

Planning and Transportation Commission Public Comment 1-30-19

From: [Respicio, Maryknol](#)
To: [Planning Commission](#); [Lait, Jonathan](#)
Cc: [Stump, Molly](#); [Lanferman, David](#); [Roy, Alyssa](#)
Subject: Planning and Transportation Commission Meeting - January 30, 2019 / Agenda Item #3
Date: Wednesday, January 30, 2019 1:39:46 PM
Attachments: [2019 0130 Letter to Planning and Transportation Commission.pdf](#)

Please see attached letter from Dave Lanferman. Please call if you have any questions.

Thank you.

Maryknol Respicio

Assistant to David P. Lanferman
and Alyssa Roy
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RUTAN

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January 30, 2019

VIA E-MAIL, MESSENGER, AND FIRST CLASS MAIL

Honorable Chair and Members
Planning and Transportation Commission
CITY OF PALO ALTO
250 Hamilton Avenue
Palo Alto, CA 94301

Mr. Jonathan Lait
Assistant Director
Planning and Community Environment
CITY OF PALO ALTO
250 Hamilton Avenue
Palo Alto, CA 94301

Re: **PLANNING AND TRANSPORTATION COMMISSION MEETING -
JANUARY 30, 2019**

Agenda Item #3:

Public Hearing: Recommendation to the City Council of an Ordinance Amending Section 18.18.120 (Grandfathered Uses and Facilities) of Chapter 18.18 (Downtown Commercial District) of Title 18 (Zoning) of the Palo Alto Municipal Code (PAMC) to Adjust Regulations Relating to Noncomplying Facilities. California Environmental Quality Act (CEQA):

COMMENTS ON, AND OBJECTIONS TO, PROPOSED ACTIONS

Dear Members of the Planning and Transportation Commission:

On behalf of our client, AJ Capital Management LLC (“AJ Capital”), we respectfully provide comments on these proposed amendments to Chapter 18.18 of the City’s Zoning Code.

Summary of Comments and Objections:

First, with regard to the City Staff’s recommendation that the City amend PAMC section 18.18.120(b)(2), to clarify the ‘grandfathering’ rules in this area, and to correct a recognized and inadvertent drafting error in PAMC section 18.18.120(b)(2), the Staff Report makes clear that such a corrective amendment is entirely appropriate and well justified. The recommended correction of this error, which came to the attention of Staff in the summer of 2018, would restore that section to its pre-2016 reading, and would restore consistency with other similar ‘grandfathering’ sections in the Municipal Code. This sensible clarification would be in the interest of the community as a whole, and would likely be supported by a wide range of owners, tenants, and residents interested in maintaining the vitality of the Downtown zoning district. For

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these reasons, we urge the Commission to recommend approval of Staff's proposed amendment, as follows:

The grandfathered facilities in subsection (1) shall be permitted to remodel, improve, or replace site improvements on the same site for continual use and occupancy, by the same use, provided such remodeling, improvement, or replacement complies with all of the following:

Second, notwithstanding the propriety of the proposed amendment to Section 18.18.120(b)(2) as proposed by City Staff – above – the second part of the proposed action would add a totally new, very problematic, and objectionable restriction to the Downtown zoning ordinance. The proposal to amend PAMC § 18.18.120(b)(2) by creating and adding a new “subdivision (F)” would improperly prohibit the change in use of a ‘grandfathered’ residential property in the commercial downtown district (CD-C) to a nonresidential use:

(F) The residential portion of any grandfathered facility referenced in this subsection shall not be converted to another non-residential land use or reduced in size or number of units. An applicant may request that the requirement of this subsection to retain the same residential use be adjusted or waived based on a showing that applying the requirement to the applicant's property would cause a violation of state or federal law.

Such a prohibition, if enacted, would raise many distinct concerns and objections, including (without limitation):

(1) The proposed prohibition on conversions of residential facilities to non-residential uses would be inconsistent with, and would be preempted by, controlling State law, i.e., the Ellis Act. These impermissible conflicts would not be alleviated by the proposed provision for a ‘waiver’ (which would, by the Staff Report's admission, have to be granted if a property owner was exercising its Ellis Act rights).

(2) The proposed new prohibition would create unacceptable inconsistencies between the zoning ordinance and the City's Comprehensive Plan.

(3) The proposed new prohibition would likely be deemed to be arbitrary, or discriminatory action, or spot zoning.

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(4) The proposed prohibition would create unstudied adverse impacts on the environment and the community, and the City has not justified the argument that freezing existing residential uses in perpetuity should be “exempt” from review under the California Environmental Quality Act (“CEQA”).

Objections to the proposed creation of subdivision PAMC § 18.18.120(b)(2)(F)

I. Proposed PAMC § 18.18.120(b)(2)(F) is preempted by State Law.

The proposed new subdivision (F) is clearly preempted by the Ellis Act, as recognized by both the City Council direction to PTC and the Staff Report to the PTC. Explicit in Council’s direction was the inclusion of a “waiver” of the new prohibition for properties at which the owner has exercised Ellis Act rights:

Further, based on Council direction, the ordinance also includes a provision that prevents the conversion of residential portions of non-complying facilities from converting to non-residential area, unless a waiver is received from the City due to a violation of state or federal law (i.e., Ellis Act). This waiver may apply to other sections of the Code (e.g., the City’s condo conversion ordinance), depending on the claimed issue. (Staff Report, Item 3, at p. 3.)

Under the Ellis Act, a local government may not impose a “prohibitive price” or unconstitutional condition on a party exiting the residential rental business. A local ordinance is preempted and void if it amounts to a substantive limit on a landlord’s right to exit the rental market. (*San Francisco Apartment Assn. v. City & County of San Francisco* (2016) 3 Cal.App.5th 463, 479, 482.) PAMC § 18.18.120(b)(2)(F) would unlawfully prohibit all ‘non-residential’ uses to an owner exiting the residential rental business, unless the owner applies for, and the City grants, a waiver. But-for the by-right waiver included in proposed PAMC § 18.18.120(b)(2)(F), the City would effectively be forcing residential owners to remain in business as a landlord, or to have no productive use of the property. There would be no feasible and permitted uses in the CD-C district for a grandfathered property owner wishing to go out of business as a residential landlord.

The Staff Report, apparently cognizant of this illegality, suggests that the City might relax its condominium conversion ordinance in the granting of waivers under PAMC § 18.18.120(b)(2)(F). However, that would be problematic and would appear to be inconsistent with the Housing Element of the Comprehensive Plan, Program H3.1.9: “Continue enforcing the Condominium Conversion Ordinance.” Under PAMC Chapter 21.40, condominium conversion applications may not be processed unless there is a vacancy surplus, or the property owner obtains

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the consent to the conversion by two-thirds of the tenants. (PAMC § 21.40.050.) Here, every property owner that exercises rights under the Ellis Act to withdraw from the residential rental market would be confronted by a new legal barrier to any lawful use. Forcing a property owner to seek a waiver would unlawfully impose a “prohibitive price” on the exercise of Ellis Act rights.

II. Proposed new PAMC § 18.18.120(b)(2)(F) would unlawfully cause or exacerbate inconsistencies between the Zoning Ordinance and the City’s Comprehensive Plan.

Since at least 1990, the Supreme Court has emphasized and re-emphasized the primacy of the general plan in the hierarchy of local zoning and land use regulation -- and the absolutely critical importance that zoning amendments and use regulations be shown to be consistent with the applicable general plan [or, in Palo Alto, the “Comprehensive Plan”]. (E.g., *Leshar Communications, Inc. v City of Walnut Creek* (1990) 52 Cal.3d 531, 540, 544.) The critical importance of this “consistency doctrine” was recently re-affirmed by the Supreme Court in *Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, 152, invalidating a city’s approval of a development project not shown to be consistent with the general plan.

“The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570.) This consistency requirement applies to the proposed amendment which would add new subdivision (F) to PAMC §18.18.120(b)(2). (*Neighbors in Support of Appropriate Land Use v. County of Tuolumne* (2007) 157 Cal.App.4th 997 [zoning action inconsistent with Plan, thus invalid].)

