

From: slevy@ccsce.com
To: [Steve Levy](#)
Subject: December Bay Area Economic Update
Date: Friday, December 17, 2021 3:53:58 PM
Attachments: [Dec 17, 2021 Economic Update.docx](#)

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I wish all a happy holiday season.

We are off to Ventura to await the birth of our granddaughter.

The highlights this month are

Bay Area job losses in 2020 were a larger % than in the state and nation. But in 2021 Bay Area and state job growth has outpaced the nation accompanied by large declines in unemployment. 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 188,900 jobs between January and November 2021 (+5.2%) outpacing U.S. gains (4.1%) for this period. The regional unemployment rate fell from 6.6% to 3.8%. 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 UCLA December 2021 forecast has the Bay Area and state outpacing the nation in job growth in 2022 and 2023.

Steve

Bay Area Economic Update and Outlook—December 2021—Some Good News After Large Job Losses in 2020

Bay Area job losses in 2020 were a larger % than in the state and nation. But in 2021 Bay Area and state job growth has outpaced the nation accompanied by large declines in unemployment. 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.

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- 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.
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Job Growth Continues But 2020 Losses Constrain the Rate of Recovery

The Bay Area added 188,900 jobs since January 2021 led by a gain of 78,900 in the San Francisco metro area though SF has recovered just 56.4% of the jobs lost between February and April 2020. The San Jose metro area added 53,800 jobs but by November had recovered 65.1% of the jobs lost between February and April 2020. The San Jose, Napa, and San Rafael metro areas had the largest % job recovery by November 2021.

Metro Area Job Trends (Thousands)

Metro Area	Feb 20	Apr 20	Jan 21	Nov 21	% Recovered
Oakland	1,201.1	1,004.9	1,082.6	1,111.1	54.1%
San Francisco	1,198.2	1,010.7	1,037.5	1,116.4	56.4%
San Jose	1,166.7	1,013.1	1,059.3	1,113.1	65.1%

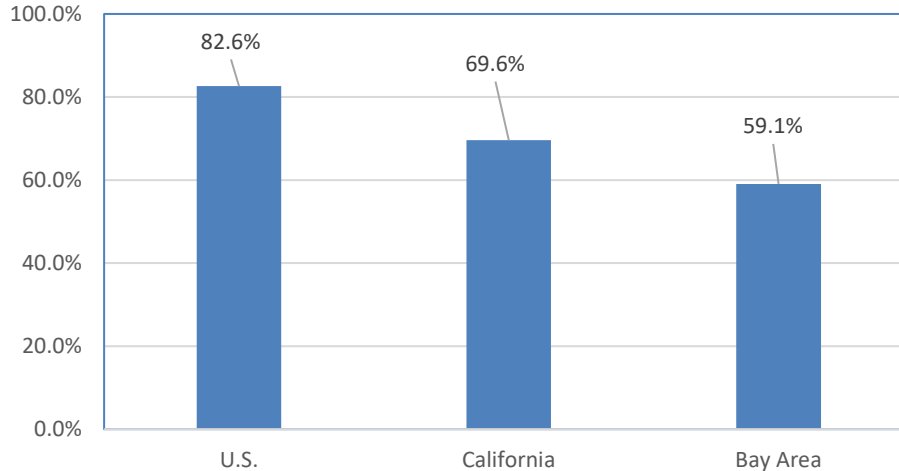
Santa Rosa	211.2	173.6	183.4	197.0	62.2%
Napa	74.8	57.3	64.5	68.9	66.3%
Vallejo	144.3	122.8	131.4	134.8	55.8%
San Rafael	117.1	92.4	104.4	110.7	74.1%
Bay Area	4,113.4	3,474.8	3,663.1	3,852.0	59.1%

Source: EDD Seasonally adjusted

The Bay Area Had Recovered Just 59.1% of Lost Jobs by November 2021 Yet VC Funding is Surging and Tech Jobs Are Above Pre-Pandemic Levels

In November 2021 the Bay Area had recovered 59.1% of the jobs lost between February and April 2020 up from 29.4% in January. The state had recovered 69.6% up from 34.0% while the nation had recovered 82.2% of lost jobs up from 55.4%. At the same time VC funding in the first three quarters of 2021 was the highest on record. The Bay Area lagged the nation in 2020 job performance but has outpaced the nation in job growth so far in 2021 (5.2% versus 4.1%).

Jobs Recoverd by November 2021 as % of Losses



Unemployment Rates Fell to 3.8% in the Region in November 2021 from 6.6% in January 2021.

The lowest rates were in the San Rafael metro area (2.9%) followed by the San Francisco and San Jose metro areas (3.2%) in November 2021.

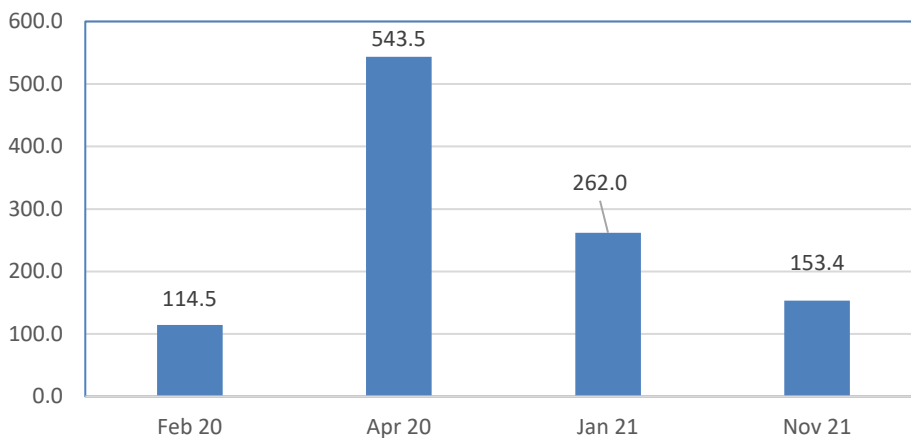
Unemployment Rates

Metro Area	Feb 20	Apr 20	Jan 21	Nov 21
Oakland	3.0%	14.8%	7.3%	4.4%
San Francisco	2.2%	12.5%	6.0%	3.2%
San Jose	2.6%	12.4%	5.8%	3.2%
Santa Rosa	2.8%	15.4%	7.1%	3.7%
Napa	3.2%	17.8%	8.8%	4.2%
Vallejo	3.9%	15.7%	8.6%	5.4%
San Rafael	2.4%	12.1%	5.4%	2.9%
Bay Area	2.7%	13.7%	6.6%	3.8%

Source: EDD

The number of unemployed residents has fallen sharply from the April 2020 high and from January 2021

Bay Area Unemployment (Thousands)



I

Industries Were Affected Differently

The Information sector actually added jobs compared to before the pandemic hit. And the Professional & Business Services sector is also above pre-pandemic job levels. On the other hand, the Leisure and Hospitality sector recovered only 54.8% of lost jobs by November 2021 though travel and tourism are now picking up again. The Government sector has fewer jobs now than in April 2020 though many jobs are returning as schools and colleges reopen. The Construction and Manufacturing sectors have recovered most of the jobs between February and April 2020.

San Francisco Bay Area Jobs

	Feb 20	April 20	Jan 21	Nov 21	Apr20-Nov 21	
					Job Change	% Of Feb-Apr Loss
Construction	215,600	151,900	200,700	207,100	55,200	86.7%
Manufacturing	365,200	340,400	353,500	361,500	21,100	85.1%
Wholesale Trade	116,900	105,500	104,900	106,700	1,200	10.5%
Retail Trade	329,900	258,700	306,100	312,600	53,900	75.7%
Transp. & Warehousing	111,500	99,100	102,700	110,600	11,500	92.7%
Information	242,900	239,500	245,600	255,800	16,300	479.4%
Financial Activities	202,000	191,300	189,900	192,100	800	7.5%
Prof& Bus Serv.	792,300	735,900	750,400	815,900	80,000	141.8%
Educ & Health Serv.	636,400	563,500	584,600	616,000	52,500	72.0%
Leisure & Hosp.	440,100	209,200	226,900	335,700	126,500	54.8%
Government	488,500	470,700	447,800	456,200	-14,500	-81.5%
Total Non-Farm	4,088,100	3,467,200	3,624,200	3,893,800	426,600	68.7%

Source: EDD not seasonally adjusted

Housing Permits Up Over 2020 Levels, Trail 2019 Slightly

Housing permit levels are up over 2020 in the first ten months of 2021 but still slightly trail 2019 comparable months. But recently many new developments have been approved or proposed in places like Oakland and San Jose and in other cities as well as new developments being proposed.

Residential Building Permits

		thru Oct	Contra		
Alameda	2019	4973	Costa	2019	2028
	2020	3373		2020	1885
	2021	4652		2021	3449
Marin	2019	203	Napa	2019	176
	2020	69		2020	165
	2021	208		2021	357
San Francisco	2019	3046	San Mateo	2019	1325
	2020	2033		2020	792
	2021	2204		2021	1184
Santa Clara	2019	4421	Solano	2019	1005
	2020	3059		2020	1043
	2021	3987		2021	1163
Sonoma	2019	2265	Bay Area	2019	19442
	2020	1343		2020	13762
	2021	1663		2021	18867
			% Change	21 vs 20	37.1%
				21 vs 19	-3.0%

Bay Area COVID Stats

The top eight counties in terms of vaccination %s (all but Solano) are from the Bay Area with all having more than 80% first doses and six having more than 75% fully vaccinated.

Large Challenges Remain

We have the paradox of continuing reports of headquarters' relocations outside of the region at the same the region is capturing record VC funding levels and tech jobs are slightly above pre-pandemic levels. Yet, the Bay Area Council warnings about losing our competitiveness remain as housing and mobility challenges are far from solved—the major causes of recent movements of companies and residents.

The rebound from pandemic related economic losses will continue but new policies are needed to maintain and improve the long-term competitiveness of the Bay Area economy. There is now increased movement to integrate our many transportation systems and agencies and pursue fare integration in an effort both to improve but to maintain the solvency of our main public transit options.

2022 is the year all Bay Area communities must update their Housing Elements to 1) identify sites attract and approve their allocation of new housing units affordable to major income groups, 2) develop programs and policies to overcome constraints and make the sites attractive to non-profit and market-rate developers and 3) comply with the state's fair housing guidelines.

This is both a great opportunity and a challenge to combine meeting our equity, environmental and economic goals.

From: [Aram James](#)
To: robert.parham@cityofpaloalto.org; [Jonsen, Robert](#); [Enberg, Nicholas](#); [Tannock, Julie](#); [Perron, Zachary](#); [Reifschneider, James](#); [Sajid Khan](#); [Jeff Moore](#); [Jeff Rosen](#); [Raj](#); [Human Relations Commission](#); [Planning Commission](#); [Anjali Ramanathan](#); [Angie Evans](#); [alisa mallari tu](#); [Joe Simitian](#); [Figueroa, Eric](#); [Council, City](#); citycouncil@mountainview.gov; [chuck jagoda](#); [Jay Boyarsky](#); [Rebecca Eisenberg](#); roberta.ahluquist@sjsu.edu; [Greer Stone](#)
Subject: The Mercury News E-Edition Article..... ONE CITY, 73 K-9 BITES AND THE LAWTHAT MADE THEM PUBLIC
Date: Sunday, December 19, 2021 5:49:38 PM

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 - > ONE CITY, 73 K-9 BITES AND THE LAWTHAT MADE THEM PUBLIC
 - > https://enewspaper.mercurynews.com/?publink=39b89e70c_1346037
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 - >
 - > Sent from my iPhone

From: [Aram James](#)
To: [Human Relations Commission](#); [Council, City](#); [chuck jagoda](#); [Planning Commission](#); wintergery@earthlink.net; [Roberta Ahlquist](#); wilpfpeninsulapaloalto@gmail.com
Subject: Tiny homes become big disappointment for some
Date: Monday, December 20, 2021 6:49:48 AM

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To: [Aram James](#)
Cc: robert.parham@cityofpaloalto.org; [Jonsen, Robert](#); [Enberg, Nicholas](#); [Tannock, Julie](#); [Perron, Zachary](#); [Reifschneider, James](#); [Sajid Khan](#); [Jeff Moore](#); [Jeff Rosen](#); [Raj](#); [Human Relations Commission](#); [Planning Commission](#); [Anjali Ramanathan](#); [Angie Evans](#); [alisa mallari tu](#); [Joe Simitian](#); [Figueroa, Eric](#); [Council, City](#); citycouncil@mountainview.gov; [chuck jagoda](#); [Jay Boyarsky](#); [Rebecca Eisenberg](#); [Greer Stone](#)
Subject: Re: The Mercury News E-Edition Article..... ONE CITY, 73 K-9 BITES AND THE LAWTHAT MADE THEM PUBLIC
Date: Monday, December 20, 2021 9:44:17 PM

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Outrageous! No killer dogs!

