

From: [Ann Balin](#)
To: [Planning Commission](#)
Subject: Bay Side Cannery and Legacy of Thomas Foon Chew
Date: Wednesday, July 12, 2023 12:42:58 PM

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Chair Doria Summa & Fellow Commissioners,

I am writing you as a native Palo Alto to endorse the retention of the historical Bay Side Cannery to be kept for future generations.

I urge the Planning Commission to reflect carefully on your decision to maintain this critical component of Palo Alto's history. Thomas Foon Chew succeeded at great odds to establish his multimillion dollar generating cannery serving not only the state but the country. Santa Clara Valley was the bread basket well before the Sacramento Valley.

The Historic Resources Board and the Architectural Review Boards agree that Thomas Foon Chew established a legacy through his brilliant entrepreneurial work despite harsh pushback and racist pressures of the day. The architectural elements have character especially the roofline as one example.

The Cannery could partly be used as an amenity for the tract's housing neighbors such as a community gathering place with offices as well. There is a solution here. In fact the developer could compromise and be a true winner by working to preserve this legacy to the Chinese American community instead of just penciling out the 'project.' Sobrato is respected and he has an opportunity to do right which would further enhance his reputation.

The process of how the development agreement came to be without any public input is unfortunate. You have a responsibility to keep Palo Alto's historical legacy as exemplified by the contribution of Thomas Foon Chew intact.

Respectfully,

Ann Lafargue Balin

From: [Kristen Van Fleet](#)
To: [Dao, Veronica](#); [Planning Commission](#); [City Attorney](#); [City Mgr](#); [Council, City](#); [REDACTED]; [Furman, Sheri](#)
Subject: For PTC Meeting, July 12, 2023, Action Item 2
Date: Wednesday, July 12, 2023 9:11:22 AM
Attachments: [Ellsworth Place July 3, 2023, Meeting with Planning & Transportation - Google Docs.pdf](#)

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

July 12, 2023

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

Please find attached our notes from the site visit to Ellsworth Place on July 3, 2023, by Staff of both the Planning and Transportation Departments. These notes are written in the words of those who attended; either from copied emails or by transcription from voice recording.

Also understand, while most Ellsworth Place Neighbors have at minimum a college degree, and many have doctorates or higher, the majority speak English as a second language. Many have been expressing to me the challenges of conveying their full experiences in English either in writing or verbally. I am doing my best to be the bridge between my neighbors and City governance. However, most of us have been learning how our City governance works as we go along, and the City of Palo Alto does NOT MAKE THIS PROCESS EASY.

This whole process has been made more challenging by having these proceedings take place over the summer while many of our residents are away in countries with unreliable internet and time zones that are 9 - 12 hours ahead. We can resume full participation as of July 31, 2023.

Collectively, it is our experience that this process has been favoring the developers. Our concerns, as residents of Ellsworth Place, have been addressed with minimal to no effort. There are city laws and ordinances that need to be enforced in this process!

We ask for a fair process that uses truth and transparency. When the packet continues to contain false information, confusing information, and different information from one page to the next, there is something wrong here.

I have left messages this week asking to talk with our Assistant City Attorney Albert Yang, in an effort to get the mistakes and confusion corrected, and I have yet to receive a response to my inquiry.

As tax-paying citizens, our City can do better!

Sincerely,

Kristen A. Van Fleet
on behalf of the Ellsworth Place Residents

Regarding the meeting with the City of Palo Alto Transportation and Planning

July 3, 2023

In attendance:

From Planning - Garrett Sauls

From Transportation - Silvia Star-Lack, Shrupath Patel

Ellsworth Place homeowners:

Kristen A. Van Fleet

Paul Bigbee

Robert Chaoqian Chen

Bhanu Iyer

Susan Light

Xoee Margolis

Gala Beykin

Yevgeny Khasin

Bhanu Iyer (transcribed from a recording on 7/9/2023):

“Hi my name is Bhanu Iyer, this is what I remember from the meeting on July 3, 2023, with Garrett Sauls, Silvia Star-Lack, and Shrupath Patel. What I remember the most, what stuck out in my mind is that the Planning Department, the staff at the Planning Department, were making suggestions for their report, reflected what they thought the Council was leaning towards; and to me, that’s very troublesome. The staff at the Planning Department should give an objective opinion of what they think the situation is. Not what they think the Planning, err..or the City Council wants to hear. And that’s what came out from the meeting. One of them mentioned that the staff tries and prepares a report to support what the City Council is thinking. And that to me is a huge red flag.”

Paul Bigbee (typed in his own words):

“What I remember is a lot of people all talking all at once. I told Garrett I felt bad for him having to take the brunt of everyone’s angst. A lot of things were being said, ideas being thrown around back and forth, Silvia said more than once that she and Shepath were there for transportation reasons and had nothing to do with the planning aspects of things, that they were there to talk about safety. In context, Garret said that the transportation was talking about banning delivery trucks of a certain size. This was questioned by one of the neighbors and it was said again that they may need to be banned from the street for safety reasons; especially if a house goes up...”

Kristen A. Van Fleet (typed in her own words):

- I handed Silvia, Shrupath, and Garrett each a printed copy of the 14-page document titled, “Ellsworth Place Residents Demand a Safer and More Accessible Road”.
- I said that this isn’t the first time safety had been brought up by the Ellsworth Place residents, that back in 2013 when I was a Block Preparedness Coordinator (BPC) we tried to get safety addressed only to be told by the City we weren’t allowed to implement our ideas.
- I gave Garrett copies of the deeds for house 705 Elsworth Place and asked him to get the correction made in the packet, that the apartments are presenting the 705 Ellsworth deed as their own and it’s false information; we’ve been telling Amy French this since she gave us the utilities map and deed during her site visit back in February.

- I asked what are the differences if the street is privately owned versus owned by the City of Palo Alto. (I don't remember a response to this question.)
- Garrett Sauls said that he was the one who found the PC [Ordinance PC-2343]. I asked him when he found it, and he said something like, "late December to early January". I commented that Robin Ellnor found it on December 20, 2022, when I called code enforcement, and he replied something like, "Yes, she also found it...".

Paraphrasing more of my memories of the meeting;

- Neighbors were sharing their near-miss accident stories and starting to talk over one another.
- A neighbor said something to the effect that the City needs to be treating us fairly and stop favoring the developers, that they should own up to their mistakes, and that's why cities and companies carry insurance; for mistakes like this.
- Another neighbor shared that his son had been hit by a car near Middlefield and Ellsworth while on his bike which caused him to fall off of it, but he was lucky because he was uninjured.
- Other neighbors were lamenting the difficulties of being able to see traffic and pedestrians coming from the creek side and also the difficulty of turning right onto Ellsworth from Middlefield because the opening of the road is too narrow for cars to pass one another.

I remember saying we want the road entrance brought up to code for the minimum private road width of 26 feet wide. Garrett said, somewhat jokingly, that the City would have to eminent domain 3 feet from each of our properties to make it fair...I responded with something like, "The houses are grandfathered in and the problem is within the first 100' of the road; you'd be running the road through people's living rooms!" (Joking or not, this isn't funny.)

I added, "PCs are supposed to provide public benefits, not take them away." To which the response was something like, "The public benefit is Palo Alto gets another house in the housing stock."

Other comments made by planning were to the effect of:

- The City has to be careful about what they ask of the developers...
- Developers have to live somewhere too.
- Delivery trucks may need to be banned (from entering Ellsworth Place).

Silvia mentioned several times that they were there to talk about transportation issues, not planning. I finally walked over to Silvia and Sherpath, to ask if what we were saying made sense and they said that it did, that they had already taken some photos, etc. before the meeting. I also let both of them know that everything the neighbors could think of was in that 14-page report and they both thanked me for it.

After the group meeting, I spoke with Garrett one-on-one and relayed more concerns:

- He mentioned the high cost of rent in the area and shared that he can't afford to live in Palo Alto. I said something to the effect that this project isn't going to help with affordable housing! I added that I understood; I'd gone to college on Pell Grants and was grateful to have my home here in Palo Alto.
- I remember questioning the "ban on delivery trucks" and said somewhat jokingly, "Those are fighting words!" But more seriously, is this where we want this situation to go?"
- I showed him the survey map of the Ellsworth Place homeowner's deeds, (see below), which was prepared by a licensed surveyor, and shows how 254 feet of the road length, about half, is attached to house #741. I asked specifically if they (741) would also be allowed to use the road in their calculations. His response was something like they would probably not be allowed to

because of where the house is located; that Planning looks are how the road affects the neighbors and makes its decisions accordingly. (This was a confusing answer; if 702 is allowed to use the road in their development plans, then so should 741 be allowed to use the road in theirs.)



- I also relayed that I did not want to throw anyone from planning under the bus, that the department is clearly overworked and understaffed, but that our letters and concerns have either been overlooked or are being addressed with minimum effort or confusing responses, and that everything, from our perspective, has been favoring the developers which is not right under AB1234. He didn't know what that was. I asked him if he'd taken the government ethics class and he said that he hadn't.
- He encouraged me to send our grievances to the City Manager to get everything on the record, and asked me to copy him on all of the emails so he could help make sure our issues were being addressed; then he gave me his card.

Yevgeny Khasin (copied and pasted from an email received on July 9, 2023):

My name is Yevgeny Khasin. Here are the key points that I remember from the meeting on July 3, 2023, with Garrett Sauls, Silvia Star-Lack, and Shrupath Patel:

1. Silvia and Shrupath examined the difficulty of exiting Ellsworth PI street onto Middlefield St, focusing on the limited visibility for pedestrians on the left side (they were doing that ... before the meeting officially started).
2. Neighbors expressed their safety concerns about the street.
3. A neighbor mentioned that Santa Clara County believes the street belongs to the city of Palo Alto. Another neighbor emphasized that the planning department cannot act without restrictions and mentioned that the city cannot show favoritism towards one neighbor/lot over others. The neighbor raised the issue of the city approving special setbacks and a two-story building for the "Ellsworth 702" lot while denying

similar requests from other lot owners on the street. The neighbor suggested that the city should acknowledge its mistake in approving the plans for the "Ellsworth 702" lot instead of trying to cover it up.

5. Neighbor pointed out that the leftmost parking spot in the apartment complex covered parking lot on Ellsworth PI street is too small. This causes cars to "double park" in the adjacent spot, creating difficulties for parking and leading to cars using the "Ellsworth 702" parking lot.

6. Same neighbor reminded the city representatives the apartment complex owner's plan for delivery trucks parking would block the cars' covered parking, which is not even legal.

7. Neighbor shared an incident where his son fell off his bicycle while trying to avoid a car backing out from the apartment complex parking lot, highlighting the narrowness of the street as a safety concern.

8. I raised the issue of large trucks facing challenges when turning around on the street. I mentioned that the garbage truck, which comes twice on the same day during rush hour, every week, ends up backing up into the street from Middlefield Rd.

9. I also mentioned that apart from the entrance/exit challenges, there is an additional safety concern of cars making left turns into Middlefield from Keys School, which is located right in front of our street entrance/exit.

10. Silvia and Shrupath mostly listened without taking sides, while Garrett seemed to assume the responsibility for the meeting and tried to mildly defend the city of Palo Alto. For instance, when a neighbor expressed skepticism about the "Ellsworth 702" owner's story of building a house for himself and his family to move there for the purpose of his son attending Palo Alto High School, stating that the owner is actually a developer who buys cheap lots to build and sell houses, Garrett responded by saying, "Well, developers also need a place to live."

Gala Beykin: (copied and pasted from an email received on July 9, 2023; edited at Gala's request):

My name is Gala Beykin. Here are the key points that I remember from the meeting on July 3, 2023 with Garrett Sauls, Silvia Star-Lack, and Shrupath Patel:

Many neighbors participated in the meeting and expressed their various safety and other apprehensions. The meeting lasted for one hour, concluding when Silvia had to depart. Personally, I voiced my concerns regarding inadequate visibility, excessive speed, the presence of a school nearby, and the critical issue of safety for both pedestrians and vehicles.

During the course of the meeting, attention was drawn to a hazardous situation when a garbage truck, originating from the Keys school parking lot, was observed reversing into Middlefield. We emphasized the potential danger associated with such a maneuver, emphasizing the inherent risks involved.

To ensure comprehensive documentation of the safety concerns raised, a thorough written report summarizing the issues was submitted to the team at the conclusion of the meeting.

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

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

Dear Planning Commissioners:

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

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

The above statement contains two major errors.

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

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

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

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

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

Sec. 8.02 Uses Permitted:

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

(b) Apartments.

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

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

Sec. 8.10 Minimum Height, Bulk and Space Requirements:

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

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

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

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

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

Thank you,

Jeff Levinsky

From: [Kristen Van Fleet](#)
To: [Planning Commission](#); [Dao, Veronica](#)
Subject: Slide Deck for July 12, 2023 Meeting, Agenda Item 2 - Kristen Van Fleet speaker
Date: Tuesday, July 11, 2023 5:57:33 PM
Attachments: [ELLSWORTH PLACE PTC 7-12-23.pdf](#)

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Hi Veronica,

Here is my slide deck for tomorrow night's meeting. It contains some new information and reiterates the talking points of Ellsworth Place Residents.

I don't think it will run longer than 5 mins, but I can add names if needed to extend the time.

Thank you!

-Kristen A. Van Fleet

ELLSWORTH PLACE - SINCE 1937

.....

Annexed by the City of Palo Alto on May 2, 1947



Keep the Proposed House Site in the PC

- **NOTHING IS ENFORCEABLE** unless the proposed house site remains part of the PC Ordinance.
- The proposed plan **DOES NOT PROVIDE PUBLIC BENEFITS** and it makes the safety situation on Ellsworth Place worse!
- **OWNERSHIP OF ROAD** must be determined!
 - If the house site owns the road, then Staff says it can put its side yard in the road!
 - House site is potentially taking the road away from community-owned property, whether private or public.
- **THERE IS FALSE INFORMATION PRESENTED IN THE PACKET**

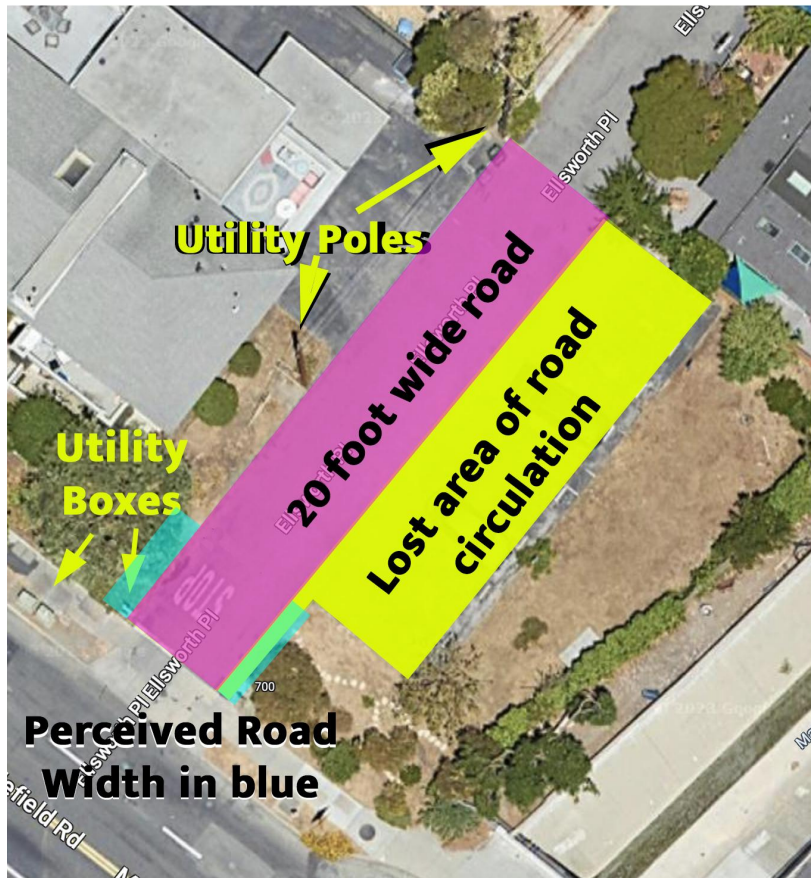
Proposed Public Benefits are Inadequate

BENEFITS LOST

- DELIVERIES! (potentially banned)
- Inadequate street circulation
 - Driveway entrance narrowed by 1 foot
 - Loss of cul-de-sac
 - Loss of passing space over parking lot
 - Loss of overflow parking for apartments
- Safety issues get worse
 - Line-of-site to Middlefield Road impeded
 - Becomes more difficult to enter and exit Ellsworth Place from Middlefield Road
- Harmony with apartments

BENEFITS GAINED

NONE

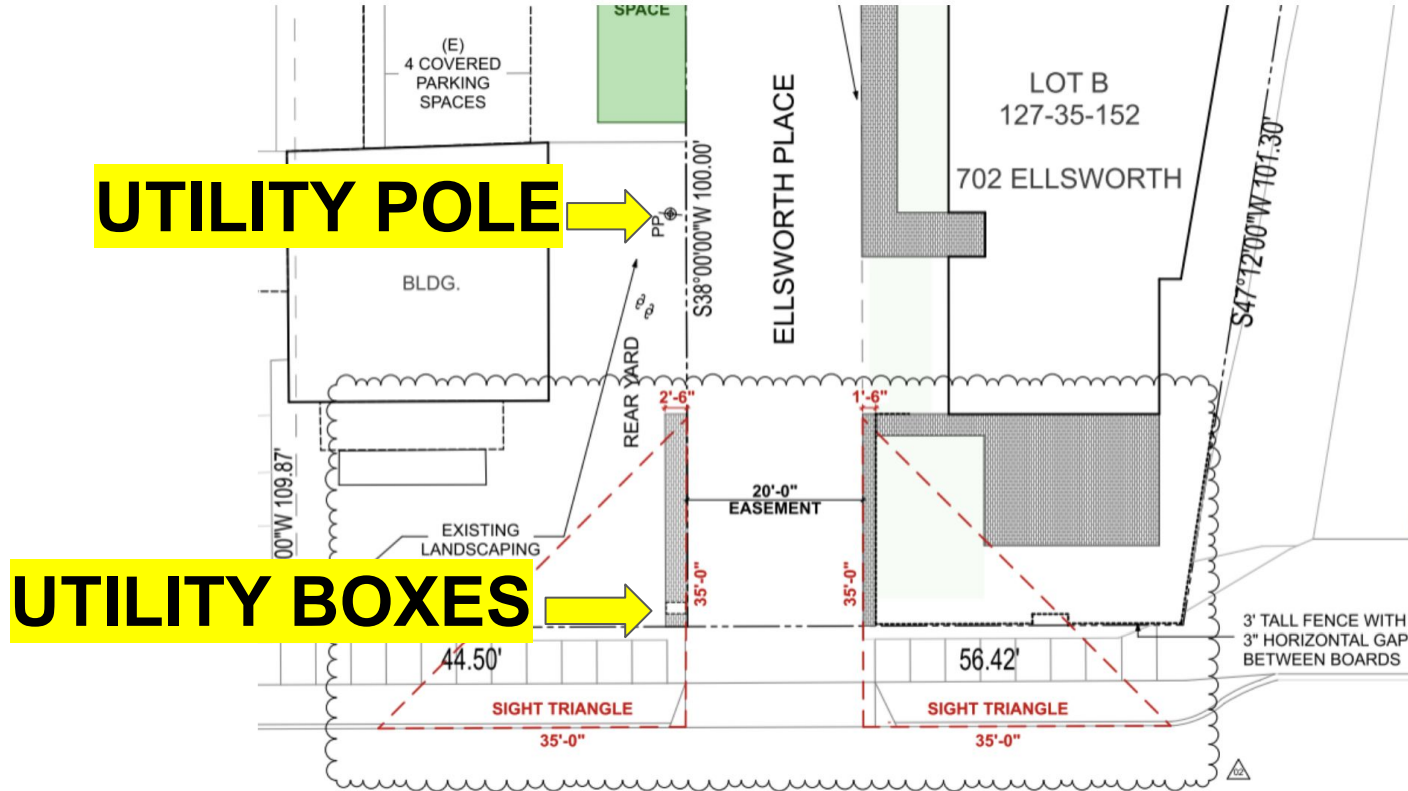


The images are from Google Maps; overimposed with approximate placements of areas.