In order to be deemed “consistent” with a general plan, the proposed action must “further the [plan’s] objectives and policies . . . and not obstruct their attainment.” (*Corona-Norco Sch. Dist. v. City of Corona* (1993) 17 Cal.App.4th 985, 994.) However, this proposed zoning change does not further the objectives and policies of the Plan, but rather is patently inconsistent with many of the goals, policies, and programs of the Comprehensive Plan. The Downtown district that would be impacted by this prohibition on conversions to non-residential uses is designated as “Regional/Community Commercial” in the Comprehensive Plan. The Plan includes fundamental policies designed to promote a vital commercial environment in the Downtown area, e.g., PolicyB-4.5 [“Maintain distinct business districts as a means of retaining local services and diversifying the City’s economic base.”] The Comprehensive Plan explicitly states: “Sites within or adjacent to existing commercial areas and corridors are suitable for hotels.” (Policy L-4.6.) In many other ways, this proposed zoning amendment would frustrate or obstruct the attainment of the fundamental policies of the Comprehensive Plan. (See also, e.g., Policy L-7.8 [“Promote adaptive reuse of old buildings.”]; Program L-7.8.1 [“Promote and expand available incentives for the

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retention and rehabilitation of buildings with historic merit in all zones and revise existing zoning and permit regulations to minimize constraints to adaptive reuse.”]; also (without limitation): Goals L-4; B-5; Policies L-2.9; L 4.1; L-4.6; L-4.7; L-7.1; L-7.5; L-7.7; L-2.4.4; B-4.5; B-4.7; B-5-1.2; 5-1.3; B-5-1.4; Program L-2.4.4.)

Failure to demonstrate consistency as to just one important Plan policy is enough to render a City’s action “inconsistent” and void. (See, e.g., *Spring Valley Lake Assn. v. City of Victorville* (2016) 248 Cal.App.4th 91, 101; *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 640-642.) The proposed prohibition on conversions to “non-residential use” in an area otherwise planned and zoned for “regional-commercial” uses conflicts with many policies, and thus sweeps too broadly and would create new inconsistencies with the Comprehensive Plan, rendering the proposed new amendments “void ab initio.”

III. Proposed new PAMC § 18.18.120(b)(2)(F) would involve unlawful, arbitrary and discriminatory mis-use of zoning power, and irrational spot zoning.

While local governments generally have broad discretion in adopting zoning regulations to serve legitimate public interests, the California Supreme Court has made clear that zoning amendments which are “arbitrary and unreasonable” or which deprive property owners of substantially all economically feasible use of the property will be judicially invalidated. (*Arnel Dev. Co. v. City of Costa Mesa* (1980) 28 Cal.3d 511, 521.) Zoning ordinances “cannot be arbitrary and discriminatory. (See, e.g., *Hamer v. Town of Ross, supra*, 59 Cal.2d 776, 781-783;....)” (*Ross v. City of Yorba Linda* (1991) 1 Cal.App.4th 954.) “A blatant example of discriminatory land use legislation is ‘spot zoning.’” (*Id.*)

“Spot zoning” similar to that proposed here was invalidated by the Court of Appeal, in *Avenida San Juan Partnership v. City of San Clemente* (2011) 201 Cal.App.4th 1256, 1269: “The essence of spot zoning is irrational discrimination.... “‘Spot zoning’ occurs where a small parcel is restricted and given lesser rights than the surrounding property, as where a lot in the center of a business or commercial district is limited to uses for residential purposes thereby creating an “island” in the middle of a larger area devoted to other uses.”

The proposed zoning amendment to prohibit the conversion of grandfathered residential facilities (and only ‘grandfathered’ residential facilities) located in the Downtown zone (and only in the Downtown zone) to non-residential uses is plainly arbitrary and unreasonable. There is no rational basis for the City to target the small set of properties that are both (a) eligible to be grandfathered residential buildings, and (b) located in the Downtown area for such unique and discriminatory prohibition on the ability to convert to otherwise-conforming non-residential uses.

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The proposed action would clearly be arbitrary, and subject to invalidation. (See, e.g., *Coalition Advocating Legal Housing v. City of Santa Monica* (2001) 88 Cal.App.4th 451 [ordinance limiting occupancy of ‘second units’ to ‘owner-occupants’ was invalidated; not rationally related to avowed goals of preserving residential neighborhoods]; *Arnel Dev. v. City of Costa Mesa* (1981) 126 Cal.App.3d 330, 336 [zoning initiative invalidated]; *Fry v City of Hayward* (N.D. Cal. 1988) 701 F.Supp. 179 [zoning restrictions applicable to one open space area invalidated for denial of equal protection].)

IV. Amending PAMC § 18.18.120(b)(2)(F) to prohibit conversions to “non-residential uses” is NOT shown to be “exempt” from CEQA review.

The Staff Report makes no attempt to address the likely environmental consequences of the proposed zoning amendment, but rather makes two unsupported assertions as to why the PTC was not being provided with any environmental review: (a) that the amendment is “within the scope” of the EIR for the Comprehensive Plan adopted in November 2017; or (b) the proposed amendment “is exempt” under CEQA Guideline 15061(b)(3). Neither assertion appears to be supported by the facts or the applicable law.

It is of course the City’s burden “to demonstrate with substantial evidence that the [proposed action satisfies the criteria of the claimed exemption].” (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 386; see also, e.g., *Save Our Big Trees v. City of Santa Cruz* (2015) 241 Cal.App.4th 694, 705 [rejecting the City’s unsupported claim of categorical exemption from CEQA].) In *Terminal Plaza Corp. v. City & County of San Francisco* (1986) 177 Cal.App.3d 892, 904-907, the Court rejected a city’s argument that its enactment of an ordinance restricting the conversion of “residential” hotels was exempt from CEQA.

And, the City may not simply invoke a categorical exemption from CEQA without carefully considering and demonstrating whether or not the claimed exemption is foreclosed by an exception. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1103.) It is reasonably foreseeable that adoption of the proposed ordinances will result in direct and indirect environmental consequences as well as possible adverse impacts on historic structures, public safety, aesthetics, economic activity and related physical manifestations of such social and economic impacts, such as potential urban decay. See, e.g., *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 188 [“When there is evidence . . . that economic and social effects caused by a project . . . could result in a reasonably foreseeable indirect environmental impact, such as urban decay or deterioration, then the CEQA lead agency is obligated to assess this indirect environmental impact.”].) The reasonably foreseeable indirect and

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negative environmental impacts of the proposed prohibition must be analyzed before the PTC or Council acts on them.

Conclusion:

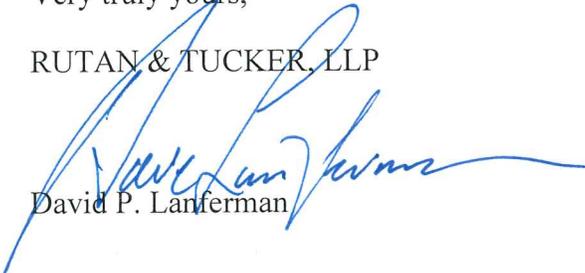
First, for the reasons stated in the Staff Report, we respectfully support the Staff's recommendation that the text of PAMC § 18.18.120(b)(2) be amended to delete the offending phrase inadvertently inserted in 2016.

Second, however, we respectfully urge the PTC to reject the proposed creation and addition of a new "subdivision F" to Section 18.18.120(b)(2), which would arbitrarily and unlawfully prohibit the conversion of some residential facilities to non-residential uses, for the reasons detailed above. Alternatively, we would urge the PTC to defer action on that proposed amendment and to instead direct Staff to conduct further analysis of the issues raised, or to give further consideration to alternative ways of attempting to address Council's concerns about increasing the supply of housing in the Downtown area.

Thank you for your consideration.

Very truly yours,

RUTAN & TUCKER, LLP


David P. Lanferman

DPL:mtr

cc: City Attorney Office.

From: [ForestLight](#)
To: [Council, City](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: University South Cell Towers Appeal - Feb 4, 2019
Date: Wednesday, January 30, 2019 11:50:24 AM

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou and Mr. Tanaka.

