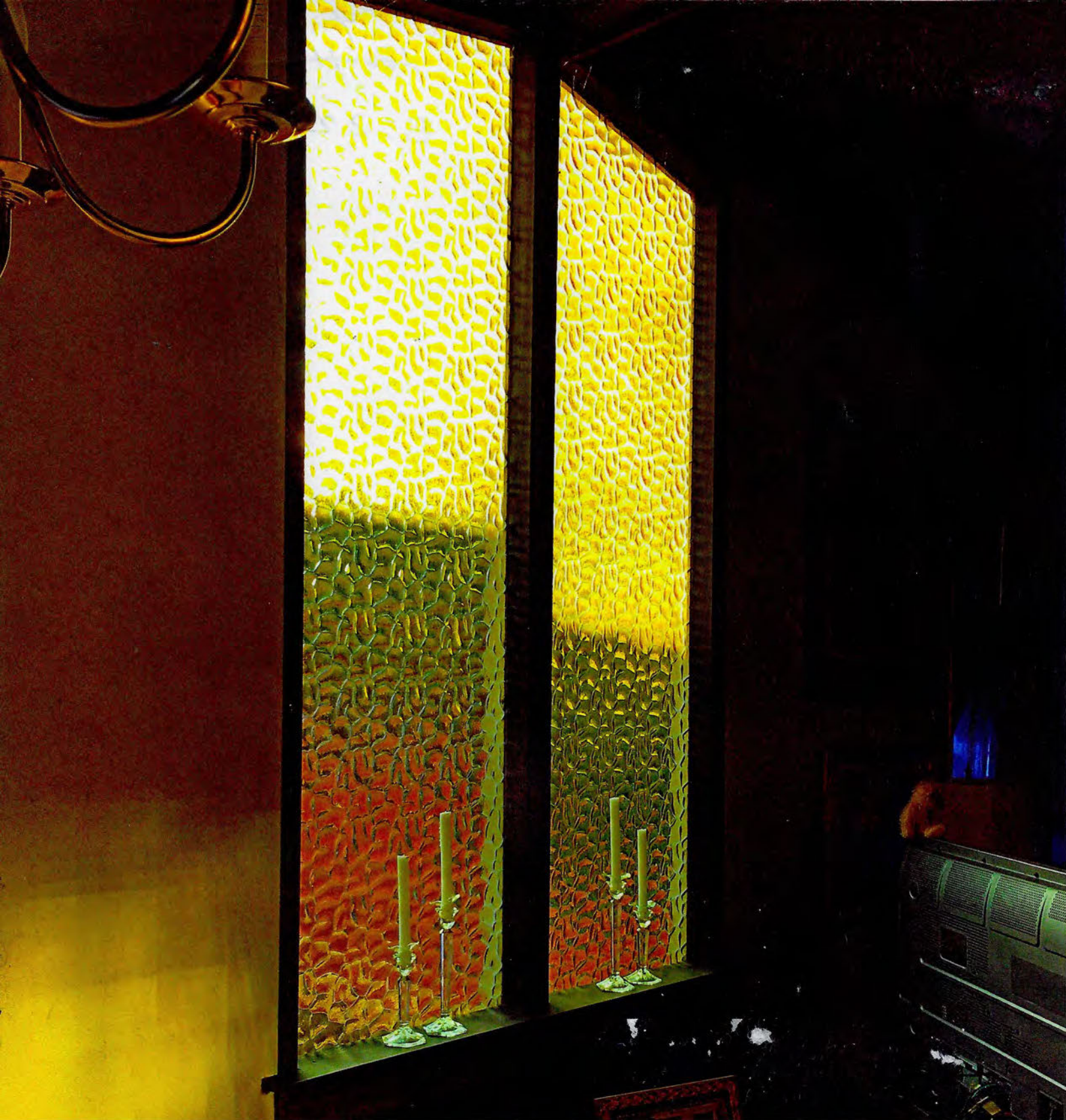
- I have owned 975 Channing Avenue since 1965. So, for over 55 years, I've watched as our neighborhood has grown, but in some cases, lost its charm and character. Homes have been sold and maintained but others have been razed and new construction has eroded the historic character of Palo Alto.
- Currently,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

Thank you.

Jim Weager



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



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



**PUBLIC HEARING/QUASI JUDICIAL/LEGISLATIVE: 985 Channing Avenue**

**Statement by Beverly Weager, resident of 975 Channing Avenue**

**Submitted for the December 15, 2021 PTC Commission Meeting**

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

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

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

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

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

**Thank you**

985 Channing.

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

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

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

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

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

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

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

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

The consequences for my property at 991 are horrendous:

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

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

In the Oct 13 discussion, multiple individuals asserted some form of: "the modern review guidelines will adequately protect the adjoining residences". I believe these plans for 985 show that statement to be a canard. I believe the plans (which were sailing toward approval from the comments) show that this construction would dominate my residence, making it unlivable, perhaps unsellable.

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

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

/

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

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

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

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

**Record Type : Planning - Entitlement**

**Document Filename : C1\_985Channing\_PLANS.pdf Uploaded:08/24/20**

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

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

Reviewer Contact Information:

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

**Corrections Table**

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

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

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

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

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

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



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

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

### Conditions of Approval Table

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

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

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



LINCOLN AVENUE

CHANNING AVENUE

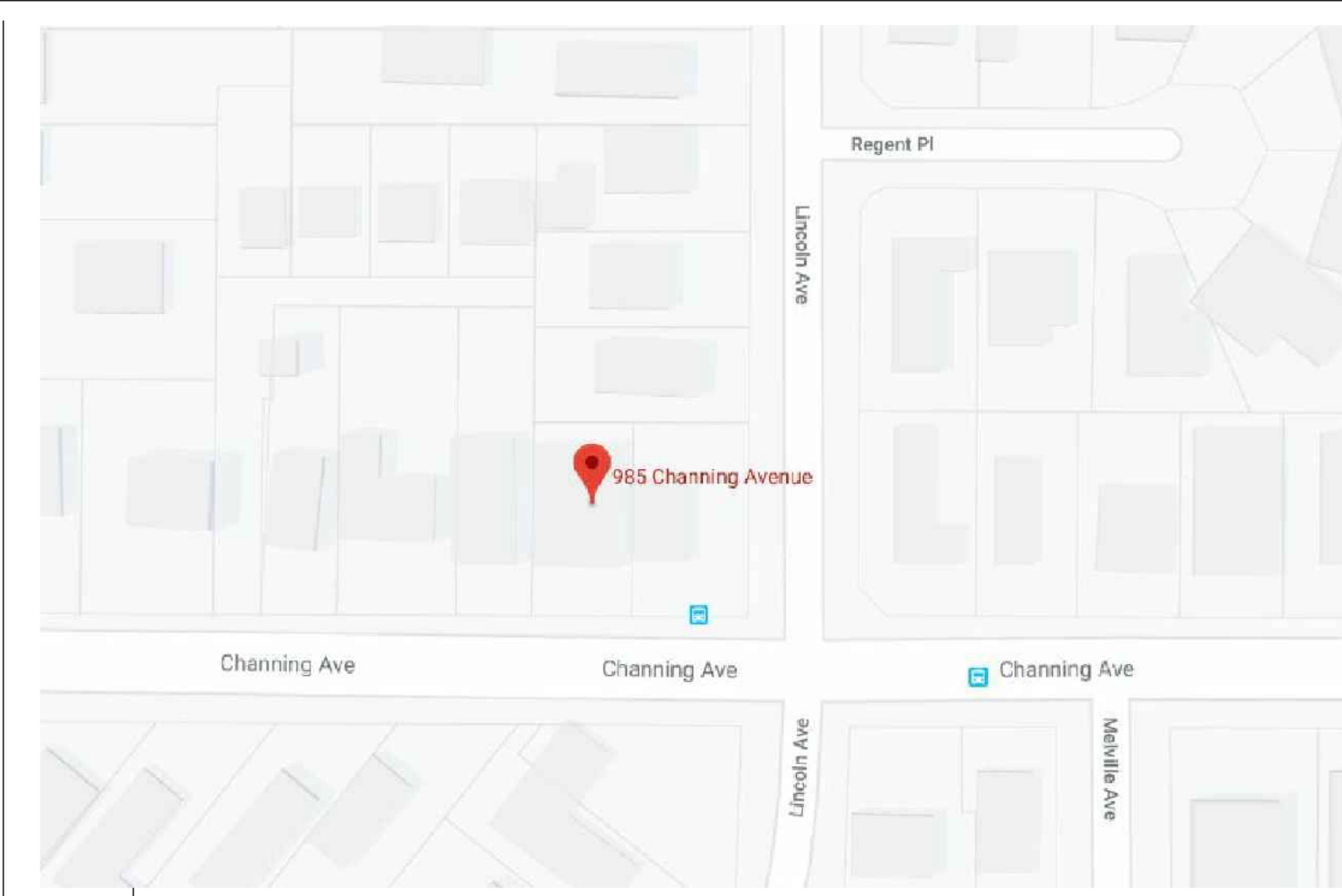
SITE CONTEXT DIAGRAM  
SCALE: 3/32" = 1'-0"

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

ABBREVIATIONS

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

APPLICABLE CODES



VICINITY MAP  
NTS



RENDERING OF THE PROPOSED PROJECT

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

PROJECT DESCRIPTION

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

PROJECT INFORMATION

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

DRAWING INDEX



1305 INDIANA STREET  
SAN FRANCISCO CA 94107  
415.800.4834  
07STUDIOS.COM  
DRAWN BY: S.FARRELL

DUNLAP RESIDENCE

APN: 003-26-062

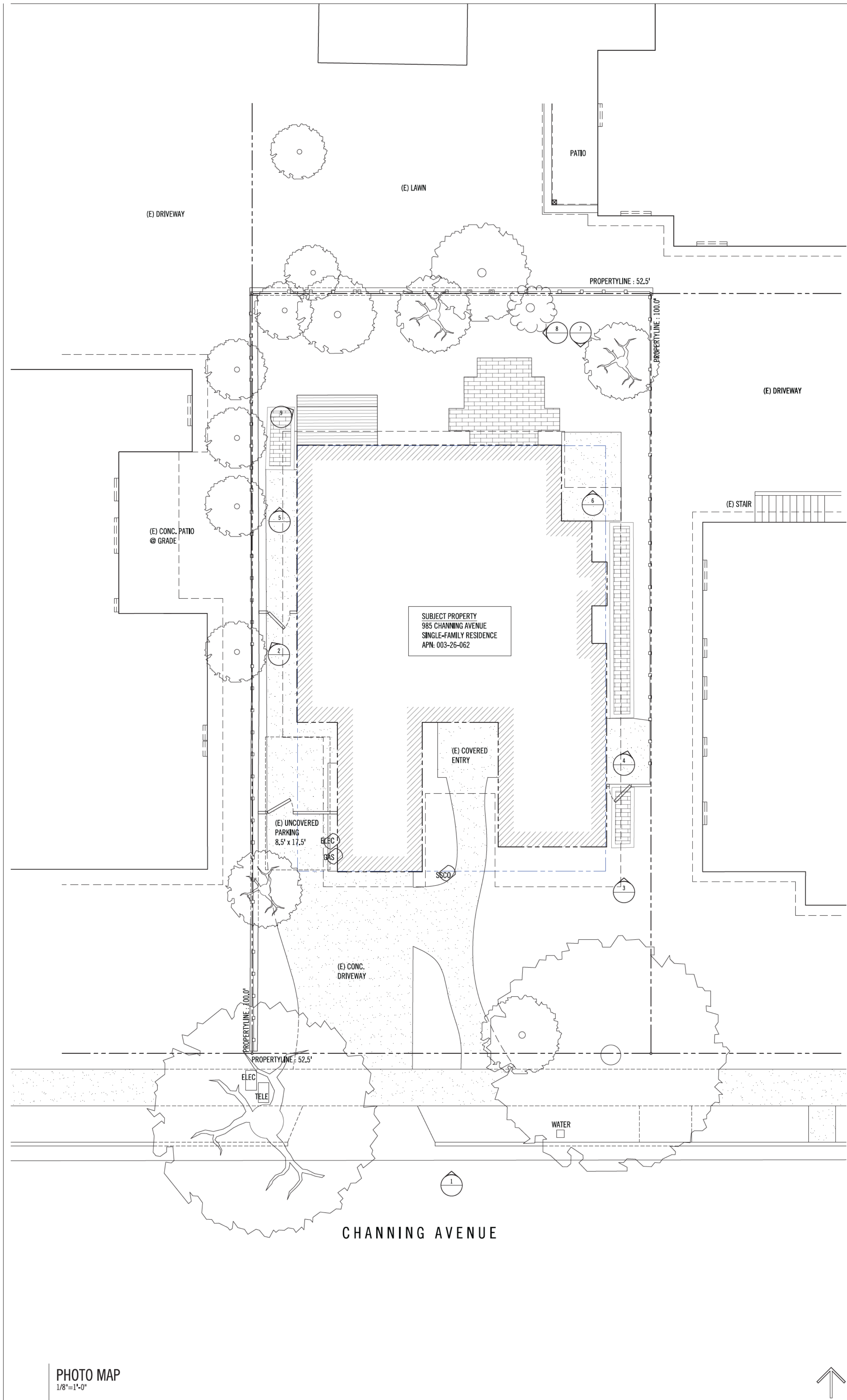
985 CHANNING AVENUE  
PALO ALTO, CA 94301