The Parking lot **PROVIDES CIRCULATION** for residents of both the apartments and homes on Ellsworth Place

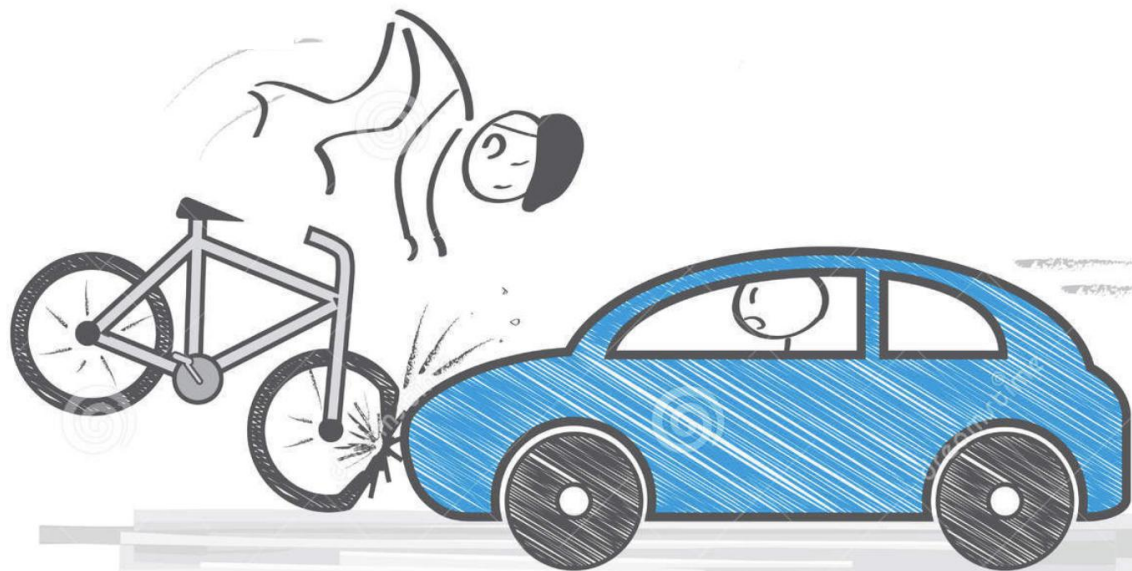


- “Perceived width” is not driveable space. It is **inadequate and dangerous**.
- Landscape pavers are not asphalted road.
- Proposed landscape strip has **utility boxes and a utility pole in its pathway**.
- **PLACEMENT OF THE LANDSCAPE STRIP IS DIFFERENT ON EVERY MAP!**



We Want to Prevent this!

There have been too many close calls!



Joint Tenancy Deed

KATHERINE EMERSON, as her separate property,

Grant to

RICHARD K. HUBBARD and KATHRYN M. HUBBARD, his wife

in joint tenancy, the real property situated in the City of Palo Alto County of Santa Clara State of California, described as follows:

All that certain real property situate in the City of Palo Alto, County of Santa Clara, State of California, described as follows:

PORTION OF LOT 71, as shown upon that certain Map entitled "Map of C.M. Wooster Company's Subdivision of the Clark Ranch", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on November 11, 1912 in Book 0 of Maps, at page 16, and more particularly described as follows:

BEGINNING at a point in the center line of Middlefield Road, distant thereon South 52° East 355.74 feet from the common corner of Lots 70 and 71, as said Road and Lots are shown upon the Map above referred to; running thence North 38° East and parallel with the dividing line between Lots 70 and 71, for a distance of 35.00 feet to a point on the Northeastery line of Middlefield Road, as said line was established by the Deed from Katherine Emerson, to City of Palo Alto, dated May 14, 1949, recorded June 24, 1949 in Book 1808 Official Records, page 229, Santa Clara County Records, and the true point of beginning of this description; running thence North 38° East and parallel with the dividing line between said Lots 70 and 71, for a distance of 100.00 feet to the Southernmost corner of that certain parcel of land described in the Deed from Eugene G. Emerson, et ux, to Bert E. Jackson, et ux, dated May 26, 1939, recorded July 24, 1939 in Book 944 Official Records, page 165, Santa Clara County Records; running thence North 52° West along the Southwesterly line of the land so described in the Deed to said Jackson, 44.50 feet to the Westernmost corner thereof; running thence South 38° West and parallel with the dividing line between said Lots 70 and 71, for a distance of 100.00 feet to a point on the said Northeastery line of Middlefield Road; running thence South 52° East along the said last named line 44.50 feet to the true point of beginning.

TOGETHER with a right of way for the purpose of ingress and egress over the following described parcel of land: Beginning at a point in the center line of Middlefield Road, distant thereon South 52° East 355.74 feet from the common corner of Lots 70 and 71, as said road and lots are shown upon that certain Map entitled "Map of C.M. Wooster Company's Subdivision of the Clark Ranch", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on November 11, 1912 in Book 0 of Maps, at page 16; running thence North 38° East and parallel with the dividing line between Lots 70 and 71, for a distance of 35.00 feet to a point on the Northeastery line of Middlefield Road, as said line was established from the Deed from Katherine Emerson, to City of Palo Alto, dated May 14, 1949, recorded June 24, 1949 in book 1808 Official Records, page 229, Santa Clara County Records, and the true point of beginning of this description; running thence North 38° East and parallel with the dividing line between said Lots 70 and 71, for a distance of 100.00 feet to the Southernmost corner of that certain parcel of land described in the Deed from Eugene G. Emerson, et ux, to Bert E. Jackson, et ux, dated May 26, 1939, recorded July 24, 1939 in Book 944 of Official Records, page 165, Santa Clara County Records; running thence South 38° East and parallel with the said Northeastery line of Middlefield Road, 20.00 feet; running thence South 38° West and parallel with the dividing line between said Lots 70 and 71 for a distance of 100.00 feet to a point on the said Northeastery line of Middlefield Road; running thence North 52° West along said last named line 20.00 feet to the true point of beginning.

The Packet Contains False Information!

The deed on packet page 38 belongs to house #705. Here is the correct deed for the apartments!

2427 13068

Dated: May 23, 1952

Katherine Emerson

STATE OF CALIFORNIA }
 COUNTY OF Santa Clara }
 On May 23, 1952
 before me, the undersigned, a Notary Public in and for the County of Santa Clara, State, personally appeared
 Katherine Emerson
 known to me to be the person whose name is subscribed to the within instrument and acknowledge that she executed the same.

My Commission Expires: 12/16/53

RECORDING DATA
 800232
 2427 13067
 FILED FOR RECORD AT REQUEST OF
 California Pacific Title Insurance Co.
 Mar 26 3 47 P. 1952

270 11 14

ELLSWORTH PLACE

**WHO ACTUALLY
OWNS
THE ROAD**



In Conclusion

Ellsworth Place homeowners and residents
DO NOT want the Proposed House Site lifted from the PC

- **PROPOSED HOUSE SITE IS ONLY ENFORCEABLE IN THE PC**
- **NO PUBLIC BENEFITS** have been offered by the staff report
- The parking lot is **NECESSARY for CIRCULATION** between Ellsworth Place and Middlefield Road, and the apartments
- **MISTAKES IN THE PACKET MUST BE CORRECTED!**
- **ROAD OWNERSHIP MUST BE ESTABLISHED**
before moving forward!

From: [Jon Jang](#)
To: [Planning Commission](#)
Subject: Jon Jang Edited Version of Preservation of Thomas Foon Chew Bayside Cannery
Date: Tuesday, July 11, 2023 9:51:12 PM

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

Dear Distinguished members of the Planning Commission,

Please accept this second correspondence about the preservation of Thomas Goon Chew Bayside Cannery and remove the first correspondence sent hours ago.

I am in full wholeheartedly support of preserving the physical space of Thomas Foon Chew's Bayside Cannery because of its historic significance on a national level.

My name is Jon Jang. I am a composer, pianist, bandleader and a changemaker. Many of my music works, such as the Chinese American Symphony, commemorate and celebrate Chinese American transnational history.

I grew up in Palo Alto during the early 1960s at a time when Joseph Eichler, a Jewish liberal real estate developer fought for the rights of people of color (minorities) in Palo Alto. He sold an Eichler house to my widowed mother who had to raise three children on her own. At Ross Road Elementary School, I was one of two Chinese American students.

I was often reminded in Palo Alto that Stanford built the railroad.

In May 1969, I read an article in the San Francisco Chronicle about a ceremony in Utah to commemorate the centennial anniversary of the completion of the Central Pacific Railroad. I was surprised to learn that it was the Chinese immigrant workers, not Stanford, who built the first transcontinental railroad in the US. I was surprised to learn that John Volpe, the keynote speaker who was the Secretary of Transportation, declared ten times that it was quote unquote "American workers who built the railroad." My Uncle Phil Choy, who was Chairperson of the Chinese Historical Society of America, was outraged about the US government complete erasure of the history of Chinese immigrant workers who built the first transcontinental railroad in United States.

On May 6, 1882, President Chester Arthur signed the Chinese Exclusion Act (1882-1943) which banned Chinese immigrants from entering the United States as well as denying naturalization to Chinese immigrants to become US citizens. This was the first US law that excluded people in this country solely based on race.

What is remarkable about the making of Thomas Foon Chew's Bayside Cannery in 1918 is that it became one of the major canneries in the world during the Chinese Exclusion Act era where "in a few short years, the dominant image of Chinese lurched from despised oriental 'other' to wartime ally to dangerous communist threat." Mae Ngai's book, *Impossible Subjects: Illegal Aliens and the Making of Modern America*.

I strongly urge you to give your utmost consideration to this significant and heroic American history that took place in Palo Alto. Thank you for your consideration.

Respectfully Yours,

Jon Jang
Mobile: [REDACTED]

From: [Jon Jang](#)
To: [Planning Commission](#)
Subject: Preserevation of Thomas Foon Chew's Bayside Canning
Date: Tuesday, July 11, 2023 8:44:07 PM

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

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

Dear distinguished members of the Planning Commission,

I am in full wholeheartedly support of preserving the physical space of Thomas Foon Chew's Bayside Cannery because of its historic significance on a national level.

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On May 6, 1882, President Chester Arthur signed the Chinese Exclusion Act (1882-1943) which banned Chinese immigrants from entering the United States as well as denying naturalization to Chinese immigrants to become US citizens. This was the first US law that excluded people in this country solely based on race.

What is remarkable about the making of William Foon Chew's Bayside Cannery in 1918 is that it became one of the major canneries in the world during the Chinese Exclusion Act era where "in a few short years, the dominant image of Chinese lurched from despised oriental 'other' to wartime ally to dangerous communist threat." Mae Ngai's book, *Impossible Subjects: Illegal Aliens and the Making of Modern America*.

I strongly urge you to give your utmost consideration to this significant and heroic American history that took place in Palo Alto. Thank you for your consideration.

From: [Aram James](#)
To: [Stump, Molly](#); [Greer Stone](#); [Lydia Kou](#); [Mila Zelkha](#); [GRP-City Council](#); [Dave Price](#); [Braden Cartwright](#); [Emily Mibach](#); [Jethroe Moore](#); [Sean Allen](#); [Ladoris Cordell](#); [Mila Zelkha](#); [EPA Today](#); [Kaloma Smith](#); [Planning Commission](#); [ParkRec Commission](#); [citycouncil@mountainview.gov](#); [vote@sallylieber.org](#); [Ladoris Cordell](#); [Sheriff Transparency](#); [Lee, Craig](#); [Tannock, Julie](#); [Afanasiev, Alex](#)
Subject: OPEN VALLEJO: Under union pressure, Vallejo police chief ends body camera analysis
Date: Monday, July 10, 2023 8:02:33 AM

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

Under union pressure, Vallejo police chief ends body camera analysis

“By canceling they essentially ceded to union pressure. And by doing that, they’ve gone back to status quo, which is to review practically none of it,” the company's CEO said about the city’s body camera videos.

Read in Open Vallejo: https://apple.news/A_cbGTs1CSOSdivHrOIkB2g

Shared from [Apple News](#)

Sent from my iPhone

From: [William Ross](#)
To: [Planning Commission](#)
Cc: [French, Amy](#)
Subject: Agenda Item No. 2; Planning and Transportation Commission Meeting July 12, 2023; 2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend Planned Community 2343 (PC 2343)
Date: Wednesday, July 12, 2023 3:22:39 PM
Attachments: [Summa \(Agenda No. 2; PTC Meeting July 12, 2023\) 7.12.23.pdf](#)
[Exhibit A - PAMC 18.38.pdf](#)
[Exhibit B - PAMC 18.40.pdf](#)
[Exhibit C - Correspondence.pdf](#)

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Please see the attached communication.

William D. Ross, Esq.
Law Offices of William D. Ross
A Professional Corporation
[REDACTED] Palo Alto, California 94306
E-Mail: [REDACTED]

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William D. Ross
David Schwarz
Kypros G. Hostetter

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File No: 1/10

July 12, 2023

VIA E-MAIL

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

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

Dear Chair Summa and Planning Commissioners:

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

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

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

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

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

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

The Honorable Doria Summa, Chair
and Members of the Planning Commission
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Page 2

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

CITY ACTIONS AND DOCUMENTS REVIEWED

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

ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. *Missing and Incomplete Information*

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

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

this error.

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

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

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

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

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

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

B. Invalidity of CEQA Exemption

The Environmental Review section of both Staff Reports provides:

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

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

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

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

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

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

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

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

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

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

Ibid (citations omitted).

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

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

LACK OF FAIR HEARING

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

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

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

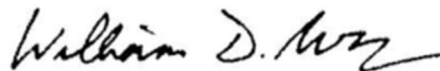
Part of the PC amendment process is a presentation by Staff to the Commission. If Staff presents a one-sided analysis to the Commission for their determination actual fairness does not exist and the appearance of fairness is eviscerated.

CONCLUSION

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

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

Very truly yours,



William D. Ross

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cc:
Amy French
Resident Representative

Enclosure:

Exhibit A – Palo Alto Municipal Code Section 18.38
Exhibit B – Palo Alto Municipal Code Section 18.40.140 Stream Corridor Protection
Exhibit C – Email Correspondence between Applicant Attorney Cara Silver and City Planning
Official Amy French

EXHIBIT A

Chapter 18.38

PC PLANNED COMMUNITY DISTRICT REGULATIONS

Sections:

- 18.38.010 Specific purposes.
- 18.38.020 Applicability of regulations.
- 18.38.030 Permitted uses.
- 18.38.040 Conditional uses.
- 18.38.050 Establishment of districts.
- 18.38.060 Required determinations.
- 18.38.065 Application process.
- 18.38.070 Application requirements.
- 18.38.080 Development program statement.
- 18.38.090 Development plan.
- 18.38.100 Development schedule.
- 18.38.110 Action by commission.
- 18.38.120 Action by council.
- 18.38.130 Change in development schedule.
- 18.38.140 Failure to meet development schedule.
- 18.38.150 Special requirements.
- 18.38.160 Inspections.
- 18.38.170 Recycling storage.
- 18.38.180 Safe parking.

18.38.010 Specific purposes.

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

(Ord. 3048 (part), 1978)

18.38.020 Applicability of regulations.

The specific regulations of this chapter, and the additional regulations and procedures established by Chapters 18.54 to 18.99, inclusive, shall apply to all planned community districts. Notwithstanding the regulations of Chapters 18.54 to 18.99, inclusive, where specific regulations are adopted pursuant to Sections 18.38.110 and 16.68.120, the specific regulations so adopted shall apply to that planned community district.

(Ord. 3108 § 22, 1979; Ord. 3070 § 3, 1978; Ord. 3048 (part), 1978)

18.38.030 Permitted uses.

Any use may be permitted in any specific PC district; provided such use shall be specifically listed as a permitted use and shall be located and conducted in accord with the approved development plan and other applicable regulations adopted pursuant to this chapter to govern each specific PC district.

(Ord. 3048 (part), 1978)

18.38.040 Conditional uses.

Any use may be established as a conditional use in any specific PC district, provided such use shall be specifically listed as a conditional use subject to the provisions of Chapter 18.76 (Permits and Approvals), and shall be located and conducted in accord with the approved development plan and other applicable regulations adopted pursuant to this chapter to govern each specific PC district.

(Ord. 4826 § 108, 2004; Ord. 3048 (part), 1978)

18.38.050 Establishment of districts.

Planned community districts may be established, modified, or removed from the zoning map, and the regulations applicable to any specific PC district may be established, modified, or deleted in accord with Chapter 18.80.

All PC districts shall be identified on the zoning map with the letter coding "PC" followed by a specific reference number identifying each separate district. All use regulations, development plans, development schedules, and other regulatory provisions adopted pursuant to this chapter, or pursuant to Chapter 18.80, which apply to any specific PC district, shall be considered to be a part of this title as if fully set forth in this title, and shall be identified by reference to the corresponding designation of each specific PC district on the zoning map.

(Ord. 3048 (part), 1978)

18.38.060 Required determinations.

The planning commission, prior to recommending approval of any PC district application, and the city council, prior to approving an ordinance designating and regulating any PC district, shall make all of the following required findings with respect to the application, in addition to findings required by Chapter 18.80:

(a) The site is so situated, and the use or uses proposed for the site are of such characteristics that the application of general districts or combining districts will not provide sufficient flexibility to allow the proposed development.

(b) Development of the site under the provisions of the PC planned community district will result in public benefits not otherwise attainable by application of the regulations of general districts or combining districts. In making the findings required by this section, the planning commission and city council, as appropriate, shall specifically cite the public benefits expected to result from use of the planned community district.

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

(Ord. 3048 (part), 1978)

18.38.065 Application process.

(a) The applicant for a PC district shall initially submit to the planning commission a development program statement, development plan, and a development schedule which are described in Sections 18.38.080, 18.38.090, and 18.38.100. The plot plans, landscape development plan, and design plan in the development plan should only be preliminary during this phase of review by the planning commission.

(b) If the planning commission acts favorably in its initial review of the PC application, the development plan shall be submitted to the architectural review board for review, except in the case of single-family and accessory uses. In this phase, a detailed plot plan, landscape development plan, and design plan of the development plan are required. The architectural review board shall make a recommendation on the development plan based on the findings for architectural review in Section 18.76.020 (d).

(c) The development plan as approved by the architectural review board is then returned to the planning commission for final planning commission review and recommendation before being submitted to the city council for final action.

(Ord. 4826 § 109, 2004; Ord. 3048 (part), 1978)

18.38.070 Application requirements.

In addition to the provisions of Chapter 18.80, each application for a PC district shall be accompanied by a development program statement, a development plan, and a development schedule.

The development plan shall, as approved by the city council, become a part of the zoning regulations applicable within the respective PC district. Subsequent changes in the development plan shall be made in accord with Chapter 18.80, or, for minor changes, through the architectural review process, as set forth in Section 18.76.020 (b)(3)(D).

The development schedule shall, as approved by the city council, become a part of the zoning regulations applicable within the respective PC district. Subsequent changes in the development schedule, if included as part of the regulations, shall be made in accord with Chapter 18.80 or, for minor changes, through the architectural review process, as set forth in Section 18.76.020 (b)(3)(D); provided, that specifically authorized changes may be made by the director pursuant to Section 18.38.130.

(Ord. 4826 § 110, 2004; Ord. 3048 (part), 1978)

18.38.080 Development program statement.

The purpose of the development program statement shall be to describe the proposed use or uses to be conducted in the district in a manner sufficient to enable preparation and consideration of regulations governing permitted uses, conditional uses, site use and development regulations, off-street parking and loading requirements, and other special regulations which may be appropriate to govern development, use, and maintenance of the site or sites included within the PC district.

The development program statement shall include the following:

(a) A statement by the applicant demonstrating the necessity of the application for the PC district, including information demonstrating the compliance of the proposed development with the required determinations set forth in Section 18.38.060;

(b) A complete listing of all uses proposed, or potentially to be included, within the PC district, incorporating insofar as

possible the terminology used in other parts of this title to define, describe, and regulate permitted uses and conditional uses, and the definitions pertinent thereto;

(c) A complete description of the nature of uses proposed, and the conditions or characteristics of occupancy, use, or operation, with particular reference to those conditions or characteristics which may warrant regulation differing from those regulations which might apply to such uses if located in one or more general districts within the city;

(d) A schedule or statement indicating number, type, floor area, number of bedrooms, and projected sale or rental price of all housing units proposed in the district;

(e) Such additional information as the director may prescribe as necessary, in his judgment, to facilitate review and action on the application by the planning commission, the architectural review board, and the city council.

(Ord. 3048 (part), 1978)

18.38.090 Development plan.

The development plan submitted with the application for a PC district shall include the following, unless waived by the director for cause:

(a) An aerial photograph of the site and adjacent land within two hundred fifty feet of the site, at a scale to be prescribed by the director. The director may specify that information required by subsections (b) through (i) be superimposed on the aerial photograph, or a duplicate copy thereof;

(b) A map showing any public or private streets, proposed building sites, and any areas proposed to be dedicated or reserved for parks, parkways, paths, playgrounds, school sites, public buildings and other such uses. Compliance with this requirement shall not be construed to relieve the applicant from compliance with the subdivision code in Title 21, or any other applicable ordinances of the city;

(c) A map showing the existing and proposed topography of the proposed district at contour intervals as determined appropriate by director;

(d) A land use plan for the proposed district indicating the areas proposed for each use or combination of uses identified by the development program statement;

(e) A plot plan or plans for each building site in the proposed district, or any portion thereof, in such form as required by the director. The required plans shall show the location of all proposed buildings and principal site improvements, shall indicate dimensions of buildings, site lines, and improvements, and shall indicate the location of physical or natural site features, including trees, and any changes proposed thereto.

(f) A landscape development plan, showing the boundaries and location of proposed landscaped areas and exterior site improvements, including but not limited to lights, swimming pools, and service and refuse areas.

(g) A circulation plan, indicating the proposed movement of vehicles, goods, and pedestrians within the district, and to and from adjacent public thoroughfares. Any special engineering features and traffic regulation devices needed to insure safety or to facilitate ease of access and circulation, whether on or off the site, shall be shown.

(h) A parking and loading plan, showing the number of spaces and the location, internal circulation and dimensions of all parking and loading areas. The parking and loading plan shall be based upon the requirements of Chapter 18.54, unless requested modifications to meet the needs of the individual project are supported by traffic engineering studies or relevant data, as may be required by the director, demonstrating the feasibility and adequacy of the plan.

(i) Preliminary design plans, including such schematic floor plans, schematic exterior elevations and sections, and/or perspective drawings, as may be necessary to indicate the height of proposed buildings and the general appearance of the proposed structures to the end that the entire development will have architectural unity and will be compatible with existing and proposed neighborhood development. Such drawings need not show final architectural detail. Construction drawings and contract plans, subsequently submitted with applications for required permits or other construction approvals pursuant to approved PC district regulations, shall conform substantially to the preliminary design plans, and shall be subject to all applicable review and permit requirements in effect at the time of approval and permit issuance.