The City of Palo Alto's Architectural Review Board (ARB) has told the City and the telecom companies:

- 1) that the ancillary equipment for the streetlight cell towers proposed for the University South neighborhood should be put underground.
- 2) that cell towers should not be installed on utility poles in Barron Park.
- 3) that cell towers should not be installed on utility poles in Downtown North.

Mr Lait has apparently decided to ignore the ARB's recommendation with respect to the University South cell towers and unilaterally approve a new aboveground cell tower design.

Mr. Lait did so without either the ARB review or the public hearing mandated by Palo Alto's Municipal Code.

Now Mr. Lait has apparently thrown out the ARB's recommendation with respect to the Barron Park cell towers as well.

Mr. Lait's continued disregard both for residents' rights and for the judgment of the experts on the ARB is deeply distressing and alarming — ***in no little measure because it is yet one more example of Palo Alto's city staff members taking it upon themselves to evade, ignore or usurp the right of citizen/resident review in many critical areas involving a wide range of utilities.***

Please overturn this interim Planning Director's University South decision.

Send the new cell tower design he approved for University South where it should have gone in the first place — to the Architectural Review Board for review in a public hearing.

Thank you,

Michael Maurier
Property Owner and Resident
Green Acres One

Planning and Transportation Commission Public Comment 1-30-19

From: [Neilson Buchanan](#)
To: [Planning Commission](#)
Subject: Fw: WeWork parking impact of Calif Ave businesses and neighborhood
Date: Wednesday, January 30, 2019 10:16:54 AM
Attachments: [190129 WeWork is moving to Palo Alto SV Business Journal Jan 29 2019.pdf](#)

I urge Planning Commission to seek authority from Council to address this issue if it represents risk to businesses and neighborhoods in the vicinity of California Ave and North Ventura.

Neilson Buchanan
[REDACTED] Bryant Street
Palo Alto, CA 94301

[REDACTED]
cnsbuchanan@yahoo.com

----- Forwarded Message -----

From: Neilson Buchanan <cnsbuchanan@yahoo.com>
To: City Council <city.council@cityofpaloalto.org>
Cc: Dave Price <price@padailypost.com>; Jocelyn Dong <jdong@paweb.com>; Sallyann Rudd <sallyannr03@gmail.com>; Ronjon Nag <ronjon.nag@gmail.com>; Malcolm Roy Beasley <beasley@stanford.edu>; Pat Burt <patburt11@gmail.com>; Karen Holman <kcholman@sbcglobal.net>; John Guislin <jguislin@gmail.com>; Greg Welch <welgreg@gmail.com>; Norman H. Beamer <nhbeamer@yahoo.com>; Marion Odell <marionodell7@gmail.com>; Jan Merryweather <jan@hamilton.com>; Mary Dimit <marydimit@sonic.net>; Mary Gallagher <marygallagher88@gmail.com>; Barbara Ann Hazlett <bthazlett@aol.com>; Meg Barton <megbarton@me.com>; Allen Akin <akin@arden.org>; Kris Johnson <krisjj8@yahoo.com>; assemblyca <assemblymember.berman@outreach.assembly.ca.gov>; Chris Robell <chris_robell@yahoo.com>; Kuo-Jung Chang <kuojungchang@gmail.com>; Fred Kohler <fkohler@sbcglobal.net>; Bob Moss <bmos33@att.net>; Margaret Heath <maggi650@gmail.com>; Jeff Levinsky <jeff@levinsky.org>; Mark Nadim <marknadim@gmail.com>; Keith Bennett <pagroundwater@luxsci.net>; Rita Vrhel <ritavrhel@sbcglobal.net>; Nelson Ng <lofujai@ymail.com>; Elaine Meyer <emeyer3@gmail.com>; Fred Balin <fbalin@gmail.com>
Sent: Wednesday, January 30, 2019, 10:13:01 AM PST
Subject: WeWork parking impact of Calif Ave businesses and neighborhood

Please take a look at the attachment. This article indicates new-era, commercial property occupancy load of 744 desks within a building of nearly 40,000 square feet.

If report is correct, then the Planning Commission and Council should be declaring emergency meetings to address impact of such occupancy.

More likely there is an error in journalism. Please assess a more probable scenario of high occupancy office spaces which tend to have impact over a much longer workday. Palo Alto's parking infrastructure probably cannot sustain such impact. Caltrain does not and will not have capacity to absorb this level of occupancy up and down the Peninsula.

I dont have to remind you that city response is understaffed due to turnover and budget restrictions. Palo Alto's comp plan is not sufficient for sensible protection from this type of real estate model, even if it is subdued. Futhermore, the terms of PADs compound the risks. Long-promised parking mitigation such as valet parking, garage signage and paid parking incentives are not operational.

In summary Council is ill-equipped to react proactively to a variety of under-parked development risks throughout our town.

Neilson Buchanan
[REDACTED] Bryant Street
Palo Alto, CA 94301

[REDACTED]
cnsbuchanan@yahoo.com

Planning and Transportation Commission Public Comment 1-30-19

From: [Roberta Ahlquist](#)
To: [Planning Commission](#)
Subject: Proposed Waiver Process Serves only Owners and Developers
Date: Tuesday, January 29, 2019 3:50:13 PM

The Low-Income Housing Committee of Women's International League for Peace and Freedom, Peninsula Branch, overwhelmingly opposes the proposed waiver process, (to be addressed at the Planning Commission meeting this Wednesday at 6pm) a waiver that only favors owners or developers and which is very undemocratic. It would place tenants in jeopardy with no due process or protection. DO NOT SUPPORT this EXTREMELY unfair waiver. We must have tenant rights protections!

Sincerely,

Roberta Ahlquist, WILPF

Planning and Transportation Commission Public Comment 1-30-19

From: [Beth Rosenthal](#)
To: [Planning Commission](#)
Subject: Re: Study Session
Date: Tuesday, January 29, 2019 9:36:25 PM

> On Jan 29, 2019, at 3:00 PM, Beth Rosenthal <bbr550@gmail.com> wrote:

>

> Dear Commissioners,

>

> I am writing to urge you to reject the staff proposal that would make it easier for downtown residences such as the President Hotel apartments to become hotels or offices. Supporting this waiver process significantly and unfairly favors developers' interests over those of residents. Although in the past, the City Manager and members of the City Council have denied any covert action on their part that supports the effort of AJ Capital to succeed in converting the President Apts. into a hotel, this waiver smacks of the promotion of AJ's interests without ever designating them by name.

>

> In my view, the inherent unfairness and subterfuge demonstrated here is mind boggling. If this waiver is granted, no one, not tenants, the public, or the press would be notified that a waiver was being sought.

> There is no requirement for a public hearing and tenants may not even be aware that a waiver has been granted until their lease expires and it is too late to appeal. The suddenness of this process is reminiscent of the recent President Apartment debacle, an event which many residents have spoken against. Please do not support any recommendation that jeopardizes our housing stock, supports special interests and does not allow for an open and transparent government process.

>

> Sincerely,

>

> Beth Rosenthal, PhD

Planning and Transportation Commission Public Comment 1-30-19

From: [Ardan Michael Blum](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); [Cormack, Alison](#); [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#); [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#); [Price@padailypost.com](#); [editor@paweekly.com](#); [Atkinson, Rebecca](#); [JFLEMING@metricus.net](#); [jerry.fan@gmail.com](#); [jnimkar@gmail.com](#)
Subject: Palo Alto should not become a real-life monopoly board with large green fake boxes on every other block!
Date: Tuesday, January 29, 2019 4:08:21 PM

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou and Mr. Tanaka,

This message is sent as there is an appeal on the WISE and logical choice of the city to NOT place a fake mail box at 345 Forest/Gilman.

Having lived now 3 years at 345 Forest Ave, Palo Alto, CA 94301 and overlooking the lovely 1930s fountain and little courtyard I have seen hundreds of people stop and gaze from various angles at this courtyard and wonderful building.

Any type of extension to the current size of the traffic light - small as the Telecom firm will claim it to be - is directly IN THE VIEW of one of the most photographed local landmarks.