INDIVIDUAL REVIEW

DRAWING INDEX,  
PROJECT INFORMATION,  
DESCRIPTION & RENDERING

03 AUGUST 2020

A1.0



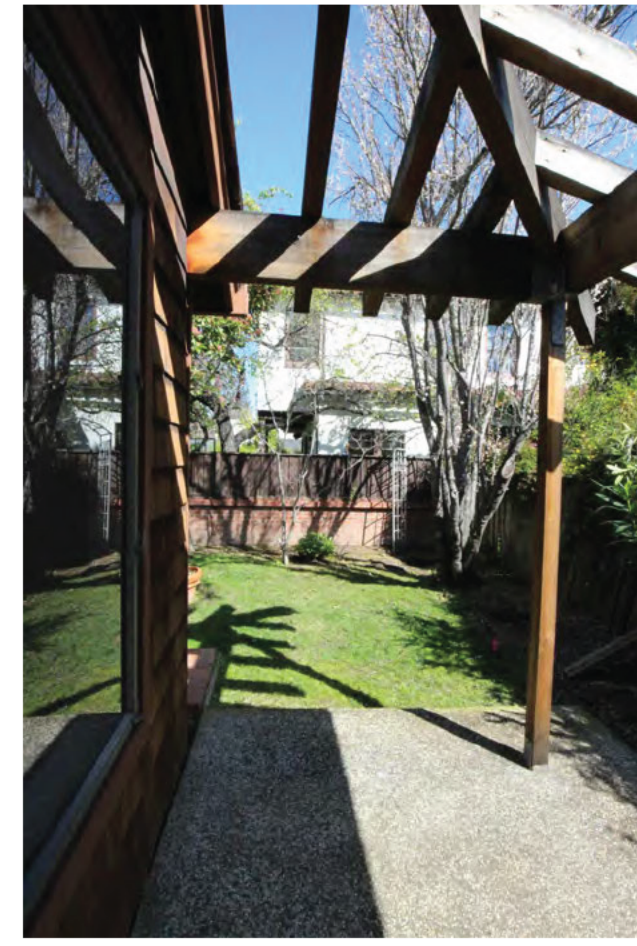
8 (E) DECK, TREES, BRICK WALL & FENCE IN NORTHWEST CORNER OF REAR YARD



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



5 PATH TO NORTHWEST CORNER OF REAR YARD



6 (E) PATIO AT AT NORTHEAST CORNER OF BUILDING



7 (E) PATIO AT AT NORTHEAST CORNER OF BUILDING



2 VIEW OF 975 CHANNING FROM WEST SIDE YARD



3 GATE TO EAST SIDE YARD



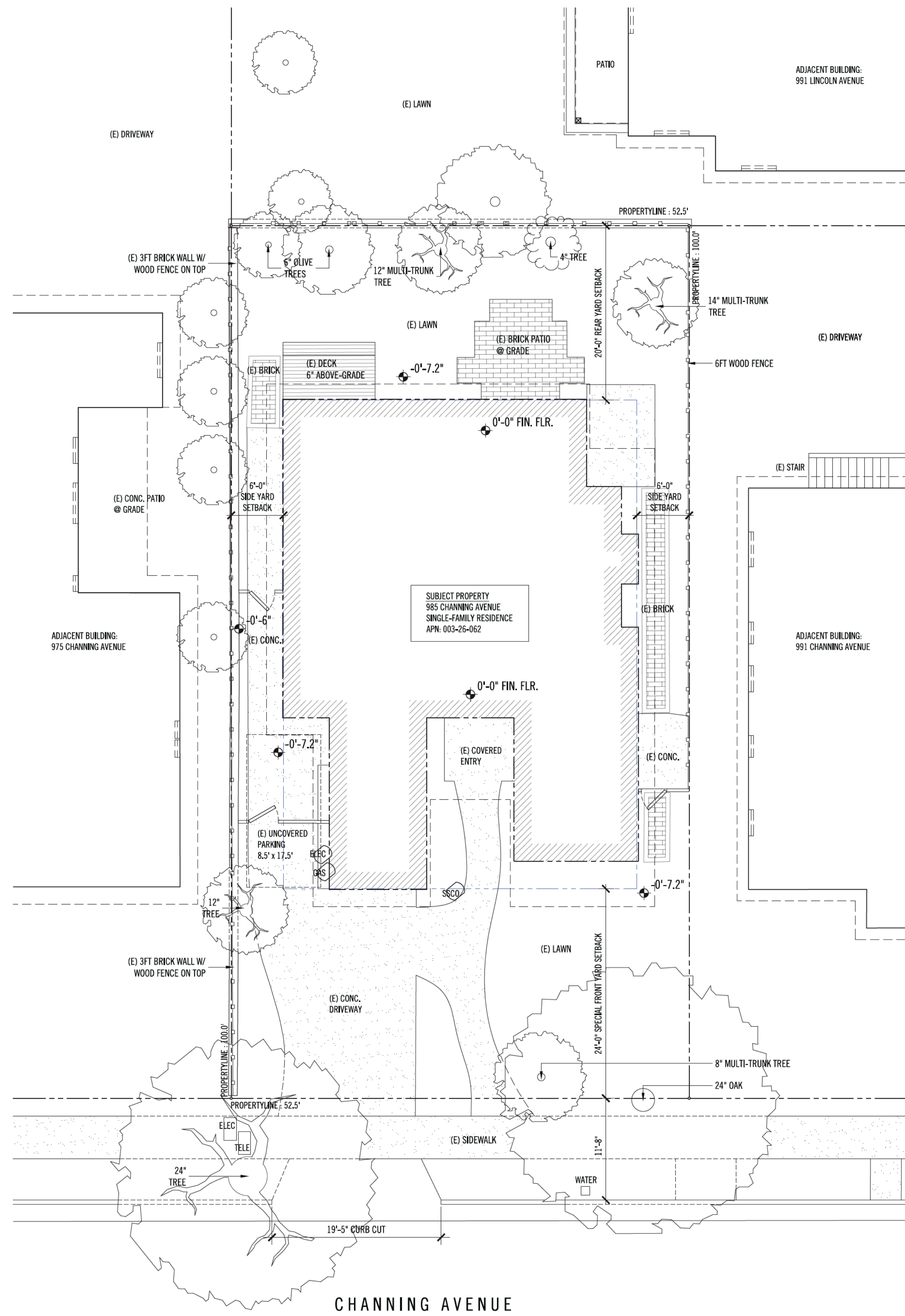
4 VIEW OF 991 CHANNING FROM EAST SIDE YARD



1 VIEW OF 985 CHANNING FROM CHANNING AVENUE





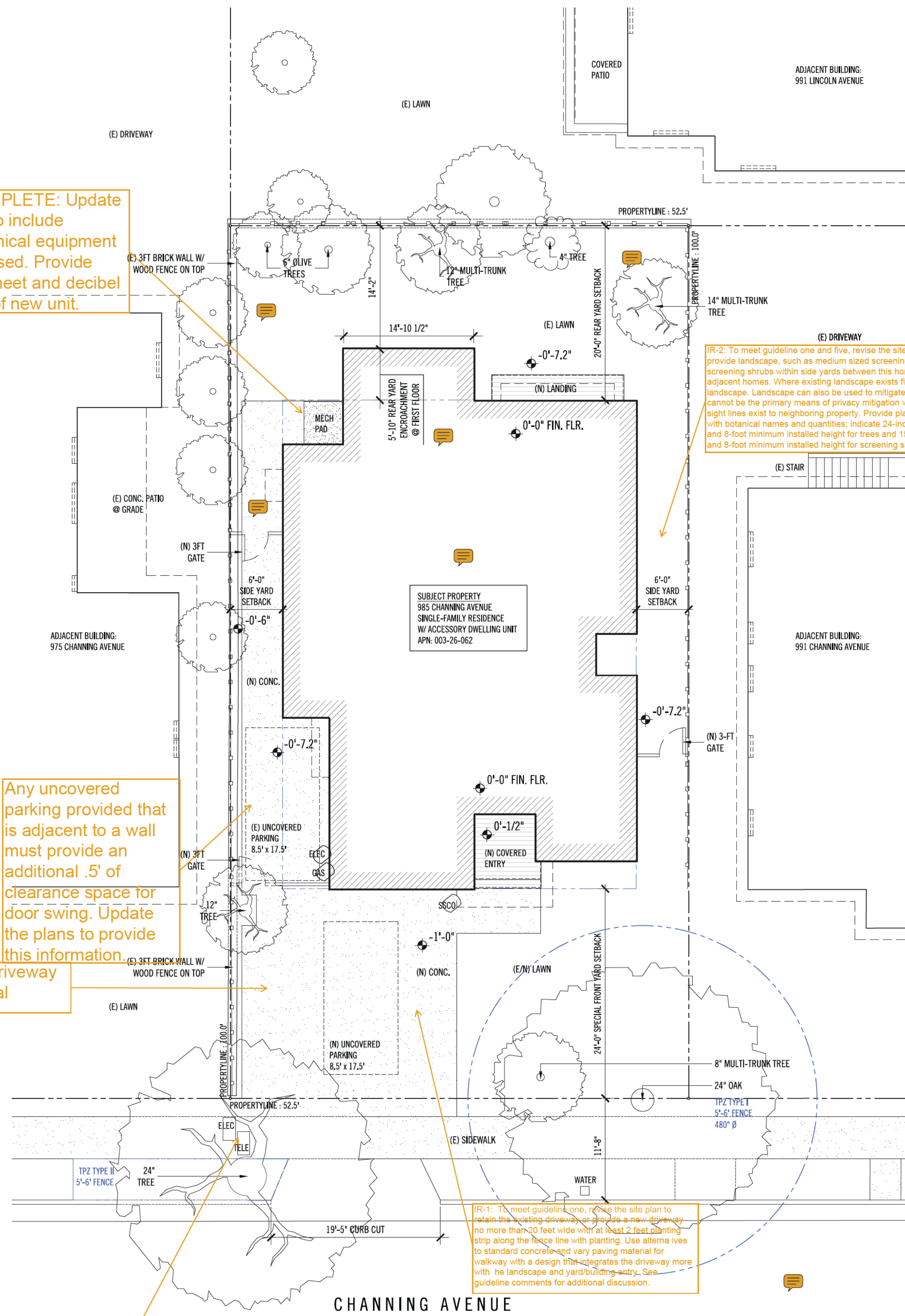


INCOMPLETE: Update plans to include mechanical equipment to be used. Provide spec sheet and decibel rating of new unit.

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

Note driveway material

Update to show



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

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

GENERAL NOTES

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

EXISTING LOT COVERAGE

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

PROPOSED LOT COVERAGE

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



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DRAWN BY S FARRELL

DUNLAP RESIDENCE

APN: 003-26-062

985 CHANNING AVENUE  
PALO ALTO, CA 94301

INDIVIDUAL REVIEW

EXISTING & PROPOSED SITE PLANS

DATE 03 AUGUST 2020

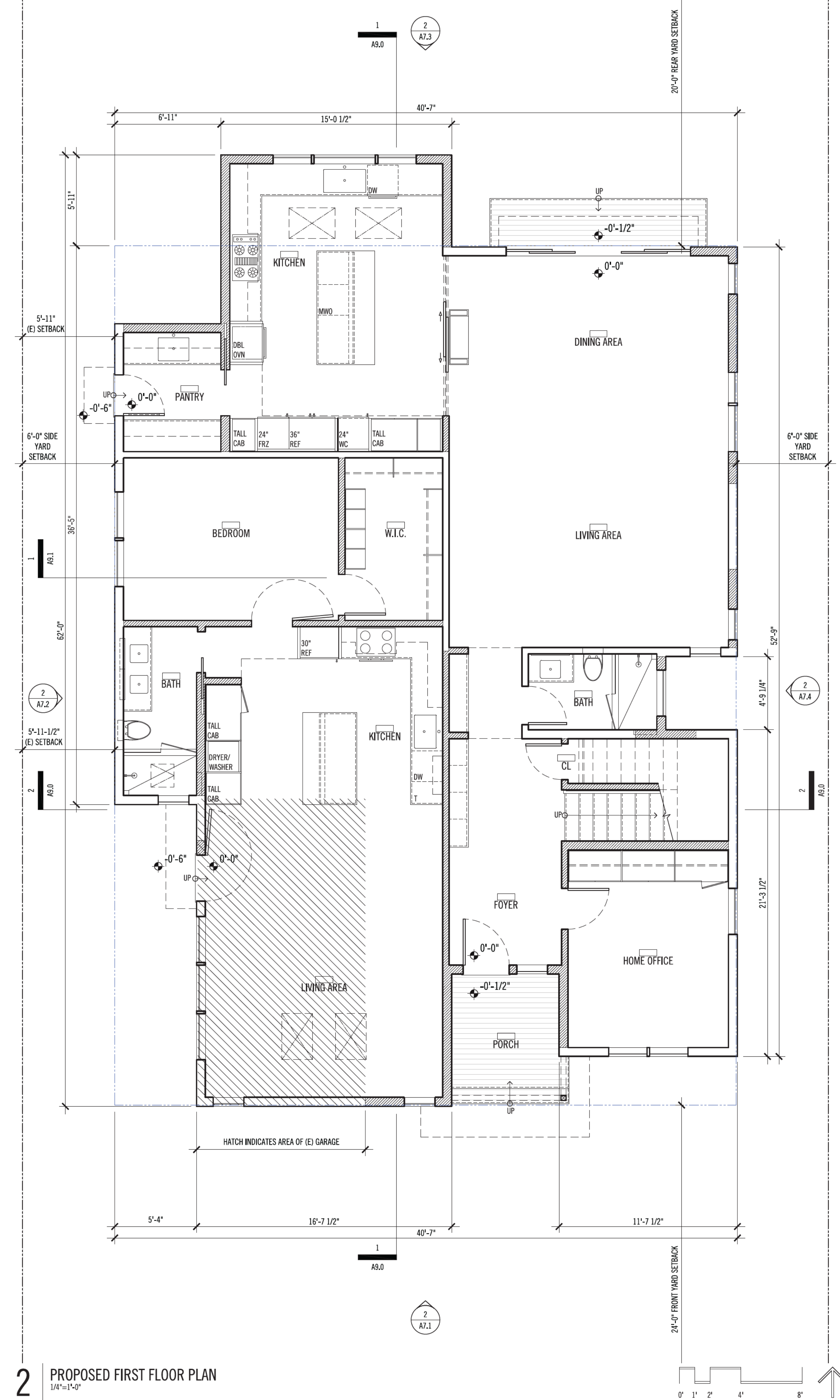
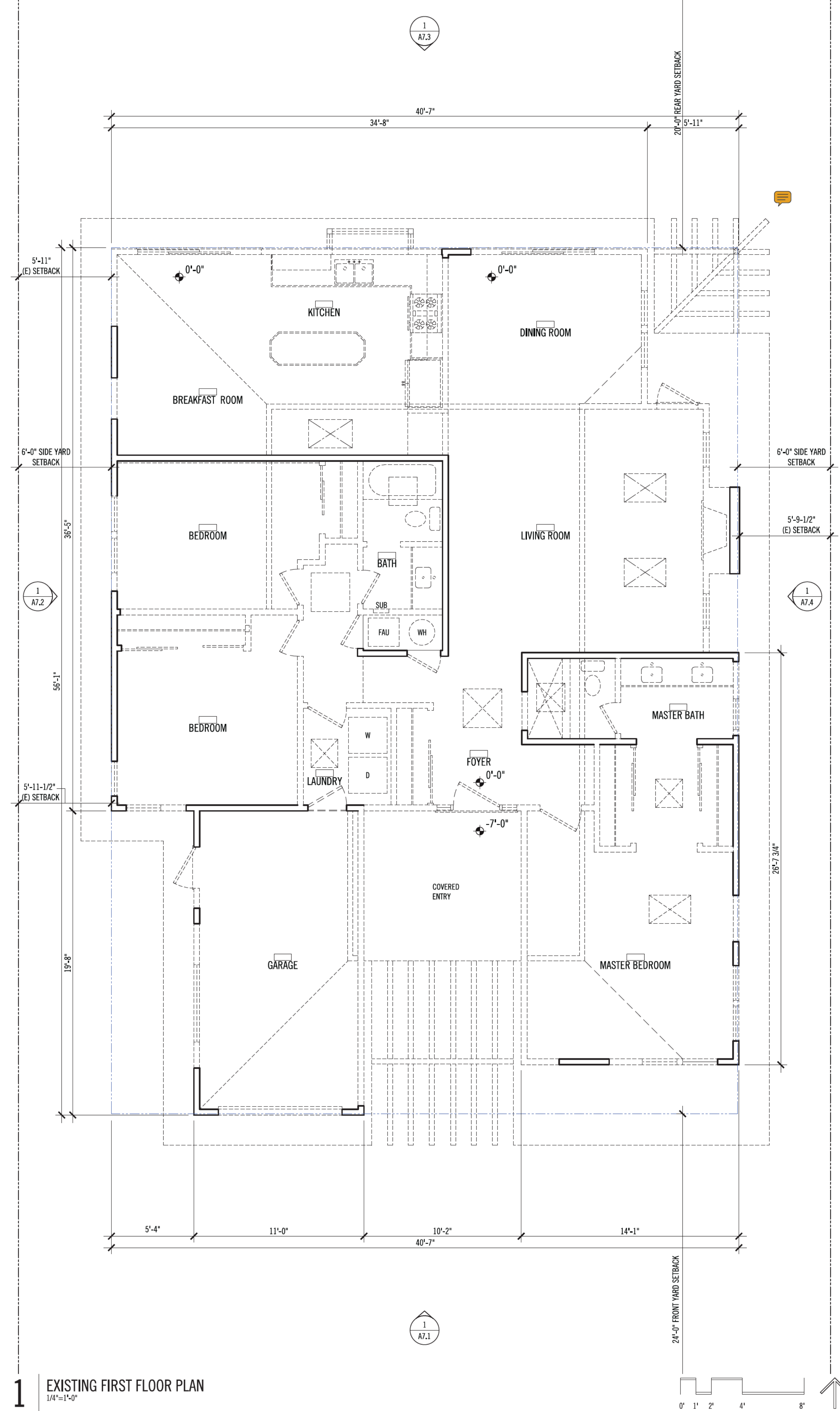
SCALE 1/8" = 1'-0"

REVISIONS

LEGEND

- LINE ABOVE
- PROPERTY LINE
- HIDDEN LINE
- FENCE





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

**WALL TYPE LEGEND**

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

**07 STUDIOS**

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SAN FRANCISCO CA 94107  
415.890.4834  
07STUDIOS.COM