(Ord. 3108 § 20, 1979; Ord. 3048 (part), 1978)

18.38.100 Development schedule.

The development schedule submitted with the application for a PC district shall include the following:

(a) A schedule, indicating to the best of the applicant's knowledge, the approximate date on which construction or development is expected to begin, the duration of time required for completion of the development, and the approximate date or dates of occupancy;

(b) A phasing program, indicating, in the event the proposed development within the district is expected to require more than two years for completion and occupancy, a logical or programmed sequence of phases and incorporating a schedule as described in subsection (a) for each phase of development.

(Ord. 3048 (part), 1978)

18.38.110 Action by commission.

In addition to the requirements of Chapter 18.80, the planning commission shall review and consider all materials

submitted by the applicant pursuant to this chapter, and shall prepare and recommend to the city council, as appropriate, the specific regulations to be applied within the proposed planned community district. The specific regulations may modify those regulations contained in Chapters 18.54 to 18.99, inclusive, as is appropriate to meet the individual district and shall include the following:

(a) **Permitted Uses.** A listing of all uses to be permitted generally within the district, or the uses to be permitted in specific locations within the district as shown on the development plan;

(b) **Conditional Uses.** A listing of all uses to be conditionally allowed within the district, or the uses to be permitted in specific locations within the district as shown on the development plan;

(c) **Site Development Regulations.** Maximum or minimum regulations, as appropriate, governing site dimensions, required yards and distances between buildings, site coverage, building height, residential density, and floor area ratio, open space requirements, accessory facilities and uses, and other aspects of the proposed development within the district. The regulations may be in text, or by reference to the development plan, or both. In no event shall the maximum height exceed fifty feet except as provided in Chapter 18.76 (Permits and Approvals);

(d) **Parking and Loading Requirements.** Regulations establishing off-street parking and loading requirements for the district, and governing design, location, screening, landscaping and operation of parking and loading activities. The regulations may be by reference to Chapter 18.54, or in text if the regulations of Chapter 18.54 are modified for the individual district, or both;

(e) **Special Requirements.** Additional regulations, as may be appropriate to assure a harmonious relationship between uses within the district, and a compatible relationship with existing or potential uses within adjoining districts, may be recommended by the commission. Such regulations may include additional height limitations, yard requirements, landscaping and screening, provisions governing outdoor activities, and other requirements;

(f) **Development Plan and Development Schedule.** The development plan submitted pursuant to Section 18.38.090 and the development schedule submitted pursuant to Section 18.38.100, as amended or approved by the planning commission, shall be recommended for inclusion in the regulations applicable to the PC planned community district;

(g) **Definitions.** Definitions applicable specifically to the regulations recommended for the district may be included.

(Ord. 4826 § 111, 2004: Ord. 3108 § 21, 1979: Ord. 3048 (part), 1978)

18.38.120 Action by council.

In the event the city council adopts an ordinance pursuant to Chapter 18.80 establishing a specific PC planned community district, the council shall include the regulations described in Section 18.38.110, either as recommended by the planning commission or as modified by the council.

(Ord. 3048 (part), 1978)

18.38.130 Change in development schedule.

For good cause shown by the property owner in writing and unless otherwise specified by the specific applicable regulations for the district, prior to the expiration of the original time schedule for the development, the director may, without a public hearing, modify the time limits imposed by any adopted development schedule; provided, that such modification shall not extend the schedule by more than one year; and provided, that only one such modification may be made.

(Ord. 3048 (part), 1978)

18.38.140 Failure to meet development schedule.

Sixty days prior to the expiration of the development schedule, the director shall notify the property owner in writing of the date of expiration and advise the property owner of Section 18.38.130. Failure to meet the approved development schedule, including an extension, if granted, shall result in:

(a) The expiration of the property owner's right to develop under the PC district. The director shall notify the property owner, the city council, the planning commission and the building official of such expiration; and

(b) The director's initiating a zone change for the property subject to the PC district in accordance with Chapter 18.80. The property owner may submit a new application for a PC district concurrently with the director's recommendation for a zone change.

(Ord. 3418 § 1, 1983: Ord. 3345 § 21, 1982: Ord. 3048 (part), 1978)

18.38.150 Special requirements.

Sites abutting or having any portion located with 150 feet of any RE, R-1, R-2, RMD, RM, or any PC district permitting single-family development or multiple-family development shall be subject to the following additional height and yard requirements:

(a) **Parking Facilities.** The maximum height shall be equal to the height established in the most restrictive adjacent zone district.

(b) **All Other Uses.** The maximum height within 150 feet of any RE, R-1, R-2, RMD, RM, or applicable PC district shall be 35 feet; provided, however, that for a use where the gross floor area excluding any area used exclusively for parking purposes, is at least 60 percent residential, the maximum height within 150 feet of an RM-30 or RM-40 district shall be 50

feet.

(c) Sites sharing any lot line with one or more sites in any RE, R-1, R-2, RM or applicable PC district, a minimum interior yard of 10 feet shall be required, and a solid wall or fence between 5 and 8 feet in height shall be constructed and maintained along the common site line. Where a use in a PC district where the gross floor area, excluding any area used exclusively for parking purposes, is at least sixty percent residential, the interior yard shall be at least as restrictive as the interior yard requirements of the most restrictive residential district abutting each such side or rear site line. The minimum interior yard shall be planted and maintained as a landscaped screen.

(d) On any portion of a site in the PC district which is opposite from a site in any RE, R-1, R-2, RM or applicable PC district, and separated therefrom by a street, alley, creek, drainage facility or other open area, a minimum yard of 10 feet shall be required. Where a use in a PC district where the gross floor area, excluding any area used exclusively for parking purposes, is at least sixty percent residential, the minimum yard requirement shall be at least as restrictive as the yard requirements of the most restrictive residential district opposite such site line. The minimum yard shall be planted and maintained as a landscaped screen, excluding areas required for access to the site.

(e) Sites sharing any lot line with one or more sites in any RE, R-1, R-2, RM or any residential PC district shall be subject to a maximum height established by a daylight plane beginning at a height of ten feet at the applicable side or rear site lines and increasing at a slope of three feet for each six feet of distance from the side or rear site lines until intersecting the height limit otherwise established for the PC district; provided, however, that for a use where the gross floor area excluding any area used exclusively for parking purposes, is at least sixty percent residential, the daylight planes may be identical to the daylight plane requirements of the most restrictive residential district abutting each such side or rear site line until intersecting the height limit otherwise established for the PC district. If the residential daylight plane, as allowed in this section, is selected, the setback regulations of the same adjoining residential district shall be imposed.

(Ord. 5548 § 9, 2022: Ord. 3683 §§ 12, 13, 1986: Ord. 3465 §§ 40, 44, 1983: Ord. 3418 §§ 2 and 3, 1983: Ord. 3130 §§ 11, 25(f), 1979: Ord. 3108 § 9, 1979: Ord. 3048 (part), 1978)

18.38.160 Inspections.

Each PC district shall be inspected by the building division at least once every three years for compliance with the PC district regulations and the conditions of the ordinance under which the district was created.

(Ord. 3345 § 23, 1982)

18.38.170 Recycling storage.

All new development, including approved modifications that add thirty percent or more floor area to existing uses, shall provide adequate and accessible interior areas or exterior enclosures for the storage of recyclable materials in appropriate containers. The design, construction and accessibility of recycling areas and enclosures shall be subject to architectural review approval pursuant to Chapter 18.76 (Permits and Approvals).

(Ord. 4826 § 112, 2004: Ord. 4069 § 12, 1992)

18.38.180 Safe parking.

Safe parking in compliance with Section 18.42.160 of this code is allowed on any site in the PC district with a legal church or religious institution use.

(Ord. 5490 § 9, 2020)

EXHIBIT B

18.40.020 Application

The regulations established in this chapter shall apply to all zoning districts, in addition to other applicable provisions including the standards of the zone district where the use is located.

(Ord. 4934 § 3 (part), 2007)

18.40.140 Stream Corridor Protection

(a) Purpose

The purpose of the water resources protection measures specified below is to provide site planning and development standards designed to preserve riparian resources, protect improvements from damage caused by potential stream flooding and bank erosion, and minimize storm water pollution. The further intent of the regulations and guidelines is to consider these factors in site planning early in the review process.

(b) Water Resources Protection for Streamside Properties

(1) Streamside Review Area Defined

"Streamside review area" means all properties abutting a stream or located within 50 feet from the top of a stream bank, except those properties separated from the stream by a public street.

(2) Applicability of Streamside Review Area Requirements and Guidelines

For parcels within the streamside review area, the following types of developments are subject to these requirements and guidelines listed in subsections (3) and (4) below.

- (a) Development in all zones except the R-1, R-2 and RMD districts;
- (b) Development in the R-1, R-2, or RMD zones requiring discretionary review, including but not limited to:
 - (i) Individual review for a new two-story home
 - (ii) Individual review for a new second story on an existing house, where an expansion or change in the building footprint results
 - (iii) Variances, including for fences
 - (iv) Home Improvement Exceptions; and
- (c) Development requiring a Conditional Use Permit in the R-1, R-2, or RMD zones.

The following projects are exempt from streamside review area requirements and guidelines:

- (a) Less than 3 cubic yards of earthwork associated with landscaping with native riparian vegetation or with remedial creek bank stability work deemed necessary by the director of public works;
- (b) Interior construction; or
- (c) Replacement of utility service laterals where location outside the protected areas is not readily available.

(3) Requirements Within streamside review area

(a) Slope stability protection area. All development shall be located outside the slope stability protection area. The slope stability protection area shall extend to a point 20 feet landward from the top of bank or to a point measured at a ratio of 2:1 (horizontal: vertical) landward from the toe of bank, whichever is greater.

The following structures/uses shall not be allowed within the slope stability protection area:

- (i) All structures (including accessory structures);
- (ii) Decks of any height;
- (iii) Swimming pools, spas, and hot tubs; and
- (iv) Parking lots.

Exceptions to this requirement may be granted by the director of public works where the applicant provides a geotechnical slope stability analysis, demonstrating that the proposed development would not threaten the stability of the stream bank slope, require introduction of hardscape in order to maintain the stream bank slope, or be at risk of damage from future bank stability or erosion, and demonstrating how maintenance and repair of the stream could be provided with the proposed development in place, subject to compliance with requirements (b) through (i) below and with all applicable zoning setbacks.

(b) New fences shall be constructed a minimum of five feet landward from the top of bank.

(c) All native riparian vegetation within 100 feet from the top of bank shall be retained unless its removal is approved by the director of planning and development services. Replacement planting shall be required when native riparian vegetation is approved for removal.

(d) Planting of non-native invasive plant species is not permitted. Prohibited plant material is listed in the Santa Clara

(e) Only native riparian vegetation shall be planted between the top of the banks of a stream.

(f) Loading docks, trash enclosures, chemical storage areas, and stationary noise-producing mechanical equipment shall be located a minimum of 50 feet from the top of bank of a stream, provided that the director may allow noise-producing equipment closer than 50 feet where site conditions and/or other setback requirements make compliance impractical.

(g) Nighttime lighting shall be directed away from the riparian corridor of a stream.

(h) Irrigation systems shall be designed such that they do not cause soil erosion.

(i) All permitted improvements shall be constructed in a manner consistent with the current version of the Santa Clara Valley Water Resources Protection Collaborative User Manual *Guidelines and Standards for Land Uses Near Streams*.

(4) Guidelines Within Streamside Review Area

(a) The distance between nighttime lighting and the riparian corridor of a stream should be maximized.

(b) Bright colors and glossy or glare-producing building finishes on buildings facing streams or riparian areas should be avoided.

(c) Lot Measurement Along Watercourses

No portion of a lot which is located within the easement lines, or top of the banks in the event such easement lines cannot be ascertained, of any natural watercourse, river, stream, creek, waterway, channel, or flood-control easement or drainage easement shall be included in the determination of lot area and lot dimensions. In the case of any such lot which is bounded, in whole or in part, by any such natural watercourse, river, stream, creek, waterway, channel, or flood-control easement or drainage easement, for those portions of the lot so bounded, all measurements and dimensions specified by this title and related to or determined from lot lines shall be measured from said easement line, or top of the bank, of such watercourse. Provided the expansion of an existing easement over a lot adjacent to San Francisquito Creek and fronting on Edgewood Drive in favor of the Santa Clara Valley Water District (or its successor in interest) on or after January 1, 2002 shall not alter the calculation of lot area. Lot area, lot dimensions, and setbacks shall be calculated for such lots as if the post-January 1, 2002 easement had not been created.

(Ord. 5494 § 3, 2020: Ord. 4934 § 3 (part), 2007)

EXHIBIT C

From: [Cara E. Silver](#)
To: [French, Amy](#)
Subject: RE: PC 2343 and 700 Ellsworth zone change
Date: Wednesday, February 22, 2023 11:28:12 AM
Attachments: [image002.png](#)
[image006.png](#)
[image008.png](#)
[image009.png](#)

No problem; I will forward to you when I receive. Also, re trash, Kevin has been meeting with Green Waste to convert the large bin into small bins which can be (1) stored in a little notched area out of site and (2) easily accessed from or rolled to Sutter. GW recently signed off on this per Rich. Kevin (property manager) will be at meeting on Friday to show the neighbors what he is talking about. Do you have a time for the meeting?

The turnaround issue seems like a red herring. Cars can just exit off Middlefield; it's not a deadend.

Super smart to convene the DRC before Friday. Looks like everything is coming together – thanks mucho!

Cara



Cara E. Silver (she/her)
Jorgenson, Siegel, McClure & Flegel, LLP
[Redacted]
Menlo Park, CA 94025
[Redacted]
[jsmf.com](#)

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From: French, Amy <Amy.French@CityofPaloAlto.org>
Sent: Wednesday, February 22, 2023 11:17 AM
To: Cara E. Silver <[Redacted]>
Subject: RE: PC 2343 and 700 Ellsworth zone change

Hi Cara, thanks for looking hard at the survey – I didn't see this before the meeting. And thanks for getting the easement itself. 1939!

From: Cara E. Silver <[Redacted]>
Sent: Wednesday, February 22, 2023 9:55 AM
To: French, Amy <Amy.French@CityofPaloAlto.org>
Subject: RE: PC 2343 and 700 Ellsworth zone change

Hi Amy,
Per the ALTA survey, it looks like the ingress/egress easement is entirely on the Ellsworth lot:

AN EASEMENT FOR NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND INCIDENTAL PURPOSES, RECORDED JULY 24, 1939 AS BOOK 944, PAGE 165 OF OFFICIAL RECORDS, IN FAVOR OF BERT E. JACKSON, AFFECTS PARCEL FOUR OF PARCEL A, AS DESCRIBED THEREIN (EXC. 12 – PLOTTED).

Thus, the four cars in the garage on 2901 Middlefield will continue to have access onto Middlefield through the Ellsworth "ingress/egress easement"/private street. Also, the access has existed since the apartment building was constructed so prescriptive easement rights are there as well.

See you in a few minutes!

Cara



Cara E. Silver (she/her)
Jorgenson, Siegel, McClure & Flegel, LLP
[Redacted]
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[jsmf.com](#)

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From: French, Amy <Amy.French@CityofPaloAlto.org>
Sent: Wednesday, February 22, 2023 8:31 AM
To: Cara E. Silver <[Redacted]>
Subject: RE: PC 2343 and 700 Ellsworth zone change

This is the 1969 City's utilities easement right of way on Ellsworth, but not the private road easement which the City is not a party to. It seems like the private road would have had its easement recorded farther back in history, since there were homes on that street decades before.



From: French, Amy
 Sent: Tuesday, February 21, 2023 12:55 PM
 To: Cara E Silver <[REDACTED]>
 Subject: RE: PC 2343 and 700 Ellsworth zone change

I have a question from a neighbor: "Does parcel A-1, A-2, A-3 each has right-of-way through Ellsworth? if they have, any evidence? if not, the apartment cannot use Ellsworth to get in & out."

The Ellsworth easement that s recorded at the County on Nitin Handa s parcel – do you have access to an easement document that clarifies the easement allows vehicular access from the apartment complex parcels that form the apartment building site at 2901-2905 Middlefield, in addition to enabling access to the Ellsworth homes up the block? Because an easement often simply gives access to non-owners of the parcel it crosses – like the homeowners up the street; previously the Handa parcel was also owned by the apartment building parcels owner Would like some document that shows the street easement on that Handa parcel mentions access from the 2901-2905 Middlefield apartment tenants

Also, want to check in with the apartment building owner tomorrow on options for deliveries to and garbage/recycling pick up from that site

From: Cara E Silver <[REDACTED]>
 Sent: Monday, February 13, 2023 10:37 AM
 To: French, Amy <Amy.French@CityofPaloAlto.org>
 Subject: RE: PC 2343 and 700 Ellsworth zone change

Hi Amy,
 Per your request, here is an ALTA survey and chains of title The survey also covers a third property (another apartment building at 714 Sutter) that was part of Dewey s original acquisition in 2017 The Sutter property is not part of the PC

Thanks,



Cara E Silver (she/her)
 Jorgenson, Siegel, McClure & Flegel, LLP
 [REDACTED]
 Menlo Park, CA 94025
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From: French, Amy <Amy.French@CityofPaloAlto.org>

Sent: Friday, February 10, 2023 12:20 PM
To: Cara E Silver <[REDACTED]>
Subject: RE: PC 2343 and 700 Ellsworth zone change

FYI I reached out to Steve Stieger, he may still be with the city part time I think the old Sanborn Maps book may be at the Rinconada library

I will be referring to the parcel Nitin Handa purchased as 702 Ellsworth, since I found something that shows that address (rather than 700) from the last century...

From: French, Amy
Sent: Friday, February 10, 2023 9:25 AM
To: Cara E Silver <[REDACTED]>
Subject: RE: PC 2343 and 700 Ellsworth zone change

Hey one thing you could help with – the PC talks about multiple addresses I think the parcel Dewey owns was three parcels – 2901 and 2905 Middlefield, and 701 Ellsworth And the parcel across Ellsworth was 702 Ellsworth (not 700) Is there a chain of title you have access to that would show the underlying lots (and were they ever merged?) Also, Ken had showed me a picture of the 702 Ellsworth site that showed a dashed line footprint of a house that was supposedly demolished before the PC The first PC was for commercial office building that was never built, I think, but I don't know when that application came in, what the zoning was before, or when the 702 home was demolished I am wondering if there was a 701 Ellsworth home too way back I may go look at the big Sanborn Maps book if I get a chance next week

It is an interesting story To add to it, my parents first lived together at a home on Ellsworth I don't know which one, and they moved to Ferne Avenue in 1960 I think I can't ask them now since they both passed (2021 my mom, 2022 my dad)

From: Cara E Silver <[REDACTED]>
Sent: Friday, February 10, 2023 9:07 AM
To: French, Amy <Amy.French@CityofPaloAlto.org>
Subject: RE: PC 2343 and 700 Ellsworth zone change

Great, fingers crossed! Thanks Amy



Cara E Silver (she/her)
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From: French, Amy <Amy.French@CityofPaloAlto.org>
Sent: Friday, February 10, 2023 12:44 AM
To: Cara E Silver <[REDACTED]>
Subject: Re: PC 2343 and 700 Ellsworth zone change

I put the prescreening report into our system for March 13 Hopefully that date will stick

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From: Cara E Silver <[REDACTED]>
Sent: Thursday, February 9, 2023 3:39:48 PM
To: French, Amy <Amy.French@CityofPaloAlto.org>
Subject: RE: PC 2343 and 700 Ellsworth zone change

Hi Amy,
So sorry to hear about the fire at Bill's Café and Philz And the YIMBY lawsuit, though not a surprise

I hope to get you a write up early next week Do you have a sense of when the pre-screening will be scheduled? Both Nitin and Rich Dewey have reached out to Kristen Van Fleet to bring her up to speed Rich has been out of town but when he returns he has offered to meet with her in person

Thanks Amy!

Cara



Cara E Silver (she/her)
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From: French, Amy <Amy.French@CityofPaloAlto.org>
Sent: Thursday, February 2, 2023 1:58 PM
To: Cara E Silver <[REDACTED]>
Subject: Re: PC 2343 and 700 Ellsworth zone change

Oh yes please - a background section is welcome if the application materials don't fully explain. You are familiar with the purpose of prescreening...The goal is to focus on the conceptual solutions and I suppose any alternative (not sure yet if Ken drew up parking design I haven't cracked open submittal a yet)

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From: Cara E Silver <ces@jsmf.com>
Sent: Thursday, February 2, 2023 12:25:11 PM
To: French, Amy <Amy.French@CityofPaloAlto.org>; Hayes, Ken <[REDACTED]>
Cc: Alexander Smith <[REDACTED]>; Lily Bowman <[REDACTED]>
Subject: RE: PC 2343 and 700 Ellsworth zone change

Amy,

Thanks so much for taking this on. You always go above and beyond. I know the city is short staffed and I'm happy to provide necessary background for the staff report. And I love Albert's idea of using the same staff report for the pre-screening and PC review.