The role of the ARB has to be to defend the beauty of our city and small or large add-on contraptions have NO PLACE at this location.

The Crown Castle/Verizon applicant is proposing a node at Forest/Gilman. Let them know that they can keep their nodes away from blocking/changing the view (be it even slightly) of our town!

Further: It would be very helpful for our city that INSTEAD of each time (and there will be hundreds) a small cell is to be placed we have to re-debate the LOGICAL and WISE idea that this material be placed in vaults! It is obvious that we do not want to have endless green boxes all over town!

Sincerely,

Ardan Michael Blum

Planning and Transportation Commission Public Comment 1-30-19

From: [Carol Heermance](#)
To: [Council, City](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: cell towers
Date: Tuesday, January 29, 2019 9:09:01 PM

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Cormack, Mr. Dubois, Ms. Kniss, Ms. Kou and Mr. Tanaka,

We are writing to you concerning the city's handling of the proposed cell towers in our neighborhoods.

In December, the ARB recommended a sensible underground solution regarding the placement of cell towers in University South. Even with this recommendation, Mr. Lait, the interim Planning Director, disregarded both the resident's rights and the judgement of the experts on the ARB by approving an aboveground cell tower design for University South.

How can the Council, in good faith, allow one individual to make an end-run around the well established City procedure by ignoring the recommendations of the ARB and the inputs from our citizens? We strongly urge the Council to overturn Mr. Lait's decision regarding University South, and insist that Mr. Lait send his recommendations to the ARB for review and public hearing.

Thank you for your consideration of this issue.

Richard and Carol Heermance
[REDACTED] N. California Ave
Palo Alto, CA 94301

Planning and Transportation Commission Public Comment 1-30-19

From: [Herc Kwan](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); [Cormack, Alison](#); [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Appealing the interim Planning Director's decision
Date: Tuesday, January 29, 2019 3:10:35 PM

Dear Mayor Filseth, Vice Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou and Mr. Tanaka,

Looking at the web site for the Planning and Community Environment Department, I see that its main purpose includes providing "the City Council and community with creative guidance and effective implementation of ... environmental policies, plans and programs in order to maintain and enhance the City's safety, vitality, and attractiveness."

The Architectural Review Board is a main component of this organization and offers professional opinions to make our city a better place to live. While we are glad to hear that recently the ARB has been making consistent recommendations for the cell tower installations including putting the ancillary equipment for cell equipment underground in the University South neighborhood, we are awed and angered by the decision made by the interim Planning Director, Jonathan Lait, to reject ARB's recommendation. From the information we have seen so far, it seems Mr. Lait has chosen to do that with brute force and disregard the proper rules or laws to help maintain our city's safety and attractiveness, without enough transparency,

My wife and I, and our two young daughters, are extremely unhappy about the interim Planning Director's opaque decision. We would like to ask the City Council to overturn Mr. Lait's University South decision. In addition, we would like the ARB to review the new cell tower design approved by the interim Planning Director. It should be the ARB in the first place reviewing the design and not the interim Planning Director.

Please help Palo Alto maintain its reputation of law-abiding and transparency in public policy making and architectural decisions. We trust that the City Council would help us in this matter.

Thank you for your attention.

Best Regards,

Herc Kwan, Ph.D.
Residents, [REDACTED] Louis Rd
[REDACTED]

Planning and Transportation Commission Public Comment 1-30-19

From: [Barbara Kelly](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); [Cormack, Alison](#); [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Cell Tower Procedure
Date: Tuesday, January 29, 2019 2:45:15 PM

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou, and Mr. Tanaka,

As a concerned citizen, I am writing in objection to the interim Planning Director's *outrageous disregard* both for residents' rights and for the judgment of the experts on the ARB.

I am asking you::

- 1) to overturn the interim Planning Director's University South decision and
- 2) to send the new cell tower design he approved for University South where it should have gone in the first place: to the Architectural Review Board for review in a public hearing.

Thank you for giving this matter your careful and responsible attention.

Sincerely yours,

Barbara Kelly
[REDACTED] Washington Avenue
Palo Alto, CA 94301

Planning and Transportation Commission Public Comment 1-30-19

From: [Linda Clarke](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); [Cormack, Alison](#); [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); greg.tanaka@cityofpaloalto.org
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Cell tower appeal
Date: Tuesday, January 29, 2019 1:52:43 PM

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Cormack, Mr. Dubois, Ms. Kniss, Ms. Kou and Mr. Tanaka,

It is very disappointing that the interim planning director, Jonathan Lait, disregarded due process and approved a new above ground cell tower design. That type of blatant disregard for residents and the the judgment of the ARB should never have been allowed to happen.

Please do the right thing and overturn Mr. Lait's University South decision. The new cell tower design should be sent to the ARB for review and approval. Otherwise, why even have an ARB?

Thank you,

Linda Clarke
■ Washington Avenue
Palo Alto, 94301

Planning and Transportation Commission Public Comment 1-30-19

From: [Edouard Lafargue](#)
To: [Fine, Adrian](#); [Cormack, Alison](#); [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Tanaka, Greg](#); [Filseth, Eric \(Internal\)](#); [Kou, Lydja](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Concern on the installation of new mobile cells in Palo Alto
Date: Tuesday, January 29, 2019 12:08:14 PM

Dear city officials,

For quite some time now a lot of Palo Alto residents have been expressing serious concerns about plans to install new cell towers in our community.

Aside from potential health concerns, the installation of new equipment on utility poles goes against many common sense management initiatives: while most cities are moving to underground utility lines for the sake of reliability, long term maintenance costs and resilience, adding new equipment on existing poles will make it harder for the city of Palo Alto to modernize to current urban standards, and perennialize those outdated overhead utility structures that are becoming more and more of an embarrassment for the image of the city as time goes on.

Also, being in an earthquake prone area, the installation of heavy equipment on utility or lighting poles poses a direct public safety threat to our community in case of a seismic event. As you know, the city of Palo Alto, like the rest of the bay area, suffers from a chronic lack of emergency response resources to face a large catastrophic event, and having to deal with additional poles falling on streets or housing will make the situation even worse the day it happens.

I urge the city to follow the Architectural Review Board common sense recommendations related to locating equipment underground, which is a long accepted standard in most cities in the world. Any additional cost borne by the network operator for doing so should not be a determining factor for our city.

Thank you in advance for your consideration on this,

Edouard Lafargue
■ El Cajon Way, Triple El, Palo Alto

From: [John D. Melnychuk](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); [Cormack, Alison](#); [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Oppose Cell Tower installation above ground
Date: Tuesday, January 29, 2019 12:30:16 PM

Dear Mayor Filseth, Vice Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou and Mr. Tanaka,

I am opposed to locating Cell tower equipment above ground. Such equipment is visual pollution, noisy, it creates a fire hazard. I believe the City of Palo Alto should require underground installation of all such equipment. The technology to install underground the majority of the equipment exists; Palo Alto should require these companies use this equipment like other cities are.

It's objectionable and unreasonable that all of the huge-for-profit companies, Verizon, AT&T, Crown Castle, and others that install cell towers be allowed to override Palo Alto residents' concerns because the companies prefer to install the cheapest, ugliest equipment in the least expensive way.

Last year there was an ethics scandal regarding the former Chief Information Technology Officer, Jonathon Reichental, because his decision making regarding installation of such towers was suspect; it looked as if he was a lobbyist for Industry, rather than a protector of Palo Alto and its environment. Reichental resigned under a cloud of scandal and his actions are now being investigated by the State.

Is there another scandal brewing, this time because Palo Alto's Planning Director has rejected the Architectural Review Board's December recommendation to locate underground the cell towers Crown Castle/Verizon has applied to install in the University South neighborhood?

Has Mr. Lait been successful in bypassing the ARB and has he approved a Crown Castle streetlight pole-mounted cell tower design?

Is it true that he approved a design which none of us has ever seen a drawing, image or photograph of?

As you know, undesirable actions come at a time when City Staff is asking City Council to approve an amended Wireless Ordinance that gives the Planning Director *sole authority* to establish aesthetic standards for the over 150 so-called small cell node cell towers that telecom companies have already applied to locate in close proximity to residents' homes here.