DRAWN BY S FARRELL

**DUNLAP RESIDENCE**

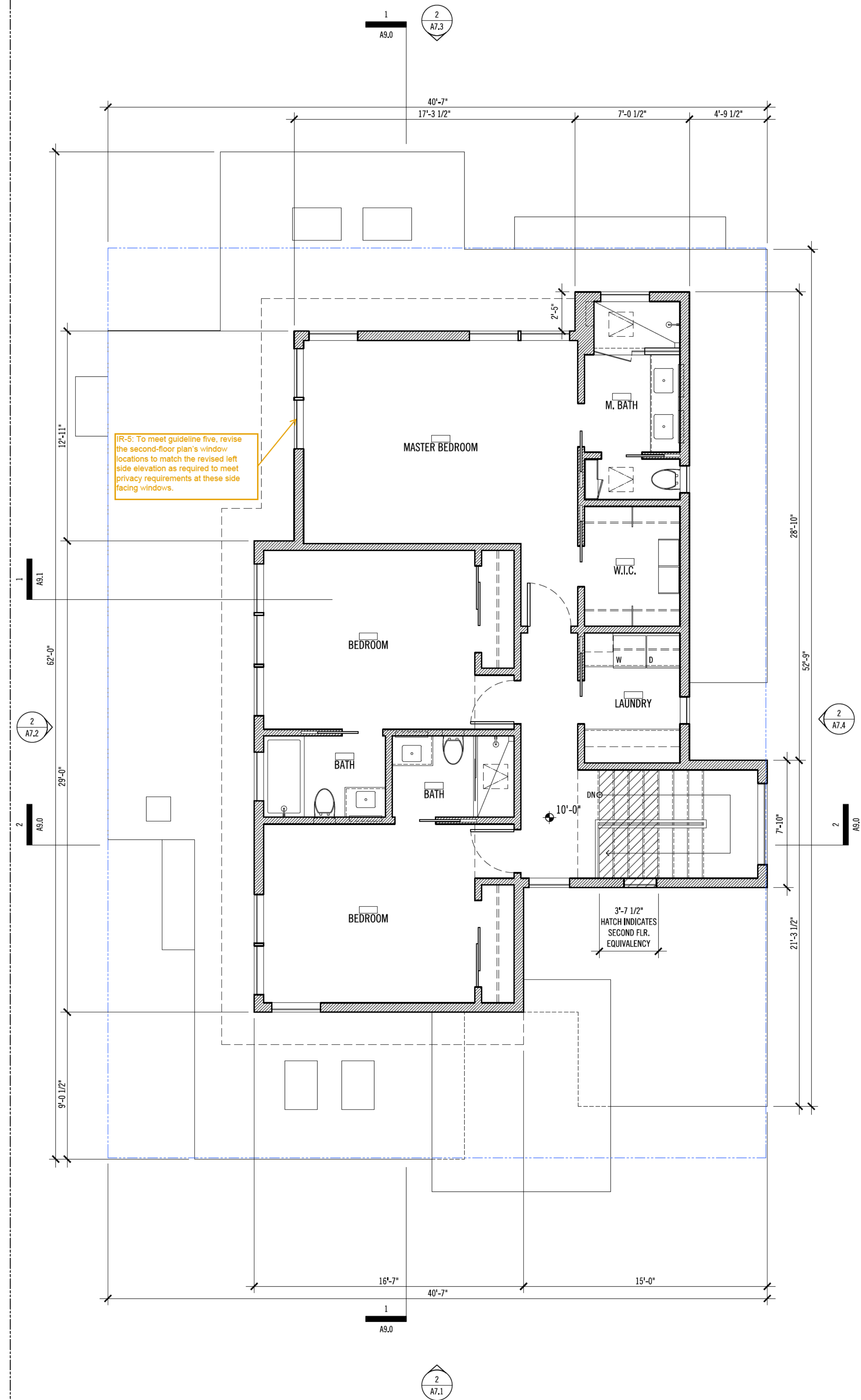
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PALO ALTO, CA 94301

APN: 003-06-062

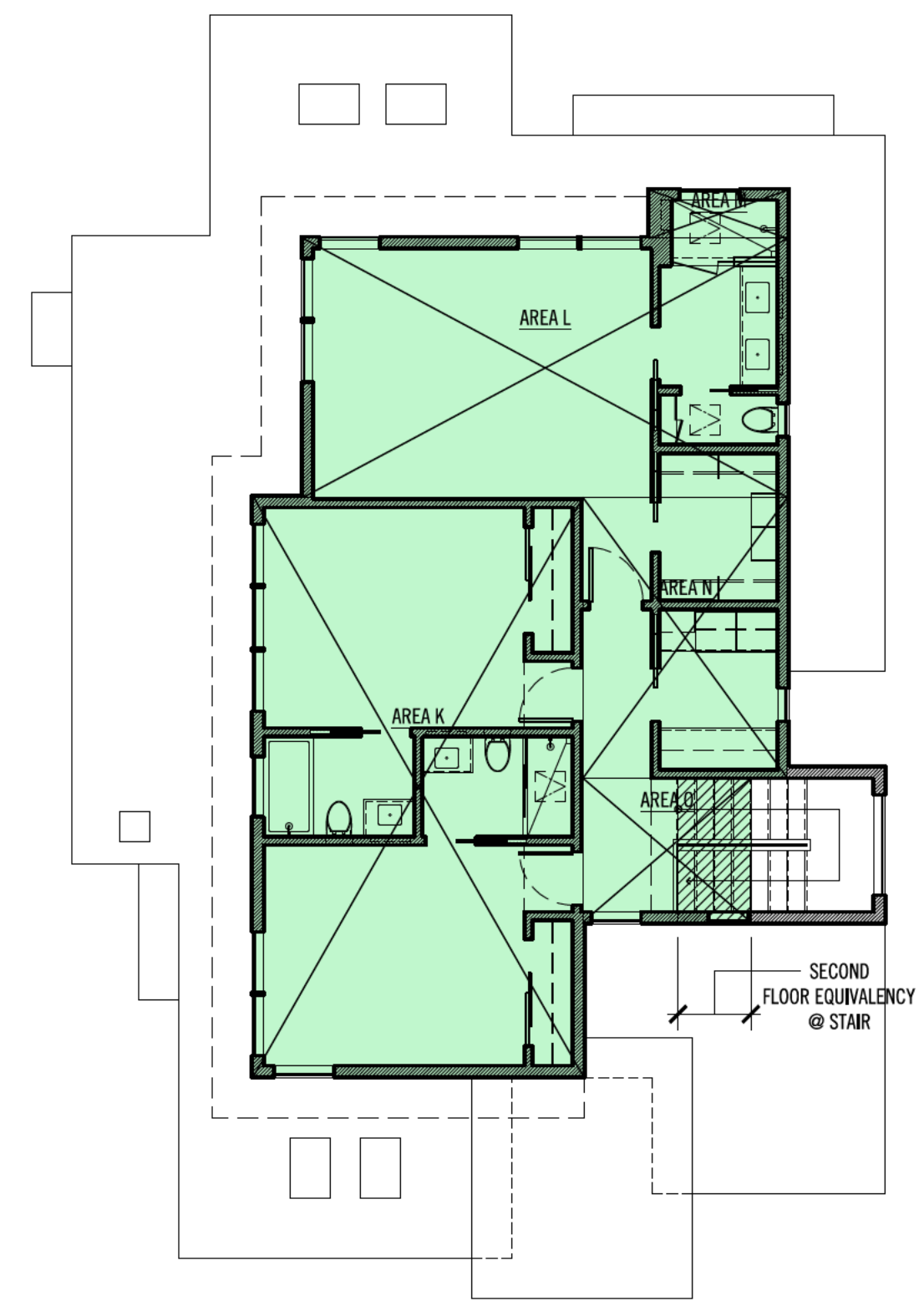
INDIVIDUAL REVIEW

EXISTING & PROPOSED FIRST FLOOR PLANS

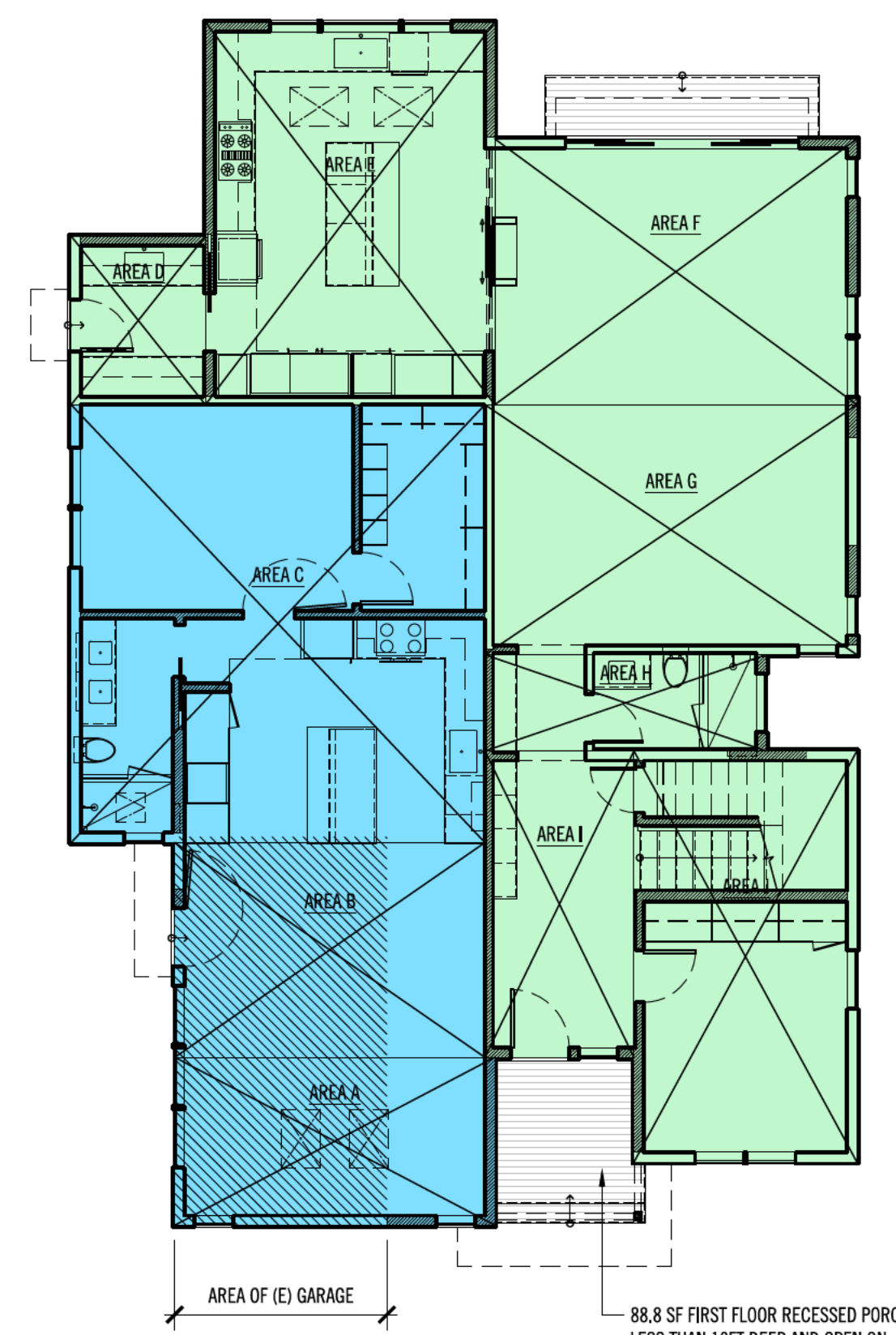
DATE	03 AUGUST 2020
SCALE	1/4" = 1'-0"
REVISIONS	



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



SECOND FLOOR



FIRST FLOOR

**PROPOSED FLOOR AREA TOTALS**

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

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

**GENERAL NOTES**

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



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DRAWN BY S FARRELL

**DUNLAP RESIDENCE**

APN: 003-26-462

985 CHANNING AVENUE  
PALO ALTO, CA 94301

**INDIVIDUAL REVIEW**

**PROPOSED SECOND FLOOR PLAN & FLOOR AREA DIAGRAMS**

DATE 03 AUGUST 2020

SCALE VARIES

REVISIONS

**WALL TYPE LEGEND**

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

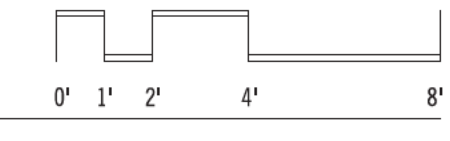
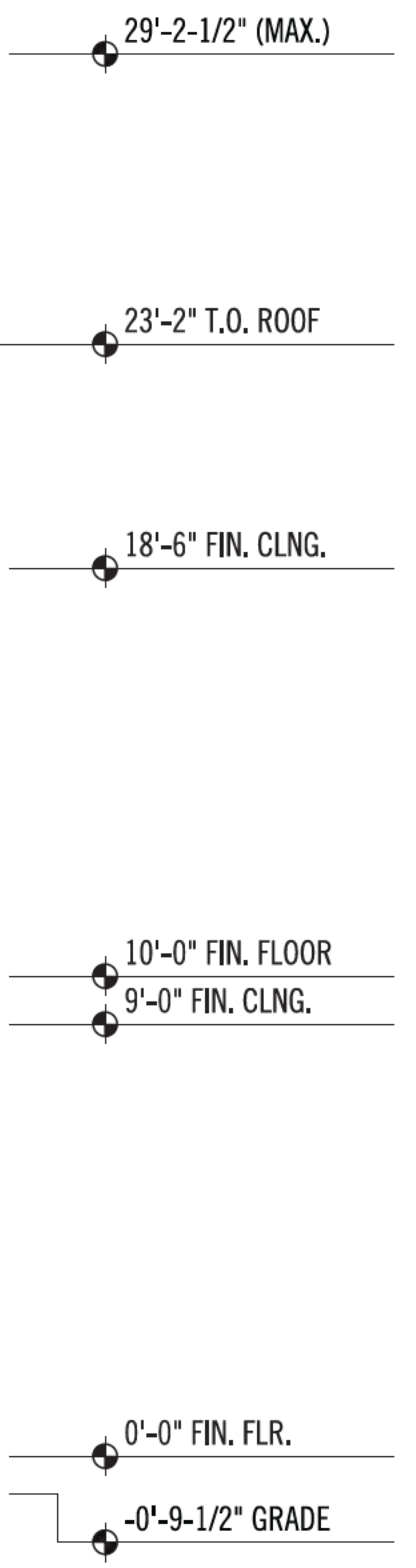
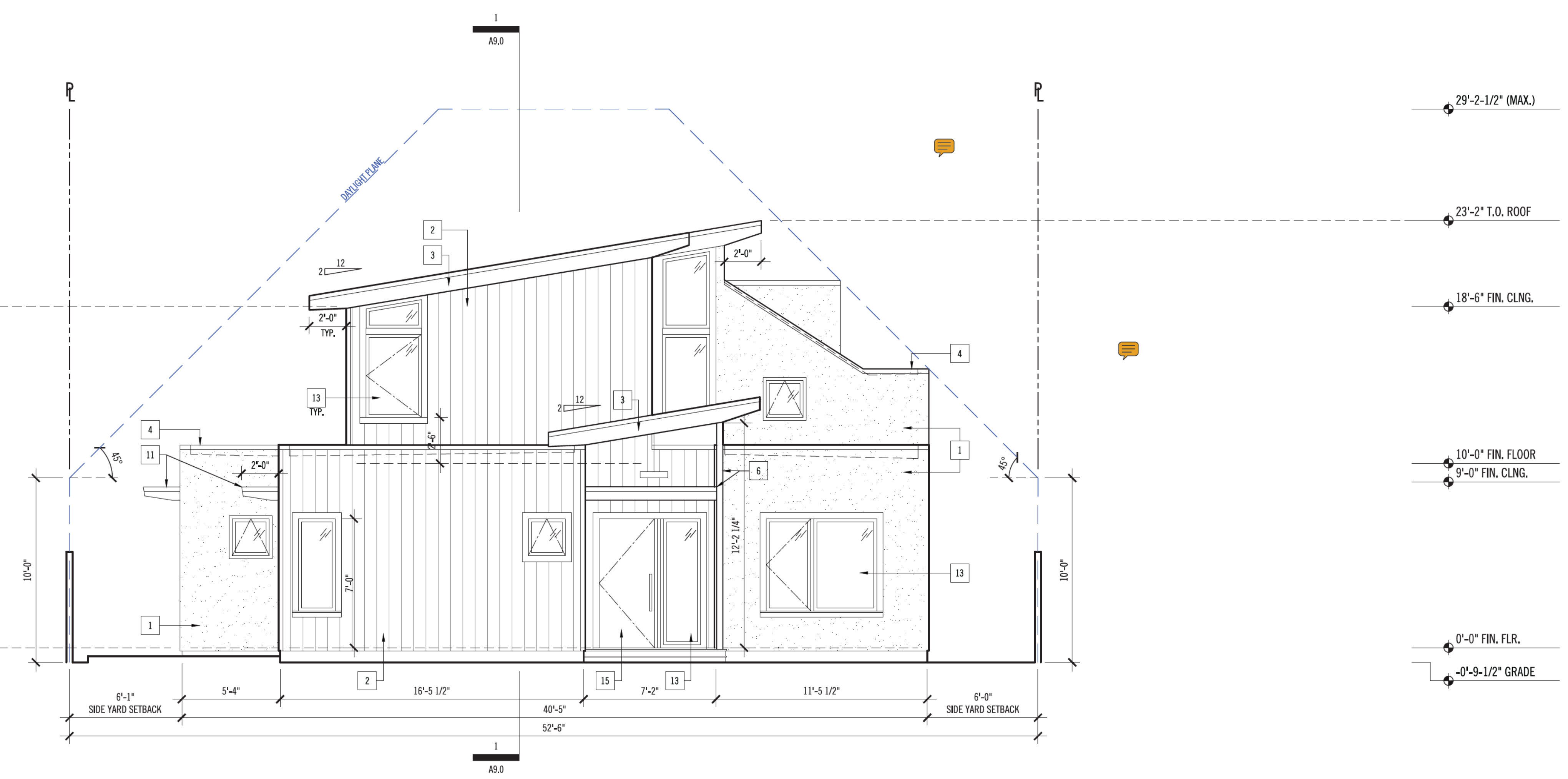
**A6.2**