On Sun, Dec 19, 2021 at 5:49 PM Aram James <abjpd1@gmail.com> wrote:

>
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> ONE CITY, 73 K-9 BITES AND THE LAWTHAT MADE THEM PUBLIC
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> Sent from my iPhone

From: [Aram James](#)
To: [Stump, Molly](#); [Council, City](#); [Shikada, Ed](#); wintergery@earthlink.net; [Rebecca Eisenberg](#); [Planning Commission](#); [Human Relations Commission](#); [Binder, Andrew](#); [Enberg, Nicholas](#); [Tannock, Julie](#); [Jonsen, Robert](#); cecilia.taylor@citycouncil@mountainview.gov; [Joe Simitian](#); [Jeff Moore](#); [Raj](#); [Sajid Khan](#); [Jeff Rosen](#); [Richard Konda](#); [Jay Boyarsky](#); [Reifschneider, James](#); [Roberta Ahlquist](#); [Betsy Nash](#)
Subject: Cities settle suit over police dog attack – Palo Alto Daily Post
Date: Monday, December 20, 2021 10:20:44 PM

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<https://padailypost.com/2021/12/20/cities-settle-suit-over-police-dog-attack/>

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From: [Aram James](#)
To: [Tannock, Julie](#); [Figueroa, Eric](#); robert.parham@cityofpaloalto.org; [Jonsen, Robert](#); [Enberg, Nicholas](#); [Human Relations Commission](#); paloaltofreepress@gmail.com; [EPA Today](#); [Planning Commission](#); [ParkRec Commission](#); [Jeff Moore](#)
Subject: BLM suit city seeks dismissal over frivolous law suit
Date: Monday, December 20, 2021 11:30:10 PM

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<https://www.paloaltoonline.com/news/2021/12/15/palo-alto-seeks-dismissal-of-suit-over-black-lives-matter-mural>

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From: [Aram James](#)
To: [Figueroa, Eric](#); [Filseth, Eric \(Internal\)](#); [mark weiss](#); [DuBois, Tom](#); [Rebecca Eisenberg](#); [Roberta Ahlquist](#); [chuck jagoda](#); [Planning Commission](#); [ParkRec Commission](#); [Human Relations Commission](#); [Don Austin](#); [darylsavage@gmail.com](#); [Joe Simitian](#); [cindy.chavez@bos.sccgov.org](#); [Sajid Khan](#); [Jeff Rosen](#); [Jeff Moore](#); [Council, City](#); [Jonsen, Robert](#); [Winter Dellenbach](#); [Binder, Andrew](#)
Subject: RV's in Mountain View
Date: Wednesday, December 22, 2021 12:10:34 AM

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<https://www.mv-voice.com/news/2021/12/13/new-survey-finds-hundreds-of-inhabited-rvs-parked-on-mountain-views-city-streets>

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From: [Aram James](#)
To: [mark weiss](#); [Enberg, Nicholas](#); [Tannock, Julie](#); [Figueroa, Eric](#); [Human Relations Commission](#); [Jonsen, Robert](#); [Planning Commission](#); [Council, City](#); [Binder, Andrew](#)
Subject: Palo Alto Free Press on Twitter: "This guy has an attitude problem big time.... The guy nearly knocked me over did you see that chief @rjPAPD You would probably say I altered the #MAV tape. (Mobile Audio Video Procedure) @PaloAltoPolice @cityofpaloalto h...
Date: Wednesday, December 22, 2021 12:27:20 AM

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Interesting tweet that showed up a few days ago. I think the guy pictured may be one of guys who is part of the frivolous lawsuit against the city on the BLM mural. apparently the photo in question take yrs ago.

<https://mobile.twitter.com/pafreepress/status/1473456930417000449>

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From: [Aram James](#)
To: [Perron, Zachary](#); [Enberg, Nicholas](#); [Figueroa, Eric](#); [Tannock, Julie](#); [Jonsen, Robert](#); [Human Relations Commission](#); [robert.parham@cityofpaloalto.org](#); [Council, City](#); [Reifschneider, James](#); [Planning Commission](#); [chuck jagoda](#); [Joe Simitian](#)
Subject: Palo Alto Free Press on Twitter: "This guy has an attitude problem big time... The guy nearly knocked me over did you see that chief @rjPAPD You would probably say I altered the #MAV tape. (Mobile Audio Video Procedure) @PaloAltoPolice @cityofpaloalto h...
Date: Wednesday, December 22, 2021 1:18:28 AM

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Interesting tweet from the Palo Alto Free Press:

<https://mobile.twitter.com/pafreepress/status/1473456930417000449>

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From: [Palo Alto Free Press](#)
To: [Aram James](#)
Cc: [Tannock, Julie](#); nick.enberg@cityofpaloalto.org; [Jonsen, Robert](#); [Human Relations Commission](#); [Planning Commission](#); [Council, City](#); [Jeff Moore](#); [chuck jagoda](#); [Figueroa, Eric](#); robert.parham@cityofpaloalto.org; [Perron, Zachary](#); [Tony Dixon](#); [Jeff Rosen](#); [Sajid Khan](#); [Raj](#); [Jay Boyarsky](#); [Winter Dellenbach](#); [Joe Simitian](#); [Stump, Molly](#); [Sean Webby](#); [Bill Johnson](#); [Brian Welch](#); [Darol Wester](#); [Binder, Andrew](#); [Shikada, Ed](#)
Subject: Re: Settlement reached in police dog attack | News | Palo Alto Online |
Date: Wednesday, December 22, 2021 3:00:43 AM

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Update this is the unique case that went to trial in which the city of palo alto lost:

<https://caselaw.findlaw.com/ca-court-of-appeal/1065159.html>

Michael Schmidlin, Plaintiff and Appellant, vs The City Of Palo Alto

The Judge in this case just rips the Palo Alto Police of ALL credibility:

“In addition to neglecting these requirements, defendants' brief pervasively alludes to factual matters unaccompanied by record citations.²”

In other words they fabricated the evidence

This is the prevailing and pervasive attitude of the entire leadership of the Palo Alto Police Department hands down to this day.....

Mark Petersen-Perez
Editor and Chief
Palo Alto Free Press
Reporting from Nicaragua

Sent from my iPad

On Dec 22, 2021, at 12:05 AM, Palo Alto Free Press
<paloaltofreepress@gmail.com> wrote:

Mr. Schmidt

From: [Aram James](#)
To: [Tannock, Julie](#); [Enberg, Nicholas](#); [Jonsen, Robert](#); [Human Relations Commission](#); [Jeff Moore](#); [Council, City](#); [Planning Commission](#); [Binder, Andrew](#); [Winter Dellenbach](#); [Joe Simitian](#); [chuck jagoda](#); [Sajid Khan](#); [Raj](#); [Roberta Ahlquist](#); [Jeff Rosen](#); [Jay Boyarsky](#); [rebecca](#); [Vara Ramakrishnan](#); [Reifschneider, James](#); [Greer Stone](#); [Cecilia Taylor](#); [cindy.chavez@bos.sccgov.org](#); [Perron, Zachary](#); [Figueroa, Eric](#); [robert.parham@cityofpaloalto.org](#); [Shikada, Ed](#); [paloaltofreepress@gmail.com](#); [Stump, Molly](#); [alisa mallari tu](#); [citycouncil@mountainview.gov](#); [Tony Dixon](#); [Tanaka, Greg](#); [mark weiss](#); [ParkRec Commission](#)
Subject: Richmond K-9 policy may be reviewed
Date: Wednesday, December 22, 2021 7:19:47 AM

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Richmond K-9 policy may be reviewed
https://enewspaper.mercurynews.com/?publink=18101db0f_134603a

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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 22, 2021 2:24:05 PM
Attachments: [image001.png](#)
[December 22, 2021 Letter to Palo Alto PTC Re 985 Channing Avenue.pdf](#)

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Attached please find Jennifer Acheson's letter dated December 22, 2021, regarding the above-referenced matter.

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



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December 22, 2021

Via E-Mail:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Ropers Majeski PC



Jennifer E. Acheson

JEA

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

CC:

Dr. David Rogosa;

Dr. David and Ms. Juanita Loftus;

Mr. Jim and Ms. Bev Weager;

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

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

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

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

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

EXHIBIT 7

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

WHEN RECORDED MAIL TO:

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

same as above

CITY TRANSFER TAX \$
DOCUMENTARY TRANSFER TAX \$174.90
SURVEY MONUMENT PRESERVATION FUND \$ 10.00
XX Computed on the consideration or value of property conveyed. OR
— Computed on the consideration or value less liens or encumbrances remaining at time of sale.
David G. Hauser
Signature of Declarant or Agent determining tax — Firm Name

First American Title Guaranty Company

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

GRANT DEED

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

CONSTRUCTION SYSTEMS, INC., a California corporation

hereby GRANT(S) to

DAVID ROTH ROGOSA, a single man

the real property in the City of Palo Alto, State of California, described as
County of Santa Clara

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

STATE OF CALIFORNIA

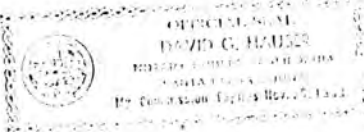
COUNTY OF Santa Clara

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

known to me to be the President, and of 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 therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.
David G. Hauser
Signature David G. Hauser



(This area for official notarial seal)

Name (Typed or Printed)
Dated June 16, 1980

Construction Systems, Inc., a California corporation

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

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

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

WITNESS my hand and official seal.
Janice W. Bohan
Signature

BY: William D. Cox, Jr.



(This area for official notarial seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

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

WHEN RECORDED MAIL TO:

Construction Systems, Inc.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

DEED OF TRUST WITH ASSIGNMENT OF RENTS

(This Deed of Trust contains an acceleration clause)

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

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

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

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

, herein called BENEFICIARY,

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

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

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

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

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

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

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

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

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

STATE OF CALIFORNIA
COUNTY OF

} ss.

Signature of Trustor

DAVID R. ROGOSA

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

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

WITNESS my hand and official seal.

Signature _____

(This area for official notarial seal)



First American Title Guaranty Company

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

ESCROW INSTRUCTIONS

BUYERS BORROWER'S

DATE 6-17-80

Order Number 2-8664

To: FIRST AMERICAN TITLE GUARANTY COMPANY

I/We hand you herewith

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

- _____
- _____
- _____
- _____

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

Grant Deed

- _____
- _____

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

Subject to:

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

GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Received: _____, 19
 First American Title Guaranty Company

By _____

From: [Aram James](#)
To: [Human Relations Commission](#); [Council, City](#); [Jeff Moore](#); [Planning Commission](#); [chuck jagoda](#); [wintergery@earthlink.net](#); [Sajid Khan](#); [Jeff Rosen](#); [Joe Simitian](#); [cindy.chavez@bos.sccgov.org](#); [rabrica@cityofepa.org](#); [EPA Today](#); [Raj](#); [citycouncil@mountainview.gov](#); [City Mgr](#); [Tanaka, Greg](#); [GRP-City Council](#); [Jay Boyarsky](#); [supervisor.ellenberg@bos.sccgov.org](#)
Subject: Extraordinary life of fighting for justice an anti-Apartheid warrior even took the bold stance of calling for a boycott of Israel. Desmond Tutu dies at 90 years of age
Date: Sunday, December 26, 2021 1:35:32 AM

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

<https://amp.cnn.com/cnn/2021/12/26/africa/desmond-tutu-death-intl-hnk/index.html>

Sent from my iPhone

From: [Aram James](#)
To: [Jeff Rosen](#); [Council, City](#); [Jeff Moore](#); [Sajid Khan](#); [Enberg, Nicholas](#); [Reifschneider, James](#); [Tannock, Julie](#); [Binder, Andrew](#); [Jonsen, Robert](#); [Planning Commission](#); [Human Relations Commission](#); [Winter Dellenbach](#); [Council, City](#); [Raj](#); [citycouncil@mountainview.gov](#); [city.council@menlopark.org](#); [Joe Simitian](#); [chuck jagoda](#); [Jay Boyarsky](#); [Rebecca Eisenberg](#); [roberta.ahlquist@sisu.edu](#); [Greer Stone](#)
Subject: Richmond K-9 policy may be reviewed
Date: Sunday, December 26, 2021 4:06:08 PM

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

12/26/2021

Dear City Council Members:

Please review the below article from the San Jose Mercury News (second link below).