Please reject the amended Ordinance that City Staff has submitted to you and amend it to:

1. Establish the Architectural Review Board—not the Planning Director—as the lead in setting standards for the siting and appearance of cell towers;
2. Establish that there be a series of community meetings so that residents may learn what standards are being proposed, ask questions of ARB members and City Staff, and offer their own ideas for consideration; and
3. Require that, once these standards have been assembled, City Council must

Planning and Transportation Commission Public Comment 1-30-19
approve them before they become part of the City's Wireless Ordinance.

I ask you as well to please direct Planning Director Lait to withdraw his decision to approve the Crown Castle/Verizon University South proposed cell tower installations.

Let's have a look at what will be installed in our skyline forever before we accept the cheapest, ugliest equipment that huge for profit corporations wish to install to shave costs. We'll live with the legacy of this precedent for generations. Why should Palo Alto accept the a design decision preferred by lobbyists for these corporations over those of Palo Alto residents?

Respectfully,

John Melnychuk
[REDACTED] Lindero Drive
Palo Alto, CA 94306

Planning and Transportation Commission Public Comment 1-30-19

From: [Leo Povolotsky](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); [Cormack, Alison](#); [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Jeanne Fleming](#); [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Re: Cell Tower Update: Feb. 4th Appeal
Date: Tuesday, January 29, 2019 1:49:11 PM

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou and Mr. Tanaka.

As a concerned resident of the Barron Park for decades now and a member of the HOA Board for Villas De Las Plazas, who's going to be directly affected by the proposed installation of the mini-cell tower on it's property within a few feet of our member's house wall, I join with our concern with the United Neighbors and Jeanne Fleming, in particular in the action of protesting the outrageous decision by the interim Planning Director, Jonathan Lait to approve the new proposed installations of the mini-cell towers without regard to the ARB recommendation and absent of a public hearing on the matter.

We have no acceptable choice but to:

1. Condemn the interim Planning Director's outrageous disregard both for residents' rights and for the judgment of the experts on the ARB;
2. Ask Council to overturn the interim Planning Director's University South decision; and
3. Ask Council to send the new cell tower design he approved for University South where it should have gone in the first place: to the Architectural Review Board for review in a public hearing.

Thank you for your continued leadership.

Sincerely,

Leo Povolotsky
Palo Alto resident for 28years,
HOA Board Member for 8years

Planning and Transportation Commission Public Comment 1-30-19

From: [jaclyn schrier](#)
To: [Planning Commission](#)
Subject: Reject proposed waiver process for converting downtown residential buildings to office or hotel use
Date: Tuesday, January 29, 2019 1:46:00 PM

Planning and Transportation Commissioners:

Please **reject** the proposal that would allow Planning staff to issue waivers for converting downtown residential buildings to office or hotel use.

Palo Alto is in far greater need of housing units than office space or hotel rooms. Any such conversion should require a robust procedure requiring public notice and participation, as well as city council consent.

The staff proposal to avert due process is anti-democratic and obverse to city needs and priorities. Just say no.

Thank you.

jaclyn schrier
[REDACTED] Alma Street [REDACTED]
Palo Alto, CA 94301

Planning and Transportation Commission Public Comment 1-30-19

From: [Lucinda Lenicheck](#)
To: [Planning Commission](#)
Subject: Waiver process
Date: Tuesday, January 29, 2019 11:04:34 AM

Dear Planning Commission,

Please reconsider your plans to allow waivers so readily in the efforts of some to convert residential space to business use. It is incredibly important for this process to be played out in full public view, to be brought before the City Council, and all considerations to be fully analyzed and discussed in broad daylight.

Thank you,

Lucinda Lenicheck

■ Oxford Ave.

Sent from my iPad

Planning and Transportation Commission Public Comment 1-30-19

From: neva.yarkin
To: [Planning Commission](#)
Subject: from neva yarkin
Date: Tuesday, January 29, 2019 2:54:21 PM

Jan. 29, 2019

Dear Planning Commission,

I urge the PTC to reject a proposal by staff that would allow new waivers, such as the Presidents Hotel to change from apts. to luxury hotel.

Wasn't enough noise raised by the community against this commercial development? Don't we have enough hotels in Palo Alto???

We need more housing not more commercial development or office space.

Neva Yarkin
[REDACTED] Churchill Ave.
Palo Alto, CA 94301
nevayarkin@gmail.com

Planning and Transportation Commission Public Comment 1-30-19

From: [Kelly Germa](#)
To: [Cormack, Alison; alisoncormack@gmail.com; Tanaka, Greg; Kou, Lydia; DuBois, Tom; Kniss, Liz \(internal\); Fine, Adrian; Filseth, Eric \(Internal\)](#)
Cc: [Planning Commission; Architectural Review Board; Clerk, City; Council, City](#)
Subject: Bypassing ARB
Date: Tuesday, January 29, 2019 5:44:29 AM

Dear Ms. Cormack, Mr. Tanaka, Ms. Kou, Mr. Dubois, Ms. Kniss, Mr. Fine, and Mr. Filseth,

Please support the United Neighbors' Appeal and set aside the Planning Director's January 4th decision to completely bypass the ARB and unilaterally approve many many cell tower ancillary equipment installations on the streetlight poles in our beautiful Palo Alto neighborhoods.

The first reason to do this is that it completely flouts the democratic process by which you were elected to carry out the will of your constituents. The Architectural Review Board is installed with experts to make informed technical recommendations by gathering and reviewing data to provide consensus opinion as to sound course of action, and they have recommended the cell tower ancillary equipment be put underground. If you now selectively decide to totally ignore the existence of the ARB regarding cell tower equipment installations without a mandate from the people of Palo Alto to do so, then you are abusing your power.

The second reason to do this is that the people of Palo Alto bought homes here in large part because of the lovely environmental aesthetics. They searched and paid their hard-earned money to enjoy the schools and proximity to work, but also because they can walk to parks and coffee houses and smell the flowers on the way. If you approve unsightly noisy cell tower equipment all around our neighborhoods, it will detract substantially from personal enjoyment. These equipment locations are too numerous to be cavalier with their approval. When you are out taking a walk around Palo Alto, you will see and hear them, no matter how hidden, and they will take away from your overall experience of health and well-being. We all want to see as much open blue sky as possible with as little man-made noise or items in view. So you must make sure that putting these cell towers underground is not the best option, especially because the expense is with the cell phone companies, not your residents. The feeling of freedom and beauty for residents many years in the future is at stake.

Sincerely,
Kelly Germa, Midtown Homeowner



Sent from my iPad

Planning and Transportation Commission Public Comment 1-30-19

From: [Winter Dellenbach](#)
To: [Planning Commission](#)
Subject: Grandfathered uses in noncompliant buildings/President Hotel
Date: Monday, January 28, 2019 7:20:12 PM

Dear Commissioners - I urge you to reject unnecessary waiver that staff recommends you incorporate into what should simply be a requirement that downtown residential buildings cannot be converted to other uses (such as hotel or office).

We must retain the housing we have - that's a top priority for Palo Alto. To facilitate its loss is nonsensical, and that is simply what this waiver does - it facilitates the loss of housing, not just at the President Hotel but at other similarly situated buildings. And it has no bearing on actual legal issues.

Adding the waiver provision is like giving a get out of jail free card to anyone who wants to convert to another use - it just allows them to get around the law.

Please vote to preserve housing downtown by amending the ordinance to not allow residential conversion to other uses.