**GENERAL NOTES**

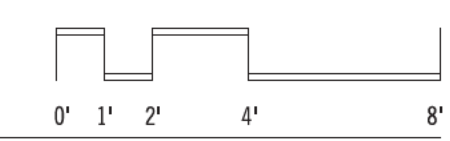
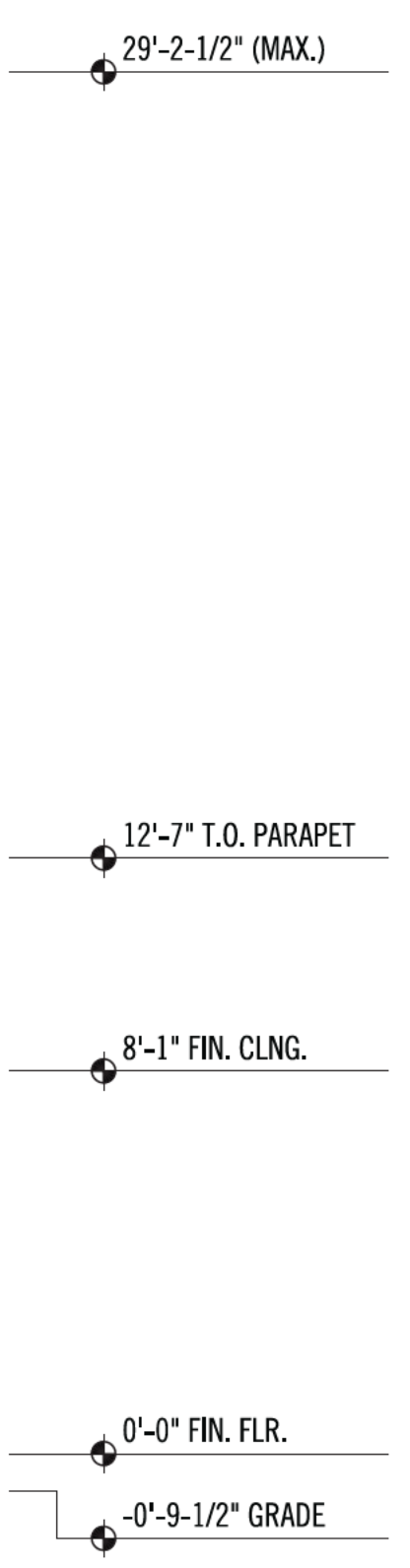
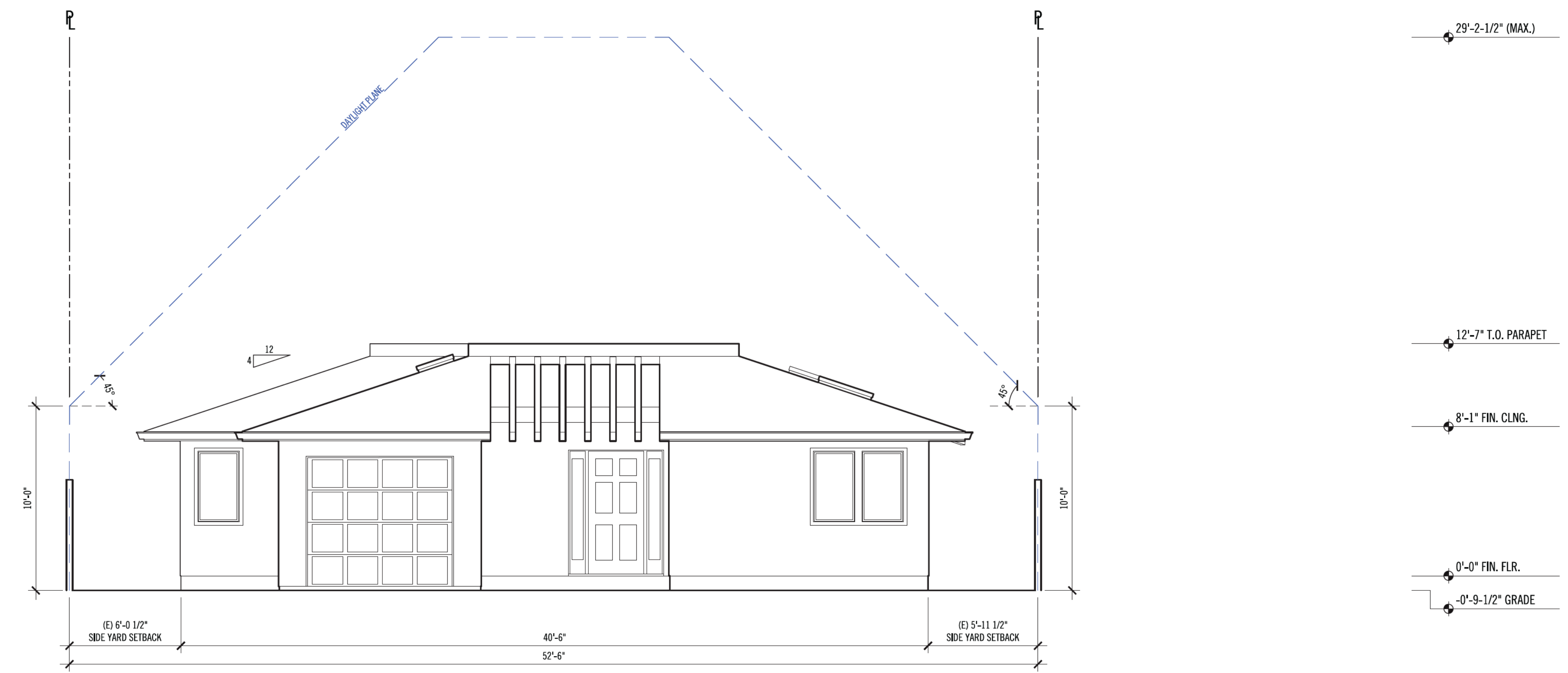
1. REFER TO FLOOR AND ROOF PLANS
2. BUILDING SECTIONS PROVIDED ON SHEETS A9.0
3. DAYLIGHT PLANE AND MAXIMUM HEIGHT MEASURED FROM THE AVERAGE GRADE. SEE SITE SURVEY.

**KEYNOTES**

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



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



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

GENERAL NOTES

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

KEYNOTES

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

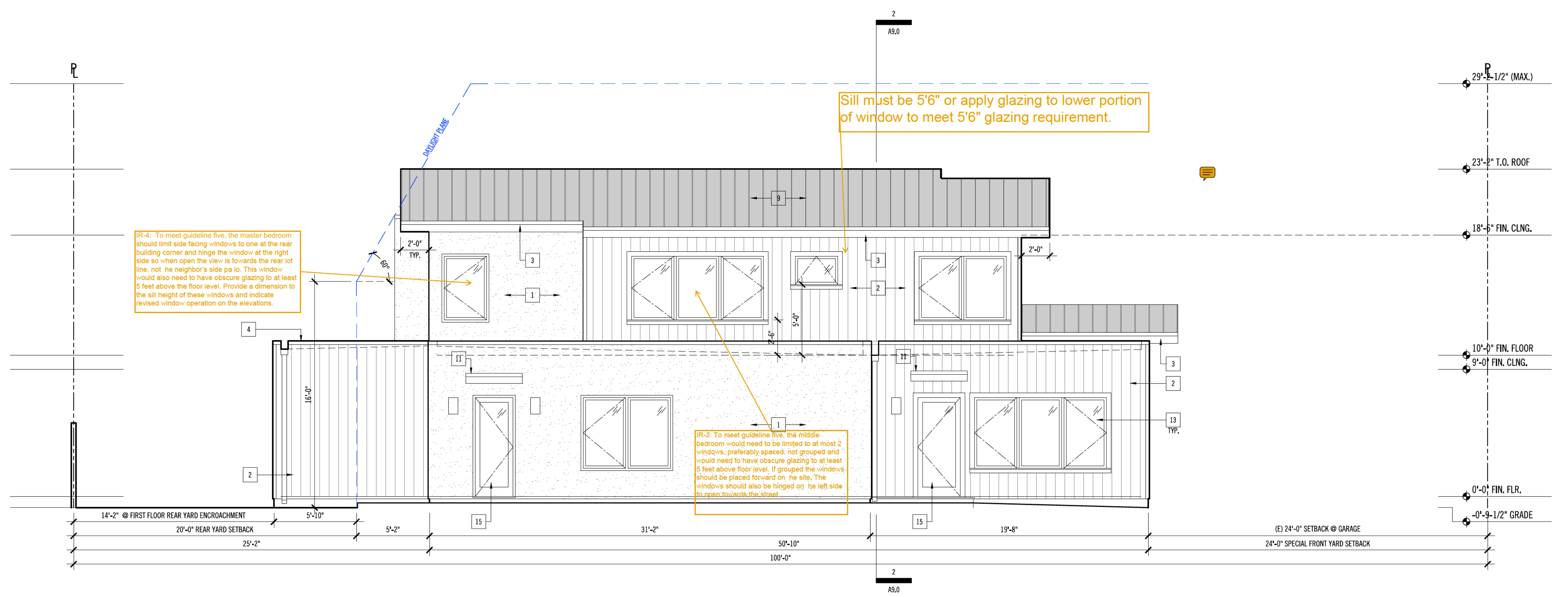
INDIVIDUAL REVIEW

EXISTING & PROPOSED EXTERIOR ELEVATIONS - WEST

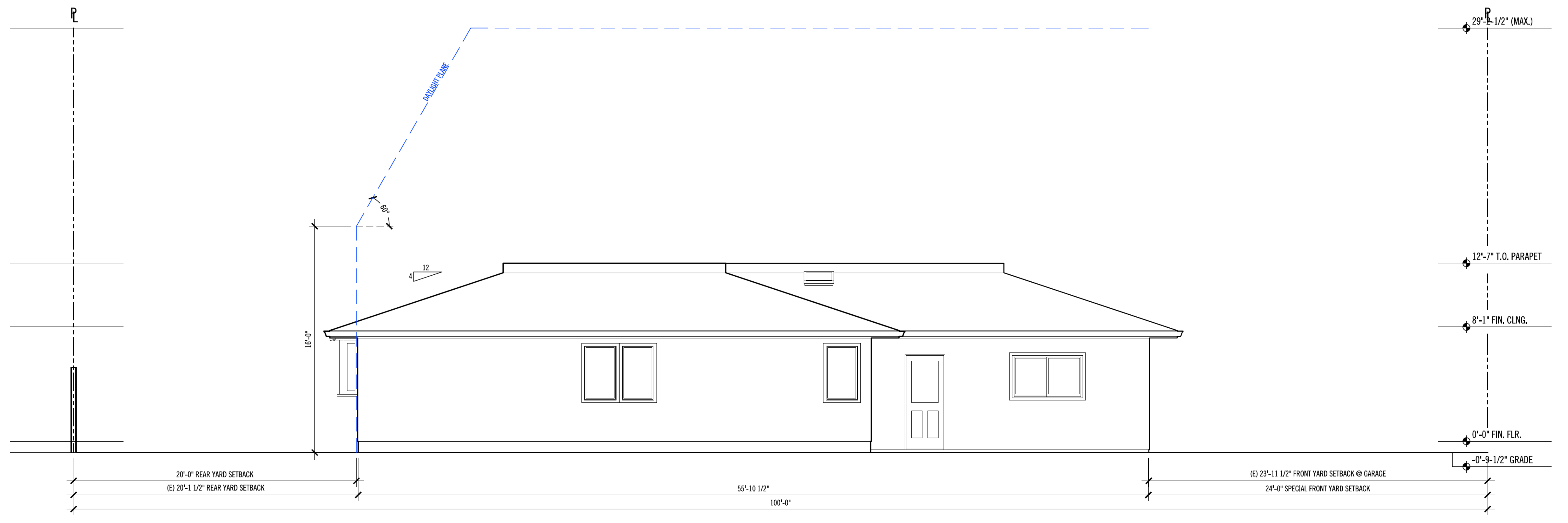
DATE 03 AUGUST 2020

SCALE 1/4" = 1'-0"

REVISIONS



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

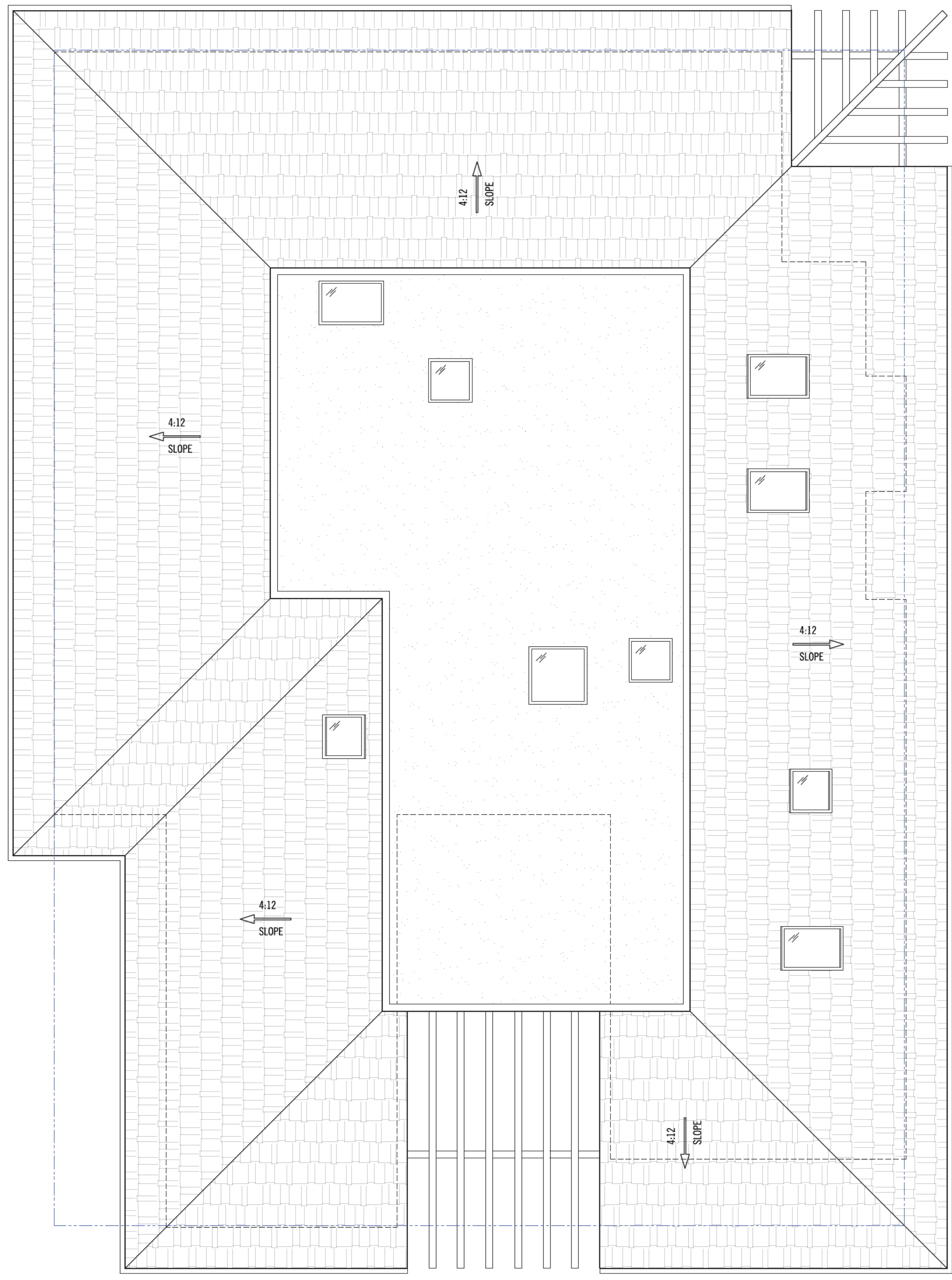
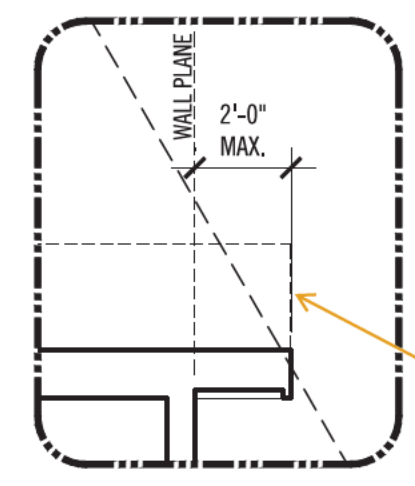