Just like Richmond Palo Alto needs to obtain the racial make up of the 5 dog bite victims Chief Johnson reported on earlier this year.

We should also be able to obtain the extent of the injuries of the canine bite victims and other related data.

BTW of comparison (see Mercury article below) during the time frame 2017-to 2019 the entire city of Chicago had 1 (one)dog bite victim.

We need to reflect on this data from Chicago. Is it time to limit any canine unit to search and rescue, bomb sniffing, etc., and prohibit canines be used to attack human beings?

Still waiting to hear how much the Joel Alejo matter settled for last week. Also hoping the PAPD will take action to fire the dog handler in the Joel Alejo case, Agent Nicholas Enberg. Read about agent Enberg's prior bad acts below.

Time to take action now before the next Joel Alejo case occurs.

aram

<https://padailypost.com/2021/03/22/residents-call-for-cops-firing-in-dog-attack/>

Richmond K-9 policy may be reviewed
https://enewspaper.mercurynews.com/?publink=18101db0f_134603a

Sent from my iPhone

From: [Roberta Ahlquist](#)
To: [Council, City; Human Relations Commission; Planning Commission; HRW Silicon Valley; Aram James; rebecca; Paul George @ PPJC; Sandy Perry-HCA; Angie, Palo Alto Renters Association; Palo Alto Renters" Association; Pastor Kaloma Smith; ParkRec Commission; Dave Price; Mark Mollineaux; EPA Today](#)
Subject: WILPF SJ Branch Homeless Project
Date: Sunday, January 2, 2022 5:59:21 PM

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

Dear Concerned Friends,
Our Women's International League for Peace & Freedom sister bench has produced a very informative video of the current status of some of the homeless in Santa Clara County. We hope that you will learn from it and consider volunteering, or sending a donation.

Sincerely,
Roberta Ahlquist -WILPF Peninsula Branch, Low-Income Housing & Homeless Committee

<https://youtu.be/EV65cPwSDIk>

From: [Palo Alto Free Press](#)
To: [Aram James](#)
Cc: [Figueroa, Eric](#); robert.parham@cityofpaloalto.org; [Tannock, Julie](#); [Human Relations Commission](#); [Jonsen, Robert](#); [Planning Commission](#); [Council, City](#); [chuck jagoda](#); [Winter Dellenbach](#); [Alison Cormack](#); [Binder, Andrew](#); [Jay Boyarsky](#); [Enberg, Nicholas](#); [Sajid Khan](#); [Jeff Rosen](#); [Raj](#); [Tony Dixon](#); [Joe Simitian](#); citycouncil@mountainview.gov; bjohnson@paweekly.com; jaythor@well.com; [Jason Green](#); darylsavage@gmail.com
Subject: Re: If you have not already read this series on when police dogs are weapons I highly recommend it..
Date: Sunday, January 2, 2022 7:55:20 PM

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

When I read this material and BTW they deserve the Pulitzer Prize. What sick and demented minds would embrace the sadistic tearing of human flesh...

I'll tell you, the entire Palo Alto Human Relations Commission would.... And everybody else in between.

But more importantly ask Daryl Savage. She's always been a strong advocate police dog use and for that matter any police force.... All it take is a little Googling.

Daryl, chime in anytime.....or any whom wish to support her....Like Chief Jonsen ant the Santa Clara DA's office.... Do I need to mention any names?

On Jan 2, 2022, at 9:03 PM, Aram James <abjpd1@gmail.com> wrote:

<https://www.themarshallproject.org/2020/10/15/mauled-when-police-dogs-are-weapons>

Shared via the [Google app](#)

Sent from my iPhone

From: [Arlin Jones](#)
To: [arlin.jones@cityofjefferson.com](#); [Eshawn Nicholas](#); [Tarrack Jolly](#); [Human Relations Committee](#); [Council City Planning Commission](#); [Chuck Isaacs](#); [Bryan Anderson](#); [DeShawn Smith](#); [Jeff Brown](#); [Dip](#); [Ann Smith](#); [Walter DeHaven](#); [Festive Committee](#); [James Baker](#); [Daron Pacheco](#); [Debrahonda Jones](#); [Emanuel Ego](#)
Subject: This is a BM zone
Date: Monday, January 3, 2022 4:03:41 PM

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



Sent from my iPhone

From: [Aram James](#)
To: [Pat Burt](#); [Tanaka, Greg](#); [DuBois, Tom](#); [Council, City](#); [Greer Stone](#); [Human Relations Commission](#); [Planning Commission](#); paloaltofreepress@gmail.com; [chuck jagoda](#); [Alison Cormack](#); [Jay Boyarsky](#); [Sajid Khan](#); [Jeff Rosen](#); [Filseth, Eric \(Internal\)](#)
Subject: Communists and socialists
Date: Monday, January 3, 2022 5:53:32 PM

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

<https://www.cpusa.org/authors/paul-roberson/>

Shared via the [Google app](#)

Sent from my iPhone

From: [Aram James](#)
To: [Pat Burt](#); [Joe Simitian](#); [Council, City](#); [Human Relations Commission](#); [Planning Commission](#); [paloaltofreepress@gmail.com](#); [Sajid Khan](#); [Jay Boyarsky](#); [wintergery@earthlink.net](#); [chuck jagoda](#); [Binder, Andrew](#); [Tannock, Julie](#); [Enberg, Nicholas](#); [DuBois, Tom](#); [Kou, Lydia](#); [Greer Stone](#); [Tanaka, Greg](#); [Reifschneider, James](#); [Jeff Moore](#); [Rebecca Eisenberg](#); [Raj](#); [roberta.ahlquist@sjsu.edu](#); [Alison Cormack](#); [Perron, Zachary](#); [Figueroa, Eric](#); [Cecilia Taylor](#); [Tony Dixon](#); [Sajid@votesajid.com](#)
Cc: [Jonsen, Robert](#)
Subject: All the clues were there that this Police Chief was bad bad news! Past time to fire Robert Jonsen
Date: Monday, January 3, 2022 9:11:22 PM

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

<https://padailypost.com/2017/11/14/palo-altos-hires-menlo-parks-police-chief/>

Shared via the [Google app](#)

Sent from my iPhone

From: [Palo Alto Free Press](#)
To: [Aram James](#)
Cc: [Jeff Rosen](#); [Jeff Moore](#); [Sajid Khan](#); [Raj](#); [Human Relations Commission](#); [Council, City](#); [Planning Commission](#); [Jay Boyarsky](#); [chuck jagoda](#)
Subject: Re: Larry Krasner sworn in for a second term
Date: Tuesday, January 4, 2022 12:53:23 AM

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

Yeah, Since Rosen is an elected official like Larry, you can fix stupid.....

Mark

Sent from my iPad

> On Jan 4, 2022, at 2:17 AM, Aram James <abjpd1@gmail.com> wrote:
>
> <https://www.inquirer.com/news/larry-krasner-district-attorney-second-term-gun-violence-20220103.html?outputType=amp>
>
>
> Sent from my iPhone

From: [Aram James](#)
To: [Jonsen, Robert](#); [Figueroa, Eric](#); [Tannock, Julie](#); robert.parham@cityofpaloalto.org; paloaltofreepress@gmail.com; [Human Relations Commission](#); [Enberg, Nicholas](#); [Binder, Andrew](#); [Council, City](#); [Planning Commission](#); [Winter Dellenbach](#); [Sajid Khan](#); [Jeff Moore](#); [Jeff Rosen](#); [Raj](#); [Jay Boyarsky](#); [Joe Simitian](#); [Reifschneider, James](#); [Vara Ramakrishnan](#); [Lewis, James](#); [Rebecca Eisenberg](#); roberta.ahlquist@sjsu.edu; [Perron, Zachary](#); [Greer Stone](#); [Alison Cormack](#); [Tony Dixon](#); [Cecilia Taylor](#); cindy.chavez@bos.sccgov.org; [chuck jagoda](#); [Tanaka, Greg](#); [ParkRec Commission](#); [Shikada, Ed](#); citycouncil@mountainview.gov
Subject: Attorney general Merrick Garland's remarks re the treasonous Jan 6, 2021 attack on our Capital —all comments welcome (very short speech 5 min read)
Date: Wednesday, January 5, 2022 11:35:59 PM

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

<https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-first-anniversary-attack-capitol>

From: [Palo Alto Free Press](#)
To: [Aram James](#)
Cc: [Council, City](#); [chuck jagoda](#); [Human Relations Commission](#); [Planning Commission](#); [Raj](#); [Sajid Khan](#); [wintergery@earthlink.net](#); [Tannock, Julie](#); [Enberg, Nicholas](#); [Figueroa, Eric](#); [Reifschneider, James](#); [Jay Boyarsky](#); [Jeff Moore](#); [Binder, Andrew](#); [Jonsen, Robert](#); [Joe Simitian](#); [roberta.ahlquist@sjsu.edu](#); [Rebecca Eisenberg](#); [Perron, Zachary](#); [ParkRec Commission](#); [Cecilia Taylor](#); [Greer Stone](#); [Sajid@votesajid.com](#); [Tony Dixon](#); [Alison Cormack](#); [robert.parham@cityofpaloalto.org](#); [Tanaka, Greg](#); [cindy.chavez@bos.sccgov.org](#); [Vara Ramakrishnan](#); [Shikada, Ed](#); [citycouncil@mountainview.gov](#); [Jeff Rosen](#); [alisa mallari tu](#); [DuBois, Tom](#); [Filseth, Eric \(Internal\)](#); [Betsy Nash](#); [Pat Burt](#); [Stump, Molly](#); [city.council@menlopark.org](#); [Gennady Sheyner](#)
Subject: Re: City pays \$135,000 to settle police dog attack lawsuit – Palo Alto Daily Post
Date: Thursday, January 6, 2022 6:08:05 AM

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

This should've gone to trial the plaintiffs attorney just looking for a quick buck.....

Sent from my iPhone

> On Jan 5, 2022, at 5:56 PM, Aram James <abjpd1@gmail.com> wrote:

>

>

> <https://padailypost.com/2022/01/05/city-pays-135000-to-settle-police-dog-attack-lawsuit/>

>

>

> Sent from my iPhone

From: [Aram James](#)
To: [Council, City](#); paloaltofreepress@gmail.com; [chuck jagoda](#); [Human Relations Commission](#); [Planning Commission](#); [Raj](#); [Sajid Khan](#); wintergery@earthlink.net; [Tannock, Julie](#); [Enberg, Nicholas](#); [Figueroa, Eric](#); [Reifschneider, James](#); [Jay Boyarsky](#); [Jeff Moore](#); [Binder, Andrew](#); [Jonsen, Robert](#); [Joe Simitian](#); roberta.ahlquist@sjsu.edu; [Rebecca Eisenberg](#); [Perron, Zachary](#); [Figueroa, Eric](#); [ParkRec Commission](#); [Cecilia Taylor](#); [Greer Stone](#); Sajid@votesajid.com; [Tony Dixon](#); [Alison Cormack](#); robert.parham@cityofpaloalto.org; [Tanaka, Greg](#); cindy.chavez@bos.sccgov.org; [Vara Ramakrishnan](#); [Shikada, Ed](#); citycouncil@mountainview.gov; [Jeff Rosen](#); [alisa mallari tu](#); [DuBois, Tom](#); [Filseth, Eric \(Internal\)](#); [Betsy Nash](#); [Perron, Zachary](#); [Pat Burt](#); [Stump, Molly](#); city.council@menlopark.org; [Gennady Sheyner](#)
Subject: City pays \$135,000 to settle police dog attack lawsuit – Palo Alto Daily Post
Date: Wednesday, January 5, 2022 3:56:12 PM

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

<https://padailypost.com/2022/01/05/city-pays-135000-to-settle-police-dog-attack-lawsuit/>

Sent from my iPhone

From: [Neilson Buchanan](#)
To: [Neilson Buchanan](#)
Subject: preliminary estimates for teacher housing in Palo Alto
Date: Monday, January 10, 2022 11:15:37 PM
Attachments: [Update on Teacher Housing Porject in Palo Alto PA Daily Post Jan 10 2022.pdf](#)

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

Attached is the latest estimate of development costs published by the Palo Alto Daily Post. This project has great potential for citizens in two counties to understand the cost of workforce housing subsidized via a public/private partnership.