Winter Dellenbach
Barron Park, Palo Alto

Planning and Transportation Commission Public Comment 1-30-19

From: [Cheryl Lilienstein](#)
To: [Planning Commission](#)
Subject: No waivers
Date: Tuesday, January 29, 2019 7:13:24 AM

Please do not accept the staff recommendation for granting waivers to property owners.
This would give staff power to violate regulations that protect residents.
And, certainly you agree that a housing shortage would in no way be mitigated by allowing each landowner to get a waiver to maximize their ROI ?

thank you,
Cheryl Lilienstein

Planning and Transportation Commission Public Comment 1-30-19

From: [Bonny Parke](#)
To: [Planning Commission](#)
Subject: President Hotel waiver process
Date: Monday, January 28, 2019 9:33:13 PM

Dear Planning Commission,

As a long-time Palo Alto resident, I urge you not to accept the "new" waiver process of allowing staff to overturn existing zoning regulations based on a supposed conflict with existing laws. It is my understanding that there is no conflict with existing laws:

"Staff has repeatedly cited the state's Ellis Act to justify the need for a waiver process. . . Yet that law explicitly states the opposite of what staff claims, namely that it does not bar cities from controlling how properties are used. The Ellis Act merely allows owners to cease renting out residences and instead have those become owner-occupied or company-owned housing *if cities so allow*. If the Ellis Act actually required cities to allow residential buildings to convert to some other use contrary to local laws, apartment complexes in Palo Alto and all over the state would have long ago turned into office buildings."

Waivers of existing laws concerning the use of the President Hotel and other large properties should surely go through the City Council and have public hearings, and not be subject to staff decisions alone. Otherwise, the opportunities for illicit payback are too great.

Thank-you for your work on the Planning Commission.

Bonny Parke, Ph.D.
[REDACTED] South Court
Palo Alto, CA 94306

Planning and Transportation Commission Public Comment 1-30-19

From: [Annette Ross](#)
To: [Planning Commission](#)
Subject: Waiver Process
Date: Tuesday, January 29, 2019 6:04:01 AM

I am writing to urge the PTC to reject the waiver process proposed by Staff. Last night the CC approved changes that shift more authority to staff and the proposed waiver process would do the same. This is not a healthy checks and balances dynamic. For good reasons, California has numerous policies that require public participation in the land use process. This proposal, if approved, would preclude that and that is not a good path to go down. Yes, the Palo Alto process is sometimes protracted, but there are safeties built into that. City Staff are capable in many ways, but they are not elected and thus do not represent the residents of this city. Nor are they accountable to the residents. If this is approved, the Planning Director would have the discretion to make decisions contrary to what CC intended. Decisions contrary to the housing goal could be approved. And we could end up with more commercial or even a high end hotel that displaces renters.

Annette Ross

Planning and Transportation Commission Public Comment 1-30-19

From: slevy@ccsce.com
To: [Steve Levy](#)
Subject: Bay Area and Mega region job and wage trends
Date: Monday, January 28, 2019 12:36:16 PM

<https://www.spur.org/news/2019-01-23/wage-trends-show-increases-low-wage-jobs-while-middle-wage-job-growth-slows>

The key takeaways

The share of jobs in high wage occupations has grown while the share in middle wage occupations has declined

These trends are likely to continue

The share of jobs in low wage occupations has remained steady, which means the number of low wage jobs has increased and will continue to grow.

Wage growth in low wage jobs has lagged growth in high wage jobs BUT this trend has reversed in the past three years as a result of a strong labor market and minimum wage increases.

Still Bay Area and Mega region wage gains have not kept pace with rising housing costs for many residents.

Planning and Transportation Commission Public Comment 1-30-19

From: pol1@rosenblums.us
To: [Planning Commission](#)
Subject: I oppose the waiver
Date: Monday, January 28, 2019 12:49:52 PM

The Commission should reject the proposal of staff to allow a waiver to AJ Capital to convert the President Hotel from its current residential use. This would displace many long time residents at a time when housing in Palo Alto is increasingly less available. The City should continue to have a transparent process any time zoning of a property is changed.

Stephen Rosenblum
Santa Rita Avenue

Planning and Transportation Commission Public Comment 1-30-19

From: [MEGAN BARTON](#)
To: [Council, City: Planning Commission](#)
Cc: [Harris Barton](#)
Subject: NO! on the Waiver Proposal for downtown buildings-
Date: Monday, January 28, 2019 1:23:14 PM

Dear Mr. Lauing, Mr. Alcheck, Mr. Riggs, Ms. Roohparvar, and City Council,

We are urging you to represent the citizens of Palo Alto and reject the proposal allowing waivers to existing laws that require oversized downtown buildings to retain the same mix of uses they presently have. We are appalled this waiver is even up for consideration and it makes us wonder why our tax dollars are paying salaries of people that would even consider making this change. Palo Alto needs to retain its housing as much as possible. We don't not want tenants evicted so we can have more offices and hotels. City staff should NEVER be allowed to grant waivers worth millions of dollars without legal necessity and outside the public view- EVER. Please do what is right, do not sidestep our city laws. AJ Capital can find a new town to pillage. The President Hotel Apartments at 488 University must remain residences. Please reach out to us if you care to discuss further.

Sincerely,

Megan and Harris Barton

Planning and Transportation Commission Public Comment 1-30-19

From: [Jennifer Landesmann](#)
To: [Planning Commission](#)
Subject: Please REJECT controversial waiver proposal
Date: Monday, January 28, 2019 9:53:57 AM

Dear Planning & Transportation Commission:

The effects of too many offices and hotels in Palo Alto and not enough housing is at ridiculous proportions.

Solving this problem will take multi-stakeholder collaboration which rests on transparency, and trust. Any waiver stands for the opposite and this one in particular seems to benefit offices and hotel projects - business interests, which in a robotic fashion will always only care about their bottom line or self-interests. Not about the human costs when people are displaced or the cost of recuperating housing which in Palo Alto has become prohibitive. I think back to how the Epiphany Hotel displaced my friend from her job at Olga House. How all those residents quietly disappeared from town. Some may think that having Nobu and a fancy hotel is "better" for Palo Alto but that is not a decision that should be left for automaton business self interests to make, and not when we have a housing crisis.

Please reject the waiver which does not appear to serve any other purpose than to tip the balance in favor of the voracious automaton office and hotel interests which are cashing in on eating things up here. Enough is enough.

Jennifer

Planning and Transportation Commission Public Comment 1-30-19

From: [Patricia Jones](#)
To: [Planning Commission](#)
Subject: Please reject the waiver process proposed by staff
Date: Sunday, January 27, 2019 11:08:17 PM

Please reject the waiver process proposed by staff. It will favor owners and developers over tenants.

It is imperative that we retain housing in Palo Alto.

Patricia Jones
[REDACTED] Hamilton Avenue
Palo Alto

Patricia Jones
www.pkjones.com
pkjones1000@icloud.com

Planning Director, instead of to City Council and the people (both residents and businesses) of Palo Alto.

The amended Ordinance, in giving the Planning Director the sole authority to establish aesthetic standards—more specifically, the sole authority to replace the City of Palo Alto’s core aesthetic standards expressed in Section 18.76.020(d) of the Code with those of his own devising—does so a) without stating what the standards should be, b) without requiring that the Architectural Review Board provide the Planning Director with recommendations, and c) without giving either City Council or residents/businesses any say in the matter.

In 2017, the ARB put forward a thoughtful set of guidelines that should serve as the starting point for any cell tower-related aesthetic standards the City establishes. But the amended Ordinance ignores these guidelines and, as written, empowers the Planning Director to establish whatever aesthetic standards he chooses, with input from no one.

If you approve this amended Ordinance, you will be:

- 1) pre-approving, sight unseen, whatever a single City employee—an employee who has no particular qualifications to establish aesthetic standards and who is not accountable to voters—wants to do;
- 2) allowing him to make critical quality-of-life and quality-of-neighborhood decisions without any recommendations from the Architectural Review Board—i.e., from the people best qualified to establish aesthetic standards; and
- 3) setting in motion a process in which the residents and businesses of Palo Alto are given no opportunity to participate.

The proposed amended Ordinance establishes a process that is undemocratic: residents and businesses should have a say regarding what small cell towers look like, sound like, and where they should be located.