1 EXISTING EXTERIOR ELEVATION - WEST  
1/4"=1'-0"

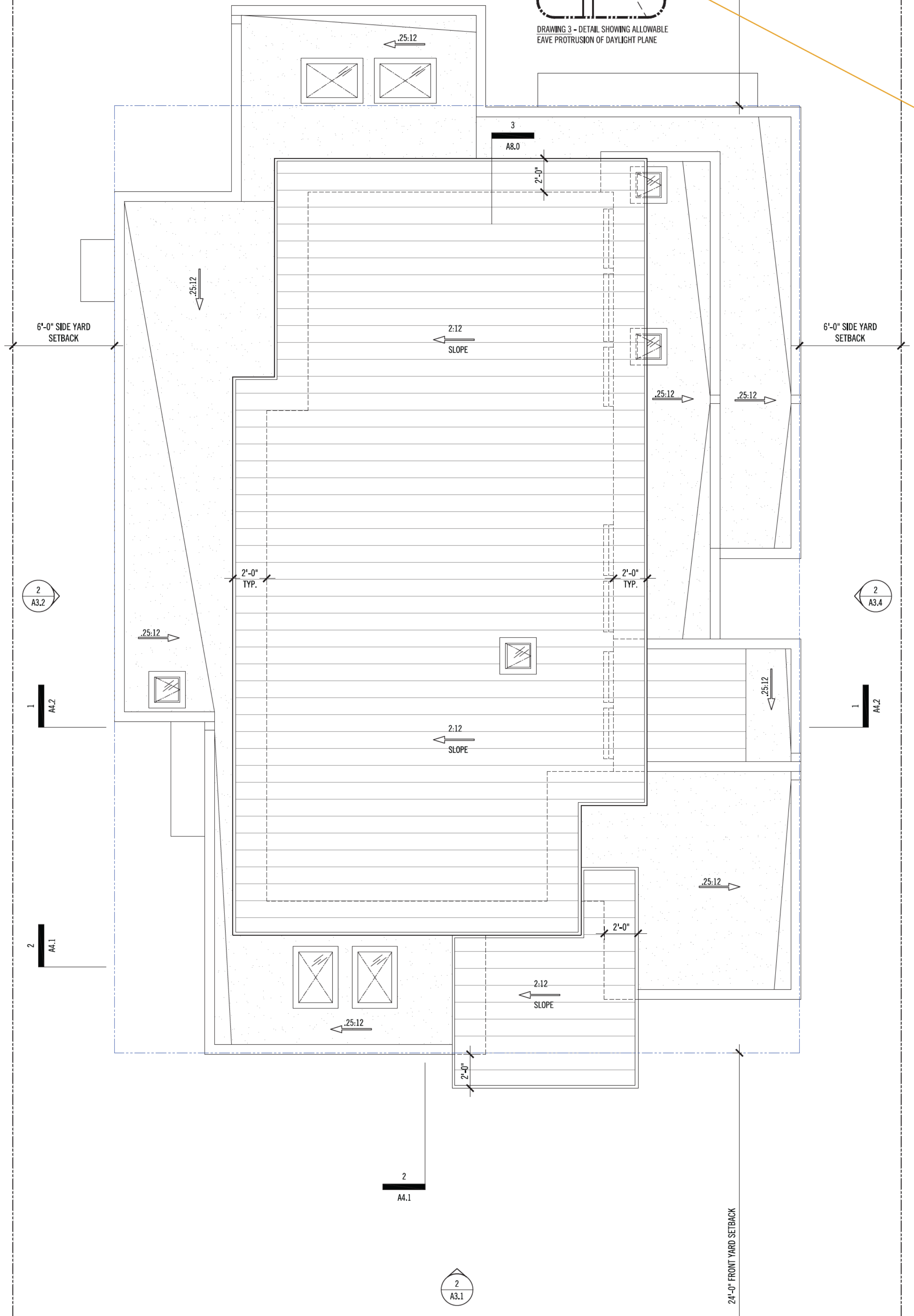
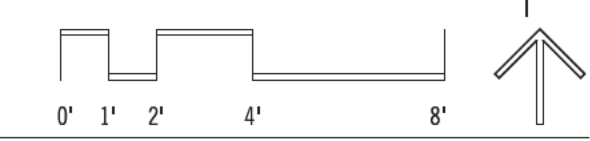
GENERAL NOTES

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

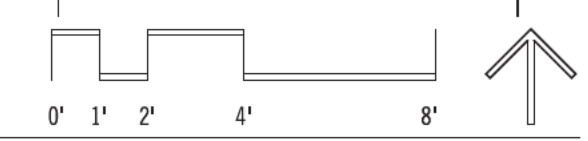
Clarify outline of drawing to identify top of roof and bottom of roof slope.



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

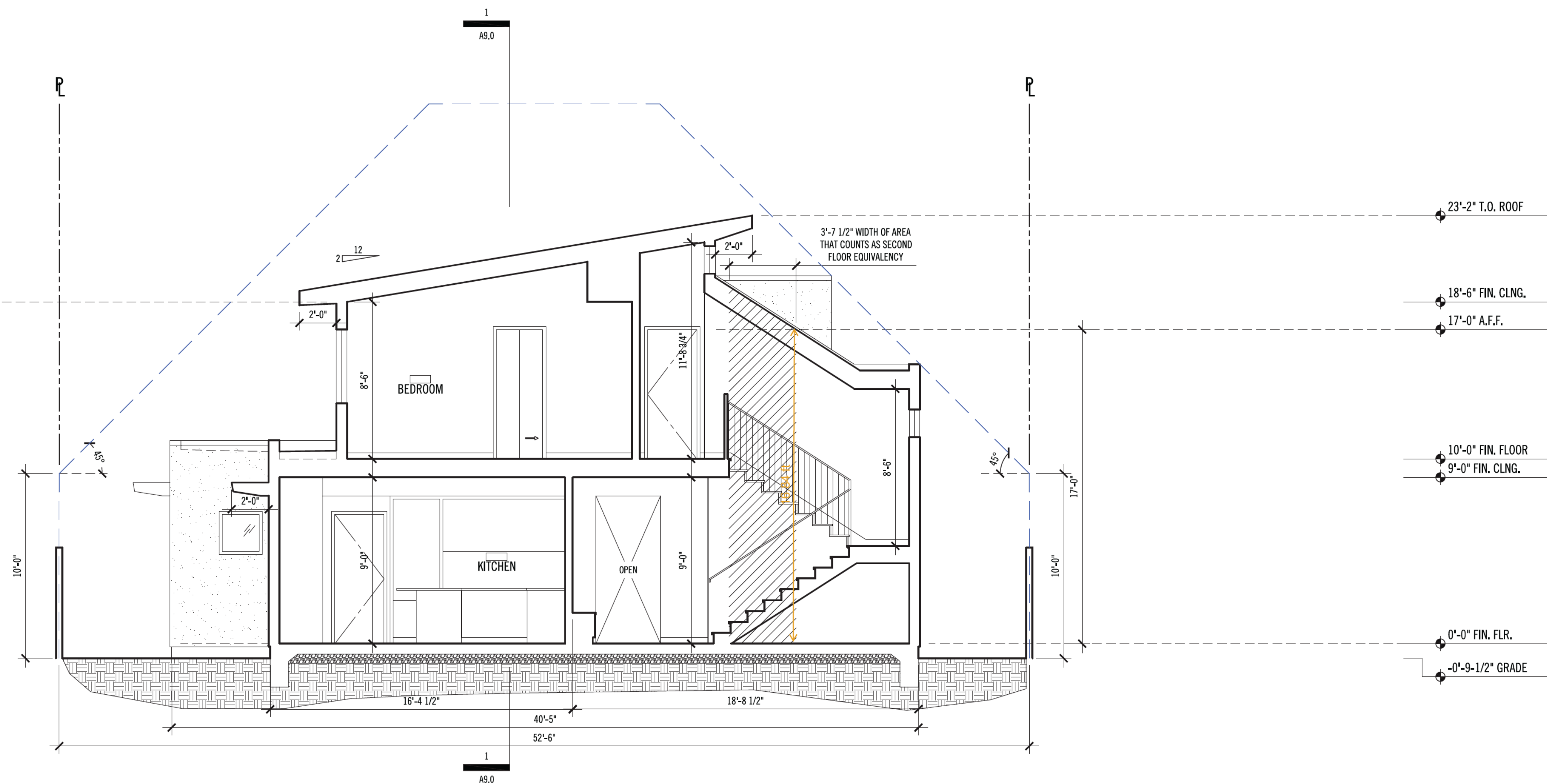


2 PROPOSED ROOF PLAN  
1/4"=1'-0"

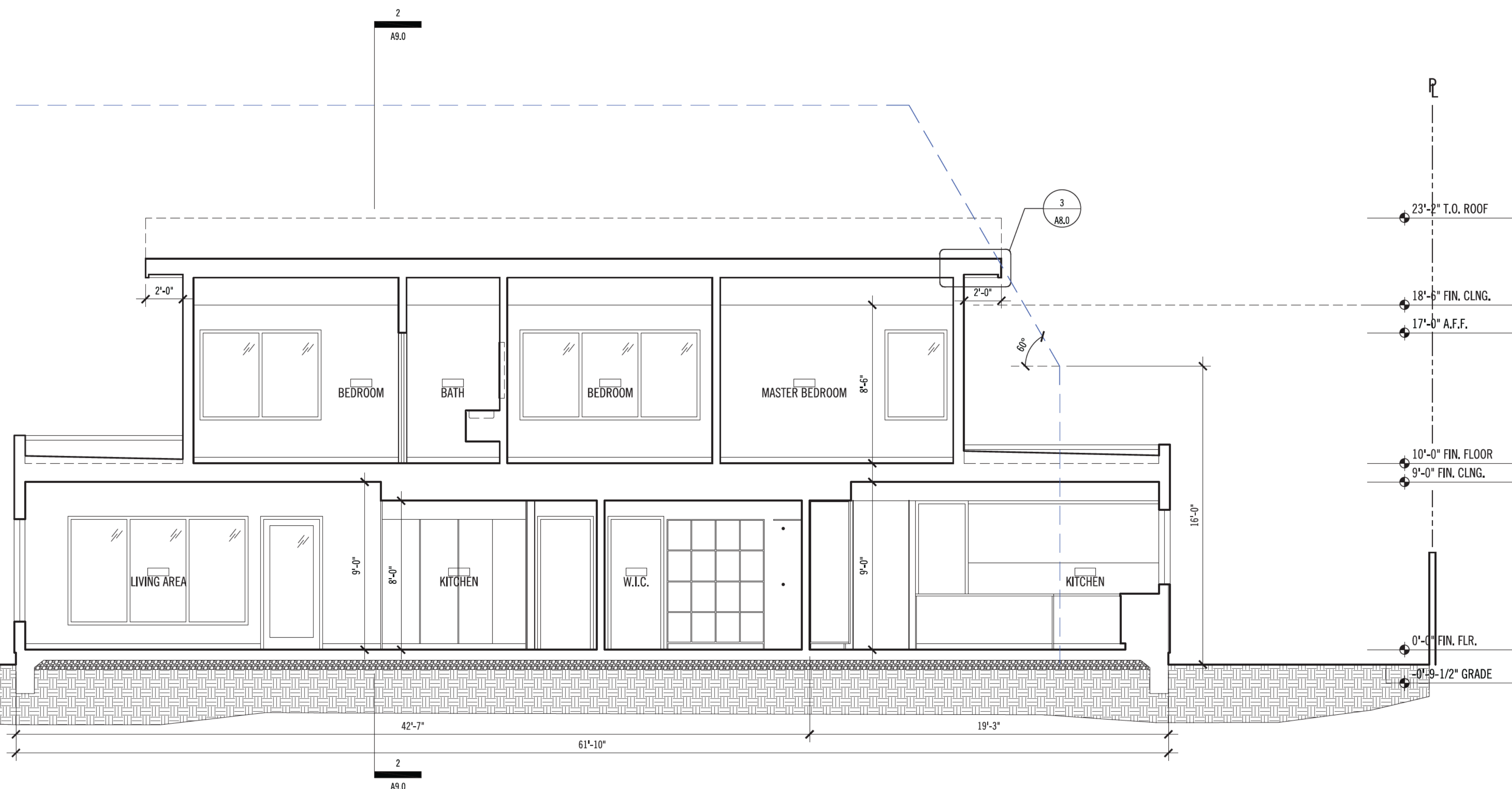


WALL TYPE LEGEND

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



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



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

**GENERAL NOTES**

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



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

**DUNLAP  
RESIDENCE**

APN: 003-06-062

985 CHANNING AVENUE  
PALO ALTO, CA 94301

**INDIVIDUAL REVIEW**

**PROPOSED BUILDING  
SECTIONS**

DATE 03 AUGUST 2020

SCALE 1/4" = 1'-0"

REVISIONS

**A9.0**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

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

#### **References:**

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



**From:** R W  
**To:** Stan Ketchum; Gerhardt Jodie; Ketchum Stanley  
**Cc:** mimi.wolf@gmail.com; Caroline Gabarino; lilyzhao68@gmail.com; ni2qun2@gmail.com; Raybould Claire; Architectural Review Board; jue.cheng; Planning Commission  
**Subject:** Re: Proposed project at 739 Sutter Avenue, Palo Alto, 94306  
**Date:** Monday, December 13, 2021 2:34:42 PM  
**Attachments:** [image014.png](#)  
[image015.png](#)  
[image019.png](#)  
[image016.png](#)  
[image018.png](#)  
[image009.png](#)  
[image012.png](#)

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

Hi, Stan,

Thanks for the reply after so many days.

1. We do have several questions to the ARB and city planning commission, e.g which code this project will use, and how the code to be interpreted by they city, and what code in the ARB hearing is used in that specific project, etc. Who will be the right person/party to answer questions from citizens?  
We are not only intend to pass our opinion to the developer, but instead we also look for correct and timely answers from city governance body.

2. Since the failure to notify the property owners about the hearing, according to the municipal code number and content (18.77.070(c)(2)), we would like to **request the governance body to nullify the previous ARB hearing**, also, to reset the count of 180 days for project planner to submit formal application.

Code we are relying is here:

(c) Hearing and Recommendation for Major Projects, and for Minor Projects Upon Request

(1) Upon receipt of a completed application for a major project (as defined in Section 18.76.020(b)(2)), or upon receipt of a timely request for a hearing for a minor project (as defined in Section 18.76.020(b)(3)), the architectural review board shall set a hearing date to review the application.

(2) Notice of the hearing shall be given at least 10 days prior to the hearing by publication in a local newspaper, by posting in a public place, and by mailing to the applicant, the hearing requestor, if applicable, and all residents and owners of property within 600 feet of the project. Notice shall include the address of the property, a brief description of the proposed project, and the date and time of the hearing.

3. Just a heads up, we will have our opinions and comments voiced in the city council and other media.

thanks  
Richard

On Monday, December 13, 2021, 12:05:28 PM PST, Stan Ketchum <sketchum@m-group.us> wrote:

Hi, Richard. The comments I have received from you and the other neighbors have been forwarded to the applicants. The ball is now in their court to digest those comments and the input shared by the ARB. If they choose to submit a formal application, the issues raised will be considered by staff as a part of the project review. Stan

On Monday, December 13, 2021, 10:23:57 AM PST, R W <flyingrichard@yahoo.com> wrote:

Hi, Stan, Jodie and city planning:

I'd like to resend my previous email and log my complaints.  
In the past several weeks, we are trying to get feedback but no answer from city.  
Appreciate if any one from city for this project can hear the voice from us.

thanks  
Richard

On Wednesday, November 24, 2021, 10:45:46 PM PST, R W <flyingrichard@yahoo.com> wrote:

Hi Jodie, Stan, and the ARB members,

As a neighbor of the proposed project at 739 Sutter Avenue in Palo Alto, I am deeply frustrated and angry of how this hearing was communicated with the stakeholders. A few neighbors who I cced in this email have sent emails/contacts to the planning department for several months, but NONE of us was informed about this hearing. We sincerely consider the city could have done more to improve the communications.