The capital investment in land and construction contract costs are vague at this early stage, but cost per unit is clearer. Financing costs, loans, operating costs and revenue (income based rent?) apparently have not been modeled or released for public understanding.

The participating stakeholders of counties, cities and schools have much to gain from full public understanding of this interesting affordable housing model. Also state legislators and policy experts now have opportunity to disclose the elusive, real-world affordable housing formula for a defined population.

Neilson Buchanan
[REDACTED]
Palo Alto, CA 94301

[REDACTED]

Daily Post

Locally owned, independent

NEWS

Teacher housing up for approval

BY BRADEN CARTWRIGHT
Daily Post Staff Writer

The Santa Clara County Board of Supervisors is set to approve an apartment complex for teachers next to the Palo Alto Courthouse tomorrow.

Five local districts have agreed to buy into the project, pitching in \$50,000 per unit that will be reserved for their employees, for a total of \$3.8 million. Facebook is also giving \$25 million for the development at 231 Grant Ave.

\$792,332 per unit

The cost of labor and materials has gone up since Supervisor Joe Simitian spearheaded the project in January 2018, so tomorrow supervisors would also have to approve another \$21 million loan to the developers, Mercy Housing California and Abode Communities.

Consuelo Hernandez, the director of the county's Office of Supportive Housing, said in a report that the project is now estimated to cost \$87 million, or \$792,332 per unit to build.

The vote tomorrow at 10:30 a.m. is a final approval.

The building would be four stories and have 110 apartments, with space for a cafe or a store. Seventy-seven apartments would be reserved for teachers and employees from schools in Santa Clara County, and 32 would be for employees of seven school districts in southern San Mateo County.

Modular building techniques

The project would use modular construction methods with pieces constructed offsite and then put together with a crane. The county hasn't shared a construction timeline yet.

Don't over...

From: [Aram James](#)
To: paloaltofreepress@gmail.com; darylsavage@gmail.com; [Human Relations Commission](#); [Council, City](#); [Planning Commission](#); [Sajid Khan](#); wintergery@earthlink.net; [Jeff Rosen](#); [chuck jagoda](#); [Joe Simitian](#); [Jay Boyarsky](#); [Jeff Moore](#); [Tannock, Julie](#); [Jonsen, Robert](#); [Binder, Andrew](#); [Enberg, Nicholas](#); [Rebecca Eisenberg](#); roberta.ahluquist@sjsu.edu; [Reifschneider, James](#); [Perron, Zachary](#); robert.parham@cityofpaloalto.org
Subject: This is the FBI that our HRC wants to lecture us in hate crimes on January 19, at 6pm.. come to the meeting and just say no to the FBI
Date: Saturday, January 8, 2022 11:41:59 PM

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

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

Sent from my iPhone

From: [Aram James](#)
To: [Human Relations Commission](#); paloaltofreepress@gmail.com; [Council, City](#); [Planning Commission](#); [Jay Boyarsky](#); [chuck jagoda](#); [Joe Simitian](#); [Sajid Khan](#); [Jeff Rosen](#); wintergery@earthlink.net; [Jeff Moore](#); [Binder, Andrew](#); [Tannock, Julie](#); [Jonsen, Robert](#); [Enberg, Nicholas](#); roberta.ahlquist@sjsu.edu; [Greer Stone](#); [Reifschneider, James](#); [Cecilia Taylor](#); robert.parham@cityofpaloalto.org; [Perron, Zachary](#); cindy.chavez@bos.sccgov.org; [Tanaka, Greg](#); [Rebecca Eisenberg](#)
Subject: More on our FBI
Date: Saturday, January 8, 2022 11:50:05 PM

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

<https://www.aclu.org/blog/racial-justice/race-and-criminal-justice/fbi-wont-hand-over-its-surveillance-records-black>

Shared via the [Google app](#)

Sent from my iPhone

From: [Aram James](#)
To: [Enberg, Nicholas](#); robert.parham@cityofpaloalto.org; [Tannock, Julie](#); [Human Relations Commission](#); [Jonsen, Robert](#); [Council, City](#); [Planning Commission](#); paloaltofreepress@gmail.com; [chuck jagoda](#); [Winter Dellenbach](#); [Jeff Moore](#); [Binder, Andrew](#); [Sajid Khan](#); [Joe Simitian](#); [Jeff Rosen](#); [Reifschneider, James](#); [Perron, Zachary](#); [Roberta Ahlquist](#); [Rebecca Eisenberg](#); [Greer Stone](#); [Jay Boyarsky](#); [Vara Ramakrishnan](#); [Raj](#); [Cecilia Taylor](#); cindy.chavez@bos.sccgov.org; [Tanaka, Greg](#); darylsavage@gmail.com; [Shikada, Ed](#); [Tony Dixon](#)
Subject: Racial profiling persists (Sunday Jan 9, 2022)
Date: Sunday, January 9, 2022 1:37:15 PM

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

Follow the link below to view the article.

Study: Racial profiling persists
https://enewspaper.mercurynews.com/?publink=39fb2dad6_13482f1

Sent from my iPhone

From: [Jeanne Fleming](#)
To: [Planning Commission](#)
Cc: [Council, City](#); [Clerk, City](#)
Subject: Conflict of Interest
Date: Sunday, January 9, 2022 4:18:38 PM
Attachments: [Matteoni O"Laughlin & Hechtman website.PNG](#)

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

Dear Planning & Transportation Commission Chair Hechtman,

I am writing to you on behalf of United Neighbors. United Neighbors is a grass roots organization of Palo Alto residents that, for the last five years, has been working to further the development of a thoughtful, responsible wireless policy for our city, a policy that—while recognizing the rights of the telecommunications industry—prioritizes the interests of the people who live here. As part of our efforts, we have taken part in dozens of meetings on this topic, meetings with the Planning & Transportation Commission (PTC), with the Architectural Review Board, with City Council and with senior City Staff. But, since you have refused to recuse yourself, we are not going to attend or participate in the PTC meeting on January 12, 2022, where revisions to Palo Alto's wireless ordinance are scheduled to be considered.

For decades, you and you the small law firm in which you are a partner have worked for telecommunications companies, helping them secure permits for wireless facilities. Attached is a screenshot from your firm's website stating that obtaining such approvals is an area in which you specialize, and soliciting business in that arena. The work you do and the work your partners do constitutes a clear and serious conflict of interest for you as a Commission member, one that disqualifies you—both as a public official and as a member of the California State Bar—from participating in the consideration of wireless matters that come before the PTC.

Yet you refuse to recuse yourself.

United Neighbors passively accepted your refusal to recuse yourself at the PTC meeting in February, 2020, only to watch as you then advocated for cell tower applicants at every turn. Were the PTC convening in Council Chambers this week, we would attend, and—to highlight the impropriety of your participation—stand *en masse* and turn our backs to you each time you spoke. But Covid has made that impossible.

Hence I am writing to say that your participation in the PTC's consideration of Palo Alto's wireless ordinance is unethical and that we will not be a party to it.

Sincerely,

Jeanne Fleming



Telecommunication Towers and Cellular Facilities

Obtained approvals for
telecommunication towers for
Clear Channel Radio, and for...



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

From: [Roberta Ahlquist](#)
To: [Council, City; Human Relations Commission; Planning Commission; Aram James; rebecca; Dave Price; city.council@cityofpaloalto.com](#)
Subject: Fry property needs to be developed for low-income housing!
Date: Sunday, January 9, 2022 5:32:14 PM

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

Dear Mayor Burt, Vice Mayor Kou, and Council Members:

Women's International League for Peace & Freedom Low-income Housing Committee members ask you to be bold and develop service sector housing for city workers. These people work here but have no access to low-income housing.

Do not accept the current proposal by staff for development of Fry's site. It doesn't reflect the wishes of many Venturans and many others, who have been participating in this multi-year process, the wishes of the Working Group nor your own instructions when Council last considered NVCAP. Please focus on building truly LOW-INCOME, affordable housing and create a livable, walkable neighborhood with community amenities, excluding high-end office space and luxury housing. Palo Alto always meets its housing goals for at-market or above market rate housing, but always falls short of meeting affordable housing goals. North Ventura provides a real opportunity to solve our below-market housing needs.

Thank you.

Roberta Ahlquist, WILPF Low-income Housing Committee

From: [Aram James](#)
To: [Roberta Ahlquist](#); [Council, City; Planning Commission; Human Relations Commission](#); [chuck jagoda](#); [wintergery@earthlink.net](#); [Joe Simitian](#); [paloaltofreepress@gmail.com](#); [Jay Boyarsky](#); [Sajid Khan](#); [Jeff Rosen](#); [citycouncil@mountainview.gov](#); [City Mgr](#); [city.council@menlopark.org](#)
Subject: Housing: From optional to fundamental right
Date: Monday, January 10, 2022 12:00:20 AM

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

Follow the link below to view the article.

From optional to a fundamental right
https://enewspaper.mercurynews.com/?publink=147940510_13482f1

Sent from my iPhone

From: R.W.
To: Ketchum Stanley
Cc: Mj Wolf; dsamuels@corinthianwealth.com; karenhlaw@gmail.com; lilyzhao68@gmail.com; Yogabear23; Jue Cheng; Gutierrez Samuel; wangf22@hotmail.com; Planning Commission; Architectural Review Board
Subject: Re: Speech/Letter FIRST DRAFT to the P A City Council Regarding the 739 Sutter Project
Date: Monday, January 10, 2022 6:34:34 PM
Attachments: image006.png
 image007.png
 image002.png
 image004.png
 image005.png
 image001.png

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

Hi, Stan,

Thanks for your reply as to this project, and hope you had a wonderful holiday!

I found the ARB report here: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/architectural-review-board/2021/arb-11.18-739-sutter-prelim-review.pdf>, can you confirm this is the final version?

We still have following questions, and would like to get the answer from city.

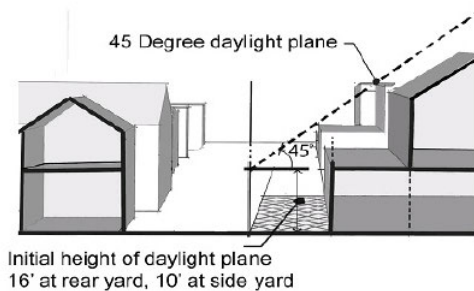
1. Since the neighborhood in San Carlos Ct were not notified for the ARB review, and this obviously broke the city municipal code, what's the feedback from city to correct this? Can we have another review meeting which neighbors can be notified and shared their opinion in public? And how is your research on this topic? Neighbors have already contacted city managers and we are considering to take legal action on this. But we do want to get this sorted first.

2. about the code compliance of daylight plane / privacy of San Carlos ct, can you explain how the code was complied? With 3 floor and more than 30 feet buildings, our daylight will be deprived and no privacy at all. How was the city planning's interpretation on this code?

Rear Yard Daylight Plane (adjacent R-1)	10 feet at rear setback line then 45 degree angle	No daylight plane proposed
---	---	----------------------------

B. Massing and orientation of buildings that respect and mirror the massing of neighb match abutting R-1 and R-2 zone requirements ([Figure 2-2](#));

Figure 2-2



Massing and orientation of buildings that respect and mirror the massing of neighboring structures by stepping back upper stories to transition to smaller scale buildings.

3. We are looking for a meeting to discuss with the ARB and city planning and the developer on this project. Any chance you can help to arrange?

thanks
Richard

On Tuesday, December 21, 2021, 02:48:59 PM PST, Ketchum, Stanley <stanley.ketchum@cityofpaloalto.org> wrote:

Hi, Richard. Sorry for the delayed response. The link to the video for the Nov. 18 ARB meeting is below. The minutes have not been posted, yet. Stan

<https://midpenmedia.org/category/government/city-of-palo-alto/boards-and-commissions/architectural-review-board/>

Below are answers to some of your prior questions.

12/13/21

a. Following on the project, do you know where can we find the meeting minutes for the ARB hearing in 11/18/2021? **Answered above.**

b. If we have any questions about the code, whom is the right party to contact and to get the answer?

particularly, code related with neighborhood daylight and privacy: https://codeilibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-77458

Start with me. I'll get staff support, as necessary.

c. Also concerns about how the density bonus program to be verified/executed from finance point of view, we also want get feedback on this project, too, e.g who and how to guarantee the 25% is really for low income at this moment and in future?

In order to meet the city's/state's low income housing requirements, the applicant is required to record a deed restriction guaranteeing that the units will remain low income for usually 55 years. Need to confirm exactly how it will apply to these units.

d. As mentioned, since the ARB hearing is not accurately reflect public opinion, and we want ask the city to conduct another the hearing. What's the procedure you recommend to do?