Cara



Cara E Silver (she/her)
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From: French, Amy <Amy.French@CityofPaloAlto.org>
Sent: Thursday, February 2, 2023 12:07 PM
To: Hayes, Ken <[REDACTED]>
Cc: Cara E Silver <[REDACTED]>; Alexander Smith <[REDACTED]>; Lily Bowman <[REDACTED]>
Subject: RE: PC 2343 and 700 Ellsworth zone change

Hello there,

I told Carlos to assign me until I can get with Jodie to see if her limited staff can help with the tech side while I prepare the staff reports and put them into our system for scheduling hearings. I will get back to you all, and Nitin too, on potential date for prescreening, probably next week.

From: Ken Hayes <[REDACTED]>
Sent: Thursday, February 2, 2023 10:31 AM
To: French, Amy <Amy.French@CityofPaloAlto.org>
Cc: Cara E Silver <[REDACTED]>; Alexander Smith <[REDACTED]>; Lily Bowman <[REDACTED]>
Subject: PC 2343 and 700 Ellsworth zone change

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Good morning Amy,

The applications noted below have been submitted and fees have now been paid. This is an excerpt from an email between Cara Silver and Carlos Ruiz, Accela.

3. Noted, thank you for this clarification. I spoke with Amy and I have since created a second Planning Entitlement record and moved the Zone Change fee to this record. Both records will be assigned to Amy to continue moving them along. The project description shown in the email below pulls directly from the Pre-Application record that Jeff submitted. Here are the two different project descriptions:

23PLN-00025: "Request for a City Council Pre-Screening to consider an amendment to the PC-2343 to allow the change of zoning designation for 700 Ellsworth Place/2901 Middlefield Road from a PC to R-1. Zoning District: PC-2343. Environmental Assessment: Pending. For more information contact the Project Planner Amy French."

23PLN-00027: "Request for a formal Zone Change application to allow a parcel at 700 Ellsworth/2901 Middlefield Rd to be rezoned PC-2343 to R-1. Zoning District: PC-2343. Environmental Assessment: Pending. For more information contact the Project Planner Amy French."

4. No separate meeting is needed, I can process both of these applications independently. Thank you for following up and providing additional clarity, please let me know if any of the project descriptions above need to be amended and if there are any additional questions. Once fees are paid for this project, I can proceed with routing this out for review.

It has you listed as the planner. If that is the case, what does timing look like to get to the pre-screen hearing with council? After the pre-screen, assuming council is on board, how long to PTC and then back to CC? Obviously we want to move this along post haste. Can you please give me an idea so I can keep my client apprised of expectations with regard to schedule.

Thanks for your help.

Thanks,

Ken Hayes, AIA

President



[REDACTED]

[REDACTED] Redwood City, CA 94063

[REDACTED] San Francisco, CA 94104

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(1936 - 2012)
JOHN R. COSGROVE
(1932 - 2017)

Honorable Chair, Planning Commissioners and Staff
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94303

Re: 2901-05 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend Planned Community 2343 (PC 2343) and to apply the R-1 Zoning to 702 Ellsworth Place to Enable the Development of a Single-Story, Single-Family Residence

Dear Honorable Chair, Planning Commissioners and Staff:

After learning from City staff yesterday afternoon that the public hearing tonight would be reopened, we are submitting this letter that responds to many of the comments and concerns raised at the June 28, 2023 Planning Commission hearing regarding the above referenced matter and in written correspondence submitted following the hearing.

By way of background, after discovering that their properties were zoned PC contrary to the City's Zoning Map designating 702 Ellsworth Place as R-1 and designating 2901-05 Middlefield as RM-20, at Planning staff's recommendation, applicants Nitin Handa (owner of 702 Ellsworth Place) and our client RLD Land LLC (owner of 2901-05 Middlefield) jointly filed the subject application.

This application, if approved as proposed, will accomplish the following objectives and community benefits:

- 1) Resolve a decades old zoning map error by the City that was relied upon by both applicants in purchasing their respective properties;
- 2) Allow for an additional single-family home to be added to the City's housing stock by removing a parking lot designated exclusively for apartment residents' guest parking at 702 Ellsworth (and no longer required by Code) from the Planned Community (PC) development plan and rezoning it to R-1 zoning consistent with the other residential lots on Ellsworth Place;

- 3) Retain 2901-05 Middlefield Road within the PC, thereby locking in and capping the density of this site at the existing twelve (12) units;
- 4) Accommodate all current required parking for the existing 12-unit apartment building on site at 2901-05 Middlefield Road;
- 5) Grant the owners of the parcels fronting Ellsworth Place an access easement over the 100 ft long 20 foot wide portion of Ellsworth Place that falls within the 702 Ellsworth parcel (currently these parcels have no written or recorded easement over this portion of Ellsworth Place);
- 6) Improve the vehicular, bicycle and pedestrian safety of the intersection of Middlefield and Ellsworth Place and on Ellsworth Place by:
 - a) Increasing the paved width of Ellsworth Place by 4 feet accomplished by restricting a 2'-6" wide by approximately 35 foot strip of land parallel to Ellsworth Place on the 2901-05 Middlefield parcel and a 1'-6" wide by approximately 40 foot strip of land parallel to Ellsworth Place on the 702 Ellsworth Place parcel to hardscape matching the surface the Ellsworth Place;
 - b) Widening the curb cut approach at Ellsworth/Middlefield by 4 feet to a total of 28 feet at the street flare;
 - c) Creating an enhanced 35-foot sight triangle at Ellsworth/Middlefield by pushing the 702 Ellsworth fence along Middlefield four (4) feet in from the back edge of the sidewalk (thus further into the 702 property), restricting the fence height to 3 feet and requiring all vegetation be limited and cleared to one foot height or less between the fence and the street curb;
 - d) Providing a temporary delivery and loading space onsite at 2901-05 Middlefield Road which is not otherwise required by Code; and
 - e) Reducing vehicle trips on Ellsworth by reducing the number of parking spaces using Ellsworth Place and accommodating all current required parking for the 12-unit apartment complex onsite and moving the trash pickup to the Sutter entrance.

A. Ellsworth Street Status

1. Not a Public Street. Contrary to some of the commenters contentions, Ellsworth Place is not a public street. The City does not have any easement, right of way, fee title or other ownership interest in Ellsworth Place. State law provides that a public street can be created only by one of the two following ways: (1) a city either explicitly or impliedly accepts an offer to dedicate a street as public; (2) a city acquires an easement, right of way or fee title from the owners of the street by purchase or condemnation. Streets

& Highways Code Section 1806; *Hanshaw v. Long Valley Rd. Ass'n* (2004) 116 CA4th 471. The City Attorney has concluded that none of these conditions have occurred and therefore Ellsworth is not a public street.

2. No Existing Easement Over 702 Ellsworth Frontage. The first 100 feet of Ellsworth Place is contained entirely within the 702 Ellsworth parcel and therefore fee title to this portion of Ellsworth Place is owned by Nitin Handa. According to the preliminary title report for the property there is no written or recorded easement over this Ellsworth Place portion benefitting all of the other parcels fronting Ellsworth Place.
3. Proposed Grant of Easement. Mr. Handa has generously offered to grant and record a non-exclusive easement for ingress/egress over the portion of Ellsworth that is on his property for the benefit of the owners of the other parcels fronting Ellsworth Place. This will resolve any ambiguity over the legal right of these parcels' residents to cross over this portion of Ellsworth Place on the Handa property.

B. Community Benefits and Concessions

1. Sufficiency of Proposed Community Benefits

This proposal is to amend an already existing PC development plan that was approved in 1967 by accommodating all required parking at 2901 Middlefield and removing 702 Ellsworth from the PC because it is no longer needed for parking. The Council has acknowledged that providing new housing on its own is a community benefit. The proposed PC amendment allows for the addition of a moderately priced single-family home and the continuation of 12 longtime, well maintained apartment units. In addition, this project improves the safety at a currently sub-standard street with a series of existing safety and circulation concerns as described below.

2. 702 Ellsworth Benefits and Concessions.

- Agreed to grant an access easement over the 100 ft long by 20 ft wide portion of Ellsworth on the 702 Ellsworth parcel to all parcel owners fronting Ellsworth to settle any debate over who has right to access that part of the street.
- Agreed to increase the effective width of Ellsworth by maintaining an additional strip of land 1'-6" wide by approximately 40 feet in length parallel to Ellsworth Place in the same material as Ellsworth Place.
- Agreed to an enhanced 35 feet sight triangle on the corner at Ellsworth/Middlefield. by pushing back the fence on Middlefield 4 feet from the back of the sidewalk and limit the height to 3 feet tall as measured from the sidewalk level.
- Agreed to decrease the front landscaping between Ellsworth Place and the home and instead install 4 feet of hardscape immediately adjacent to and parallel with Ellsworth Place. This will provide 25% more space (width) for vehicle maneuvering and turnaround.

- Agreed to widen the curb cut approach at Ellsworth/ Middlefield by two feet on the 702 Ellsworth side of the approach, which, when combined with the widening on the 2901 Middlefield side would result in a total width of 28 feet at the mouth.
- Agreed to widen the residential driveway to allow for better vehicle maneuvering.
- Agreed to cut the bushes facing Middlefield to improve sight line.
- Agreed not to construct a basement and keep the home at a single-story.
- Removed temporary construction fencing and dirt while application pending.

3. 2901-05 Middlefield Benefits and Concessions.

- Agreed to create and provide a temporary loading zone for delivery trucks at 2901 Middlefield.
- Provides an additional 4 parking spaces onsite to accommodate all current required parking for the apartment building and its guests and tenants onsite, thereby facilitating less use of Ellsworth.
- Agreed to increase the effective width of Ellsworth by maintaining an additional strip of land 2'-6" wide by approximately 35 feet in length parallel to Ellsworth Place in the same material as Ellsworth Place.
- Agreed to maintaining a 35 feet sight triangle on corner of lot at Ellsworth/Middlefield.
- Moved trash pickup from Ellsworth to Sutter to relieve pressure on Ellsworth.
- Agreed to widen the curb cut approach at Ellsworth/ Middlefield by two feet on the 2901 Middlefield side of the approach, which, when combined with the widening on the 702 Ellsworth side would result in a total width of 28 feet at the mouth. This widening also requires the relocation of a utility monument box.

4. PC Development Plan Documents and Enforces 2901-5 Middlefield Benefits and Concessions.

All community benefits and applicant concessions located on 2901 Middlefield will be documented and enforceable through the amended PC Development Plan.

5. Grant of Easement; Deed Restriction and Building Permit Documents and Enforces 702 Ellsworth Parcel Benefits and Concessions.

The community benefits and applicant concessions located on 702 Ellsworth (that will be removed from the PC Development Plan and rezoned R-1) will be documented and enforced through the following separate legal mechanisms:

(a) A recorded perpetual access easement (over the 100 ft long 20-foot wide portion of Ellsworth Place that falls within the 702 Ellsworth parcel) to the owners of the parcels fronting Ellsworth Place (currently these parcels have no written or recorded easement over this portion of Ellsworth Place); and

(b) A deed restriction recorded against the property in perpetuity for the benefit of the City that will require (1) the additional 1'-6" of hardscape along Ellsworth be maintained; (2) the 35-foot sight triangle on the 702 Ellsworth side be maintained; (2) the additional 4 feet of hardscape between Ellsworth and the walkway be maintained; and

(c) A building permit that requires the additional driveway width and that the home be one story with no basement.

C. Why Rezone 702 Ellsworth to R-1 Instead of Amending the PC to Allow Single Family Residential?

1. Rezoning to R-1 is More Compatible and Consistent with Surrounding Zoning.

The adjacent and surrounding residential parcels are primarily zoned R-1. Rezoning 702 Ellsworth to R-1 would require the parcel to abide by the same development standards as all other R-1 lots as opposed to a PC which would allow the lot to have site specific development standards.

2. Retaining 702 Ellsworth is Inconsistent with the Purposes of the PC.

We are not aware of any PC in the City that provides for one single lot to be developed with a single-family home. Section 18.38.010 specifically states that the purpose of the PC zoning is for projects “requiring flexibility under controlled conditions not otherwise attainable under other districts.” Here, the proposed single-family home on 702 Ellsworth is perfectly attainable within the R-1 regulations and development standards and a PC is not necessary.

3. Proposed Legal Mechanisms to Enforce Community Benefits and Concessions are Superior to Incorporating them into a PC Development Plan.

It is important to note that unlike a PC development plan which can be amended or rescinded by the public process outlined in the PC Ordinance, an easement can only be modified by written agreement from all grantees of the easement, which in this case would be all owners of the parcels fronting Ellsworth, and the deed restriction benefitting the City could only be modified by the City Council. Accordingly, the legal mechanisms to document and enforce the community benefits and concessions provided on 702 Ellsworth would likely prove much more difficult to modify or rescind than had they been incorporated into a PC development plan

4. It Does Not Create Precedent.

Allowing 702 Ellsworth to be removed from this PC does not create a precedent for other PC zoned properties. Amendments to any PC are discretionary and reviewed on a case-by-case basis through the required public process. Here, the requested amendment increases the number of parking spaces at 2901 Middlefield to accommodate all of the required parking onsite at 2901 Middlefield. Accordingly, the parking lot at 702 Ellsworth is no longer needed for the PC development plan. Moreover, this request is unique in that it seeks to rectify a City error. As explained in more detail in our letter dated June 6, 2023, the 1967 PC was never reflected in the

City's records. Instead, the City's records still show 2901 Middlefield as RM20, and the vacant lot at 702 Ellsworth as R-1. Even the 2014 city wide update on all PC zoned lots, dating back to the 1950's, did not include 2901 Middlefield or 702 Ellsworth on the list of PC zoned lots. Accordingly, the amendment seeks to amend the PC to approximately reflect what the current owners reasonably relied upon when they purchased the properties in 2017 and 2022 respectively.

D. Density

Removing the 702 Ellsworth Place property from the PC development plan and rezoning it R-1 will add one single family housing site to the City's housing inventory. Contrary to one public comment, it will not increase the density of 2901-05 Middlefield property. There is no proposed change to the existing number of units. While the applicants could have applied for a zone change to RM-30 to potentially allow redevelopment of the site to a higher density, instead they are retaining the existing PC zoning which caps the number of units on the site to the existing twelve (12) apartment units pursuant to the approved development plan. This two story 12-unit apartment building has existed for over 56 years, blends in with the neighborhood and has never been criticized as too dense for the area.

E. Use of Parking Lot at 702 Ellsworth

1. Existing Parking Lot is for Apartment Tenant Guests Only.

The parking lot at 702 Ellsworth is and always has been private property. Under the existing PC development plan it provides 8 parking spaces that are specifically designated for guest parking for the tenants of apartment building.

2. Other Uses Not Permitted Without Owner's Consent.

Any use of the parking lot other than for tenants' guests (including the tenants themselves) is not permitted or legal without the owner's consent. Furthermore, any such use is contrary to the existing PC which dedicates these parking spaces for guests of the apartment building tenants. According to the property manager who has managed the parking lot for more than 6 years, he has never seen anyone use this parking lot for circulation, passing, community events, or other uses as one public comment contends. Indeed, there are several no parking signs in the parking lot that have existed long before his tenure which state "Parking Restricted. Unauthorized Vehicles to be Towed at Owner's Expense" citing California Vehicle Code Section 22658A and other signs which state "No Trespassing – Private Property – Violators will be Prosecuted."

3. Parking Lot is Not Required to Meet Current Parking Requirements.

All required parking for the apartment building is proposed to be accommodated onsite at 2901-05 Middlefield by adding four (4) additional parking spaces. Therefore, the parking lot at 702 Ellsworth is no longer needed to meet the current required parking for the 2901 Middlefield apartment building. These additional 4 onsite spaces may be used by tenants or their guests and will be closer to the apartment residences. Under the existing PC development plan, the parking lot may not be used by tenants; it may only be used by guests of tenants.

4. Proposal to Provide Temporary Delivery and Loading Space Onsite.

Although not required by Code, the 2901 Middlefield applicant is proposing to provide a temporary loading/ delivery space onsite. See enclosed letter from Hexagon dated July 12, 2023 detailing proposed revisions to the location of this temporary loading/delivery space.

F. Bicycle/Pedestrian Safety

See enclosed letter from Hexagon dated July 12, 2023

In conclusion, the applicants respectfully request that the Planning Commission recommend approval of the PC Amendment that will: (1) accommodate all required parking for the existing 12-unit apartment building onsite at 2901-05 Middlefield and; (2) remove 702 Ellsworth from the PC development plan and rezone it R-1 to allow for the addition of a modest single-family home on the currently vacant lot. This action will not only add one additional housing unit to the City's housing stock, but also preserve the continued viability of the existing, well-maintained 12-unit apartment building, grant an access easement over the portion of Ellsworth on 702 Ellsworth for the benefit of the other Ellsworth parcels, and improve the conditions of the private street by paving additional width, maintaining a 35 foot line of sight triangle, widening the curb cut at Middlefield and Ellsworth to 28 feet, and providing a temporary delivery and loading space at 2901-05 Middlefield. Thank you for your consideration.

Respectfully submitted,

JORGENSON, SIEGEL, McCLURE & FLEGEL, LLP

By: 

Camas Steinmetz

Cc: Amy French, Chief Planning Official
Albert Yang, Assistant City Attorney
Client



HEXAGON TRANSPORTATION CONSULTANTS, INC.

July 12, 2023

Mr. Richard Dewey
RLD Land, LLC
240 Lorton Avenue, 4th Floor
Burlingame, CA 94010

Re: Response to Transportation Comments from 6/28/2023 Planning Commission Meeting for the Proposed Residential Development at 702 Ellsworth in Palo Alto, California

Dear Mr. Dewey:

Hexagon Transportation Consultants, Inc. attended the Planning Commission meeting dated June 28, 2023, for the proposed new house at 702 Ellsworth in Palo Alto, California. Some Commissioners and the public raised a handful of transportation questions. We also received subsequent written comments on our traffic report. This letter provides general responses to the public hearing and subsequent written comments. It should be noted that some public comment questioned Hexagon's objectivity because we were hired by the applicant. It was explained at the meeting and should be reiterated here that our transportation analysis was reviewed and approved by the City's transportation staff. One written comment questioned whether Hexagon visited the site. Hexagon visited the site three times in May and June 2023.

Loading Space. The Commission asked about ease of access to the proposed loading space that would be delineated on the apartment site. To facilitate access, the location of the loading space has been changed as shown on the attached diagram. The turning diagram shows ingress and egress for a large delivery truck (SU-30 classification). The truck could either back in and head out or vice versa. Backing in or out would require some jockeying, as is typical for on-site loading zones. The diagram also shows access to the loading zone for a smaller delivery truck or van (19 feet in length). Access would not require jockeying and would not require use of the single-family home driveway.

Ellsworth Width. The public commented that Ellsworth is too narrow for two-way traffic, especially at the intersection with Middlefield Road. This is not true. Residential and multi-family driveways may be a minimum of 20 feet wide, which is the exact width of Ellsworth Place. Wider driveways are easier for cars to maneuver but are less safe for pedestrians and bicycles. We understand the applicants have agreed to widen the existing 20 foot paved width of Ellsworth to a total of 24 feet along a portion of the applicants' properties' frontages. This widening requires the 2901 Middlefield owner to encumber 2'-6" of his property for approximately 35 feet in length and to relocate a utility box and requires the 702 Ellsworth owner to encumber 1'-6" of his property for approximately 40 feet in length. These described areas would be paved in a material to match that of Ellsworth Place. In addition, the curbcut at Middlefield and Ellsworth would be broadened to provide a two-foot flare on each side of the approach for a total width of 28 feet at the mouth. The attached turning diagram shows cars at the slightly wider Ellsworth/Middlefield intersection. It is possible for cars to turn into and out of the driveway simultaneously.

Sight Distance. Because vegetation had been allowed to grow on the lot at 702 Ellsworth, sight distance was compromised. With the proposed project, that problem would be corrected. The project proposes to maintain sight distance triangles of 35 feet measured from the edge of Middlefield Road, in accordance with City standards. Structures and vegetation generally are



Mr. Richard Dewey
July 12, 2023
Page 2 of 2

allowed within the sight triangles provided they are three feet tall or less (or greater than seven feet). City staff have researched sight distance in the field and have determined that because of the slight slopes on Ellsworth Place and Middlefield Road, the proposed 3-foot fence should be installed at least 4 feet from the back of the sidewalk on Middlefield Road. Furthermore, staff have determined that only low groundcover (less than one foot in height) should be permitted between the fence and the curb on Middlefield. The proposed homeowner has offered a slatted fence that could be seen through. While not required, this would help further with sight distance. The 35-foot sight triangles are designed so that exiting motorists can see pedestrians on the sidewalk. Once motorists see a clear sidewalk, they pull forward across the sidewalk to see vehicles on Middlefield Road. This is typical of all driveway intersections. Visibility along Middlefield Road is good.

Other Ideas. The public offered other ideas to help turning into and out of Ellsworth Place, including bike lanes on Middlefield Road and mirrors. Bike lanes would not affect access to Ellsworth Place one way or the other. The curb lane on Middlefield Road already is wide enough to facilitate turns. Mirrors would not help visibility and are not an approved traffic control device.