Secondly, I am very thankful for the ARB to examine closely on this project after viewing the video. Honestly, the project is totally a shock to the neighborhood with such a 3-level huge density condo. It basically smashed the community environment and the life style of midtown in Palo Alto. I am glad that Mr. David Hirsh raised this long-term concern for the entire city of Palo Alto. (Around 48:00 in the video)

Thirdly, citizens have a lot of questions/concerns/complaints about the design. We passed such questions in the email exchanges to the planning department before; some of them may have been raised, some are still not clear for us. I would like to list several of them as below:

1. Daylight plane: it is still not clarified what it will be. It is supposed to comply with current code, and it should give the neighborhood enough day light. We would like to hear more of ARB's review and comments on this.

<b>Daylight Plane Requirements</b>	10' initial height + 45 degree angle	N/A
------------------------------------	--------------------------------------	-----

2. The privacy to the neighborhood at San Carlos Ct: given it is a 3-floor-condo, the height will be a huge concern to the privacy of the entire neighborhood.

3. Height limitation: currently 30 feet while they proposed 35 feet. This will be a huge construction to the neighborhood. And is it good for midtown to have a 3-floor-condo?

4. Public health risk: the rear easement causes a lot noise/safety concerns to neighborhood, with current 4 units to share a narrow path. In the proposed design, 7 units are to share that small narrow path. We are deeply concerned how the noise/traffic/fire security will be.

5. Density bonus and low income: we are very dubious about how these 3 units will be handled and sold to satisfy the low income bonus. More information is needed to avoid the misusage of such act. This project is more flavor for the economic benefit of developer with the cost of neighborhood benefit.

6. Even there is density bonus, can the concession and code be approved with the sacrifice of neighborhood benefit? Such concession is poised to be maximum and will destroy the beauty of midtown.

Overall the practice of communication of this hearing and the design of this project severely disturbed the neighborhood. We expect the city planning and ARB to consider more of the neighbors' voices. We could never maintain a peaceful community without your understanding and support.

Thanks,  
Richard Wang

On Monday, November 22, 2021, 05:57:41 PM PST, Gerhardt, Jodie <jodie.gerhardt@cityofpaloalto.org> wrote:

Jue,

I am sorry for the miscommunication. Claire is currently on leave, so Stan Ketchum has taken over as the project planner. As I told Carolyn, the public hearing for the preliminary design was November 18<sup>th</sup>, see project webpage – <https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/739-Sutter-Avenue>. The agenda and staff report can be found on this webpage - <https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Architectural-Review-Board-ARB/Current-ARB-Agendas-Minutes>. The hearing video and minutes will soon be on the ARB webpage, or you may visit YouTube to see the video - <https://www.youtube.com/watch?v=VbMFRsXTDJ8>

If the applicant moves forward with this proposal, they will need to file a formal application. That application will first show up on Building Eye – <https://paloalto.buildingeye.com/planning> and the City will again take comments during this process.

With that said, please send your current comments to Stan and he will forward them to the applicant. In that way, the applicant has more time to think about how to address your concerns.

Sincerely,



**Jodie Gerhardt, AICP**  
Manager of Current Planning  
Planning and Development Services Department  
(650) 329-2575 | [jodie.gerhardt@cityofpaloalto.org](mailto:jodie.gerhardt@cityofpaloalto.org)  
[www.cityofpaloalto.org](http://www.cityofpaloalto.org)



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

The City of Palo Alto is doing its part to reduce the spread of COVID-19. We have successfully transitioned most of our employees to a remote work environment. We remain available to you via email, phone, and virtual meetings during our normal business hours.

**From** jue cheng <peanutsjue@gmail.com>  
**Sent** Monday, November 22, 2021 5:47 PM  
**To** Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>; Gerhardt, Jodie <Jodie.Gerhardt@CityofPaloAlto.org>  
**Cc** mimi.wolf@gmail.com; Caroline Gabarino <yogabear23@aol.com>; Richard Jue Wang <flyingrichard@yahoo.com>; lilyzhao68@gmail.com; ni2qun2@gmail.com; Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>  
**Subject** Re: Proposed project at 739 Sutter Avenue, Palo Alto, 94306

Hello Ms Gerhardt and Ms Claire,

I heard from Carolyn, one of our neighbors, that a public hearing for the preliminary design has already been arranged and was wondering if we were supposed to get informed. We had a chain of email exchanges before; We are a group of property owners who would greatly be affected by this project. In the past months, we expressed our concerns and objections on the project, while Ms Claire Raybould explained the status and ensured to inform us once a formal date is set.

Please kindly keep us updated and we just want to make sure we are not going to miss the next formal date.

Thank you,  
Jue Cheng

On Sun, Nov 7, 2021 at 11:15 PM jue cheng <[peanutsjue@gmail.com](mailto:peanutsjue@gmail.com)> wrote:

Hello Claire,

My name is Jue and we had been discussing the subject project with Ms Raybould since August. It seems she is currently out of the office on maternity leave, and you are the project planner now. Hope this email finds you well.

We are a few neighbors that are living behind the proposed project site on 739 Sutter Ave. As we discussed with Ms Raybould before, from the project description, we are concerned that a 3-story development will greatly impact our community and potentially encourage more high density projects to come to the Midtown area.

Right now it seems that a public hearing for ARB meeting has been scheduled. Could you please provide us more details regarding the meeting, ie. what topics will be discussed and what decisions will the meeting lead to? Thank you for your time.

Best,

Jue Cheng [REDACTED]

Cell: [REDACTED]

Email: [peanutsjue@gmail.com](mailto:peanutsjue@gmail.com)

On Sun, Nov 7, 2021 at 10:39 PM jue cheng <[peanutsjue@gmail.com](mailto:peanutsjue@gmail.com)> wrote:

Hi Claire,

Time flies! I can't believe it's already November and the year-end is inching. Hope you are having a wonderful weekend.

Please allow me to revisit the proposed project at 739 Sutter Ave in Palo Alto 94306, and check the current application status with you when you get a chance. On the city's website, it seems that a public hearing for ARB meeting has been scheduled. Could you please provide us more details regarding this meeting, ie. what topics will be discussed and what decisions will the meeting lead to? We greatly appreciate your insights.

Thank you for your time Claire.

Best,

Jue

On Thu, Aug 26, 2021 at 11:21 PM jue cheng <[peanutsjue@gmail.com](mailto:peanutsjue@gmail.com)> wrote:

Hi Claire,

Thank you for the detailed information and instructions.

We will collect more information on density bonus and cases around the city, and do our homework for now. In the meantime, please kindly keep us posted once a date is set.

Thank you for your time and we really appreciate your understanding.

Best,

Jue Cheng

Cell: [REDACTED]

Email: [peanutsjue@gmail.com](mailto:peanutsjue@gmail.com)

On Thu, Aug 26, 2021 at 11:02 AM Raybould, Claire <[Claire.Raybould@cityofpaloalto.org](mailto:Claire.Raybould@cityofpaloalto.org)> wrote:

Good morning Jue,

The information you have on the parcel is correct; however, under Assembly Bill 2345 (and our code under 18.15 which was required to be updated, and did get updated, accordingly to match state law) the property is eligible for a 50% density bonus depending on the number of affordable units they provide and income level at which they provide those units. They are proposing to deed restrict 25% of the base 8 units that are allowed on the lot to low income so they are eligible for the 50% density bonus on the 8 units (i.e. up to 12 units). The height restriction for this zoning is 30 feet but under the density bonus they are allowed to request waivers to development standards in order to accommodate density bonus units. They are requesting a waiver under the state density bonus regulations for the height restriction and from several other development standards.

When they submit their formal application we will be requesting more information with respect to those requested waivers to show that they are necessary to

accommodate the density bonus units. but as part of a preliminary architectural review they are not required to provide all the necessary documentation that we would expect as part of a formal application (since we aren't making a decision on the project, just providing initial feedback). So we may not get that information until they file a formal application.

I do understand your concerns and staff will do our best to work with members of the public and the applicant to try to address these concerns through the process while working within the restrictions of state law. As part of the preliminary review, these concerns will be noted in the staff report for the study session hearing.

Regards,

Claire



Claire Raybould, AICP, Senior Planner  
250 Hamilton Avenue | Palo Alto, CA 94301  
O: 650-329-2116 | E: [Claire.Raybould@cityofpaloalto.org](mailto:Claire.Raybould@cityofpaloalto.org)

**From** jue cheng <[peanutsjue@gmail.com](mailto:peanutsjue@gmail.com)>  
**Sent** Tuesday, August 24, 2021 1:25 PM  
**To** Raybould, Claire <[Claire.Raybould@CityofPaloAlto.org](mailto:Claire.Raybould@CityofPaloAlto.org)>  
**Cc** [mimi.wolf@gmail.com](mailto:mimi.wolf@gmail.com); Caroline Gabarino <[yogabear23@aol.com](mailto:yogabear23@aol.com)>; Richard Jue Wang <[flyingrichard@yahoo.com](mailto:flyingrichard@yahoo.com)>; [lilyzhao68@gmail.com](mailto:lilyzhao68@gmail.com); [ni2qun2@gmail.com](mailto:ni2qun2@gmail.com)  
**Subject** Re: Proposed project at 739 Sutter Avenue, Palo Alto, 94306

Thank you Claire for the updates. That's really helpful!

(Please allow me to CC this email to a few neighbors so that we are on the same page.)

We also did a little bit of research on the project site. According to the parcel reports, the zoning district for this project is RM-20, and the lot size is 16,707 sf, which is approximately 0.38 acre. We read through the City of Palo Alto Municipal Code - Chapter 18.13.040. It seems to us that the maximum number of units for this lot should be no more than 8 units if not less.

Please kindly let us know if our understanding is correct. In the meantime, I am still trying to figure out the height restrictions in the midtown downtown area. Kindly let me know if you happen to have that on hand.

Again, we fully understand the current situation, and would really appreciate if you could keep us updated when available. Our concern is not only for this project, but also extended to the similar lots that are right next to the project along Sutter Ave, and the city code for the midtown downtown area as well.

Thank you for your time, and hope you enjoy the rest of the day!

Best Regards,

Jue Cheng

Cell [REDACTED]

Email: [peanutsjue@gmail.com](mailto:peanutsjue@gmail.com)

On Tue, Aug 24, 2021 at 9:57 AM Raybould, Claire <[Claire.Raybould@cityofpaloalto.org](mailto:Claire.Raybould@cityofpaloalto.org)> wrote:

Good morning Jue,

Thank you for your comments on this project. The project that has been submitted is not a formal application, it's a preliminary application for review by the Architectural review board. This provides an opportunity for comment from staff, the community, and the ARB. No formal decision is issued for preliminary applications. The applicant can take that feedback and choose to submit a formal application following the end of the preliminary review (i.e. after the formal hearing). I am hoping to get them on a hearing in October for the preliminary review but still starting my review as well. I will keep you updated once a formal date is set.

My review in the staff report for that hearing will go through a summary of areas where staff sees code inconsistencies or comprehensive plan inconsistencies. Things like traffic and noise wouldn't be evaluated as part of the preliminary application, which is more focused on site design feedback, but I will raise them as early concerns expressed by the public. Any formal application, if submitted, would be subject to further review for things like traffic and noise.

Regards,

Claire



Claire Raybould, AICP, Senior Planner  
250 Hamilton Avenue | Palo Alto, CA 94301  
O: 650-329-2116 | E: [Claire.Raybould@cityofpaloalto.org](mailto:Claire.Raybould@cityofpaloalto.org)

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From jue cheng <[peanutsjue@gmail.com](mailto:peanutsjue@gmail.com)>  
Sent Monday, August 23, 2021 12:23 PM  
To Raybould, Claire <[Claire.Raybould@CityofPaloAlto.org](mailto:Claire.Raybould@CityofPaloAlto.org)>  
Subject Proposed project at 739 Sutter Avenue, Palo Alto, 94306

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

Hi Claire,

My name is Jue and I am writing this letter to check the status of the proposed project located at 739 Sutter Avenue in Palo Alto.

I was told by a neighbor who happened to pass by the site and saw a notice regarding this project. It seems the developer is planning to demolish the existing 8 unit flat apartment, and build twelve 3-story townhome units. (File number 21PLN-00222)

Please kindly let me know the current status of this proposal, and if there are any chances that we, as a group of neighbors who would be greatly affected by the project, could vote to stop a 3-story project in the community, or any city code that we could look into to prepare our homework. Really appreciate your insights and recommendations.

We saw the notice last night, and had quick discussions among the San Carlos Court neighbors. The reasons why we oppose the project are as below.

1, Sunlight concern -

It would block most of the sunlights from east and south to the San Carlos Court families, especially to 734, 746 and 750 that are along the east side of the Court. (see google map as below)

2, Traffic concern -

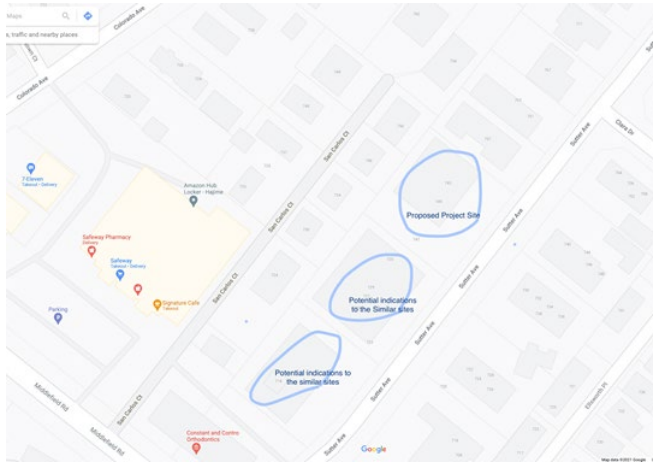
We have Keys lower school campus right across the Middlefield Rd, and several two and three-story apartment units around the area already. The traffic around Sutter Avenue x Middlefield Rd has been heavy especially during the school days. The new project would worsen the traffic.

3, Potential indications to the other two blocks that are next to the proposed site.

There are two similar blocks along the Sutter Avenue that are next to the proposed site (711 and 723-735). We are concerned that if the 739 Sutter Avenue project is approved, more high-density projects would come up in the midtown community, and that would affect more families and households.

4, Noise concerns and others

We are also concerned about the noise and other issues during the possible construction period. Along San Carlos Ct, we have elders and kids who have been living in the quiet community for long.



Best regards,

Joe Cheng [REDACTED]

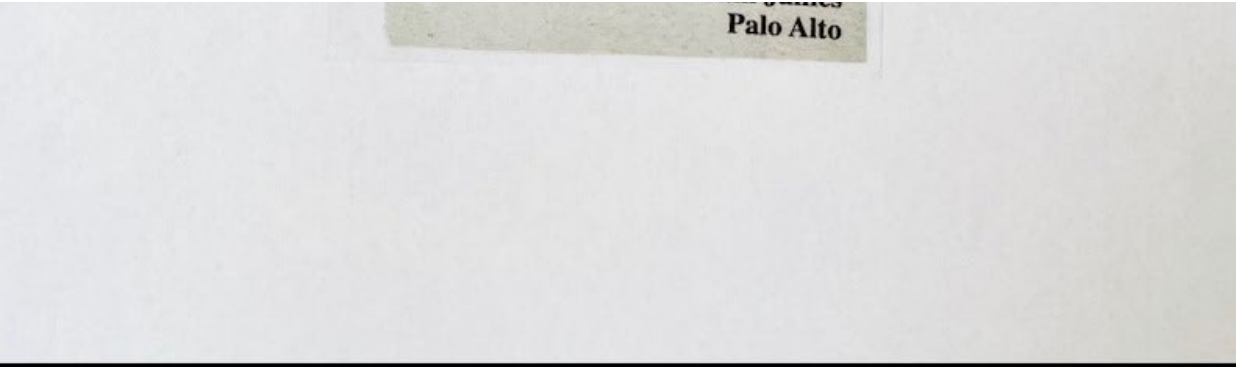
Cell: [REDACTED]

Email: [peanutsjue@gmail.com](mailto:peanutsjue@gmail.com)

**From:** [Aram James](#)  
**To:** [Tanaka Greg](#); [Anna Griffin](#); [Human Relations Commission](#); [Planning Commission](#)  
**Subject:** Police cover-up, Daily Post, Dec 13, 2021  
**Date:** Tuesday, December 14, 2021 1:53:10 PM

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





Sent from my iPhone



**From:** [Jeanne Fleming](#)  
**To:** [Sauls, Garrett](#)  
**Cc:** "[Tina Chow](#)"; [todd@toddcollins.org](mailto:todd@toddcollins.org); [wross@lawross.com](mailto:wross@lawross.com); [Lait, Jonathan](#); [Council, City](#); [Clerk, City](#); [Planning Commission](#); [Architectural Review Board](#)  
**Subject:** RE: How many cell towers are there in Palo Alto?  
**Date:** Tuesday, December 14, 2021 3:22:35 PM  
**Attachments:** [image009.png](#)  
[image011.png](#)  
[image013.png](#)  
[image024.png](#)  
[image026.png](#)  
[image028.png](#)  
[image002.png](#)  
[image004.png](#)  
[image008.png](#)  
[image012.png](#)  
[image015.png](#)  
[image017.png](#)  
[image021.png](#)  
[image022.png](#)  
[image029.png](#)

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Thank you for this update, Garrett.