Will research further and reply.

12/13/21

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?

Direct your questions to me.

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.

Will research and reply

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.

From: R W <flyingrichard@yahoo.com>
Sent: Monday, December 13, 2021 6:11 PM
To: Gutierrez, Samuel <Samuel.Gutierrez@CityofPaloAlto.org>
Cc: Mj Wolf <mimi.wolf@gmail.com>; Ketchum, Stanley <Stanley.Ketchum@CityofPaloAlto.org>; dsamuels@corinthianwealth.com; karenhlaw@gmail.com; lilyzhao68@gmail.com; Yogabear23 <yogabear23@aol.com>; Jue Cheng <peanutsjue@gmail.com>
Subject: Re: Speech/Letter F RST DRAFT to the P A City Council Regarding the 739 Sutter Project

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

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

Thanks, Samuel, for these helpful information.

a. Following on the project, do you know where can we find the meeting minutes for the ARB hearing in 11/18/2021?

b. If we have any questions about the code, whom is the right party to contact and to get the answer?

particularly, code related with neighborhood daylight and privacy: https://codeilibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-77458

c. Also concerns about how the density bonus program to be verified/executed from finance point of view, we also want get feedback on this project, too, e.g who and how to guarantee the 25% is really for low income at this moment and in future?

d. As mentioned, since the ARB hearing is not accurately reflect public opinion, and we want ask the city to conduct another the hearing. What's hte procedure you recommend to do?

Again, thanks a lot for your help!

Richard

On Monday, December 13, 2021, 03:49:39 PM PST, Gutierrez, Samuel <samuel.gutierrez@cityofpaloalto.org> wrote:

Hello Everyone,

The Sutter project is not on the agenda for the meeting tonight, you can provide comments at Oral communications (public comments for items not on the agenda). Note that the agenda has Oral communication set to begin at 6:25 pm due to there being a Council Closed Session from 5 pm-6 pm for Labor Negotiations.

I heard from the City Clerks Office that the closed session will not be taking place tonight so the City Council Meeting will start sooner to 5 pm rather than 6:25 pm. I suggest that you all join the Council meeting at 5 pm via the phone or the zoom link. At the end of the agenda packet, there is a set of instructions for the public to follow to speak during the meeting. I have copied those instructions below for your reference and also provided the direct link to those instructions and the direct link to tonights City Council Agenda.

Direct link to the City Council Agenda for 12/13/2021:

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/12-december/20211213/20211213pccs-amended-linked.pdf>

PUBLIC COMMENT INSTRUCTIONS FOR CITY COUNCIL MEETINGS

Members of the Public may provide public comments to teleconference meetings via email, teleconference, or by phone.

1. Written public comments may be submitted by email to city.council@cityofpaloalto.org.
2. Spoken public comments using a computer will be accepted through the teleconference meeting. To address the Council, click on the link below to access a Zoom-based meeting. Please read the following instructions carefully.
 - A. You may download the Zoom client or connect to the meeting in-browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
 - B. You may be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
 - C. When you wish to speak on an Agenda Item, click on "raise a hand." The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
 - D. When called, please limit your remarks to the time limit allotted.
 - E. A timer will be shown on the computer to help keep track of your comments.
3. Spoken public comments using a smartphone will be accepted through the teleconference meeting. To address the Council, download the Zoom application onto your phone from the Apple App Store or Google Play Store and enter the Meeting D below. Please follow the instructions B-E above.
4. Spoken public comments using a phone use the telephone number listed below. When you wish to speak on an agenda item hit *9 on your phone so we know that you wish to speak. You will be asked to provide your first and last name before addressing the Council. You will be advised how long you have to speak. When called please limit your remarks to the agenda item and time limit allotted. >/

Click here to join the meeting via zoom:

<https://cityofpaloalto.zoom.us/j/362027238#success>

Meeting ID: 362 027 238

Phone: 1 (669) 900-6833

Link to the instructions above:

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/12-december/20211213/20211213pccs-amended-linked.pdf#page=7>

739 Sutter Project Clarification

For clarity, I want to be sure that everyone understands that the 739 Sutter project that was presented before the Architectural Review Board (ARB) on 11/18/2021 was a Preliminary Review for the proposed project. It was **not** a formal review, instead, it was a study session. Meaning the application was submitted and presented to gain feedback from the ARB and no decision on that Preliminary Review would be given. This was not a project subject to CEQA review because it was not a formal project application. Any future submissions for a formal application would be subject to a review that would lead to a decision after an environmental analysis is completed and the required public hearings are completed (in this case ARB review). I have copied the Project Planner Stan Ketchum on this email so he can communicate with you regarding the status of the preliminary project and the project details such as the status of a formal application submission, the preliminary proposal, etc. Also, I have copied the project website link with the information from the 739 Sutter Preliminary ARB application.

Project Website for 739 Sutter (Preliminary Review 21PLN-00222)

<https://www.cityofpaloalto.org/News-Articles/Planning-and-Development-Services/739-Sutter-Avenue>

21PLN-00222

Request for Preliminary Architectural Review to Allow the Demolition of an Existing 8 Unit, Apartment Building and Construction of twelve Three-Story Townhome Units, approximately 1,195 to 1,475 square feet of living space per unit; each unit includes a two-car garage and a deck to provide private open space. The proposal anticipates the use of Density Bonus Law to allow the development and offers two of the eight "base units" (25%) as deed-restricted Affordable Housing (at the Low-Income level of affordability). A 50% Density Bonus is anticipated in addition to related waivers, concessions, and incentives. The applicant reserves the right to modify the Density Bonus requests as the site and building design is further developed.

Environmental Assessment: Not a Project. The Formal Application Will be Subject to California Environmental Quality Act (CEQA) Review. Zoning District: RM-20 (Multi-Family Residential).

[Project Plans\(PDF_31MB\)](#)

Public Hearing Date-November 18, 2021

City Contact- Stan Ketchum at sketchum@m-group.us.

- Note that the Preliminary Review process is explained in our Municipal Code section 18.76.020 (c):

(c) Preliminary Review

For the purpose of securing the advice of the architectural review board prior to making an application for the board's recommendation on a project, an applicant, upon paying a preliminary application fee, as set forth in the municipal fee schedule, may bring a design before the board for preliminary review. If the applicant wishes to proceed with the project, he or she must then file an application and pay a regular application fee. **The comments of the architectural review board members during a preliminary review shall not be binding on their formal recommendation.**

Link to the Municipal Code

https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-81678

Regards,



Samuel Gutierrez, MUP

Planner

Planning & Development Services Department

(650) 329-2225 | samuel.gutierrez@cityofpaloalto.org

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: [Aram James](#)
To: [Pat Burt](#); [Council, City](#); [Human Relations Commission](#); [Planning Commission](#); paloaltofreepress@gmail.com; [chuck jagoda](#); [Jay Boyarsky](#); [Jeff Rosen](#); wintergerly@earthlink.net; [Joe Simitian](#); [Sajid Khan](#)
Subject: Cordell on HRC report —from the archives
Date: Monday, January 10, 2022 7:24:35 PM

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

<https://padailypost.com/2021/01/18/cordell-says-city-commissions-report-on-race-lacks-immediate-steps-to-solve-racial-problems/>

Shared via the [Google app](#)

Sent from my iPhone

MACKENZIE & ALBRITTON LLP

155 SANSOME STREET, SUITE 800
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

January 12, 2022

VIA EMAIL

Planning & Transportation Commission
City of Palo Alto
250 Hamilton Avenue
Palo Alto, California 94301

Re: Draft Ordinance Amending Code Section 18.42.110
Wireless Communication Facilities
Commission Agenda Item 4, January 12, 2022

Dear Commissioners:

We write on behalf of Verizon Wireless to provide initial comments on the draft ordinance revising Palo Alto Municipal Code Section 18.42.110 regarding wireless communication facilities (the “Draft Ordinance”). In our November 15, 2021 letter to the City Council and December 2, 2021 letter to the City Attorney, we recommended process changes to ensure that the City’s wireless regulations comply with federal and state law. Most importantly, we emphasize the need for the City to move away from an “exceptions” process for review of right-of-way facilities, in favor of a “preference” process with respect to location and design standards. We urge the Commission to adopt our suggested changes. A copy of our December 2, 2021 letter, which includes a redline of the ordinance with proposed changes, was not included in this evening’s Staff Report, and is attached here for your reference.

The City’s current process imposes numerous prohibitive location and design standards for small cells in the right-of-way, each requiring an “exception.” In fact, each of Verizon Wireless’s 2020 small cell applications required numerous exceptions—as many as seven—leading to a one-year delay of approval. For each exception, the Planning Director is forced to act as a federal or state court judge, determining whether denial of the exception would violate federal or state law. This is a flawed process that guarantees appeals and invites litigation. Instead of continuing the problematic prohibition/exception scheme, the Commission can initiate a new process based on location preferences qualified by a reasonable 500-foot search distance. Under a “preference process,” the Planning Director evaluates land use impacts to identify the preferred location and design for a right-of-way wireless facility. This approach, adopted by many California cities, including Cupertino and San Mateo, avoids the need for problematic exceptions.

In its 2018 Infrastructure Order, the FCC required that a local government’s aesthetic criteria be “reasonable,” that is, technically feasible and meant to avoid “out-of-character” deployments, and also “published in advance.” *See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd. 9088, ¶¶ 86-88 (September 27, 2018). The FCC also found that that for small cells, local requirements that “materially inhibit” service improvements and new technology constitute an effective prohibition of service under the Telecommunications Act. *Id.*, ¶¶ 35-37; *see also* 47 U.S.C. §§ 253(a), 332(c)(7)(B)(i)(II). The Ninth Circuit Court of Appeals upheld these FCC requirements. *See City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), *cert. denied*, 141 S.Ct. 2855 (Mem) (U.S. June 26, 2021).

Our comments on the Draft Ordinance are as follows.

(e)(11), (12), (13). Alternatives analysis. These provisions would require Tier 2 and 3 facility applicants to compare the number of exceptions needed for a proposed facility and any alternatives, factoring in feasibility. However, any technically infeasible requirements for small cells are unreasonable according to the FCC and therefore preempted, whether the City grants an exception or not. By comparing the number of exceptions required, staff in essence would be evaluating the degree of preemption, but that would be a step in the wrong direction because the City should eliminate all infeasible and preempted criteria. Further, by granting exceptions *after* an application is filed, and thereby consenting to new standards on a case-by-case basis, the City violates the FCC’s requirement that small cell standards be “published in advance.”

Instead of reviewing alternatives by comparing exceptions, the City should adopt reasonable location preferences for small cells in the right-of-way, with a 500-foot search distance for any preferred locations, as we suggest below in our comment on Section (k). As to facility design, the City should work with wireless carriers to ensure that its standards accommodate the small cell technology available from manufacturers and required for service. *Draft Ordinance Sections (e)(11), (12) and (13) should be deleted.*

(e)(14). Hypothetical maximum buildout. For Tier 3 applications, this existing Code provision requires a depiction of the maximum future expansion of a proposed facility that could be permitted by an eligible facilities request. However, such speculation over a modification that may never occur is irrelevant to a pending application, and bears no relation to findings for approval of a Tier 3 facility. Historically, the City’s own telecommunications consultants have acknowledged the speculative nature of this requirement and advised that it should not be an application requirement. *This provision should be deleted.*

(f)(2). Denial of incomplete application. The City cannot unilaterally terminate a duly-filed application after 90 days while the Shot Clock is paused pending an applicant’s response to a notice of incomplete application (“NOI”). The FCC’s rules plainly state

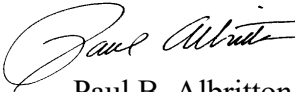
that the Shot Clock restarts or resumes after a response to an initial NOI. 47 C.F.R. § 1.6003(d). The FCC's rules do not impose a time limit for applicants to respond. The City would lack substantial evidence to deny a duly-filed application on this basis. 47 U.S.C. § 332(c)(7)(B)(iii). *This provision must be deleted.*

(f)(3). Denial due to pending information. This provision would allow the City to terminate an application if an applicant does not identify an exception that staff believes is required, but that would violate the FCC's Shot Clock procedures. The FCC's rules require the City to list missing exception requests in an NOI, identifying any "missing documents and information" that render an application "materially incomplete," as well as "the specific rule or regulation creating the obligation to submit such documents or information." 47 C.F.R. §§ 1.6003(d)(1), (2). If the City identifies a missing exception request, the Shot Clock pauses until an applicant responds. *This provision must be deleted.*

(k). Location preferences. Verizon Wireless has encouraged the City to adopt reasonable location preferences that allow right-of-way facilities in all areas of Palo Alto, while generally favoring non-residential zones over residential. This would avoid a prohibition of service that would violate the Telecommunications Act. To ensure that the City does not "materially inhibit" service improvements, this Draft Ordinance provision should specify a reasonable search distance for small cells in the right-of-way, whereby an applicant may use a less-preferred location if there is no feasible option nearby. This is common in California cities that have updated their right-of-way regulations to comply with the FCC's 2018 Infrastructure Order. *We suggest adding the following language: "For facilities in the right-of-way, an applicant may use a less-preferred location if there is no preferred option within 500 feet along the subject right-of-way that is available and technically feasible."*

(k)(1). Preference for building-mounted facilities and collocations. These may be suitable for private property sites, but not for right-of-way facilities mounted to poles, where collocation is generally infeasible due to pole space constraints, signal interference concerns, and other factors. Because California Public Utilities Code Section 7901 grants telephone corporations a statewide right to use any right-of-way, the City cannot redirect facilities to private property. The Architectural Review Board has rejected right-of-way designs with multiple carriers' facilities due to the adverse aesthetic impact of excessive equipment on a single pole. *This section should be clarified to apply to private property only.*

Verizon Wireless believes that our suggested revisions will eliminate unlawful requirements and streamline permitting of small cells in the right-of-way. We urge the Planning Commission to incorporate our suggested revisions to the Draft Ordinance.