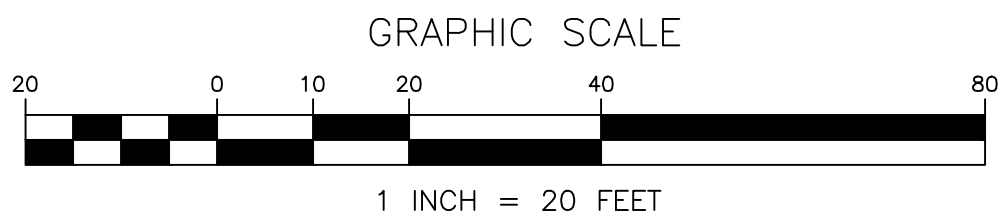
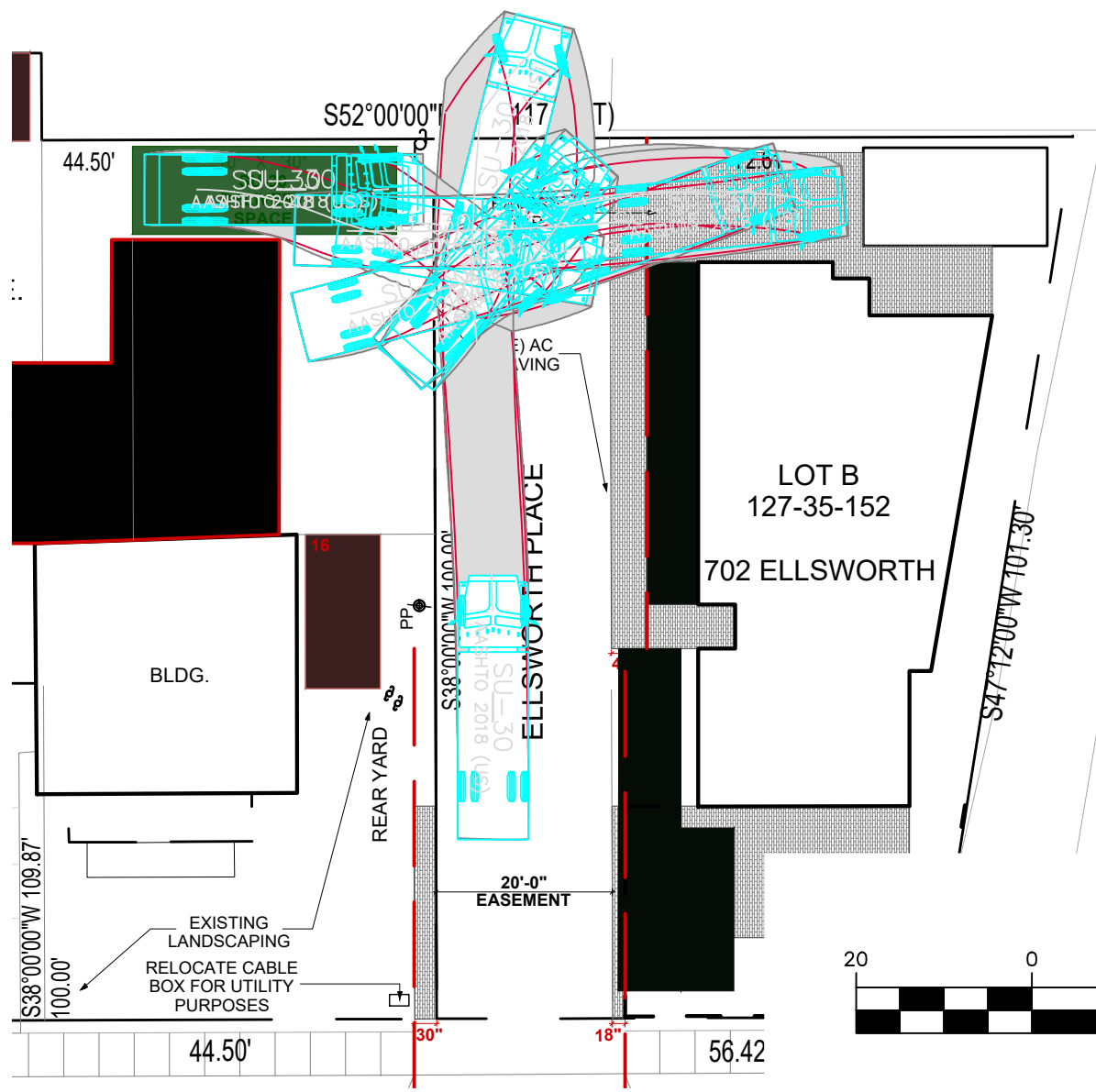
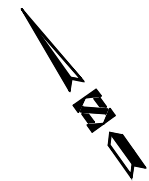
My colleague Ollie Zhou will be present at the continued July 12th Planning Commission hearing and available to answer any additional questions. We appreciate the opportunity to continue to work with you on this project. If you have any questions, please do not hesitate to call.

Sincerely,

HEXAGON TRANSPORTATION CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Gary K. Black".

Gary K. Black
President



DRAWN
J. CHANG

CHECKED

SCALE
1" = 20'

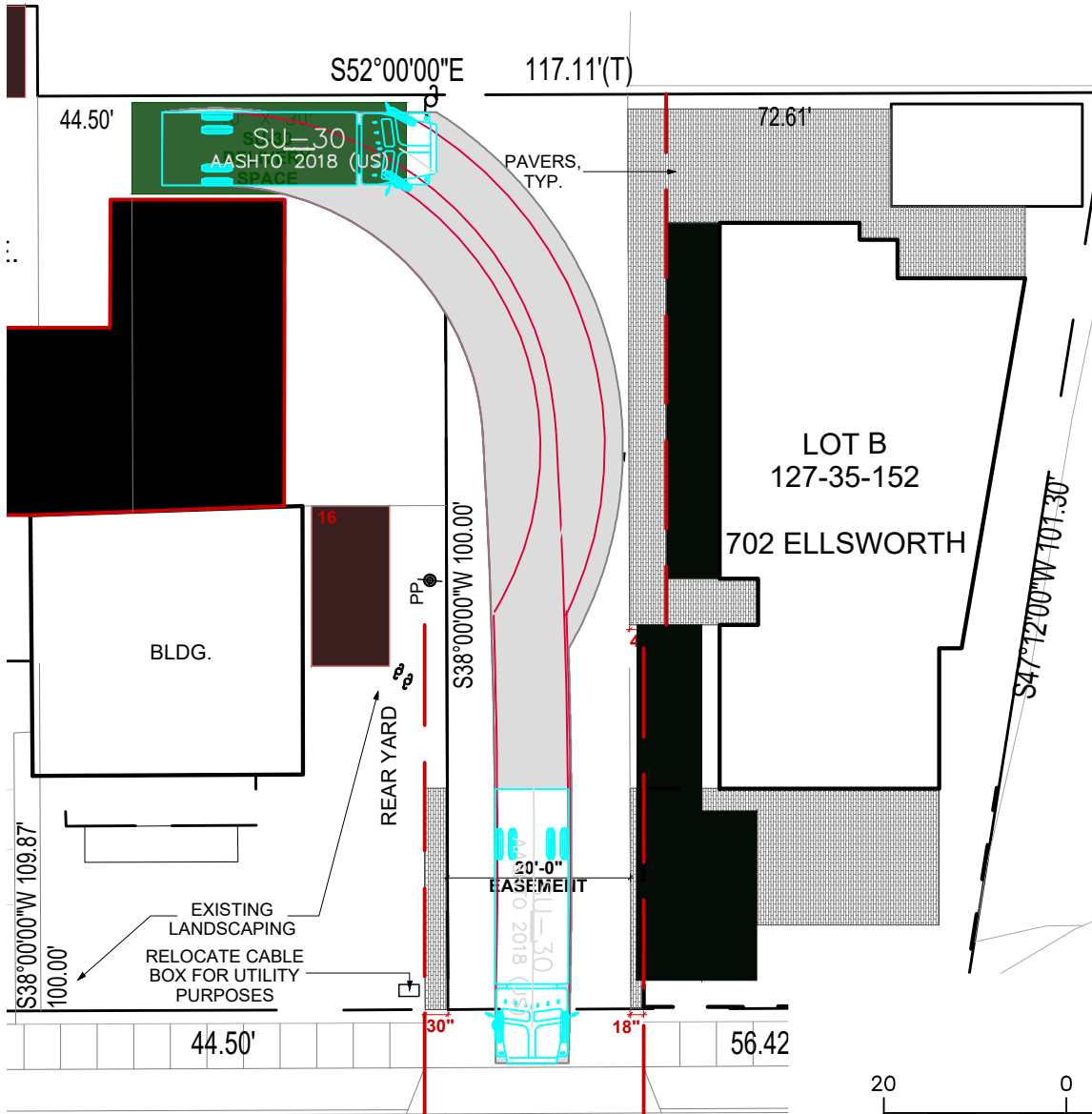
DATE
7/10/2023

 **HEXAGON TRANSPORTATION CONSULTANTS, INC.**
 100 Century Center Court, Suite 501
 San Jose, California 95112
 PH: (408) 971-6100
 www.hextrans.com

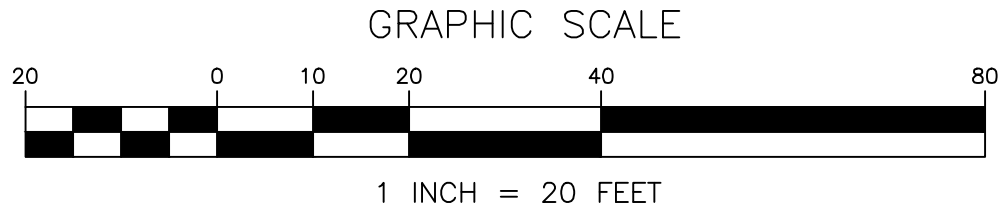
CITY OF PALO ALTO

702 ELLSWORTH PLACE
TRUCK TURNING TEMPLATE

FIGURE NO.
1



MATADERO CANAL



DRAWN
J. CHANG

CHECKED

SCALE
1" = 20'

DATE
7/10/2023

 **HEXAGON TRANSPORTATION
CONSULTANTS, INC.**

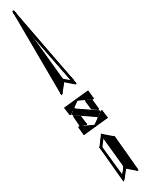
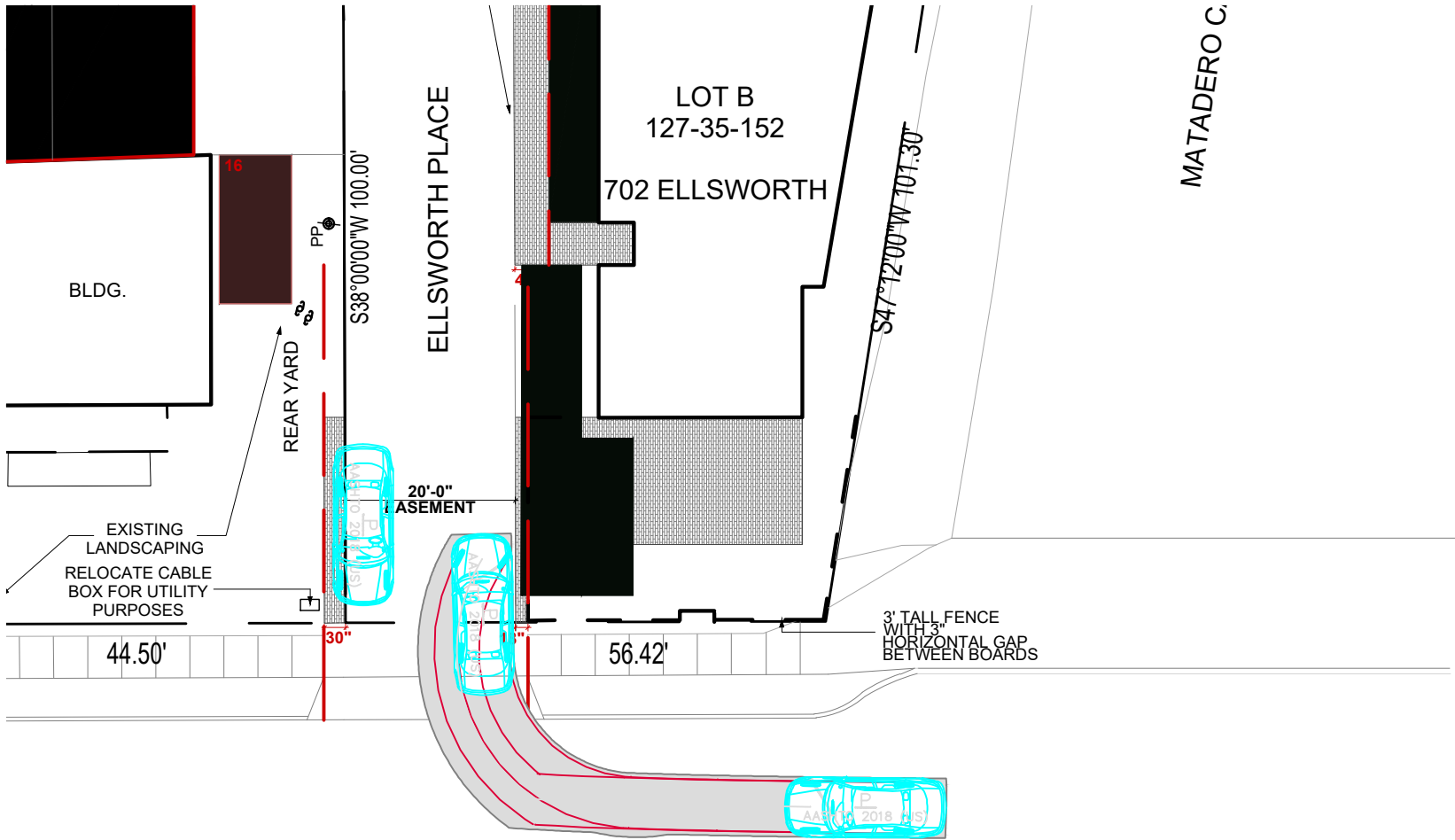
100 Century Center Court, Suite 501
San Jose, California 95112
PH: (408) 971-6100
www.hextrans.com

CITY OF PALO ALTO

702 ELLSWORTH PLACE
TRUCK TURNING TEMPLATE

FIGURE NO.

2



GRAPHIC SCALE



1 INCH = 20 FEET

DRAWN
J. CHANG

CHECKED

SCALE
1" = 20'

DATE
7/10/2023

**HEXAGON TRANSPORTATION
CONSULTANTS, INC.**

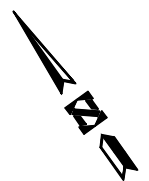
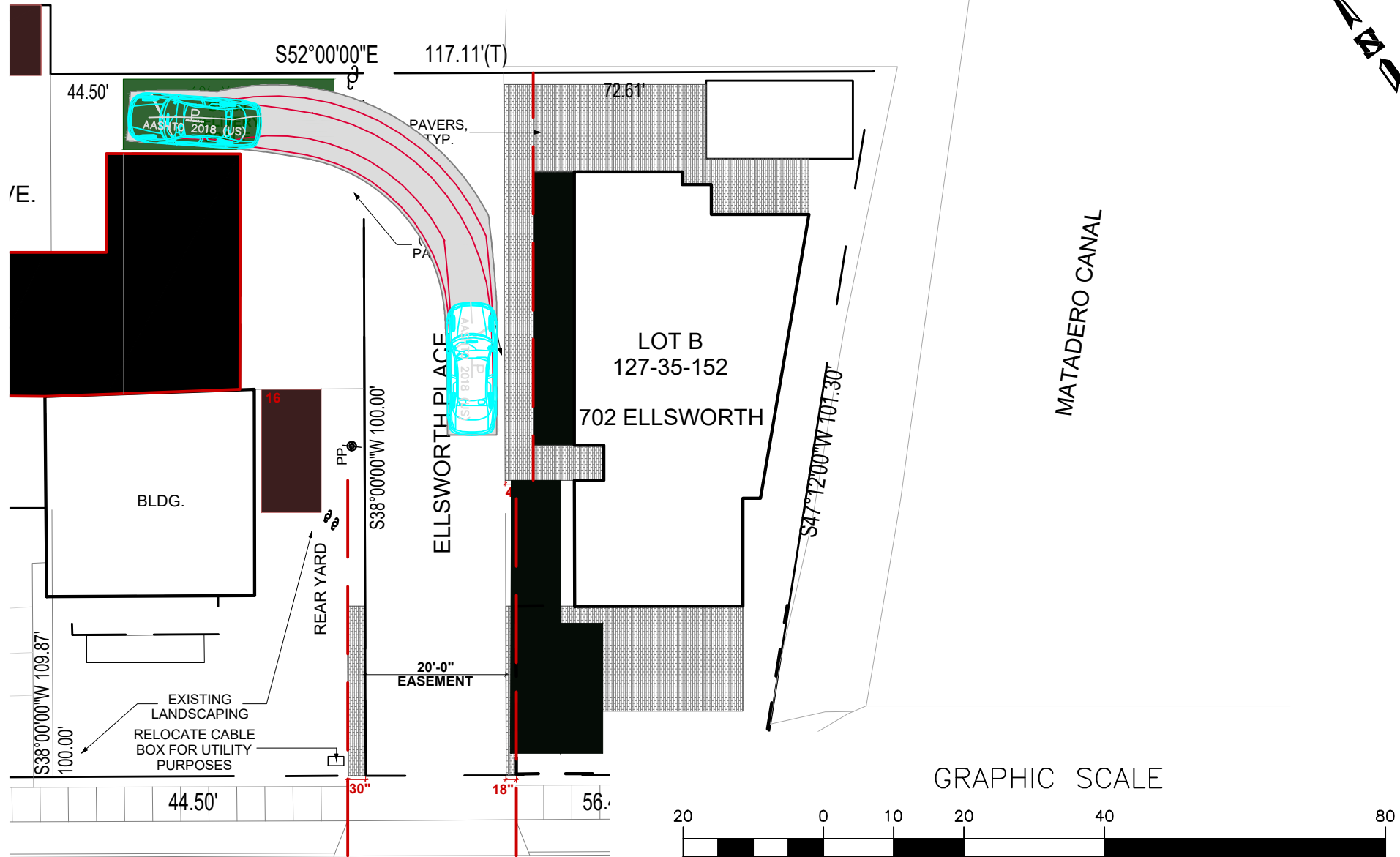
100 Century Center Court, Suite 501
San Jose, California 95112
PH: (408) 971-6100
www.hextrans.com

CITY OF PALO ALTO

702 ELLSWORTH PLACE
TRUCK TURNING TEMPLATE

FIGURE NO.

3



1 INCH = 20 FEET

DRAWN
J. CHANG

CHECKED

SCALE
1" = 20'

DATE
7/10/2023

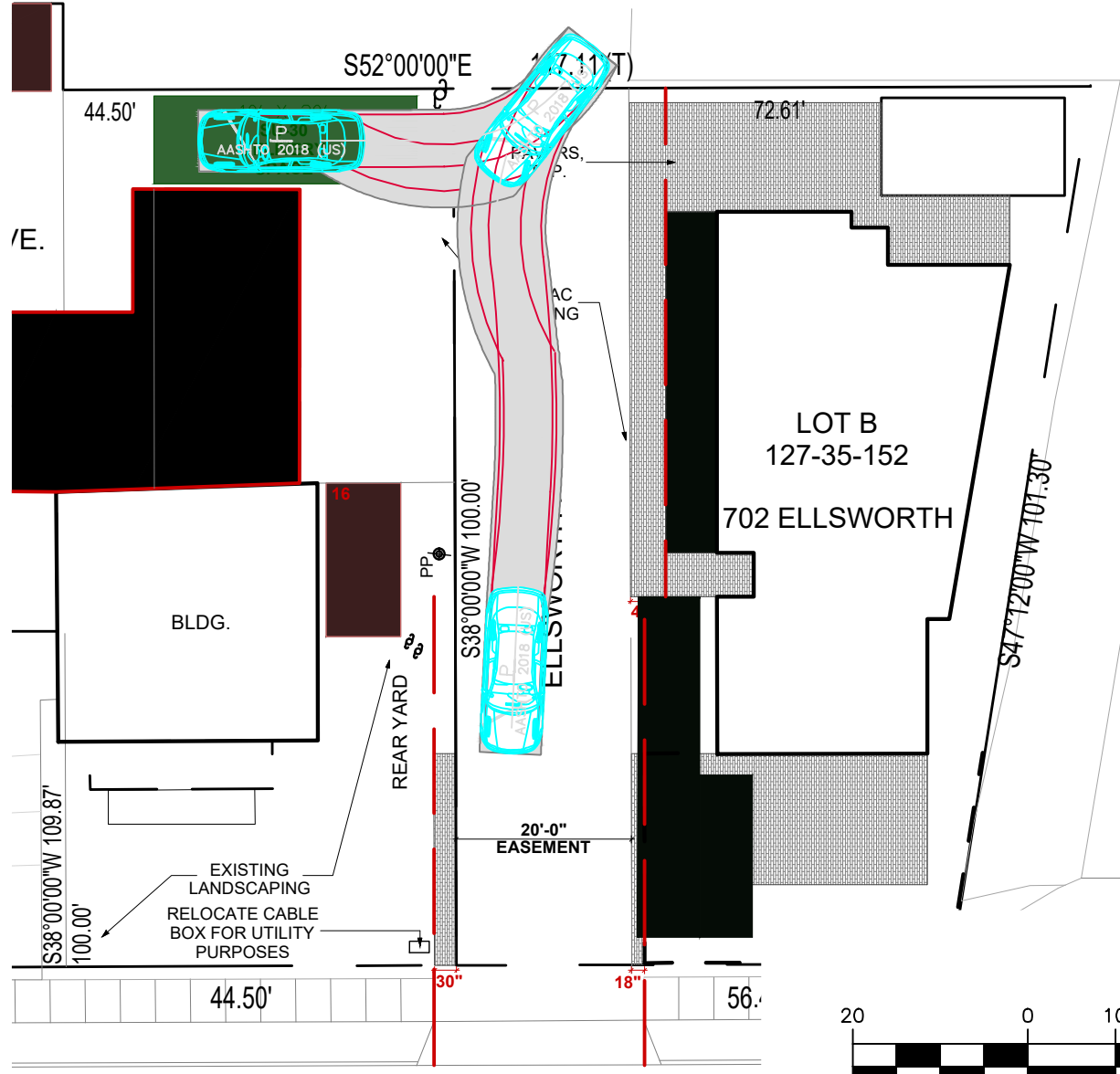
**HEXAGON TRANSPORTATION
CONSULTANTS, INC.**

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San Jose, California 95112
PH: (408) 971-6100
www.hextrans.com

CITY OF PALO ALTO

702 ELLSWORTH PLACE
TRUCK TURNING TEMPLATE

FIGURE NO.
4



GRAPHIC SCALE



1 INCH = 20 FEET



DRAWN
J. CHANG

CHECKED

SCALE
1" = 20'

DATE
7/10/2023

**HEXAGON TRANSPORTATION
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San Jose, California 95112
PH: (408) 971-6100
www.hextrans.com

CITY OF PALO ALTO

702 ELLSWORTH PLACE
TRUCK TURNING TEMPLATE

FIGURE NO.