I trust that you and Planning Director Lait agree with United Neighbors that it is not unreasonable for residents to want to know the addresses of the 168 plus cell towers that have already been installed in their small city.

Here is my suggestion: Please send us the addresses of these cell towers now. And if your further inquiries reveal that a few of the addresses should be removed from the list, and a few other addresses added, just let us know. As the saying goes, let's not let the perfect be the enemy of the good.

Thank you, as always, for your help.

Jeanne

Jeanne Fleming, PhD  
[JFleming@Metricus.net](mailto:JFleming@Metricus.net)

---

**From:** Sauls, Garrett <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>  
**Sent:** Tuesday, December 14, 2021 2:27 PM  
**To:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Cc:** 'Tina Chow' <[chow\\_tina@yahoo.com](mailto:chow_tina@yahoo.com)>; [todd@toddcollins.org](mailto:todd@toddcollins.org); [wross@lawross.com](mailto:wross@lawross.com); [Lait, Jonathan](mailto:Lait, Jonathan) <[Jonathan.Lait@CityofPaloAlto.org](mailto:Jonathan.Lait@CityofPaloAlto.org)>  
**Subject:** RE: How many cell towers are there in Palo Alto?

Hi Jeanne,

I did receive your email. I still need to confirm from the carriers which sites exist that have been built over the last 20 years. This is not a priority item on my workflow right now so I will most likely get to it either before the end of the year or early next year. This will depend mostly on how responsive the carriers are to confirming this information for me and with the holidays it may take a little extra time.

Once I have that information I will update our spreadsheet and work with our team to update our GIST layer as well. I will send you what I can after that.

Best regards,



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



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

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**From:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Sent:** Tuesday, December 14, 2021 2:19 PM  
**To:** Sauls, Garrett <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>  
**Cc:** Council, City <[city\\_council@cityofpaloalto.org](mailto:city_council@cityofpaloalto.org)>; Planning Commission <[Planning\\_Commission@cityofpaloalto.org](mailto:Planning_Commission@cityofpaloalto.org)>; Architectural Review Board <[arb@cityofpaloalto.org](mailto:arb@cityofpaloalto.org)>; Clerk, City <[city.clerk@cityofpaloalto.org](mailto:city.clerk@cityofpaloalto.org)>; 'Tina Chow' <[chow\\_tina@yahoo.com](mailto:chow_tina@yahoo.com)>; [todd@toddcollins.org](mailto:todd@toddcollins.org); [wross@lawross.com](mailto:wross@lawross.com); [Lait, Jonathan](mailto:Lait, Jonathan) <[Jonathan.Lait@CityofPaloAlto.org](mailto:Jonathan.Lait@CityofPaloAlto.org)>  
**Subject:** FW: How many cell towers are there in Palo Alto?

Hi Garrett,

Just want to make sure you received the email below. (I sent it to you two weeks ago.)

In brief, I would appreciate it if you would send me the addresses of each the 168-171 macro and small cell node cell towers you've identified, along with a short description (e.g., T-Mobile macro tower, Verizon 4G & 5G small cell) of each.

Thanks and best,

Jeanne

Jeanne Fleming, PhD  
[JFleming@Metricus.net](mailto:JFleming@Metricus.net)  
[REDACTED]

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**From:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Sent:** Wednesday, December 1, 2021 3:03 PM  
**To:** 'Sauls, Garrett' <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>  
**Cc:** [city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org); 'Planning Commission' <[Planning.Commission@cityofpaloalto.org](mailto:Planning.Commission@cityofpaloalto.org)>; 'Architectural Review Board' <[arb@cityofpaloalto.org](mailto:arb@cityofpaloalto.org)>; 'City' <[city.clerk@cityofpaloalto.org](mailto:city.clerk@cityofpaloalto.org)>; 'Tina Chow' <[chow\\_tina@yahoo.com](mailto:chow_tina@yahoo.com)>; [todd@toddcollins.org](mailto:todd@toddcollins.org); [wross@lawross.com](mailto:wross@lawross.com); [Jonathan.Lait@CityofPaloAlto.org](mailto:Jonathan.Lait@CityofPaloAlto.org)  
**Subject:** RE: How many cell towers are there in Palo Alto?

Hi Garrett,

Thank you for this most helpful information.

As I understand it, you're sure there are 52-55 macro towers in Palo Alto, but you expect that number to rise as you obtain more information from the carriers. And your count on small cell node cell towers is 116. So for now, the total number cell towers already installed—or approved and about to be installed—in Palo Alto is between 168-171.

I'm glad to know that you will be updating the City's GIS maps to reflect what you have determined.

I would appreciate it if you would send me the addresses of each the 168-171 cell towers you've identified, along with a brief description (e.g., T-Mobile macro tower, Verizon 4G & 5G small cell) of each.

Thank you again for your help.

My best,

Jeanne

Jeanne Fleming, PhD  
[JFleming@Metricus.net](mailto:JFleming@Metricus.net)  
[REDACTED]

---

**From:** Sauls, Garrett <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>  
**Sent:** Tuesday, November 30, 2021 8:22 AM  
**To:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Cc:** 'Tina Chow' <[chow\\_tina@yahoo.com](mailto:chow_tina@yahoo.com)>; [todd@toddcollins.org](mailto:todd@toddcollins.org); [wross@lawross.com](mailto:wross@lawross.com); Lait, Jonathan <[Jonathan.Lait@CityofPaloAlto.org](mailto:Jonathan.Lait@CityofPaloAlto.org)>  
**Subject:** RE: How many cell towers are there in Palo Alto?

Hi Jeanne,

I was able to look through everything the day before Thanksgiving but had to run some questions by other staff members yesterday. After filtering through the data that we had from 2000 this is what I came out with:

1. 52-55 Macrosites
2. 116 Small Cell sites (43 Small Wireless Facilities from 2015 onward and 73 AT&T DAS sites prior to that)

There were a number of sites that had multiple addresses for the same site, sites that had been approved on buildings recently demolished (so therefore no longer existing), and sites that had been decommissioned. In addition to all of this there are sites that haven't been decommissioned but also have not been modified for some time. I'm going to reach out to carriers to confirm whether these sites are still active or not so that number will likely change again.

I'll let you know when I have an update for you on this information. Ultimately, once we have that, we'll be able to update our WCF layer in GIST so that we can have all the facilities mapped properly as some of those haven't been updated based on what I mentioned above.

Let me know if you have any questions.

Best regards,

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



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**From:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Sent:** Thursday, November 18, 2021 6:20 PM  
**To:** Sauls, Garrett <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>  
**Cc:** Council, City <[city\\_council@cityofpaloalto.org](mailto:city_council@cityofpaloalto.org)>; Planning Commission <[Planning.Commission@cityofpaloalto.org](mailto:Planning.Commission@cityofpaloalto.org)>; Architectural Review Board <[arb@cityofpaloalto.org](mailto:arb@cityofpaloalto.org)>; Clerk, City <[city.clerk@cityofpaloalto.org](mailto:city.clerk@cityofpaloalto.org)>; 'Tina Chow' <[chow\\_tina@yahoo.com](mailto:chow_tina@yahoo.com)>; [todd@toddcollins.org](mailto:todd@toddcollins.org); [wross@lawross.com](mailto:wross@lawross.com); Atkinson, Rebecca <[Rebecca.Atkinson@CityofPaloAlto.org](mailto:Rebecca.Atkinson@CityofPaloAlto.org)>  
**Subject:** RE: How many cell towers are there in Palo Alto?

Hi Garrett,

Thank you for your email of last week.

I look forward to your final tally of how many small cell nodes, and how many macro towers, have already been installed—or are approved and pending installation—in Palo Alto.

One observation: You say in your email that you went back as far as 2015 to count small cell node cell towers. Please be aware that small cells were installed here earlier than 2015. For example, 75 small cells were approved in 2013. So that alone would take the tally up to:

128 Existing small cell node cell towers

60-70 Existing macro towers

I appreciate your help, and, again, I look forward to your final tally.

Regards,

Jeanne

Jeanne Fleming, PhD  
[JFleming@Metricus.net](mailto:JFleming@Metricus.net)

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**From:** Sauls, Garrett <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>  
**Sent:** Wednesday, November 10, 2021 2:36 PM  
**To:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Cc:** City Mgr <[CityMgr@cityofpaloalto.org](mailto:CityMgr@cityofpaloalto.org)>; Lait, Jonathan <[Jonathan.Lait@CityofPaloAlto.org](mailto:Jonathan.Lait@CityofPaloAlto.org)>  
**Subject:** RE: How many cell towers are there in Palo Alto?

Hi Jeanne,

I'm not sure why this email didn't come to my inbox, spam, or junk folder but this was shared with me from Rebecca. I was able to take a preliminary look at the last 20 years of permits that we have received for WCF applications. Overall, there appear to be between 60-70 macro sites and 43 small/micro sites within the City. All of the small/micro sites have been approved since 2015 which are easier to confirm a specific number. This includes Crown Castle's 19 sites in the Downtown, Verizon Cluster 1's 11 sites, AT&T Cluster 1's 10 sites, and Verizon Cluster 4's three sites. Given the volume of applications for macro sites, I was only able to scan our records but I wanted to get back to you with a rough idea at least before the holiday and my 9/80 day on Friday. I am aware of a couple of sites that have been decommissioned or not approved in the last 20 years so its likely that number will change but I don't have an accurate assessment right now. I'll try to get a clearer picture by the end of next week but its probably going to take a whole day to sort through the data outside of the other staff reports I need to get done between then and now.

Let me know if you have any questions.

Best regards,



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



---

**From:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Sent:** Friday, November 5, 2021 4:10 PM  
**To:** Atkinson, Rebecca <[Rebecca.Atkinson@CityofPaloAlto.org](mailto:Rebecca.Atkinson@CityofPaloAlto.org)>  
**Cc:** Council, City <[city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org)>; Planning Commission <[Planning.Commission@cityofpaloalto.org](mailto:Planning.Commission@cityofpaloalto.org)>; Architectural Review Board <[arb@cityofpaloalto.org](mailto:arb@cityofpaloalto.org)>; 'Tina Chow' <[chow\\_tina@yahoo.com](mailto:chow_tina@yahoo.com)>; 'Todd Collins' <[todd@toddcollins.org](mailto:todd@toddcollins.org)>; 'William Ross' <[wross@lawross.com](mailto:wross@lawross.com)>; Clerk, City <[city.clerk@cityofpaloalto.org](mailto:city.clerk@cityofpaloalto.org)>; AhSing, Sheldon <[Sheldon.AhSing@CityofPaloAlto.org](mailto:Sheldon.AhSing@CityofPaloAlto.org)>; Sauls, Garrett <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>  
**Subject:** FW: How many cell towers are there in Palo Alto?

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

Hi Rebecca,

Thank you for the heads up to Tina, Todd, Bill and me regarding the "study session" on November 15<sup>th</sup>, and for letting us know that you are once more the person at City Hall we should contact first if we need cell tower information.

On the latter point, I would appreciate it if you would answer the questions I asked your colleague Garrett Sauls two weeks ago, namely: 1) how many macro towers have been installed or are pending installation in Palo Alto, and 2) how many small cell node cell towers have been installed or are pending installation here. (My email to Garrett is appended below.)

Thanks and best,

Jeanne

Jeanne Fleming, PhD  
[JFleming@Metricus.net](mailto:JFleming@Metricus.net)

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**From:** Jeanne Fleming <[jfleming@metricus.net](mailto:jfleming@metricus.net)>  
**Sent:** Friday, October 22, 2021 3:21 PM  
**To:** 'Sauls, Garrett' <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>  
**Cc:** [city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org); [Planning.Commission@CityofPaloAlto.org](mailto:Planning.Commission@CityofPaloAlto.org); 'Architectural Review Board' <[arb@cityofpaloalto.org](mailto:arb@cityofpaloalto.org)>; 'Tina Chow' <[chow\\_tina@yahoo.com](mailto:chow_tina@yahoo.com)>; 'Todd Collins' <[todd@toddcollins.org](mailto:todd@toddcollins.org)>; 'William Ross' <[wross@lawross.com](mailto:wross@lawross.com)>; 'Clerk, City' <[city.clerk@cityofpaloalto.org](mailto:city.clerk@cityofpaloalto.org)>  
**Subject:** How many cell towers are there in Palo Alto?

Hi Garrett,

I would appreciate it if you would tell me: 1) how many macro towers have been installed or are pending installation in Palo Alto, and 2) how many small cell node cell towers have been installed or are pending installation here.

Thank you for your help. Please let me know if you have any questions.

Regards,

Jeanne

Jeanne Fleming, PhD  
[JFleming@Metricus.net](mailto:JFleming@Metricus.net)

**From:** [Aram James](#)  
**To:** [Jensen, Robert](#); [Council City](#); [Human Relations Commission](#); [Winter Dellenbach](#); [Planning Commission](#); [Ryder, Andrew](#); [Tannock, Julie](#); [Jeff Moore](#); [Chuck Jagoda](#); [Enberg, Nicholas](#); [Salid Khan](#); [Baj](#); [Joe Sim Tian](#); [Roberta Ahlquist](#); [rebecca](#); [Greer Stone](#); [Belfischneider, James](#); [Cecilia Taylor](#); [Perron, Sarah](#); [St. m](#); [Molly](#); [Shi, Ada](#); [Yara Rama Rishnan](#); [Le, Is James](#); [Jay Rowers](#); [y.cindy.cha.sz@os.sococo.org](#)  
**Subject:** Police coverage - Daily Post, Dec 13, 2021 by Aram James  
**Date:** Monday, December 13, 2021 1:05:50 PM

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## OPINION

### Police cover-up

**Dear Editor:** In Friday's Daily Post, an article by Braden Cartwright "Police higher-ups reviewed texts about the 'Fuse'" revealed another Palo Alto Police Department cover-up.

The initial incident was the brutal beat down of Gustavo Alvarez by now-former Palo Alto police Sgt., Wayne Benitez in February 2018.

Benitez is awaiting trial on misdemeanor counts of assault and filing a false police report. It was nine months after the incident that the victim's surveillance video was released to the public where the truth began to unfold.

On Dec. 1, 2021, the Post discovered in the Benitez court file the damaging text messages exchanged between one former and one current member of the department.

The former officer is Thomas DeStefano who is the subject of a \$10 million dollar lawsuit for a horrific beat down of Julio Arevalo at the Happy Donuts in July 2019.

The night of the Benitez incident, DeStefano and a current member of the PAPD, agent Kevin Mullarkey, exchanged text messages celebrating the gratuitous violence inflicted by Benitez and holding him up as a model cop.

The police chief, nearly four years later, tells us the matter has been investigated internally despite the fact that the complete file in the matter, including apparently the text messages, has still not been sent to our Independent Police Auditor for review.

Had the text messages been released in a timely manner would DeStefano been fired, avoiding the subsequent lawsuit in the Arevalo case? This chief's credibility has been stretched beyond the breaking point. He must be fired now!

**Aram James  
Palo Alto**

**From:** O'Connor, John F.  
**To:** Sauls, Garrett; Lait, Jonathan; pdsdirector; Planning Commission; ptc@caritempleton.com; Yang, Albert; Tanner, Rachael; Klicheva, Madina; Thurman, Christina; City Attorney  
**Cc:** Frank Dunlap; Shelley Farrell; Hammond, Steven L.  
**Subject:** RE: 985 Channing Avenue Application for a "Preliminary Parcel Map to Remove Recorded Height Restrictions on Underlying Parcel Map"  
**Date:** Wednesday, December 15, 2021 5:04:56 PM  
**Attachments:** [image003.png](#)  
[image005.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image015.png](#)  
**Importance:** High

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

Good evening Commissioners and Mr. Sauls,

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

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

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

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

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

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

Respectfully,

John O'Connor

**John F. O'Connor**

Associate

**Clark Hill LLP**

505 Montgomery Street, 13th Floor, San Francisco, CA, 94111

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

[jfoconnor@clarkhill.com](mailto:jfoconnor@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

**From:** Sauls, Garrett <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>

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

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

**Cc:** Frank Dunlap <[frank\\_dunlap@hotmail.com](mailto:frank_dunlap@hotmail.com)>; Brown, Lydia <[lybrown@clarkhill.com](mailto:lybrown@clarkhill.com)>

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

[External Message]

Hi everyone,

Just wanted to forward this to you all from the neighbors. We had asked the Chair that we felt it would be appropriate to reopen public comments given this letter but ultimately the PTC will decide to do that or not. I would recommend being ready to present the additional slides and respond to this in case they allow it.