Very truly yours,

Paul B. Albritton

Planning & Transportation Commission
City of Palo Alto
January 12, 2022
Page 4 of 4

Attachment

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December 2, 2021

VIA EMAIL

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Re: Palo Alto Wireless Facility Ordinance and Objective Standards

Dear Molly and Gail:

We write on behalf of Verizon Wireless to propose revisions to Palo Alto's wireless facilities ordinance and the *Objective Standards* for right-of-way facilities. In our November 15 letter to the City Council, we offered three general suggestions to streamline permitting of small cells and ensure that the City's wireless regulations comply with federal and state law. Small cell design standards should be "reasonable" and technically feasible, so applicants do not need to apply for numerous, problematic exceptions. The City should adopt location preferences qualified by a reasonable search distance, instead of imposing prohibitions on numerous locations. Staff should issue any notice of incomplete application for a small cell proposal within 10 days of filing, consolidating comments from all departments and referencing specific City regulations.

To assist with implementing these suggestions, and to remedy a few other legal conflicts, we have attached redlines of our suggested revisions to both Code Section 18.42.110 and the *Objective Standards*. Below, we describe our suggested revisions and explain how they ensure compliance with federal and state law.

The City also may consider exempting facilities on City-owned poles under a license agreement from the requirement for a land use permit. This could be accomplished by adding an exemption or applicability clause to Code Section 18.42.110. As pole owner, the City has considerable control over facility location and design in its proprietary capacity. With a license agreement, the City exercises subjective control in advance through a collaborative process. At the same time, each carrier can confirm that small cell location and design criteria are reasonable by agreement. A license agreement offers the same flexibility to update design criteria as the *Objective Standards* which are adopted by resolution.

Code § 18.42.110 – Wireless Communication Facilities

(c)(1). Types of WCF permits required – Tier 1. For the administrative Tier 1 approval process, we added “small wireless facilities that comply with the *Objective Standards*.” This will streamline permitting of small cells to meet the 60- and 90-day Shot Clock timelines required by the Federal Communications Commission (the “FCC”). 47 C.F.R. § 1.6003(c). Expedited permitting is appropriate for small cells that satisfy the reasonable aesthetic standards that the City must adopt per the FCC’s 2018 Infrastructure Order. *See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd. 9088, ¶¶ 86-87 (September 27, 2018).

(d)(6). Submittal of all applications at same time. We added a site license agreement (if applicable) to the list of applications that must be submitted along with the land use permit application. The FCC determined that all authorizations required by a city for a new wireless facility must be reviewed within the same “Shot Clock” period. Infrastructure Order, ¶¶ 132-33.

(d)(8). Tier 3, depiction of maximum dimensions permitted by Spectrum Act. We deleted this submittal requirement for hypothetical information that is not pertinent to a pending wireless facility application. Each Tier 3 application should be evaluated on its own merits, not on speculation over future expansion that may never occur.

(f)(1). Tier 1 WFC permit process and findings. We clarified that small wireless facilities should be approved if they comply with the *Objective Standards*. We also added requirements for a notice of incomplete application because the City’s current process led to hundreds of comments on Verizon Wireless’s recent applications. Many comments were vague, based on misinterpretations of the Code or standards, or contradicted by later staff comments. To halt the Shot Clock for a small cell application, the City must issue a first notice of incomplete application (“NOI”) within 10 days after the filing date. 47 C.F.R. § 1.6003(d)(1). Each NOI comment or request for information must cite “the specific rule or regulation creating this obligation.” 47 C.F.R. § 1.6003(d)(2)(i). Subsequent NOIs do not pause the clock if they request new information not clearly and specifically identified in the first NOI. 47 C.F.R. § 1.6003(d)(3)(i).

(j)(1). Permit conditions for Tier 1. This minor change clarifies the conditions applicable to eligible facilities requests under the Spectrum Act.

(j)(8). Replacement with new technology as available. We deleted this condition that would violate the vested rights of wireless carriers who built their facilities in reliance on approved plans and standards applicable at the time. This also would violate Government Code Section 65964(b) that generally requires a minimum 10-year term for wireless facility permits.

(j)(9). Permit length. We extended the “build-out” period from 12 to 24 months. For Verizon Wireless’s recent permit approvals, the City has delayed issuance of encroachment permits due to staff’s changing requirements.

(k). Exceptions (severability). We removed the exception process, and replaced it with a severability clause that would allow the City—or a federal or state court—to find that certain standards are preempted or invalid, and therefore inapplicable to a particular application. The FCC emphasized that it is the City’s responsibility to adopt “reasonable” and technically feasible aesthetic standards for small cells that are published in advance. Infrastructure Order, ¶ 86. It is not the responsibility of applicants to prove that City standards are unreasonable or otherwise “materially inhibit” service. The exception process requires quasi-judicial findings regarding federal or state law that are not aesthetic in nature. Verizon Wireless’s recent applications for typical small cells installed in many other cities required numerous exceptions in Palo Alto, and future proposals for identical designs would require the same exceptions over and over, confirming that many current City standards are unreasonable.

Objective Standards for Wireless Communication Facilities in the Public Rights of Way on Streetlight Poles and Wood Utility Poles

WCF Siting Standards

We deleted unreasonable location restrictions requiring an exception for residential zones, and prohibiting facilities near schools, the “residential zone of exclusion,” or 20 feet from occupied structures or intersections. These restrictions “materially inhibit” service improvements and effectively prohibit service in violation of the Telecommunications Act. Infrastructure Order, ¶¶ 35-37. Instead, we added five reasonable location preferences, favoring the various non-residential zones over residential zones, while preserving the current hierarchy of preferred streets within residential zones. We also converted the bans on scenic routes and historic sites to preferences, making them the least-favored option. We added a 200-foot search distance for any feasible, preferred option to avoid steering a small cell too far from its target service area, which will avoid a prohibition of service. We retained the 600-foot facility separation, but specified that it applies to facilities of the same carrier.

We also inserted new structure preferences, favoring use of existing poles while allowing an applicant to place a new pole if there is no feasible existing option with 200 feet. The FCC considered new poles for small cells in part by specifying distinct fees and Shot Clocks. Infrastructure Order, ¶ 79; 47 C.F.R. § 1.6003(c)(1)(iii). California Public Utilities Code Section 7901 grants telephone corporations a statewide right to place their equipment along any right-of-way, including new poles.

WCF Design Standards

We kept the current design configurations, but deleted language preferring any particular design and converting all designs to options. This avoids imposing standards that may be

technically infeasible for particular carriers. We added a fifth option for integrated antennas, based on Verizon Wireless's recently-approved and planned small cells, shown in the attached photosimulations.

WCF antenna and shroud dimensions (diameter/height). We deleted inexact language requiring the smallest antenna to achieve a coverage objective. This impermissibly dictates the technology to be used by wireless providers. *See New York SMSA Ltd. Partnership v. Town of Clarkstown*, 612 F.3d 97, 105-106 (2nd Cir. 2010). The FCC defined "small wireless facility" to include antennas up to three cubic feet each. 47 C.F.R. § 1.6002(l). By adding the word "any," we clarified that not all antennas will be shrouded, as explained below.

WCF design quality. We added an exemption to shrouding requirements for integrated antennas, which Verizon Wireless uses for frequencies that are impeded by shrouds, and which would be technically infeasible in that circumstance.

WCF equipment adjustment. We deleted this section, which one planner thought required an exception and not an allowed "adjustment." This provision is unnecessary because the height limit standards constrain overall facility size. The severe limits on antenna size contradict the FCC's volume allowance of three cubic feet, and would discriminate against some technologies in conflict with new Government Code Section 65964.1(h) (effective January 1, 2022).

Existing pole locations. We deleted this section that generally prohibits new poles, and we included new poles as the less-favored option in the new "structure preferences" described above.

WCF Performance Standards

Pole replacement. For Footnotes 7 and 8, we added the qualifier "to the extent technically feasible" as well as language allowing deviations from standards to accommodate structural requirements. Requiring that replacement poles exactly match City standards led to numerous NOI comments and exception requirements for Verizon Wireless's recent applications, as well as delay of encroachment permit applications. Because replacement streetlight poles increased in height, Verizon Wireless could not satisfy some of the City's specifications. For example, the manufacturer Valmont could not offer a clam shell base for a taller pole of the exact dimension that the City required, so the City's standard was technically infeasible and unreasonable.

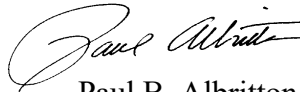
Landscape screening. We deleted this requirement regarding existing and new street trees, which led to numerous rounds of confusing staff comments on Verizon Wireless's recent applications. New trees are beyond the scope of a "small wireless facility" as defined by the FCC. Requiring such an off-site improvement is excessive and bears no nexus to a small wireless facility, which poses minimal visual impact because of the size constraints imposed by the FCC's definition.

Exceptions (Severability)

Consistent with our suggested Code revision, we deleted the exception process and inserted a severability clause. We also deleted the prohibitive language barring exceptions for certain locations, such as 300 feet from a school. We included residential alleys in the new location preference list described above.

Our suggested revisions to the Code and *Objective Standards* are informed by Verizon Wireless's experience over the last year-and-a-half working with City staff to secure approval of land use permits for three small cells and the ongoing work to obtain encroachment permits. We believe that these revisions will eliminate unlawful, onerous requirements while providing a clear, streamlined process for applicants and staff alike. We would be pleased to review a draft ordinance and revised standards prior to their introduction.

Very truly yours,



Paul B. Albritton

Attachments

cc: Aylin Bilir, Esq.
Jonathan Lait
Ed Shikada

Palo Alto Municipal Code
Verizon Wireless Suggested Revisions
December 2, 2021

Verizon Wireless suggests revisions to certain provisions of the Palo Alto Municipal Code, but does not comment on every provision. The absence of comment on a specific provision does not represent a waiver by Verizon Wireless of its right challenge any such provision in the future.

18.42.110 Wireless Communication Facilities

...

(c) Types of WCF Permits Required

(1) A Tier 1 WCF Permit shall be required for:

A. Any eligible facilities request, as defined in this section; or

B. Any application for a Small Wireless Facility that complies with the Objective Standards.

(2) A Tier 2 WCF Permit shall be required for:

A. Any modification of an eligible support structure, including the collocation of new equipment, that substantially changes the physical dimensions of the eligible support structure on which it is mounted; or

B. Any collocation of a small wireless facility that does not comply with the Objective Standards; or

C. Any collocation not eligible for a Tier 1 WCF Permit.

(3) A Tier 3 WCF Permit shall be required for the siting of any WCF, including a small wireless facility that does not comply with the Objective Standards, that is not a collocation subject to a Tier 1 or 2 WCF Permit. An application shall not require a Tier 3 WCF Permit solely because it proposes the replacement in-place of an existing streetlight or wood utility pole.