5

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

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

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

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

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

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

July 6, 2023

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

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

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

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

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

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

Sincerely,

Susan E. Light, MD

RECORDING REQUESTED BY:

Old Republic Title Company

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

When Recorded Mail Document and Tax Statements to:

Susan Light
705 Ellsworth Place
Palo Alto, CA 94306

DOCUMENT: 21327882



Pages: 3

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

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

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

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Corporation Grant Deed

R & T CODE 11932-11933

FILOR REQUESTS

DO NOT RECORD STAMP VALUE

The undersigned grantor(s) declare(s):

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

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

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

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

Date: September 08, 2011

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

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

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

127-35-135

STATE OF CA)SS
COUNTY OF SANTA CLARA

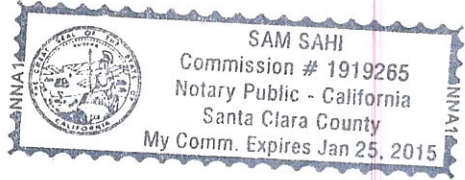
On MAY 9, 2013, before me, SAM SAHI, Notary
Public, personally appeared SCISAN E LIGH

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

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

WITNESS my hand and official seal.

Signature _____
[Handwritten Signature]



This area for official notarial seal

My Commission Expires: Jan 25, 2015

Notary Name: SAM SAHI

Notary Registration Number: 1919265

Notary Phone: 650-327-7147

County of Principal Place of Business: SANTA CLARA

EXHIBIT A

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

Parcel One:

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

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

Parcel Two:

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

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

APN: 127-35-135

ARB: 127-35-135

N 8 8 1 P A G E 0 5 4 9

12915085

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

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

Recorded at the Request of
First American Title Guaranty Co.

JUN 13 1995 8:00 A.M.

BRENDA DAVIS, Recorder
Santa Clara County, Official Records

WHEN RECORDED MAIL TO:

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

DOCUMENTARY TRANSFER TAX \$ 284.90

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Computed on the consideration or value of property conveyed; OR
 Computed on the consideration or value less liens or encumbrances remaining at time of sale.
 City of Palo Alto Transfer Tax \$854.70

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

127-35-135

GRANT DEED

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

THOMAS E. STEWART and MARTHA CASTILLO, husband and wife

hereby GRANT(S) to

GEORGE H. STERN, an unmarried man

the real property in the City of
County of

Palo Alto
Santa Clara

, State of California, described as

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

Dated May 26, 1995

STATE OF CALIFORNIA)
COUNTY OF San Mateo)ss.

On May 26, 1995 before me,
Anne Kaz

personally appeared THOMAS E. STEWART and MARTHA CASTILLO

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

Signature [Handwritten Signature]

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

[Handwritten Signature]
Thomas E. Stewart

[Handwritten Signature]
Martha Castillo



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

LEGAL DESCRIPTION

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

PARCEL ONE:

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

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

PARCEL TWO:

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

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

APN: 127-35-135

From: [Kristen Van Fleet](#)
To: [Planning Commission](#); [French, Amy](#); [Sauls, Garrett](#); [Star-Lack, Sylvia](#); [Council, City](#); [Transportation](#)
Subject: For PTC PACKET of July 12, 2023 - Ellsworth Place Residents Demand a Safer and More Accessible Road
Date: Friday, July 7, 2023 3:45:34 PM
Attachments: [Ellsworth Place Residents Demand a Safer and More Accessible Road - Google Docs.pdf](#)

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

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

Regarding: "2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend Planned Community 2343 (PC 2343) and to apply the R-1 Zoning to 702 Ellsworth Place to Enable the Development of a Single-Story, Single-Family Residence ” (Applications 23PLN-27, 23PLN-00027, 23PLN-00025)

July 7, 2023

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

Please find attached the response of the Ellsworth Place Residents to the "Traffic Review" prepared by Hexagon for the entrance and line-of-site triangle at Middlefield Road and Ellsworth Place.

Sincerely,

Kristen A. Van Fleet

Ellsworth Place Residents Demand a Safer and More Accessible Road

July 3, 2023

Ellsworth Place residents tried back in April 2013 to get improvements made with how Ellsworth Place intersects Middlefield Road.

A resident who was a Block Preparedness Coordinator (BPC) at the time reached out to the City of Palo Alto asking for help with how to make the intersection of Ellsworth Place and Middlefield Road better. The residents wanted to apply for the “Know Your Neighbors” grant money and use the money to make improvements to the road. At the time, they came up with a list that included: adding mirrors, having Middlefield Road sidewalk in front of Ellsworth Place marked with paint and signage to alert pedestrians to the presence of a road, having Keys School give awareness to their parents and staff that there is a road directly across Middlefield Road from their driveway next to Matadero Creek, getting a street light installed at the start of Ellsworth Place (on the first utility pole), and having a speed bump installed at the start of Ellsworth Place.

The City of Palo Alto (CPA) refused to help assess the situation, or to even let residents know how they could go about making changes, or if the changes were legally allowed to be made if the residents paid for them or applied grant money to them. At the time, residents assumed, perhaps incorrectly, perhaps not incorrectly, that they were not allowed to place mirrors, speedbumps, or apply paint to the road and public sidewalk, without the approval of CPA, and because CPA would not give approval, the residents then concluded that no changes were allowed to be made.

Fast forward to 2023, and these problems still exist only they will become worse should a home be allowed to be built on the parking lot, thereby removing circulation and narrowing the entrance to Ellsworth Place overall. This is not okay with any of the Ellsworth Place homeowners or tenant, and it is also not okay with the tenants of the apartments we’ve spoken with; who refuse to put their grievances in writing for fear of retaliation by the property owner in the form of a rent increase or eviction. (A recently released [study of People Experiencing Homelessness by UCSF](#) listed high housing costs as a factor on the path to homelessness.)

What we have learned in this whole process of challenging a development plan that seeks to remove most of the public benefits the current PC-2343 City Ordinance provides, outside of the 12-units of housing, is that our voices are now a part of the public record should a life-threatening accident occur at this intersection of Ellsworth Place at Middlefield Road. We have also learned that PC-2343 was amended from PC-1810, which required the driveway entrance of Ellsworth Place to be widened as a condition of the PC agreement and this was never done. We want this law fully implemented before any discussion of a potential residence begins.

In the words of Vice Mayor Stone, (City Council Meeting on March 13, 2023, timestamp 2:58:30)

“I think a lot more research is needed here, I mean, balancing the concerns of the nearby residents, the interest of the community which spans even beyond Ellsworth Place, but also the public safety issues there. I drive by Ellsworth Place every single day. I myself have seen several near accidents in that intersection and if we’re balancing here property rights of one potential homeowner compared to not only the safety of Ellsworth Place residents, but all who drive by that, that’s not an easy...that’s not a difficult weighing of interests there. I think safety of course is going to have to win out at the end of the day. ...”

Here is what as homeowners and tenants of Ellsworth Place know to be true:

THE PARKING LOT IS OUR CIRCULATION

- The parking lot has provided circulation for Ellsworth Place for 56+ years
- The parking lot functions as a cul-de-sac, providing the only safe place for a vehicle, especially a truck to turn around.
- The parking lot is used by both Ellsworth Place homeowners and tenants alike, alongside the Sutter Arms apartment tenants, and has been for over 56+ years.
 - It was designed to function as the transition between the homes on Ellsworth Place, the Sutter Arms apartments, and Middlefield Road.
 - It effectively widens the road to 25-26 feet, allowing for cars and delivery trucks to pass one another safely.
 - Tenants of the Sutter Arms apartments use the parking lot! (See photo below).
 - The parking lot provides overflow parking for the Sutter Arms apartments
 - Families with children often have two cars or more.
 - Roommates who share an apartment to cut back on rent offer have more than one car among them.
 - Some of the carport spaces are too narrow to safely park modern-size vehicles which have become larger (wider & longer) over the years and are continuing to do so.
 - Gig-workers use their own vehicles when driving for companies like Door-Dash and Uber, among others, and they need a place to park their cars where they live too.
 - Parking on Sutter Ave can be more dangerous
 - Sutter Ave is a much wider street which may be required to cross in order to find street parking.
 - Women coming home at night have to walk further to their apartment than if they park in the Ellsworth Place parking lot.
 - Other apartments depend on Sutter Ave for their overflow parking
 - The 15 Ellsworth Place addresses depend on Sutter Ave for their overflow parking.
 - It provides temporary parking for deliveries made to both the Sutter Arms apartments and the houses on Ellsworth Place.
 - It keeps the overflow parking off of Ellsworth Place which is only 20-feet wide in front of the homes; the minimum width needed for emergency vehicles to access.
- The temporary fence that was placed around the parking lot from mid-December 2022 to April 2023, created safety problems for ALL of Ellsworth Place; the homeowners & tenants, and for the tenants of the Sutter Arms apartments, AND also for those in the greater community who drive by Ellsworth Place or use the public sidewalks that run in front of Ellsworth Place.
 - Apartment tenants parked alongside the temporary fence; overflow parking.
 - Apartment tenants parked alongside 706 Ellsworth and blocked half of the 20-foot wide Ellsworth Place road.
 - Delivery trucks made multi-point turns to turn-around in front of the fence
 - Often hitting the temporary fence
 - Blocking the Ellsworth Place roadway
 - Making it more dangerous on Ellsworth
 - Delivery trucks parked in the bus-pullout on Matadero Creek
 - Delivery trucks backed out onto Middlefield Road into traffic

THE DRIVEWAY OPENING OF ELLSWORTH PLACE IS TOO NARROW

- The driveway opening of Ellsworth Place is too narrow at approximately 21-feet wide currently.
 - A car can't turn into Ellsworth Place at the same time a car is leaving Ellsworth Place!
 - This is especially a problem when turning right into Ellsworth Place after descending over Matadero Creek.
 - Requires coming to almost a complete stop on Middlefield Road.
 - Can cause a rear-end collision if the driver behind the one turning onto Ellsworth Place is following too closely.
 - Middlefield Road has traffic speeds of 30 - 45+ miles an hour.
- The driveway opening of Ellsworth Place has an incline where it joins Middlefield Road.
- The Matadero Creek side also looks up an incline of Middlefield Road.
- The driveway opening of Ellsworth Place has line-of-sight issues; especially on the Matadero Creek side where the sidewalk has a blind spot as it curves and follows the narrowing of Middlefield road over Matadero Creek.
- The driveway opening was supposed to be widened as a condition allowing the Sutter Arms Apartments to be build in 1967; this condition was never met.

WHAT IS NEEDED TO KEEP ELLSWORTH PLACE SAFE FOR EVERYONE; including for the Sutter Arms apartments and the Midtown Neighborhood

- 1) Widen the driveway approach to Ellsworth Place
 - a) **Ed Lauing**, (City Council Meeting on March 13, 2023, timestamp 3:00:02) "Focus on the street and the opening there, whatever happens there with this project and area, I think this City has a problem on Middlefield with access and safety of our citizens so that one way or another has to get addressed."
 - b) Make it more visible from Middlefield Road.
 - c) Make it more visible from the Keys School Driveway across from it.
 - d) Make it more visible for pedestrians who use the public sidewalk in front of it.
 - i) An asphalt approach would signify there is a road.
 - ii) Curbs that force pedestrians to step down would signify a road.
- 2) Keep the first 100 feet of road on Ellsworth at 25 - 26 feet like it is currently.
 - a) This matches with the Palo Alto Municipal Code 21.20.240 for WIDTHS of Private roads.
 - b) This is the width of the usable road if the parking lot is full of cars.
 - c) This matches up with the road widths of other multi-family complexes and San Carlos Court, also located in this area of Middlefield road.
 - d) This maintains most (not all) of the current circulation room on Ellsworth Place.
 - i) Trucks must still use the space behind the Sutter Arms apartment carports on the Ellsworth Place side to be able to turn around safely.
- 3) Ensure maximum visibility between Ellsworth and Middlefield
 - a) Fences (even if slatted) and vegetation three feet high will impede visibility, given the slopes of both Ellsworth and Middlefield
 - b) Trees with thin trunks are OK
- 4) Place the "delivery space" in a usable and legal location.
 - a) The current proposal blocks the carports and delivery drivers can't use it for liability reasons.
 - b) The current proposal is dangerous for those who park in the Ellsworth Place carports because it blocks their cars.
 - c) Note that a "delivery space" according to Palo Alto Municipal Code 18.36.060, should be 12 feet x 45 feet, so bigger is better, given the size of many delivery vehicles.

- 5) Assess the current parking situation in the Sutter Arms carports, as some of the stalls are not wide enough to meet current parking standards.
 - a) Assess a feasible parking solution for the cars that do not fit in the carports, in a way that does not rely on only Sutter Ave.
 - i) **BASED ON TENANT FEEDBACK:** Tenants pay a lot of rent to live at the Sutter Arms. If their parking space does not fit their car and another suitable space is not provided for them, then they should be compensated with decreased rent or some other arrangement that is fair to them.
 - ii) Sutter Ave is also the overflow parking area for the 15 home addresses on Ellsworth Place.
 - iii) **Lydia Kou** - (City Council Meeting on March 13, 2023, timestamp 2:44:40) "...the parking issue, if it's going to be replaced over on Sutter or within the apartments, I think that is just kicking the problem onto Sutter versus addressing it, ... "
- 6) Mark the public sidewalk at Ellsworth Place to make pedestrians more aware of the road.
 - a) Use yellow bumpy plates in the sidewalk
 - b) Use paint
 - c) Use signage
- 7) Paint the curbs red at the entrance of Ellsworth Place
 - This is done for all other driveways and entrances to the multi-family complexes and San Carlos Court that are located near Ellsworth Place.
- 8) Paint "NO PARKING" on the asphalt and/or use NO PARKING SIGNS at the entrance of Ellsworth Place
 - This is done for all other driveways and entrances to the multi-family complexes and San Carlos Court located near Ellsworth Place.
- 9) Provide "NO PARKING" signs within the first 100 feet of Ellsworth Place road so that the "NO PARKING" rule is enforceable.

TRAFFIC REVIEW

Hexagon Transportation Consultants, Inc.

April 14, 2023

Hired by Richard Dewey, RLD Land LLC

Title: Transportation Review for the Residential Single-Family Home at 702 Ellsworth Place in Palo Alto, California

ELLSWORTH PLACE HOMEOWNERS & TENANTS' RESPONSE

PROBLEMS:

- Biased; in fairness and neutrality, the City of Palo Alto should hire or contract directly and charge the applicant or the costs.
- It's a traffic review and not a study.
- It's not a safety study.
- Where is the data?

PAGE 1 - Title Page

Access Analysis

- "Based on the site plan prepared by Todd Kalbfeld Landscape Design..."

PROBLEMS:

- "Adequate" - a.k.a satisfactory or acceptable = NOT GOOD ENOUGH

MISSING INFORMATION:

- No onsite measurements are given.
- No study data is included.
- No reference to the incline of Ellsworth Place entering Middlefield Road.
- No reference to the decline of Ellsworth Place exiting Middlefield Road.
- No reference to the decline of Middlefield Road over Matadero Creek.
- No reference to the incline of Middlefield Road over Matadero Creek.
- No reference to the narrowing of Middlefield Road at Matadero Creek.
- No reference to the “blind spot” in the public sidewalk at Matadero Creek.
- No reference to Middlefield having a Caltrans Minor Arterial classification.
- No reference to Middlefield Road not having a shoulder.
- No reference to Middlefield Road not having a bike lane.
- No reference to bicyclists using the sidewalk.
- No reference to the “private school” on the Project Site Location map
- No reference to the Winter Lodge/Kim Grant Tennis on the Project Site Location

INCORRECT STATEMENTS:

- “It should be noted that the number of backing maneuvers from 702 Ellsworth would be reduced since the number of parking spaces on site would be reduced from eight to two.”
 - It does NOT account for the number of back-and-forth maneuvers needed for a USP/FedEx/Amazon-type delivery truck to turn around by using the combined “delivery space” offered by Dewey and the widened driveway offered by Handa.
- “One of the additional parking spaces added to the existing apartment building would exit onto Ellsworth Place if vehicles are parked in both tandem spaces.”
 - Tandem indicates TWO vehicles

Ellsworth Place

INCORRECT STATEMENT:

- “Based on a visual inspection, Ellsworth has several potholes and is not in good repair.”
 - A visual inspection would prove there are no potholes on Ellsworth Place
 - Was a site visit made?

PROBLEMS:

- “According to typical fire access requirements, this is wide enough to safely accommodate two-way traffic and emergency vehicles.” (Referring to 20 feet width.
 - While it may be “adequate” once two cars are both in line with one another, it is not a sufficient amount of space for a car to turn into Ellsworth Place while a second car is pulling out of Ellsworth Place. (Per an Ellsworth resident, “cars are not made of elastic.)

MISSING INFORMATION:

- The number of R1 houses = 11
- The number of R2 duplexes = 2
- The total number of residential addresses = 15
- No reference is made to Palo Alto Municipal Code for WIDTHS of a private street under [Municipal Code 21.20.240](#)

MISSING INFORMATION:

- No reference to the “private school” on the Project Site Location map
- No reference to the Winter Lodge/Kim Grant Tennis on the Project Site Location

PAGE 3 - Figure 2 Site Plan - Handa’s House Plans

PROBLEMS:

- This is a different plan than what is included in the packet PTC Meeting of June 28, 2023, PACKET on PDF page 4 (Packet page 12).
- The location of the pavers is different from what is in “the packet”.
- The fence encroaches on the existing public sidewalk at the Matadero Creek corner.

MISSING INFORMATION:

- The PTC Meeting of June 28, 2023, PACKET on PDF page 4 (Packet page 12) reads, “To address the neighbors’ concerns about the street width, the applicants have proposed providing pavers to increase the perceived width of Ellsworth Place.”
 - These pavers are not indicated in the Figure 2 Site Plan.
- No measurements are given to show the setback of the fence from the city sidewalk.
- No measurements are given to show the setback from Ellsworth Place (the road).
- No measurements are given to show the setback from Middlefield Road.
- No measurements are given to indicate the total width of pavers across the Ellsworth Place side of the house.
- No measurements are given to indicate the width of the driveway.

PAGE 4 - (page two of the typed report)

INCORRECT STATEMENTS:

- “According to Table 5 of the Palo Alto Municipal Code 18.54.070, 20 feet is the minimum width to serve residential developments.”
 - This is the Municipal Code for Parking Design
 - This is the Municipal Code for ***Driveway Dimensions For Multiple-Family Residential Uses of 11 Units or More and For All Nonresidential Uses***

MISSING INFORMATION:

- Municipal Code 21.20.240 for the ***Widths*** of a private road - As stated on Page 1, “Ellsworth Place is a 530 feet long private street with no turnaround area.” *NOTE: Santa Clara County says Ellsworth Place as being a public road owned by the City of Palo Alto. So both codes for public and private streets need full consideration and evaluation.