Best regards,



**Garrett Sauls**

Associate Planner

Planning and Development Services Department

(650) 329-2471 | [Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)



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**From:** Riedell, Roxana <[roxana.riedell@ropers.com](mailto:roxana.riedell@ropers.com)>

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

**To:** Sauls, Garrett <[Garrett.Sauls@CityofPaloAlto.org](mailto:Garrett.Sauls@CityofPaloAlto.org)>; pdsdirector <[pdsdirector@CityofPaloAlto.org](mailto:pdsdirector@CityofPaloAlto.org)>; Lait, Jonathan <[Jonathan.Lait@CityofPaloAlto.org](mailto:Jonathan.Lait@CityofPaloAlto.org)>; Planning Commission <[Planning.Commission@cityofpaloalto.org](mailto:Planning.Commission@cityofpaloalto.org)>; ptc@caritempleton.com; Yang, Albert <[Albert.Yang@CityofPaloAlto.org](mailto:Albert.Yang@CityofPaloAlto.org)>

**Cc:** Acheson, Jennifer E. <[jennifer.acheson@ropers.com](mailto:jennifer.acheson@ropers.com)>; ragxdr@gmail.com; loftusdj1@aol.com; busybev@yahoo.com; City Attorney <[city.attorney@CityofPaloAlto.org](mailto:city.attorney@CityofPaloAlto.org)>; arnold <[arnold@mammarellaarchitecture.com](mailto:arnold@mammarellaarchitecture.com)>; Tanner, Rachael <[Rachael.Tanner@CityofPaloAlto.org](mailto:Rachael.Tanner@CityofPaloAlto.org)>; Klicheva, Madina <[Madina.Klicheva@CityofPaloAlto.org](mailto:Madina.Klicheva@CityofPaloAlto.org)>; Thurman, Christina <[Christina.Thurman@CityofPaloAlto.org](mailto:Christina.Thurman@CityofPaloAlto.org)>

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

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

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

**Roxana Riedell**  
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**From:** [Riedell, Roxana](#)  
**To:** [Sauls, Garrett](#); [pdsdirector](#); [Lait, Jonathan](#); [Planning Commission](#); [ptc@caritempleton.com](#); [Yang, Albert](#)  
**Cc:** [Acheson, Jennifer E.](#); [ragxdr@gmail.com](#); [loftusdjl1@aol.com](#); [busybev@yahoo.com](#); [City Attorney](#); [arnold](#); [Tanner, Rachael](#); [Klicheva, Madina](#); [Thurman, Christina](#)  
**Subject:** 985 Channing Avenue Application for a "Preliminary Parcel Map to Remove Recorded Height Restrictions on Underlying Parcel Map  
**Date:** Wednesday, December 15, 2021 12:40:07 PM  
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December 15, 2021

**Via E-Mail:**

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

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

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

We represent Dr. David Rogosa, Dr. David and Ms. Juanita Loftus, Mr. Jim and Mrs. Beverly Weager on this matter. Respectfully, we ask the Commission to deny the “Preliminary Parcel Map to Remove Recorded Height Restrictions on Underlying Parcel Map” by the Applicant-Owners of 985 Channing Avenue, Palo Alto, CA. We do so because the Applicants have not carried their burden of showing why the subject height restrictions may be legally removed as requested.

This is the third time this application has come before the Commission. My clients attended the first meeting on October 13, 2021, and the second on November 10, 2021, which latter meeting was continued to December 15, 2021. They have made and will make their opposition to the Application through thoughtful, carefully prepared presentations both in writing and at the hearings. The undersigned also sent a letter on December 20, 2020 laying out some of the reasons why we believe denial is necessary. We ask that you give due consideration and weight to these viewpoints and those presented at this hearing which form a part of the administrative record.

Based on our review of the discussions by the Commissioners and Staff at the first meeting and the current Staff Report (ID# 13692), we believe that the following additional and critical reasons support denial of this Application.

**1. The Request for the Approval of a Preliminary Parcel Map to Remove Recorded Height Restrictions Is Not Authorized Under the Government Code, Palo Alto Municipal Code or Planning and Transportation Commission Procedural Rules**

A close review of the codes makes it clear that the request for a parcel map “for findings” to remove restrictions is not authorized by the law cited in the Staff Report. As the record reflects, the reason this matter was continued from October 13, 2021 was many, if not most, of the Commissioners wanted to make sure that the action proposed at that time – *amending the Parcel Map* - was legally proper. Commissioner Roohparvar stated that amending the parcel map seemed like the wrong mechanism. This concern was voiced by others, including Commissioners Lauing, Hectman and Templeton.

The Staff Report summarizes these concerns and Staff’s conclusions:

At the project’s first hearing on October 13, 2021, the PTC continued the hearing to enable staff to research the applicability of the process for an “amending map,” which is set forth in Palo alto Municipal Code Section 21.16.280. Upon further research, staff have determined that the process set forth in Section 21.16.280 is an available alternative method, but it is not mandatory. In other words, *an applicant may choose to pursue an amending map, or may simply apply for a new parcel map, which would supersede an existing map for the property. In this case, the applicant is seeking a new parcel map, [which] staff believes is the most appropriate process in these circumstances.* As a result, staff’s recommendation [for approval] and the majority of this reports remain unchanged. (*Staff Report (ID # 13692), 11/10/2021, Packet Page 37; emp. added.*)

The Commissioners were correct in their concerns. However, Staff conclusion that the most appropriate process is “simply to apply for a new parcel map, which would supersede an existing map,” is not supported by any authority to show that is a legally appropriate method. No authority is provided other than Government Codes Section 66469 and Municipal Code Section 21.16.280, which do *not* support Staff’s conclusions.

**a. Government Code Sections 66469 and 66434.2**

Government Code Section 66469 states in relevant part:

After a final map or parcel map is filed in the office of the county recorder, it may be amended by a certificate of correction or an amending map for any of the following purposes:

- (a) *To correct an error in any course or distance shown thereon.*
- (b) *To show any course or distance that was omitted therefrom.*

(c) *To correct an error in the description of the real property shown on the map.*

(d) *To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with responsibilities for setting monuments.*

(e) *To show the proper location or character of any monument which has been changed in location or character originally was shown at the wrong location or incorrectly as to its character.*

***(f) To correct any additional information filed or recorded pursuant to Section 66434.2 [Final Maps], if the correction does not impose any additional burden on the present fee owners of the real property and does not alter any right, title, or interest in the real property reflected on the recorded map.***

(g) *To correct any other type of map error or omission as approved by the county surveyor or city engineer that does not affect any property right, including, but not limited to, lot numbers, acreage, street names, and identification of adjacent record maps.*

As used in this section, “error” does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map. (*Gov. Code §66469; emp. added.*)

Subdivision (f), quoted above, the only applicable section and relied on by Staff, makes it perfectly clear that a parcel map may be amended ***to correct any additional information*** on the existing parcel map. ***It does not authorize adding or removing additional information such as removal of the subject height restrictions.***

Equally important, subdivision (f) permits correction of additional information “***filed or recorded pursuant to Government Code Section 66434.2 [Final Maps].*** This section states

(a) *On or after January 1, 1987, a city or county may, by ordinance, require additional information to be filed or recorded simultaneously with a final or parcel map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final or parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.*

(b) Additional survey and map information may include, but need not be limited to: building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites. (*Gov. Code, Title 7, Art. 2. Final Maps, §66434.2.*)

Section 66434.2 also on its face applies to *Final Maps* which are not even within the Commission’s authority, as discussed below (see section 1.c). Neither Government Code Sections 66469 nor 66434.2 authorizes the recommended new parcel map to delete the duly recorded height restrictions. Section 66469 contemplates non-substantive corrections. Amending the Parcel Map to re-write agreed-to recorded height restrictions for 985 Channing Avenue does not fall within the above authorized permitted actions.

**b. Palo Alto Municipal Code Section 21.16.280**

Municipal Code Section 21.16.280 also does not provide authority for approving this Application. This section re-states Government Code Section 66469 subdivision (f), requiring that four (4) findings be made for a certificate of correction or amending map:

**21.16.280 Final or parcel map amendments.**

In addition to the amendments authorized by Government Code Section 66469, after a final map is filed in the office of the county recorder, the *recorded map may be modified by a certificate of correction or an amending map if* (i) there are *changes in circumstances* which make any or all of the conditions of such a map no longer appropriate or necessary, (ii) *that the modifications do not imposed any additional burden on the present fee owner of the property*, (iii) *the modifications do not alter any right, title, or interest in the real property reflected on the recorded map*, and (iv) the map as modified conforms to the provisions of the Subdivision Map Act and Chapter 21 of this title....

The hearing [by the director of planning] shall be confined to consideration of and action on the proposed modification. The decision of the director on a modification of a parcel map is subject to the appeal procedures of this title. (*Palo Alto Municipal Code §21.16.280.*)

This Section does not apply because the Staff Report states that “the applicant is seeking a new parcel map[.]” the most appropriate process recommended by the Staff. (*Staff Report, ID # 13692, Packet Page 37.*) Even if it did, the Commissioners cannot make all findings required for approval because there has been no change in circumstances other than the desire by one parcel owner of a formerly undivided single parcel to add a second story, without taking into consideration the other negatively impacted owner. The proposed height restriction removal

imposes an additional burden on the fee owner of 991, and it will alter the right, title and interest of the real property – 985 and 991 – *both of which are reflected in the recorded Parcel Map.*

**c. Palo Alto Rules and Regulations for Conduct of the Planning and Transportation Commission’s Procedural Rules**

With due respect to Mr. Garrett Sauls and Planning Director Mr. Jonathan Lait, the request for a preliminary parcel map to remove duly recorded height restrictions on 985 Channing Avenue (21-PLN-00167), by the Owners-Applicants, is very clearly *not* within the Planning Commission’s legal authority under Palo Alto Rules and Regulations for Conduct of the Planning and Transportation Commission Procedural Rules. Those Rules state in important part:

**B. General Requirements**

**1. Quasi-Judicial and Planned Community Zoning Proceedings Defined.**

Proceedings subject to these procedural rules include hearings or preliminary review (including prescreenings or study sessions) involving the following matters:

- a) Conditional Use Permits
- b) Variances
- c) Home Improvements Exceptions
- d) Design enhancement Exceptions
- e) Subdivisions, other than final map approvals***
- f) Site and Design Review
- g) Planned Community Zoning
- h) Other matters as determined by the Commission’s Attorney
- i) Appeals related to any of the above
- j) Environmental Review relating to any of the above.

*(Planning and Transportation Commission Procedural Rules, IV. Additional Requirements for Quasi-Judicial Hearings and Planned Community Zoning Applications, p. IV-1*  
*(cityofpaloalto.org/files/assets/public/planning) (emp. added).*

This does not fall within e) since it is not an Application for a Subdivision. The Subdivision Map Act defines “subdivision” as “the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof...” (Gov. Code, § 66424.) (*Pac. Palisades Bowl Mobile Ests., LLC v. City of Los Angeles*, (2012) 55 Cal.4th 783, 795.) At the October 13, 2021 hearing, Deputy City Attorney Albert Yang indicated that the Application could be analogized to modification of a Conditional Use Permit (CUP). But this is *not* a CUP, or any other expressly authorized quasi-judicial function as set forth above. The Application is not supported by any legal authority, and should be denied for this reason alone.

**2. The Duly Recorded Height Restrictions, of Which the Applicants Had Actual and Constructive Notice, Are Fully Enforceable Covenants and Require Consideration of the Whole of the Subdivided Parcel, i.e., 991 Channing Avenue and 985 Channing Avenue**

The Staff Report and Application focus solely on 985 Channing Ave. However, as Dr. Rogosa has stated, both parcels must be considered since the previous owner of both undivided parcels was developer, Bill Cox, whose proposed subdivision in June 1980 was strongly opposed by many residents. This opposition led to the agreed height restrictions which were recorded and notarized the Parcel Map (J. Acheson’s Letter of 12/30/2020, Exhibit 2.) The recorded restrictions are *enforceable covenants* under the Civil Code which provides that where a promise is made by an owner of land to do or refrain from doing some act on his own land for the benefit of the other parcel, it is a covenant that runs with the land owned as specifically provided in the instrument. (Civil Code §§1466, 1468.)

Here, the covenant here to limit height restrictions is applicable, enforceable and specifically provided for in the recorded Parcel Map for both Parcels A (991 Channing) and Parcel B (985 Channing). Further, this has not been addressed by the Applicant or Staff.

**3. The Commission Shall Deny Approval of a Preliminary Parcel Map If It Makes Any One of the Findings Under Government Code Section 66474; Attachment B to the Staff Report Fails to Include Multiple Relevant Comprehensive Plan Land Use Policies Requiring Denial**

Attachment B to the Staff Report lists Preliminary Parcel Map findings. It states that *if* the Commission makes any one of the findings under Government Code Section 66474, it *shall deny approval* of the Parcel Map.

The Staff’s conclusion that, “on balance, the map is consistent with the Comprehensive Plan and specifically the following policies,” is faulty. Before policies come into play, the proposed action must be legally supported. Notwithstanding, Staff’s conclusion is *not* consistent with at least two of the stated policies, i.e., Program L-1.11 – Hold new development to the highest development standards in order to *maintain Palo Alto’s livability* and achieve the *highest quality with the least impacts*. It is not consistent with Program L-3.1 – *Ensure that new or remodeled structures are compatible with the neighborhood and adjacent structures*.

Staff’s conclusion also omits and fails to consider at all other highly relevant policies: Program L6.4 – In areas of the city having a historic or consistent design character, *encourage the design of new development to maintain and support the existing character*. Program L 6.8 – *Support existing regulations that preserve exposure to natural light for single family residences*.

Staff's conclusion is *at odds* with City Planner Arnold Mammarella's recognition of the problems with daylight planes between the two properties which would be created by any two-story structure:

The rear portion of the upper floor is set tight to the daylight plane, which generally is not well in keeping with this guideline when next to a one-story home, but that home is somewhat tall for a one-story home and there is stepped massing. The portion of the house near the daylight plane is also set back enough to not have a strong visual presence from the street. While it would be better to increase the clearance to the daylight plane the proposal could be said to be marginally in compliance with this aspect of site planning. (J. Acheson's Letter of 12/30/2020, Exhibit 4 - Third Reference A1.0.)

The Staff Report states in relevant part as follows:

**Consistency with Application Findings**

The necessary findings for approval of the Preliminary Parcel Map *Amendment* are contained in State law and incorporated into title of the Municipal Code. Under the subdivision Map Act, the director of Planning must make a series of "reverse" findings for the Preliminary Parcel Map to justify approval. The findings for the proposed map are included in Attachment B and the draft condition of approval of the proposed map are included in Attachment C.

Although no new lots are proposed to be created and the lot lines are to remain the same, the PTC and ultimately City Council are *required to make findings as if the lots were being created in their current configuration*. The most relevant question in these circumstances is *whether the findings can still be made in the absence of conditions* limiting height for 985 Channing.

Staff has provided no authority for "the series of reverse findings" it concludes this Commission must make. Our review has found no legal authority or precedent. It is our position that the findings cannot "be made in the absence of conditions limiting height for 985 Channing."

**4. Applicants Have Not Carried Their Burden of Proof**

The PTC's Procedural Rules expressly place the burden of proof for the legality and propriety of this Application on the Applicants, as follows:



**8. Burden of Proof. The applicant and appellant shall bear the burden of proof on all aspects of the action or relief they seek. The person with the burden of proof must offer evidence to the Commission to support his or her position. (Planning and Transportation Commission Procedural Rules, §B.8, p.IV-4.)**

The Applicants have not carried their burden of proof supporting their position that their application should be approved. They have not addressed the threshold, legal issues of whether this Commission even has legal authority to remove restrictions which were duly recorded, and even assuming it does, whether removal of restrictions running with the land that are not otherwise illegal, e.g., discriminatory under the Constitutions, is permissible here.

In the unlikely event that this Application is nevertheless approved, we will seek review as permitted by law through all permissible avenues.

For all these reasons as well as those set forth in the Administrative Record for this Application, we respectfully urge denial of the within Application.

Thank you for your time and due consideration.

Sincerely,

Ropers Majeski PC



Jennifer E. Acheson

JEA

cc:

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Dr. David and Ms. Juanita Loftus;  
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