(d) WCF Application Requirements

All applications for a WCF Permit shall include the following items:

(1) Any applicant for a WCF Permit shall participate in an intake meeting with the Planning and Community Environment Department when filing an application;

(2) The applicant must specify in writing whether the applicant believes the application is for an eligible facilities request subject to the Spectrum Act, and if so, provide a detailed written explanation as to why the applicant believes that the application qualifies as an eligible facilities request;

(3) The applicant shall complete the city's standard application form, as may be amended from time to time;

(4) The applicant shall include a completed and signed application checklist available from the city, including all information required by the application checklist;

(5) Payment of the fee prescribed by the Municipal Fee Schedule;

(6) The application must be accompanied by all permit applications with all required application materials for each separate permit required by the city for the

proposed WCF, including a building permit, an encroachment permit (if applicable), ~~and~~ an electrical permit (if applicable), and a site license agreement (if applicable);

(7) For Tier 2 and 3 WCF Permits, the applicant must host a community meeting at a time and location designed to maximize attendance by persons receiving notice under this subparagraph to provide outreach to the neighborhood around the project site. The applicant shall give notice of the community meeting to all residents and property owners within 600 feet of the project site at least 14 days in advance of the community meeting. Applicants are encouraged to host the meeting before submitting an application. Before an application may be approved, the applicant shall provide a proof of notice affidavit to the city that contains:

A. Proof that the applicant noticed and hosted the community meeting no later than 15 days after filing the application;

B. A summary of comments received at the community meeting and what, if any, changes were made to the application as a result of the meeting;

~~(8) For Tier 3 WCF Permits, the plans shall include a scaled depiction of the maximum increase in the physical dimensions of the proposed project that would be feasible and permitted by the Spectrum Act, using the proposed project as a baseline; and~~

(9) Satisfy other such requirements as may be, from time to time, required by the Planning and Community Environment Department Director ("Director"), as publically stated in the application checklist.

...

(f) Tier 1 WCF Permit Process and Findings

(1) A Tier 1 WCF Permit shall be reviewed by the Director. The Director's decision shall be final and shall not be appealable;

(2) The Director shall grant a Tier 1 WCF Permit provided that the Director finds that the applicant proposes an eligible facilities request, or that the applicant proposes a Small Wireless Facility that complies with the Objective Standards;

(3) The Director shall impose the following conditions on the grant of a Tier 1 WCF Permit:

A. For an eligible facilities request, ~~the~~ the proposed collocation or modification shall not defeat any existing concealment elements of the support structure; and

B. The conditions of approval in Section [18.42.110\(j\)](#).

(4). For an application for a Small Wireless Facility, the Director shall issue any notice of incomplete application within 10 days after the filing date, including comments from all City departments providing input. Each comment shall clearly specify the City rule or regulation that requires the information requested. Subsequent notices of incomplete application may not request additional information not identified in the initial notice.

...

(j) Conditions of Approval

In addition to any other conditions of approval permitted under federal and state law and this Code that the Director deems appropriate or required under this Code, all WCF Projects approved under this chapter, whether approved by the Director or deemed granted by operation of law, shall be subject to the following conditions of approval:

(1) Permit conditions. The grant or approval of a WCF Tier 1 Permit for an eligible facilities request shall be subject to the conditions of approval of the underlying permit, except as may be preempted by the Spectrum Act.

(2) As-built plans. The applicant shall submit to the Director an as-built set of plans and photographs depicting the entire WCF as modified, including all transmission equipment and all utilities, within ninety (90) days after the completion of construction.

(3) Applicant shall hire a radio engineer licensed by the State of California to measure the actual radio frequency emission of the WCF and determine if it meets FCC's standards. A report, certified by the engineer, of all calculations, required measurements, and the engineer's findings with respect to compliance with the FCC's radio frequency emission standards shall be submitted to the Planning Division within one year of commencement of operation.

(4) Indemnification. To the extent permitted by law, the applicant shall indemnify and hold harmless the city, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the city for its actual attorneys' fees and costs incurred in defense of the litigation. The city may, in its sole discretion and at Applicant's expense, elect to defend any such action with attorneys of its own choice.

(5) Compliance with applicable laws. The applicant shall comply with all applicable provisions of the Code, any permit issued under this Code, and all other applicable federal, state and local laws (including without limitation all building code, electrical code and other public safety requirements). Any failure by the City to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this code, any permit issued under this code, or all other applicable laws and regulations.

(6) Compliance with approved plans. The proposed Project shall be built in compliance with the approved plans on file with the Planning Division.

(7) Subject to city uses. Any permit to install or utilize poles or conduit in the public rights-of-way is subject to the city's prior right to use, maintain, expand, replace or remove from use such facilities in the reasonable exercise of its governmental or proprietary powers. Such permit is further subject to the city's right to construction, maintain, and modify streets, sidewalks, and other improvements in the public rights-of-way. The city, in its sole discretion, may require removal or relocation of a permittee's equipment, at permittee's sole cost and expense, if necessary to accommodate a city use.

~~(8) Replacement. Where feasible, as new technology becomes available, the applicant shall place above-ground equipment below ground and replace equipment remaining above ground with smaller equipment, as determined by volume. The applicant shall obtain all necessary permits and approvals for such replacement.~~

(9) Permit length. WCFs permits shall be valid for the time provided in Section 18.42.110(n), except that a permit shall automatically expire after ~~twelve~~ 24 months from the date of approval if within such ~~twelve~~ 24 month period, the applicant has not obtained all necessary permits to commence construction. The director may, without a hearing, extend such time for a maximum period of twelve additional months only, upon application filed with him or her before the expiration of the twelve-month limit.

(k) Severability

If any provision of this Section or the application thereof to any circumstance or permit application is found to be preempted or invalid, that provision shall be severed from this Section or inapplicable to a permit application, and shall not affect the validity of the remaining provisions.

~~—(k) Exceptions~~

~~—(1) The decision-making authority may grant exceptions to objective standards adopted by City Council resolution or any provision of this Section 18.42.110, upon finding that:~~

~~— A. The proposed WCF complies with the requirements of this Section 18.42.110 and any other requirements adopted by the City Council to the greatest extent feasible; and either~~

~~— B. As applied to a proposed WCF, the provision(s) from which exception is sought would deprive the applicant of rights guaranteed by federal law, state law, or both; or~~

~~— C. Denial of the application as proposed would violate federal law, state law, or both.~~

~~—(2) An applicant must request an exception at the time an application is initially submitted for a WCF permit under this Section 18.42.110. The request must include both the specific provision(s) from which exception is sought and the basis of the request, including all supporting evidence on which the applicant relies. Any request for exception after the City has deemed an application complete constitutes a material change to the proposed WCF and shall be considered a new application.~~

~~—(3) If the applicant seeks an exception from objective standards adopted by City Council resolution or generally applicable development standards, the Director may refer the application to the Architectural Review Board for recommendation on whether the application complies with such standards to the greatest extent feasible.~~

~~—(4) The applicant shall have the burden of proving that federal law, state law, or both compel the decision-making authority to grant the requested exception(s), using the evidentiary standards applicable to the law at issue. The city shall have the right to hire independent consultants, at the applicant's expense, to evaluate the issues raised by the exception request and to submit rebuttal evidence where applicable.~~

...

**Palo Alto Objective Standards
Verizon Wireless Suggested Revisions
December 2, 2021**

Verizon Wireless suggests revisions to certain provisions of the Objective Standards, but does not comment on every provision. The absence of comment on a specific provision does not represent a waiver by Verizon Wireless of its right challenge any such provision in the future.

**Objective Standards for Wireless Communication Facilities
in the Public Rights of Way on Streetlight Poles and Wood Utility Poles**

A Wireless Communication Facility (WCF) proposed for the public right of way must comply with the applicable provisions of the City’s Municipal Code and all of the following objective standards. In each instance where a proposed facility is unable to comply with the City’s objective standards, a WCF Exception may be requested and evaluated in accordance with this resolution and PAMC Section 18.42.110(k).¹The following standards apply to both streetlight poles and wood utility poles, unless otherwise noted.

WCF SITING STANDARDS

~~Permitted Zoning Districts~~

~~WCF placement is permitted in non-residential zoning districts.~~

~~Public School Boundary~~

~~A WCF shall not be placed within 600 feet of a parcel containing a public school. No WCF Exception shall be granted allowing a WCF to be placed closer than 300 feet to a parcel containing a public school.~~

~~Residential Zone of Exclusion
(this standard applies to WCF Exception requests to locate in residential districts)~~

~~No WCF shall be placed within the public right of way in the area between the street centerline and the central fifty percent (50%) of the immediately adjacent parcel’s front lot line. The central fifty percent standard shall be based on the parcel’s lot width². For corner lots, the central fifty percent standard along the street lot line³ shall be based on the parcel’s lot depth⁴. Exhibit 2 illustrates this requirement.~~

Location Preferences

Residential Roadways
(this standard applies to WCF Exception requests to locate in residential districts)

Applicants must place facilities according to the following location preferences. An applicant may use a less-preferred location if there is no preferred option that is available and technically feasible within 200 feet along the subject right-of-way.

1. Office, research and manufacturing districts
2. Commercial districts
3. Special purpose districts
4. Residential districts, along the following streets in order of preference:
 - Expressways
 - Arterials

- Residential Arterials
- ~~Roadways identified with a Special Setback (including~~
~~Collector and local streets).~~
- Alleys

5. Identified scenic routes, within a listed historic district, or within 100 feet of a parcel with an historic structure or a historic site, as those terms are defined by PAMC Section 16.49.020.

~~Any request for a WCF Exception involving placement of a WCF within a residential zoning district shall prioritize WCF placement on the following roadway types (See Exhibit 3):~~

~~In each instance above, the priority shall be for placement of a WCF most distant from residential property.~~

~~An additional WCF Exception request must be made to place a WCF on a collector or a local roadway that does not have an identified special setback.~~

Structure Preferences

The City prefers applicants to use existing pole locations in the right-of-way. An applicant may place and own a new pole if there is no existing pole location that is available and technically feasible within 200 feet along the subject right-of-way.

~~Building or Structure Setback~~

~~A WCF shall not be placed closer than 20 feet from any building used for occupancy in any zoning district.~~

~~Distance Between WCFs~~

~~A WCF shall not be placed less than 600 feet away from another WCF of the same company. This requirement does not preclude WCFs collocating on the same structure where otherwise allowed.~~

~~Intersection Corners⁵~~

~~A WCF shall not be placed less than 20 feet away from any roadway intersection. An intersection is measured from the start of the curb radius.~~

~~Scenic Routes⁶~~

~~A WCF shall not be placed along an identified scenic route.~~

~~Historic Districts, Sites, and Structures~~

~~A WCF shall not be placed within a listed historic district, nor immediately adjacent to a parcel with an historic structure, nor immediately adjacent to an historic site, as those terms are defined by PAMC Section 16.49.020.~~

~~A WCF shall not be placed in a potential historic district, or immediately adjacent to a potential historic structure or site, where the application for historic designation was filed with the City prior to the filing of a WCF application, until a final decision has been made regarding that pending historic designation.~~

WCF DESIGN STANDARDS

Following are allowed options for placement of antennas and associated equipment.

Underground Design
(Preferred Option)

Radio equipment shall be placed in an underground vault. The associated antenna(s) shall be placed in a shroud at the top of a nearby pole.

Underground vaults shall be the minimum volume necessary to house WCF equipment and include information detailing why the proposed dimensions are required. Maximum vault size shall not exceed 5 feet 8-inches x 8 feet 2-inches x 5 feet 7-inches or 260 cubic feet, excluding space required for ventilation or sump pump equipment.

Top-Mounted Design
(Secondary Option)

Radio equipment and the associated antenna(s) shall be enclosed within a shroud at the top of the pole.

Minimal Sunshield Design
Use of this design requires a WCF Exception

Radio equipment shall be enclosed within one or two sunshields not exceeding 8 inches wide nor 0.75 cubic feet in volume each, mounted directly to the side of the pole. The associated antenna(s) shall be placed in a shroud at the top of the pole.

Sunshields shall be attached at least 12 feet above ground level and, when located on wood utility poles, shall not interfere with the identified communication space.

Existing Signage Design
Use of this design requires a WCF Exception

Radio equipment shall be attached to a pole behind existing signage under the following conditions:

- i) Radio equipment shall be placed within a shroud that does not exceed the dimensions of the sign in height and width, nor 4 inches in depth, including any required mounting bracket.
- ii) In no event shall WCF equipment obscure or interfere with the visibility or functioning of the signage.

The associated antenna(s) shall be placed in a shroud at the top of the pole.

Integrated Antenna Design

Antennas with integrated radios shall be attached at the same centerline and flush-mounted to the top of a streetlight pole, or mounted on a stand-off arm and bracket to the side of a utility pole the minimum distance to comply with General Order 95 Rule 94.4. Approved examples of antennas integrated with radios are attached.