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

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

- (1) Major arterials: eighty-six feet to one hundred feet;
- (2) Collector streets, local streets, or cul-de-sac streets longer than three hundred fifty feet: sixty feet;
- (3) Cul-de-sac streets three hundred fifty feet or less in length: fifty feet;

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

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

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

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

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

INCORRECT STATEMENTS:

- “There are trade-offs involved in driveway design...”
 - “Wider driveways are easier to turn in and out of, but that means turning speeds are higher.”
 - This is misleading because if there is insufficient room for two cars to pass one another at the entrance of Ellsworth Place, then:
 - A car either has to back up to give room enough for the second car to turn in and pull alongside the first car, which creates another type of “backup manoeuver” on Ellsworth Place.
 - A car either has to back up to give room enough for the second car to turn in and pull alongside the first car, which creates the potential for a front-end collision on Ellsworth Place.
 - The first car can abruptly leave the 20-foot wide road too quickly in order to make room for the second car to enter Ellsworth Place, and in haste turn into traffic on Middlefield Road and cause a collision.
 - The first car can abruptly leave the 20-foot wide road too quickly in order to make room for the second car to enter Ellsworth

- Place, and in haste, roll onto the sidewalk at Middlefield Road and fail to see a pedestrian.
 - The first car can abruptly leave the 20-foot wide road, turning into traffic too quickly so as to make room for the second car to enter, and in haste, fail to see a bicyclist on the sidewalk who is descending from Matadero Creek, which has a blind corner.
 - The first car can abruptly leave the 20-foot wide road, turning into traffic too quickly so as to make room for the second car to enter, and in haste, fail to see a commuter bicyclist on the Middlefield Road, either by “taking the lane” or using the future bike lane; descending from Matadero Creek which has an overpass incline/decline.
 - The first car can abruptly leave the 20-foot wide road, turning into traffic too quickly so as to make room for the second car to enter, and in haste, fail to see other cars on the Middlefield Road traveling northbound or southbound.
 - The first car can abruptly leave the 20-foot wide road, turning into traffic too quickly so as to make room for the second car to enter, and in haste, fail other cars pulling out of Keys School parking lot and onto Middlefield Road; the Keys School driveway is which is directly across from Ellsworth Place.
- “There trade-offs involved in driveway design...”
 - “Also, wider driveways are less safe for pedestrians to cross.”
 - Pedestrians already do not see that there is a road when they are crossing and have run into cars on more than one occasion!
 - Bicyclists and skateboarders or those on any device that is faster than a walking pace, who are using the sidewalk, are at risk of getting hit by crossing the current 20-foot driveway configuration.
- “The current 20-foot dustpan style driveway on Ellsworth Place at Middlefield Road...”
 - **“...requires vehicles to almost come to a stop to turn into the street”**
 - Vehicles would be coming to almost a stop ON MIDDLEFIELD ROAD!!!
 - When traveling south on Middlefield Road this is less treacherous due to the crossing over two lanes of oncoming traffic which allows for better visibility of Ellsworth Place, and the ability to get the car into the 90-degree angle turn before entering the Ellsworth Place driveway entrance in a more direct, straight on way.
 - Bicycles traveling north on the sidewalk zig-zag through the curve of the sidewalk’s blindspot over Matadero Creek, and can approach Ellsworth Place quickly while the driver is looking to turn left from Middlefield Road onto Ellsworth Place.
 - When traveling north on Middlefield Road, the road descends from the Matadero Creek overpass just prior to intersecting with Ellsworth Place
 - Drivers who are less familiar with this approach can hit their brakes abruptly when looking for

- and coming upon the turn-in to Ellsworth Place road. (We've heard squealing brakes many times over the years.)
 - Many people complain about visibility when turning right onto Ellsworth Place.
 - Those who are familiar with this right-hand turn start their turn signals and braking before they go over the Matadero Creek overpass, and "pray that the car behind them sees their blinker!"
 - People pull out from the driveway of Winter Lodge Ice Rink and Kim Grant Tennis, which is directly on the other side of Matadero Creek overpass, but on the same side of the street, as Ellsworth Place.
- Which is classified by Caltrans as a Minor Arterial.
 - And was almost increased to a Major Arterial by City Council in 2015. (The City may choose to increase the classification of Middlefield Road in the future.)
- Which has speeds of 30 - 45+ miles an hour (in spite of speed limit signs near Keys School of 20 mph)

Sight Distance at Middlefield

INCORRECT STATEMENTS:

- "Sight distance recommendations vary depending on the roadway speeds. ... **The recommended stopping sight distance for the intersection of Ellsworth Place and Middlefield Road is 200 feet (based on a design speed of 30 mph).**"
 - The front of Handa's parcel, if you include the road, is 56.42 feet wide. Matadero Creek is 60 feet wide. So when traveling north in preparation to turn right onto Ellsworth Place from Middlefield Road, the stopping sight distance is at about the Winter Lodge/Kim Grant Tennis parking lot entrance.
 - THE VIEW TO ELLSWORTH PLACE IS OBSTRUCTED BY THE MATADERO CREEK OVERPASS FROM THE WINTER LODGE ICE RINK/KIM GRANT TENNIS PARKING LOT!
- "There is adequate sight distance at the intersection..."
 - This is only a true statement when traveling south on Middlefield Road.
 - This is NOT TRUE for drivers traveling north on Middlefield Road.
- "...as Middlefield Road is straight and does not allow for street parking (see figure 3).
 - Define "straight".
 - Middlefield Road has an overpass to cross Matadero Creek.
 - Middlefield Road narrows at the Matadero Creek overpass.
- "Bicyclists share the street with vehicles as there are no bike lanes on this segment of Middlefield Road."
 - Only a few daring commuter cyclists share the road here
 - Experienced cyclists "TAKE THE LANE" if they choose to cycle on Middlefield Road in this section!
 - Bicyclists, who are mostly children, USE THE SIDEWALK in this section of Middlefield Road.

- “A sight triangle as shown in Figure 4 should be established at both corners of the intersection so that exiting vehicles can see pedestrians on the sidewalk and bicycles and motor vehicles in the street”
 - Due to the blind corner in the sidewalk as Middlefield Road narrows at Matadero Creek, and the sidewalk curves to follow the road, this site triangle of 35 feet is NOT LONG ENOUGH on the Matadero Creek side of Ellsworth Place, as it intersects with Middlefield Road.
 - Drivers exiting Ellsworth Place are looking up two inclines to where that blind spot is located:
 - Drivers are looking up from the Ellsworth Place incline, making this section of Ellsworth Place not flat.
 - Drivers are looking up the incline of the Matadero Creek overpass, making this section of Middlefield not flat.
 - THE ELEVATION GAIN NEEDS A LONGER THAN A 35-foot SIGHT TRIANGLE ON THE MATADERO CREEK SIDE!
- “Any vegetation taller than three feet should be removed within the sight distance triangle...”
 - This is not true. Per the experiences of Ellsworth Place residents, vegetation should not be over 1-foot in height, unless it’s a tree with a narrow trunk and a canopy existing above the 4-foot line. Ellsworth Place neighbors don’t want anything BETWEEN about 1 foot to 4 feet in height in the “sight triangle” on the Matadero Creek side of Ellsworth Place.
 - This three-foot vegetation rule works for the north side (Sutter Arms Apartment side) of Ellsworth Place.
- “...and the project’s fence should not be taller than three feet within the sight triangle area per Palo Alto Municipal Code 16.24.040.”
 - This is Municipal Code for Fences at Intersections.
 - It should be compared with Palo Alto Municipal Code 16.24.060 Fences on corner lots
 - “...no fence may be constructed for a clear distance of twelve feet from the point of intersection of driveway and property lines.”
 - Ellsworth Place has a “...dustpan style driveway” entrance. So unless this entrance is modified to a wider, asphalt approach, Ellsworth Place residents want the most visible line-of-sight available on the Matadero Creek side of the street.
- “Some neighbors have noted that bicyclists occasionally ride illegally on the sidewalk which is beyond the purview of this project.”
 - It is not illegal to ride a bicycle on the sidewalk in this location of Palo Alto!
- “However the City may want to address it since it is in conjunction with the private school across the street.”
 - There is nothing to address because it is not illegal to ride a bicycle on the sidewalk in this area of Palo Alto.
 - This paragraph is the first time the “private school” a.k.a Keys School, is mentioned in this Traffic Review!
 - Why is this private school not marked on page 2 “Project Location Map”?
 - Why aren’t Winter Lodge Ice Rink & Kim Gran Tennis marked on page 2 “Project Location Map”?

Proposed Reduced Parking

INCORRECT STATEMENTS:

- The parking spaces designated as “guest only” parking for the adjacent parking complex...”
 - It also functions as the overflow parking for the apartment complex.
- “...but were rarely used given that Sutter Avenue has plenty of street parking.”
 - **FALSE:** See this photo from Sunday, July 2, 2023, which shows three cars parked in the parking lot. All of these cars are apartment tenants. There are cars parked in this parking lot daily. Some carport spaces are too small for modern-size cars.



- “The elimination of the eight guest parking spaces on the home side and moving four of these parking spaces to the apartment complex increase safety for the apartment residents...”
 - FALSE: Now apartment tenants have to park on Sutter Ave. and possibly walk a block.
 - This is less safe for women coming home at night.
 - This makes their cars more accessible for theft
 - This is farther away from their apartment than the parking lot.
- “...as they no longer have to walk across Ellsworth Place.”
 - Instead, they have to walk from Sutter Ave. and possibly cross the 32-foot wide (or more) Sutter Ave. and/or other apartment driveway entrances.
- “Therefore, the removal of the parking spaces at the single-family home site would not impact the apartment complex parking.”
 - Walking farther has an impact on parking for the apartment complex.
 - People may choose not to rent at this apartment complex if parking becomes difficult.

PAGE 5 - Middlefield Road Sight Distance (photos)

MISLEADING:

- The Photo looking right from Ellsworth Place is taken from standing in the City of Palo Alto landscape stripe, almost standing in Middlefield Road; or was it taken off of Google Maps?
- The Photo looking left from Ellsworth Place is taken from standing in the City of Palo Alto landscape stripe, almost standing in Middlefield Road; or was it taken off of Google Maps?

- These photos do not show the incline over Matadero Creek. All photos make this look flat, and it's not flat!
- These photos are not taken from where a driver's head is located while they are exiting Ellsworth Place, which is down two declines: one decline over the Matadero Creek overpass, and one decline from the driveway entrance into Ellsworth Place.

PAGE 6 - Ellsworth Place and Middlefield Road Sight Triangle (Figure 4)

MISLEADING:

- These overhead photos do not show the incline over Matadero Creek. All photos make this look flat, and it's not flat!
- The sight triangle on the Matadero Creek side is not big enough!
- The sight triangle on the Matadero Creek side needs to extend to the curve in the sidewalk, which is where the blind spot is!

PAGE 7

Loading Vehicle Access

INCORRECT STATEMENTS:

- Hexagon understands that delivery trucks occasionally use the eight-space parking area for parking and turnaround because there is no parking on Middlefield Road and Ellsworth Place is too narrow for trucks to turn around."
 - DELIVERY TRUCKS ARE USUALLY DAILY OCCURRENCE, SOMETIMES MULTIPLE TIMES PER DAY.
 - The delivery drivers also access the Sutter Arms Apartments at the same time as the residents living in the Ellsworth Place homes.
- "It should be noted that the current parking lot is private..."
 - It should be noted that the current parking lot has been used for vehicle circulation, vehicle passing, community events, delivery vehicles, residents of other homes on Ellsworth Place, their guests, as well as apartment guests for over 56 years! There has never been any enforcement of its "private" status and is effectively a public space.
- "To assist with overall circulation, the project proposes to provide a delivery truck parking space across from the project site adjacent to the apartment complex..."
 - This delivery space is smaller than what is required by Municipal Code (c) Off-Street Loading Spaces
 - (1) Each off-street loading space shall consist of a rectangular area not less than twelve (12) feet wide and forty-five (45) feet long, with a vertical clearance of not less than fifteen (15) feet.

Conclusions

- "...adequate space..."
 - "Adequate" - a.k.a satisfactory or acceptable = NOT GOOD ENOUGH
- "The existing 20 feet width of Ellsworth Place is adequate for two-way traffic..."
 - A 20-foot width is insufficient room for two cars to pass one another at the entrance of Ellsworth Place.
- "An adequate 35 feet sight distance triangle (per Palo Alto Municipal Code 16.24.040) should be created and maintained for exiting vehicles."
 - This does not take into account the incline/decline situation of both Ellsworth Place and the Matadero Creek overpass.
- "Trees and fences within the sight triangle should be reduced to three feet."

- Per the experiences of Ellsworth Place residents, vegetation on the Matadero Creek side should not be over 1-foot in height, unless it's a tree with a narrow trunk and a canopy existing above the 4-foot line. Ellsworth Place neighbors don't want anything BETWEEN about 1 foot to 4 feet in height in the "sight triangle" on the Matadero Creek side of Ellsworth Place.
- This three-foot vegetation rule is more suited to the north side (Sutter Arms Apartment side) of Ellsworth Place; and may be too tall for seeing children under three feet in height; especially is they are moving faster than walking pace.
- "A space for delivery vehicles would be created across from the new home at the apartment complex which will improve circulation in the area."
 - This delivery space will block the carports on the Ellsworth Place side.
 - Delivery drivers will not use a space that blocks cars for liability reasons.
 - This delivery space is smaller than Municipal Code allows.

OTHER THINGS THAT ARE LEFT OUT:

- "The Packet" for PTC Meeting of June 28, 2023, lists pavers as a way to make the width of the road "perceived" wider than 20 feet.
 - This does not fix the problem of losing circulation if the parking lot is no longer available
 - No one drives on people's pavers
 - If people drove on the pavers they would be driving across the walkway to Handa's proposed house.
 - The pavers are in line with a utility pole on the apartment side = dangerous
 - The pavers are in line with a utility box on the apartment side = dangerous
 - Is this even legal?
- The delivery drivers who are too large to turn around on the narrow Ellsworth Place road will
 - Park in the bus-turnout on Matadero Creek overpass
 - Park on Middlefield partially blocking the lane or in the bike lane (once it's built)
 - Parking in either of these locations creates more blind spots
 - Parking in either location is dangerous for anyone, pedestrian, cyclist, or vehicle alike, who is using Middlefield Road.
- Ellsworth Place is not visible from the private school driveway.
 - Ellsworth Place residents and Keys School parents have had more than one fender-bender here.
- PC1810 was modified to before PC2343, and still implements all of PC1810 except for section 2 where the parcels are mentioned. It was approved, "subject to widening the driveway to Ellsworth Place."
 - This was designed with Ellsworth Place road in mind, and it is mentioned many times in the ordinances.
 - This law was never applied
 - Just because it's 56 years old, it is still valid! (The US Constitution is older.)
 - The parking lot provides 25 - 26 feet of road width behind parked cars and serves as circulation for the whole street.
 - The parking lot allows the apartments and the Ellsworth Place homes to exist harmoniously together.

- Santa Clare County Assessors has viewed Ellsworth Place as being owned by the City of Palo Alto since their 1968 parcel map.
- FEMA puts the current value of one human life at 10 million dollars.
- The average car size is increasing: 5.8 feet wide (69.6 inches) x 14.7 feet long (176.4 inches) <https://www.thezebra.com/resources/driving/average-car-size/#:~:text=Average%20car%20width,performance%20or%20added%20safety%20features.>
 - And for this reason, some of the existing carports are not wide enough for modern cars.

THE CONCLUSION OF THE ELLSWORTH PLACE NEIGHBORS

We understand the situation occurring on our “private” road is very complicated. In Councilman Pat Burt’s words, “a can of worms or a Gordian Knot!” For the greater good of the community, we don’t want the knot cut! This situation was not of our creating and it needs to be unraveled instead of made worse by squeezing in a home and removing the circulation of a street that serves the houses and apartments alike. We have attempted to work with the developers by meeting with them, only to have our words misconstrued and our concerns largely ignored. The “benefits” they are offering are not safe solutions. We demand maintaining the circulation on Ellsworth Place for both safety reasons and deliveries and also have ample parking provided for cars. Not only is this for our safety, but it also affects the value of our homes. Homeowners who rent their houses have had tenants choose not to rent from them due to the parking issues. These are not problems we want to be exacerbated. The issues we raise affect the greater community and should not be ignored.

On behalf of the Ellsworth Place Residents,

Kristen A. Van Fleet
Homeowner
[REDACTED]
Palo Alto, CA 94306
[REDACTED]

From: [Aram James](#)
To: [Figueroa, Eric](#); [Tannock, Julie](#); [Enberg, Nicholas](#); [Afanasiev, Alex](#); [Reifschneider, James](#); [Wagner, April](#); [Anna Griffin](#); [Cecilia Taylor](#); [Human Relations Commission](#); [Bains, Paul](#); [REDACTED]
Subject: [Planning Commission](#); [Lee, Craig](#); [Sean Allen](#); [Jethroe Moore](#); [Lydia Kou](#)
Date: Cops Tase Unarmed Black Man To Death After Mistaking Him For Burglar
Thursday, July 6, 2023 6:05:06 PM

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

<https://youtu.be/-1lz0SF7KkE>

Sent from my iPhone

From: [Kristen Van Fleet](#)
To: [Planning Commission](#); [Clerk, City](#); [French, Amy](#); [Sauls, Garrett](#)
Subject: Requesting Clarification for Follow-up Meeting regarding PC2343 & Ellsworth Place
Date: Thursday, July 6, 2023 12:05:57 PM

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

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

Attention: Members of the Planning and Transportation Commission, and the Planning Department

The Ellsworth Place Residents have been given two dates for the follow-up meeting as occurring on either July 12, 2023, or July 26, 2023. Which is the correct date?

Ellsworth Place Residents are questioning the fairness in the hearing process, as it seems to be favoring the developers over the questions and concerns of the neighbors. Take, for example, the postcard for the June 28, 2023 meeting that did not provide contact emails for where to send public comments and concerns. Now we don't know what date the next meeting is or what the cut-off date is for submitting our letters and reports so they are included in the printed packet.

Additional Points:

- There are real safety issues at stake here and we feel they are being trivialized in favor of the developers.
- The issue of road ownership needs to be solved. This has a direct impact on how things can progress.
- Full participation by the Ellsworth Place Residents would be available after July 31, 2023, when summer vacations have concluded.

We ask for more transparency and communication in this hearing process.

Sincerely,

Kristen A. Van Fleet
On behalf of the Ellsworth Place Residents

From: [Aram James](#)
To: [Jethroe Moore](#); [Sean Allen](#); [Jeff Rosen](#)
Cc: [Javier Ortega](#); [Jay Bovarsky](#); [REDACTED]; [Burt, Patrick](#); [Planning Commission](#); [ParkRec Commission](#); [EPA Today](#); [Bains, Paul](#); [dennis burns](#); [Kevin Jensen](#); [Sheriff Transparency](#); [Shana Segal](#); [Vara Ramakrishnan](#); [Rebecca Eisenberg](#); [Angie Evans](#); [David Angel](#); [DuJuan Green](#); [Emily Mibach](#); [Gary Goodman](#); [Molly](#); [Council, City](#)
Subject: "Reparation Is Due": California Task Force Delivers 115 Recommendations in Final Report
Date: Wednesday, July 5, 2023 10:59:42 PM

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"Reparation Is Due": California Task Force Delivers 115 Recommendations in Final Report

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Sent from my iPhone

From: [Yevgeny-Yoni Khasin](#)
To: [Planning Commission](#)
Cc: [gala b](#)
Subject: Public Records Pertaining to PTC Meeting June 28, 2023 - Action Item #2
Date: Wednesday, July 5, 2023 10:15:45 PM

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

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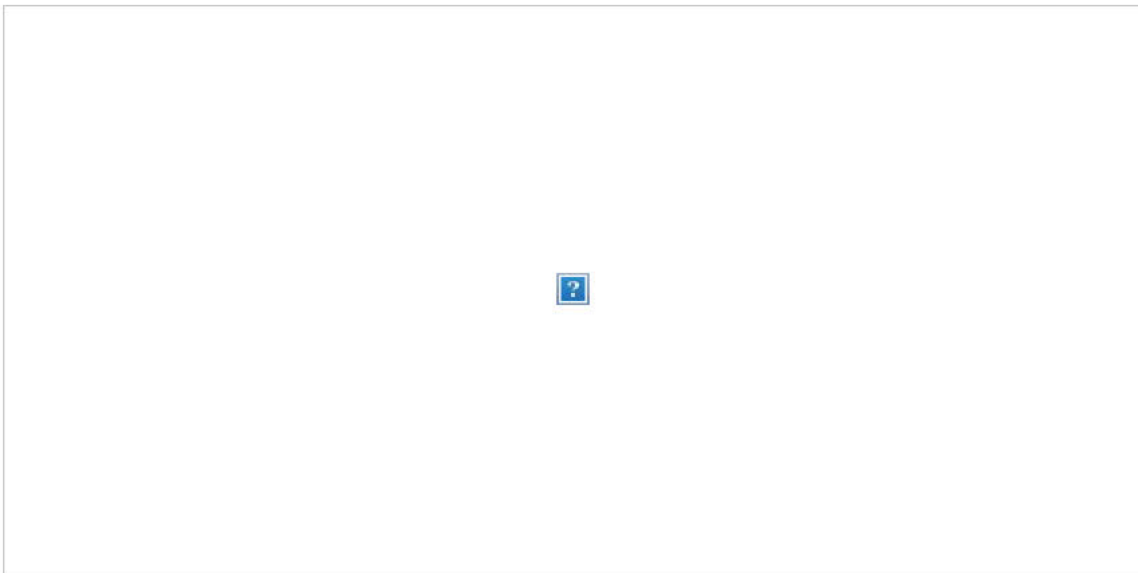
Regarding: CONTINUATION OF ACTION ITEMS #2 from PTC meeting of June 28, 2023, "2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend Planned Community 2343 (PC2343)..." (Applications 23PLN-27, 23PLN-00027, 23PLN-00025)

July 5, 2023

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

We would like to provide you with all of the public records search documents we have received thus far from the search request made by us on March 1, 2023. This request was made by Yevgeny Khasin, and includes the following:

"Hello, On behalf of the street Ellsworth Place, we would like to request the following: EVERY document pertaining to 2901 Middlefield Road, 700 Ellsworth Place, and 702 Ellsworth Place (including emails, notes, inner office memos, letters, notices, scanned documents, etc.) Dates: 6-01-2017 - current. Thank you, Gala & Yevgeny, on behalf of Ellsworth Place residents."



What we have received to date does contain some interesting information pertaining to the planning of the "702 Ellsworth Place" parcel.

We hope the attached information is helpful to you. Please note that we have received 26 PDFs in total so far.