Additionally, the evidence that RF/microwave radiation may be unsafe is mounting:

<https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHIB/CDPH%20Document%20Library/Cell-Phone-Guidance.pdf>

<https://ntp.niehs.nih.gov/results/areas/cellphones/index.html>

Please do not subject your constituents to the great human experiment conducted by the cellular providers, who are trying to fill every cubic centimeter of public space with RF/microwave radiation at densities unheard of in the past. As you know, there are major conflicts of interest between cellular providers, local/state/federal/international governments, and the public:

<https://www.mercurynews.com/2018/11/23/palo-alto-tech-chief-whose-junkets-triggered-ethics-complaint-says-hes-quitting/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5504984/>

The amended Ordinance makes no provision for anyone to know what standards the Planning Director has in mind until after City Council has approved his sole authority to establish them. Why doesn’t the amended Ordinance you are being asked to approve state, at least in general terms, the aesthetic standards the Planning Director wishes to incorporate into the Wireless Ordinance? Staff have had since October to prepare the Ordinance.

The proposed amended Ordinance ignores the wishes of the ARB and the concerns of the Planning & Transportation Commission and the people of Palo Alto.

The ARB, in its public hearings, has repeatedly said that ancillary cell tower equipment must be installed underground, where it can't be seen. In addition, the California Public Utilities Commission, because of the fire hazard utility poles and aboveground equipment pose, has now begun a process that will lead to moving most of them underground.

Only two weeks ago, the Planning and Transportation Commission 1) expressed grave doubts about the safety of aboveground ancillary cell tower equipment; 2) urged the City to consider joining dozens of other municipalities plus the League of California Cities (to which Palo Alto belongs) in suing the FCC; and 3) urged the City to obtain expert legal advice on the lawfulness of the FCC's order and on how best to amend Palo Alto's Wireless Ordinance. Why are the PTC's recommendations being ignored?

Please, reject the amended Ordinance that City Staff has submitted to you and insist that it be modified to establish:

- 1) the Architectural Review Board as the lead—not the Planning Director—in setting standards for the siting and appearance of cell towers;
- 2) that there be a series of community meetings so that residents may learn what standards are being proposed, ask questions of ARB members and City Staff, and offer their own ideas for consideration; and
- 3) require that, once these standards have been created, City Council must approve them before they become part of the City's Wireless Ordinance.

The 12/12/18 Staff Report notes that cities may take up to 180 days following the effective date of the FCC regulations to develop and publish their aesthetic standards. There is no need to rush.

Sincerely,

Whitney Leeman, Ph.D.

Planning and Transportation Commission Public Comment 1-30-19

From: [dedra](#)
To: [Planning Commission](#)
Subject: Reject the waiver for AJ Capital
Date: Monday, January 28, 2019 7:34:47 AM

To the members of the Planning Commission,

From everything I have read on the subject it seems unfair and even illegal to use the waiver process to allow AJ Capital to convert their building to a hotel. The Ellis Act allows rental property to be occupied by owners, not to allow developers to eliminate rental housing. The state, counties and cities in California all state a firm commitment to increase the rental housing stock and recognize the housing shortage as an emergency and a threat to our state's economy. Why bend the rules to accommodate this company and set a precedent that could eliminate even more rental housing?

Sincerely,

Dedra Hauser



Planning and Transportation Commission Public Comment 1-30-19

From: [Pat Markevitch](#)
To: [Planning Commission](#)
Subject: Staff Proposal regarding waiver process
Date: Monday, January 28, 2019 9:16:53 AM

Dear Commissioners,

Please reject the waiver process proposed by staff.

Palo Alto has a long history of open public engagement. I feel that this waiver is the beginning of the trail down the rabbit hole of non-transparency that has plagued other government entities of late.

We are better than that.

Pat Markevitch

Planning and Transportation Commission Public Comment 1-30-19

From: [Jeanne Fleming](#)
To: [Architectural Review Board](#)
Cc: [Council, City; Planning Commission](#)
Subject: 1/17/19 Cell Tower Hearing
Date: Sunday, January 20, 2019 6:07:41 PM

Dear Chair Furth, Vice-Chair Baltay, Mr. Hirsch, Mr. Lew and Ms. Thompson,

Thank you for your concern for the quality of life in Palo Alto and for your thoughtful analysis of the telecommunications companies' applications to locate cell towers in close proximity to residents' homes.

All of us at United Neighbors are most appreciative of your decision on Thursday to stop Crown Castle/Verizon in its rush to install heavy, unsightly equipment on utility poles in the Downtown North neighborhood.

Sincerely,

Jeanne Fleming

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

Planning and Transportation Commission Public Comment 1-30-19

From: [Jeanne Fleming](#)
To: [Carnahan, David](#)
Cc: [Council, City](#); [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: City Council consideration of proposed amended Wireless Ordinance
Date: Monday, January 14, 2019 3:07:31 PM

Dear David Carnahan,

I would appreciate it if you would let me know on what date City Council will be considering City Staff's proposed amendments to the Wireless Ordinance.

Thank you for your help.

Sincerely,

Jeanne Fleming

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

From: [Jeanne Fleming](#)
To: [Architectural Review Board](#)
Cc: [Clerk, City: Planning Commission](#)
Subject: Crown Castle/Verizon Downtown North cell tower applications
Date: Wednesday, January 16, 2019 6:37:12 PM
Attachments: [Crown Castle-Verizon Piedmont vault.JPG](#)
[Verizon Santa Cruz vault.jpg](#)

Dear Chair Furth, Vice-Chair Baltay, Mr. Hirsch, Mr. Lew and Ms. Thompson:

Thank you for your continuing concern for the quality of life in Palo Alto's neighborhoods.

On behalf of United Neighbors, I am writing to respectfully request that you direct Crown Castle/Verizon to locate underground the ancillary equipment for the six cell towers they are applying to install in Palo Alto's Downtown North neighborhood.

Here are the four reasons why:

First: Downtown North is a small, inviting neighborhood of classic Palo Alto bungalows, bordered on the north by the winding, woodsy San Francisquito Creek and on the south by low-rise apartment buildings and condominiums. Yet each of the cell towers Crown Castle/Verizon propose to install there—in plain view—includes hundreds of pounds of ugly, pole-mounted equipment.

I believe that neither the design nor siting of these facilities comply with Palo Alto's core aesthetic standards or with the thoughtful guidelines you, the Architectural Review Board, established in 2017.

Second: There is no good reason why Crown Castle/Verizon cannot locate ancillary cell tower equipment underground in Downtown North.

To paraphrase United Neighbor and UC Berkeley Engineering professor Tina Chow's comments to you in December, the sewer lines, gas lines and everything else Crown Castle/Verizon say prevent them from undergrounding in Downtown North exist in every community. Yet they have vaulted their equipment—or have submitted plans to vault their equipment—in many cities. Should a particular site genuinely preclude undergrounding, Crown Castle/Verizon are free to choose an alternate site. The bottom line here is that there is no reason to compromise Palo Alto's neighborhoods simply because it is easier and less expensive for Crown Castle/Verizon to install equipment on utility poles.

To give you an idea of what the applicants can do if they want to, I have attached a) a Crown Castle/Verizon photo simulation of one of eight vaulted sites they proposed for Piedmont (the photo simulation is the larger image), and b) a photograph of vaulted Verizon cell tower equipment in Santa Cruz.

Third: While Crown Castle/Verizon have proposed to install large, obtrusive cell tower equipment in Downtown North, the applicants in fact have much smaller equipment. Consider: They just submitted to interim City Planning Director Jonathan Lait a streetlight-pole-mounted cell tower design in which radios, cabling *and* antenna are all enclosed in a space 15 inches in diameter and 5 feet 6 inches in height.

Hence it seems reasonable to conclude that Crown Castle/Verizon would not, in fact, have to use the large vaults they claim are required to underground radio equipment given that significantly smaller equipment is available.

Fourth: The California PUC—and indeed the entire State of California—is rethinking the wisdom of aboveground utilities in the wake of the Camp, Tubbs and Woolsey wildfires, to name but a few. Indeed, overloaded-with-telecom-equipment utilities poles were directly implicated in last year's Malibu Canyon fire, and Verizon is a

Planning and Transportation Commission Public Comment 1-30-19
defendant in the associated lawsuit. It makes no sense to do what Crown
Castle/Verizon want and add hundreds of pounds of ugly, noisy and potentially
hazardous cell tower equipment to utility poles.

An aside regarding noise: Verizon says it has no plans to install noisy backup
batteries on its new cell towers. But it has never promised not to do so, and it has a
long history of returning to add this equipment once a cell tower site has been
permitted.