WCF Antenna and Shroud
Dimensions (Diameter / Height)

~~Antennas shall have the smallest size possible to achieve the coverage objective.~~

The diameter of the antenna and any shroud shall not exceed 15 inches at their widest.

For Streetlight Poles: The maximum WCF height shall not exceed 3 feet (or 5.5 feet for top-mounted designs) from the top of the streetlight pole that meets the City standards for the proposed location.

The associated “antenna skirt” shall taper to meet the pole above the mast arm.

For Wood Utility Poles: In no circumstance shall the total height of a pole and all WCF equipment exceed 55 feet. For wood utility poles carrying power lines, replacement poles shall be the minimum height necessary to provide GO 95 mandated clearance between WC equipment and power lines. For wood utility poles without power lines, any WCF equipment shall not increase the height of the pole by 5.5 feet when compared with the height of the existing pole.

The associated “antenna skirt” shall taper to meet the top of the pole if wider than the pole.

WCF Design Quality

Antennas and/or equipment at the top of the pole, except antennas with integrated radios, shall be covered by a single integrated shroud and “antenna skirt” designed without gaps between materials or sky visible between component surfaces and between the shroud or skirt and the top of the pole.

All components external to the pole shall have an integral color or shall be painted to match the color and/or materials of the pole.

Associated Equipment shall be oriented to face in either of the directions of travel in the right of way and shall not face or extend toward private property or the curb line.

~~WCF Equipment Adjustment~~

~~For Streetlight Poles: Equipment that cannot propagate an adequate signal within the shrouding required by the standard designs shall be attached to a streetlight pole at a height of 2 feet below the light mast or higher. Each instance of such equipment shall not exceed 0.85 cubic feet, nor shall the total volume of such equipment and any shrouding exceed 2.6 cubic feet per streetlight pole.~~

~~For Wood Utility Poles: Equipment that cannot propagate an adequate signal within the shrouding required by the standard designs shall be attached to the top of the pole or on a cross arm or brace protruding from the pole the minimum extent necessary to comply with safety standards, including GO 95. Such cross arm shall be placed as high on the pole as technically feasible. Each instance of such equipment shall not exceed 0.85 cubic feet nor shall the total volume of such equipment exceed 2.6 cubic feet per wood utility pole.~~

Curb Clearances

Any WCF attachments placed below 16 feet above ground level shall not be placed closer than 18 inches to the curb, nor shall they extend over the sidewalk (Caltrans Highway Design Manual Section 309).

All WCF equipment shall maintain at least 3 feet from any curb cut.

WCF Wires and Cabling

For Streetlight Poles: All wires and cabling shall be routed entirely underground and within the pole and any attached shroud.

For Wood Utility Poles: All wires and cabling to equipment shall be within the shroud or shall be within conduit. All conduit shall be mounted flush to the pole.

Safety Signs	Safety signs shall be the smallest size possible to accomplish its purpose.
Power Disconnects	<p><u>For Streetlight Poles:</u> Power disconnects shall be labeled and placed in a vault near the base of the pole.</p> <p><u>For Wood Utility Poles:</u> Power disconnects shall be labeled and placed on the wood pole or in a vault near the base of the pole.</p>
Ground Mounted Equipment	Except as provided in these standards, no equipment cabinets may be placed at grade.
Existing Pole Locations	A WCF shall utilize an existing streetlight pole or wood utility pole location. Any new pole locations are prohibited unless approved through a City Public Works/Utilities pole placement application.

WCF PERFORMANCE STANDARDS

Pole Replacement	<p><u>For Streetlight Poles:</u> An existing streetlight pole proposed for a WCF installation shall be replaced with a new pole.⁷</p> <p><u>For Wood Utility Poles:</u> An existing wood utility pole proposed for a WCF installation shall be replaced with a new pole.⁸</p>
Landscaping Replacement	Any existing landscaping removed or damaged by installation shall be replaced in kind.
Landscape Screening	A WCF shall be placed where existing street tree foliage or new street tree or amenity tree foliage within 35 feet of the WCF provides interruption of direct views of the WCF.

⁷ Replacement streetlight poles must meet the currently applicable City standards for the pole to the extent technically feasible, including foundation and bolt designs, conduit separation, aluminum material, color, width, height, light mast characteristics (examples: orientation, design, height, color temperature and photometrics), and the presence/absence of decorative features. To the extent technically feasible, Rreplacement poles will conform to Public Works Department (PWD) style guidelines and Utilities-Electrical (CPAU) standards where the City has adopted standards and will match the pole being replaced where no standards exist. Standard specifications for streetlight poles in the City can be obtained from the Utilities-Electrical (CPAU) and Public Works (PWD) Departments. Deviations from the standards shall be allowed to accommodate structural requirements resulting from required pole replacement.

⁸ Replacement wood utility poles must meet the currently applicable City standards for the pole to the extent technically feasible, including width, height, color, material, structural capacity, and GO 95 compliance. Replacement poles shall be no greater in diameter or other cross-sectional dimension than is necessary for the proper functioning of the pole with all attachments. Existing pole functionality shall be maintained, such as in regard to electrical lines, climbing space, light masts (examples: orientation, design, height, color temperature and photometrics), and provision of communication space, unless existing functionality, such as transformers, can be relocated with the approval of the Utilities-Electrical Department (CPAU). Standard specifications for pole replacement in the City can be obtained from CPAU. For wood utility poles carrying power

lines, replacement poles shall be the minimum height necessary to provide GO-95 mandated clearance between WCF equipment and power lines. Deviations from the standards shall be allowed to accommodate structural requirements resulting from required pole replacement.

Noise ⁹	Noise from a WCF shall comply with PAMC Chapter 9.10 and shall be consistent with noise-related Comprehensive Plan goals and policies.
City Marketing Banners	WCF installations shall not require any changes in the City's existing banner marketing program.

SEVERABILITY

If any provision of these Objective Standards or the application thereof to any circumstance or permit application is found to be preempted or invalid, that provision shall be severed from the Objective Standards or inapplicable to a permit application, and shall not affect the validity of the remaining provisions.

WCF EXCEPTIONS

~~A WCF applicant may file an application(s) containing a request for one or more WCF Exceptions to the objective standards set forth in this resolution or any other provision of PAMC Section 18.42.110. The request for a WCF Exception(s) does not exempt a WCF from complying with other objective wireless administrative standards adopted by City Council resolution or any other provision of PAMC Section 18.42.110.~~

~~Each WCF Exception request must be made at the time an application is submitted and must include both the specific provision(s) from which the exception is sought and the basis of the request, including supporting evidence on which the applicant relies. The applicant has the burden of proving that federal law, state law, or both, compel the decision-making authority to grant the requested exception(s). The WCF Exception must satisfy the requirements of PAMC Section 18.42.110(k) and demonstrate why the standard is infeasible.~~

~~Failure to identify all required WCF Exceptions upon application submittal may result in application denial.~~

~~No WCF Exception may be granted that allows a WCF to be placed:~~

- ~~1) within 300 feet of a parcel containing a public school,~~
- ~~2) within 20 feet of a habitable residential building in a residential zoning district,~~
- ~~3) on wood utility poles within the Residential Zone of Exclusion described in this resolution, or~~
- ~~4) in an alley within a residential zoning district.~~

Palo Alto Approved Design



Existing



Proposed

Oval Antenna Shrouds



30749
8.625IN SUPPORT POLE,
C-BAND SHROUDS ABOVE LUMINAIRE



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Unshrouded Antennas

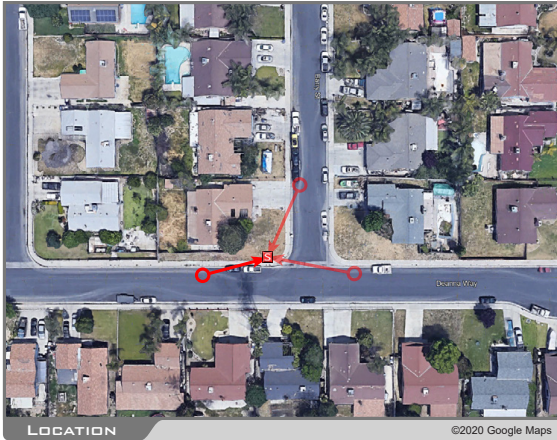


CA_BAK_WHITE_LANE_049

1FO 4609 BARRY STREET BAKERSFIELD CA 93307



VIEW 1



LOCATION

©2020 Google Maps



EXISTING

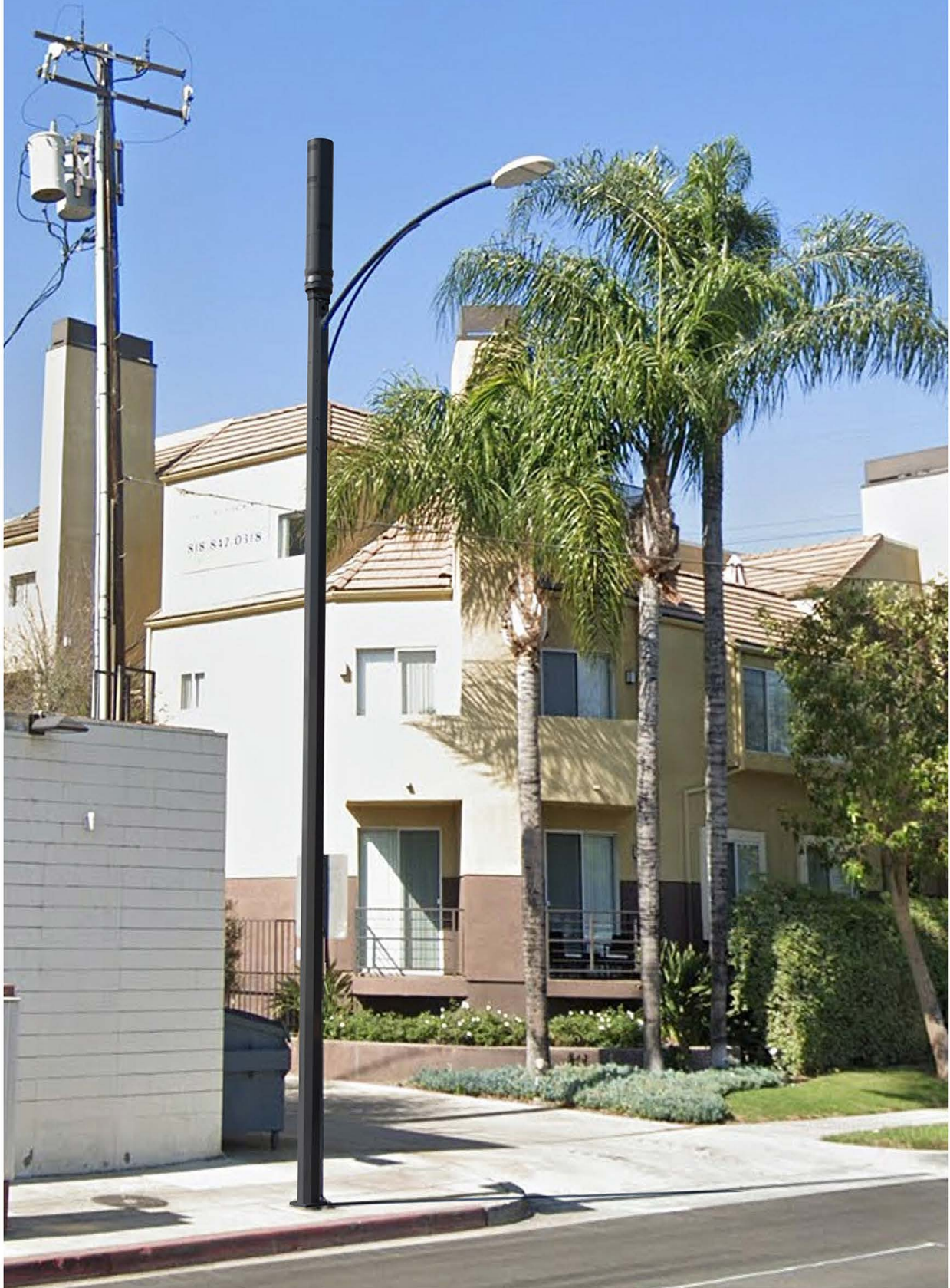


PROPOSED

LOOKING EAST FROM DEANNA WAY

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Narrow Vertical Antenna Shroud



Textured Cylindrical Antenna Shroud