Sincerely,

Gala Beykin and Yevgeny Khasin
Ellsworth Place Homeowners

2901 Middlefield Rd. Address Activity Report wi...
2901 Middlefield Rd. permit records.pdf
Application BODS (1).pdf
Application BODS.pdf
Comments - 23PLN-00025.pdf
Correspondence BODS.pdf
Council 03.13 Notice Cards 2901-2905 Middlefiel...
ELLSWORTH - LETTER against 23PLN-00025.pdf
Ellsworth Place Residents Are Against 23PLN-000...
File Number 23PLN-00025-2.pdf
File Number 23PLN-00025.pdf
Fw ELLSWORTH - APARTMENTS - LETTER against 23P...
FW Notice Board for 23PLN-00025 Council Pre-
S FW Notice Cards - 02 27.pdf
Minutes BODS.pdf
Notice BODS.pdf
Ordinances BODS.pdf
Other BODS.pdf
Palo Alto - Apartments 23PLN-00025 - Google Doc...
Permit Conditions BODS.pdf
Release 3-27.pdf
Resolutions BODS.pdf
W005099 - Release 5-3.pdf
W005099_R 6-1.pdf

 [W005099_R_6-13.pdf](#)

 [W005099_Release_6-27_Redacted.pdf](#)

From: [Yevgeny-Yoni Khasin](#)
To: [Planning Commission](#)
Cc: [gala b](#)
Subject: Public Records Pertaining to PTC Meeting June 28, 2023 - Action Item #2
Date: Wednesday, July 5, 2023 10:15:45 PM

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

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

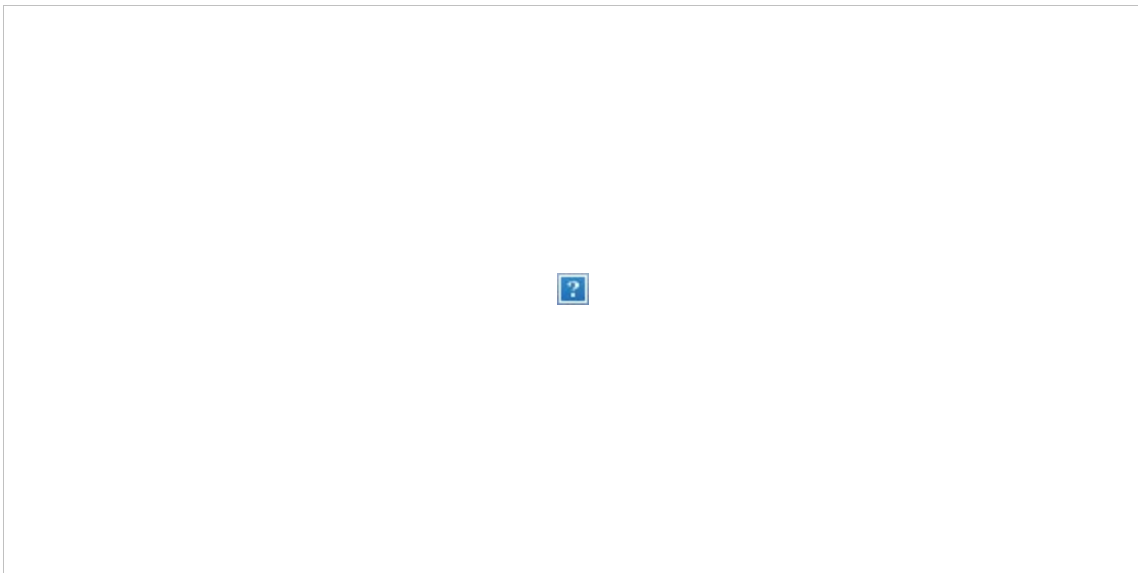
Regarding: CONTINUATION OF ACTION ITEMS #2 from PTC meeting of June 28, 2023, "2901 Middlefield Road and 702 Ellsworth Place: Request for Rezoning to Amend Planned Community 2343 (PC2343)..." (Applications 23PLN-27, 23PLN-00027, 23PLN-00025)

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Gala Beykin and Yevgeny Khasin
Ellsworth Place Homeowners

 2901_Middlefield_Rd._Address_Activity_Report_wi...
 2901_Middlefield_Rd._permit_records.pdf
 Application_BODS (1).pdf
 Application_BODS.pdf
 Comments_- 23PLN-00025.pdf
 Correspondence_BODS.pdf
 Council_03.13_Notice_Cards_2901-2905_Middlefiel...
 ELLSWORTH_- LETTER_against_23PLN-00025.pdf
 Ellsworth_Place_Residents_Are_Against_23PLN-000...
 File_Number_23PLN-00025-2.pdf
 File_Number_23PLN-00025.pdf
 Fw_ELLSWORTH_- APARTMENTS_- LETTER_against_23P...
 FW_Notice_Board_for_23PLN-00025_Council_Pre-
 S... FW_Notice_Cards_- 02_27.pdf
 Minutes_BODS.pdf
 Notice_BODS.pdf
 Ordinances_BODS.pdf
 Other_BODS.pdf
 Palo_Alto_- Apartments_23PLN-00025_- Google_Doc...
 Permit_Conditions_BODS.pdf
 Release_3-27.pdf
 Resolutions_BODS.pdf
 W005099_- Release_5-3.pdf
 W005099_R_6-1.pdf





[W005099_R_6-13.pdf](#)





[W005099_Release_6-27_Redacted.pdf](#)

PUBLIC RECORDS MENU


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Is the City required to create a document when responding to a California Public Records Request?

How do I find out who the owner of a property is?

Where can I obtain a copy of birth certificate?

Where can I see a list of the City's Uncashed Checks?

How long does the City of Palo Alto keep records?

Where can I obtain a copy of marriage certificate?

Fields marked with a red asterisk, (*) are required fields.

Reference No: W005099-030123

Contact E-Mail: khasiny@gmail.com

03/01/2023

Dear Yevgeny:

The City of Palo Alto is dedicated and responsive to our community. Your request has been received and is being processed. Your request was given the reference number W005099-030123 for tracking purposes.

Records Requested: Hello, On behalf of the street Ellsworth Place, we would like to request the following: EVERY document pertaining to 2901 Middlefield Road, 700 Ellsworth Place, and 702 Ellsworth Place (Including emails, notes, inner office memos, letters, notices, scanned documents, etc.) Dates: 6-01-2017 - current. Thank you, Gala & Yevgeny, on behalf of Ellsworth Place residents

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question.

Thank you for using the Public Records Center.

City of Palo Alto

From: [Aram James](#)
To: Molly; Gardener, Liz; Linda Jolley; [alisa mallari tu](#); [David Angel](#); Damon Silver; Sean Allen; [REDACTED]; [Bryan Gobin](#); [Anna Griffin](#); [REDACTED]; [Sterling Larned](#); [Your Francis neighbors](#); [Kaloma Smith](#); [Sheriff Transparency](#); [bob nunez](#); [ParkRec Commission](#); [Planning Commission](#); [Sean S. Reinhart](#); [Anna Griffin](#); [Gary Goodman](#)
Subject: From sheriff transparently part 2
Date: Tuesday, July 4, 2023 7:12:52 PM

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Thank you Aram.

Here is another link from body worn camera...

<https://www.foxla.com/news/la-county-cop-slams-woman-lancaster>

News outlets fueling the divide with one stating the call was for robbery while another stated it was shoplifting doesn't help with the situation. Its called fact finding and putting out the correct information.

That (robbery or other felonious crime posing a community threat) could change the dynamics of the approach, old or young, sick or healthy...of the Deputies response and any resistance met upon arrival. Because age and physical condition no longer becomes a factor to handle a situation that could potentially become dangerous or deadly, armed or not.

Furthermore, if loss prevention agents from Winco peacefully escorted the couple out, how did this escalate so quickly?

Many in our group are active and retired LE and in their initial analysis, average community members are not trained to de-escalate or mediate with LE. The man with the woman can be heard saying "just cooperate" to the lady.

Easier said than done in the heat of the moment and especially if someone is suffering from illness, confusion, impairment or disorder.

LE are the ones who need to de-escalate not the person involved. In watching the body worn camera we can clearly see where this situation was not handled appropriately based on our group's collective training and experience of over 200yrs.

So, if Deputies kept a hands off approach for potentially a citable misdemeanor offense of allegedly shoplifting a cake, (and not Robbery and no further details).. what would be the harm in asking the woman to step away from the patrol car, produce ID, and tell her side of what happened inside the store with loss prevention agents? Last time we checked, many patrol officers work an 8, 10, 12hr shift. What's the hurry here?

She is maintaining she or the man didn't do anything wrong. That's someone you are going to have to engage in a discussion before you think they are going to agree with hands on.

Our group has been met with same statements and were able to de-escalate and mediate and finish their job of writing a citation or taking someone safely into custody in a majority of low level situations without the need to rush a situation and/or resort to use of force.

So, now our question is what was the background of the people detained (warrants, multiple offenses, felonies, etc) and the goals of the Deputies at the moment where they had to escalate the situation?

The reason why we are heavily discussing this is because Lancaster and the Antelope Valley had been under investigation before and had been found to repeatedly commit civil rights violations. They have history.

The LASD had 10yrs to make the required changes. That's long enough to see a pattern of changes take place for effective law enforcement and way better than it was before.

We see Mr. Bob Jonsen is in this email thread. Perhaps he can elaborate from his own experience since he came from the Antelope Valley where Lancaster is located. Wishful thinking as we are sure he will not comment.

Again, our goal here is to focus on Sheriffs and Chiefs of Police whose backgrounds are part of the systemic problems for their agencies. We need to have stronger consequences for the Commanders of LE agencies to avoid future problems. Those in LE all know too well...' Not IF something will happen, but WHEN'. And WHEN would be the time when you KNOW how to do your job.

Firing the Deputy in the case will do very little to address the problem at the top.

Remember, just because there may be less egregious circumstances in Santa Clara County, we are currently experiencing a paradigm, generational shift in LE and young impressionable recruits are molded by the rank/file, and influenced in many ways by the Commander at the top.

Find us anyone in LE who has spent a significant amount of time in LE rank/file who will agree.

OR, look no further than the LASD and its cast of bad actors (active, retired and elsewhere in the top seat throughout the USA).

SCCSTG

Sent from my iPhone

From: [Aram James](#)
To: [Julie Lythcott-Haims](#); [Gardener, Liz](#); [Salem Ailuni](#); [Jack Ajluni](#); [Lauing, Ed](#); [Planning Commission](#); [ParkRec Commission](#); [Human Relations Commission](#); [REDACTED]; [Iadoris cordell](#); [Council, City](#); [Sean Allen](#); [Jethroe Moore](#); [Josh Becker](#); [Mila Zeikha](#); [Shana Segal](#); [Greer Stone](#); [Greer Stone](#); [GRP-City Clerk](#); [Lydia Kou](#); [Kevin Jensen](#); [Reifschneider, James](#); [Wagner, April](#); [Jeff Rosen](#); [Joe Simitian](#); [Michael Gennaco](#); [chuck jagoda](#); [Rebecca Eisenberg](#); [Jay Boyarsky](#); [Perron, Zachary](#); [Enberg, Nicholas](#); [Javier Ortega](#); [Tina Boales](#); [Angie Evans](#); [DuJuan Green](#); [dennis burns](#); [Yara Ramakrishnan](#); [Supervisor Susan Ellenberg](#); [Rob Baker](#)
Subject: Israel kills numerous Palestinians with impunity in total disregard for international law -while the U.S. remains silent and complicit
Date: Monday, July 3, 2023 11:51:00 PM

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

<https://www.aljazeera.com/amp/news/liveblog/2023/7/3/jenin-attack-live-israel-kills-eight-palestinians-tensions-high>

Sent from my iPhone

From: [Aram James](#)
To: [Barberini, Christopher](#); [Tannock, Julie](#); [Binder, Andrew](#); [Reifschneider, James](#); [Council, City](#); [Wagner, April](#); [Shikada, Ed](#); [Greg Tanaka](#); [DuJuan Green](#); [Sheriff Transparency](#); [Rob Baker](#); [Robert. Jonsen](#); [Josh Becker](#); [Shana Segal](#); [Sean Allen](#); [Jethroe Moore](#); [Perron, Zachary](#); [Afanasiev, Alex](#); [Human Relations Commission](#); [Planning Commission](#); [Stephen.Connolly@oigroup.com](#); [Michael Gennaco](#); [Joe Simitian](#); [Rebecca Eisenberg](#); [chuck jagoda](#); [Jay Boyarsky](#); [Perron, Zachary](#); [Enberg, Nicholas](#); [Jeff Rosen](#)
Subject: The Shocking Truth about Police Canines
Date: Sunday, July 2, 2023 1:59:07 PM

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

<https://youtu.be/cSbEj6RIoDE>

Sent from my iPhone

From: [Aram James](#)
To: board@valleywater.org; [Julie Lythcott-Haims](#); [Jeff Rosen](#); [Council, City](#); [Shikada, Ed](#); [Lauing, Ed](#); [Burt, Patrick](#); [mark weiss](#); [Planning Commission](#); [Binder, Andrew](#); [Josh Becker](#); [Mila Zelkha](#); [Wagner, April](#); [Joe Simitian](#); [Supervisor Susan Ellenberg](#); [Shana Segal](#); [Rebecca Eisenberg](#)
Subject: Re: Board Correspondence: An appeal for professionalism and integrity
Date: Thursday, June 29, 2023 12:49:18 AM

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

On Jun 28, 2023, at 5:28 PM, Rebecca Eisenberg
<Reisenberg@valleywater.org> wrote:

Dear Revered Moore:

(Also: I am cc'ing individuals referenced below, but per my note at the bottom- to those cc'd, please do not feel any obligation to read this in full and/or respond. I am sorry to occupy your time, which I respect and value.)

I am going to call you by phone, but I want to document my thoughts for the purpose of official communication, which this is.

Reverend (and I know you told me I can call you Jethroe, but you also know that I respect you greatly and we both know how names can demonstrate respect or lack thereof), I greatly appreciate your note. You are a strong ally and friend, and I always welcome and appreciate your insightful comments.

In particular, I greatly appreciate your pointing out to the Board my friendship and allyship with Reverend Kaloma Smith. You are correct that I was very active in the successful effort to open Foothills Park, and you also know my involvement with Black Lives Matter, Defund Police, and my best friend (our mutual friend) Aram James's continuing efforts to eliminate the use of police dogs and other inhumane and brutal methods of police violence against minority individuals, especially African American men and women, who die every day at the hands of the police (which is one of the primary reasons that I sit down during the pledge, an action which I do not

intend to change despite John/Susan Q Public's objection to my not performing the act of forced fealty).

Reverend, you also know that it was Judge LaDoris Cordell, as Mark pointed out, who recruited me to run for this position and who remains one of my most respected, admired and valued mentors. You, Judge Cordell, Aram James, and I (along with many others) have been involved in important and life-improving community actions in Palo Alto, and through our shared values, goals and actions, we have become friends. I also appreciate and am grateful for your commitment to the womxn's rights movement, and our shared support in particular for better opportunities and equity for women of color, especially African American women who, among other things, have been at the forefront of the true (inclusive) womxn's rights movement. I am proud of our shared efforts towards justice.

That said, I fear that you may have misread some my language, possibly due to my own lack of clarity. For example, when I refer to the male CEO and the male Chair, I refer to different individuals via the relevant dominant status they have in common: their dominant sex and gender (and sexual orientation and religion). It is important and relevant to point out that the positions of greatest power, prestige, and pay are all held by men at Valley Water -- CEO, Chair, and District Counsel (the CEO being the highest paid and the Chair being the most powerful).

For purposes of anti-discrimination analysis, it is of essential relevance what classification holds the power, as it is almost never the case that the lower-status groups can, as a matter of law and fact, discriminate against those in power of the dominant class. You know from life experience, as well from books like *White Fragility*, that the dominant class sometimes does not perceive or recognize their privilege, and as such, they often view experiences that differ from their belief in an equal status quo as direct attacks (e.g the perception that being called a racist is worse than actual racism, similar to the perception that being pointed out one's gender bias is worse than the harm caused by unconscious bias against women). This is where training can be extremely useful and powerful, and is why I continue to ask for better training for the Board and the District's top leadership.

Most importantly, Reverend, you know that I am not the ringmaster here. If I were the ringmaster, and/or had any power in this organization (which I do not), I would:

1. I would end the expensive reverse discrimination investigation inquiry against me. I have complied with all document and public records act requests in full, and nothing has been found. I still have not been interviewed but honestly, is that necessary? There is nothing there. This continues to drain my savings, intended to be used for things like paying my two children's college tuitions (one is in college now; the other heads there hopefully in one year).
2. I would reimburse my costs of defense (not any costs of taking on the district, which I have not done, so amount to zero). This never should have been an investigation. It should have been a conversation, ideally with a third party mediator who is well versed in workplace discrimination. Jim Beall has asked for that. It's common sense. The men in charge did not recognize how depriving me of equal representation on committees harmed my income, exposure to opportunities, and access to networking. This kind of unawareness can be mitigated through difficult conversations and trainings.
3. I would end to the unprofessional and abusive policy of distributing unauthenticated, ad hominem emails. Emails from trolls are never given the evidentiary weight that this organization gives them. It is shocking. What is particularly alarming in this case is that the "Q Public person is same email address that made the vile, defamatory, malicious attacks on Chuck Cantrell, using the lowest and most harmful racist tropes to discredit a well-respected, highly-educated, public servant. Now Valley Water is leveraging similar discriminatory tropes and narratives against me, referencing long-held views about a "woman's place," and referencing language that many consider to be heterosexist and anti-semitic (I can point them out to you by phone if you like. I enjoy our conversations discussing these types of matters, which often are visible only to the victim of discriminatory attacks).
4. I would immediately fulfill the Board's (and top executives')

obligation for gender equity training, which is greatly overdue.

5. I would hire a third party consultant to recommend long-overdue remedial measures to address the systemic issues pointed out in last October's investigation about my predecessor and the problematic culture that enabled his behavior to go on for 7 years without consequence.
6. I would ban the use of anonymous email ad hominem attacks. Disagreement is always welcome but bullying (especially by anonymous trolls) is not. The lack of any objection to these trolls (and rather, the continued amplification of troll harassment) has fueled the fire. Just now, Mark Weiss, an ordinary citizen and a respected community member, was attacked by this troll. That is shameful. There are no adults controlling the children here.
7. I would take urgent measures to help this organization understand and respect (perhaps through training or a mediator) that disagreement is not the same thing as discrimination. We can disagree with each other in a respectful way. Ad hominem attacks-- meaning, attacks on a person's character, rather than disagreements with a person's actions or words- are never welcome. In recognition that some people perceive disagreement (especially by lower-status individuals, e.g. women and/or minorities) as insults and attacks, there are many consultants who help with this misperception -- e.g. the author of *White Fragility*.
8. I would push for recognition that it is our jobs and our responsibility to disagree with each other, as well as understanding that the CEO is a Board appointed officer, so Board members have the right to disagree with the strategies, actions, and statements made by the CEO. We are a legislative body, not a cheerleading squad, and just like Congressional Democrats often disagree with the President, and state lawmakers often disagree with the Governor, such disagreement is a healthy and necessary part of a democracy. Our President and Governor do not complain that disagreements are personal attacks, which is expected of adults in positions of power. Those in power - chairs of every

committee in addition to the Board itself - must be required to listen to those beneath them, which does not happen as much as it should.

On a personal note, Dick Santos and I are a great example of positive relationship-building high-integrity behavior. We sometimes disagree with each other, but we have developed a relationship of mutual respect, where we listen to each other and learn from each other. That is the opportunity we all have on this Board, and we let our constituents down by not pursuing and embracing it!

In sum, disagreement, when healthy, is an essential aspect of democracy. But high-integrity disagreement is a universe different from low-integrity and unethical attacks such as the use of an anonymous troll. Use of anonymous trolls like Q Public harms our relationships with each other, our public image, and our ability to work together to achieve our mutual goals.

I expect that you agree with me, Reverend. You and I see eye to eye on many matters of importance. If so, please help me "ringlead" this organization away from pathology, cruelty, and dysfunction towards a path of high integrity listening, a focus on disagreement rather than personal attacks, and prioritized achievement of our mutual goals of social justice, environmental equity, wildlife preservation, and equal access to clean drinking water regardless of income, ethnicity, race, gender, sex, and/or other socially created division, class, and/or caste.

That is what I would have happen if I were Chair, or at very least, ringmaster. Please help me bring higher integrity, improved listening, professionalism and better training to our Board and District, so we can achieve our goals without this type of dysfunction and cruelty. Let's commit to being our best possible selves.

Best,
Rebecca

cc Mark Weiss, Aram James, LaDoris Cordell. Friends: please know that I am not expecting any response, or even making it this far in the letter, and I know your time is valuable and in-demand. If you did make it this far, I am honored and grateful.

Rebecca Eisenberg, Esq.
Director, District 7
Santa Clara Valley Water District
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From: Michele King <MKing@valleywater.org>
Sent: Wednesday, June 28, 2023 9:14 AM
To: Barbara Keegan <BKeegan@valleywater.org>; Jim Beall <JBeall@valleywater.org>; John Varela <jvarela@valleywater.org>; Nai Hsueh <NHsueh@valleywater.org>; Rebecca Eisenberg <Reisenberg@valleywater.org>; Richard Santos <rsantos@valleywater.org>; Tony Estremera <[REDACTED]>
Cc: Rick Callender <rcallender@valleywater.org>
Subject: Board Correspondence

Good Morning Directors
Attached for your information are three email submitted to the Board@valleywater email.
Thanks,
Michele

MICHELE L. KING,
CMC
CLERK OF THE BOARD
Office of the Clerk of the Board
Santa Clara Valley Water District
Tel. (408) 630-2711 / Cell.
[REDACTED]

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