So, on behalf of United Neighbors, I ask you, please continue to protect and enhance
the quality of life in our beautiful city. Please direct Crown Castle/Verizon to locate all
ancillary cell tower equipment in this quintessential Palo Alto neighborhood
underground.

Thank you for your consideration and for your service to Palo Alto.

Sincerely,

Jeanne Fleming

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

Planning and Transportation Commission Public Comment 1-30-19

From: [Jeanne Fleming](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); [Cormack, Alison](#); [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Eshoo introduces cell tower legislation
Date: Friday, January 18, 2019 3:21:17 PM

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou, and Mr. Tanaka,

On Monday, our representative in Congress, Anna Eshoo, introduced legislation to overturn new FCC regulations intended to limit the ability of local governments to regulate the deployment of so-called small cell node cell towers.

In doing so, she joins the League of California Cities and dozens of municipalities—including Los Angeles, New York and San Jose—in opposing the same new FCC regulations that City Staff 1) are urging you to make haste to incorporate in Palo Alto's Wireless Ordinance, and 2) are using as a pretext for giving the interim Planning Director sole authority for establishing aesthetic standards for the siting and appearance of cell towers.

I hope Congresswoman Eshoo's actions and ideas will help frame your consideration of the amended Wireless Ordinance City Staff has proposed you adopt.

Sincerely,

Jeanne Fleming

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

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From: slevy@ccsce.com
To: [Steve Levy](#)
Subject: How the Retirement Wave Will Impact Bay Area Jobs and Workers | SPUR
Date: Tuesday, January 22, 2019 10:06:07 AM

How the Retirement Wave Will Impact Bay Area Jobs and Workers | SPUR

This is a blog I wrote for SPUR as part of their future of the region project

<https://www.spur.org/news/2019-01-17/how-retirement-wave-will-impact-bay-area-jobs-and-workers>

There are two big takeaways

1) The Bay Area will see 1 million workers retire by 2030 even assuming older workers stay in the workforce longer.

This will mean a need for 700,000+ new workers to fill the opening left by retirees and the new job after taking account of today's children moving into the workforce

2) While education and training are important, they do not address the need for new workers to move into the region.

To attract the new workers will require policies to expand the supply and affordability of housing and national policies welcoming immigrants with skills to contribute.

While the study looked at the 9 county Bay Area adjacent 12 counties in the larger mega region, these findings would be duplicated when an analysis is done for the greater Southern California region where more than half of the state's jobs and residents live.

Planning and Transportation Commission Public Comment 1-30-19

From: slevy@ccsce.com
To: [Steve Levy](#)
Subject: Latest Bay Area Jobs Report
Date: Saturday, January 19, 2019 11:34:22 AM

<http://www.bayareaeconomy.org/bay-area-job-watch-33/>

The key takeaways are:

--The region posted very strong job growth for December and 2018 led tech growth in the San Jose and San Francisco metro areas.

--The surge was fueled by strong labor force growth signaling that many workers rejoined the workforce to take advantage of eager employers and wage gains.

--Labor force gains came despite a sharp slowdown in population growth throughout the region.

--For the future these trends, combined with the 1 million Bay Area workers expected to retire by 2030, focuses us on the need for housing, immigration and other policies that will attract the workforce we need to replace retirees and support planned job growth.

Planning and Transportation Commission Public Comment 1-30-19

From: [Jeanne Fleming](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); [Cormack, Alison](#); [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Architectural Review Board](#); [Planning Commission](#)
Subject: Residents' Appeal of Planning Director's cell tower decision
Date: Tuesday, January 22, 2019 8:33:37 PM

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou, and Mr. Tanaka,

I am writing to inform you, if you don't know already, that United Neighbors has formally appealed interim Planning Director Jonathan Lait's decision on January 4, 2019, to approve five Crown Castle/Verizon cell towers in the University South neighborhood of Palo Alto. The one-page appeal letter is attached.

In a nutshell, what we are objecting to is the Planning Director's approval of a cell tower design 1) that the residents of Palo Alto were never told about, never shown and never given an opportunity to comment on; 2) that was never reviewed by the experts on the Architectural Review Board; and 3) that contravened the Architectural Review Board's December 6, 2018, recommendation for the handling of cell tower equipment at Crown Castle/Verizon's proposed University South cell tower sites.

In other words, the Planning Director didn't play by the rules—rules which require, among other things, an Architectural Review Board review and a public hearing.

Mr. Lait's decision is particularly troubling given his awareness of both 1) the hundreds and hundreds of emails residents have sent City Council expressing their concerns about the 150-and-counting cell towers that telecom companies have applied to install next to peoples' homes in Palo Alto; and 2) the growing national concern about mass cell tower deployments (one example of this: our Congressional Representative, Anna Eshoo, recently filed legislation intended to rein in the telecom industry and its supporters on the FCC).

We ask you to please overturn Mr. Lait's unlawful, behind-closed-doors decision, and to order that the cell tower design submitted to him by Crown Castle/Verizon be referred to the Architectural Review Board for consideration at a public hearing.

Thank you for your consideration.

Sincerely,

Jeanne Fleming

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

Planning and Transportation Commission Public Comment 1-30-19

From: [Annette Fazzino](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); alisoncormack@cityofpaloalto.org; [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: #Gone Rogue
Date: Monday, January 14, 2019 8:13:20 PM

Dear Mayor Filseth, Vice Mayor Fine, and Council Members:

PG & E today prepared to file for Chapter 11 Bankruptcy protection. Its stock plummeted. In parallel, City Planning Director Jonathan Lait broke from the Architectural Review Board's recommendation and approved the new Crown Castle/Verizon University South cell tower design sight unseen. Yep. He's decided on his own that it makes sense to pile more equipment on the top of various poles in residential areas despite aesthetics and potential hazards.

I don't like any of this. Heavy, noisy, unattractive equipment does not belong perched on poles in our neighborhoods. It disrupts our lovely city, and can reduce property values, and no one knows for sure the effects on our health. Not only that, the privilege of hoisting the equipment on poles has been negotiated for a song in favor of the telecoms. Heaven forbid we have a disaster triggered by an earthquake, a car accident, or other unforeseen circumstance that creates a blaze for which our very own Utility could be held liable. Let's be smart. We all want cell phones. Let's just put the gear underground.

Why the rush to approval? That's because Mr. Lait sat on the applications instead of getting the ARB involved and seeking their expertise.

Please, folks: follow the example of other municipalities. Be smart about our move forward. Get the gear underground. Overturn this decision.

Thank you for your consideration.

Very truly yours,

Annette Evans Fazzino

From: [ForestLight](#)
To: [Council, City](#)
Cc: [Planning Commission](#); [Architectural Review Board](#); [Clerk, City](#); alisoncormack@gmail.com
Subject: Cell Towers Approval?
Date: Monday, January 14, 2019 2:30:45 PM

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou, and Mr. Tanaka,

Apparently interim Planning Director Jonathan Lait has unilaterally rejected the Architectural Review Board's December recommendation to locate underground the cell towers Crown Castle/Verizon has applied to install in the University South neighborhood. ***Instead, Mr. Lait approved a Crown Castle pole-mounted cell tower design, and he did so having never seen a photo, photo simulation or mock-up of the towers he approved.*** (Please see the attached article from the *San Jose Mercury News*.)

Staff has apparently already proposed an amendment to the Wireless Ordinance that gives the Director of Planning sole authority over establishing a new set of aesthetic standards for the siting and appearance of cell towers.

These are yet more alarming examples of City of Palo staff trying to ignore or bypass altogether the views and recommendations of citizen-staffed oversight groups and make ill-informed, unilateral decisions that affect our residents and business interests.

This is a trend that should be stopped immediately. Especially when one considers that the City should be building trust, consensus and rapport with its residents and various business interests even as such vastly greater and more disruptive issues such as the impending changes to the rail corridor approach us...

Michael Maurier
Fairmede Avenue
Greenacres One

Planning and Transportation Commission Public Comment 1-30-19

From: [Tirumala Ranganath](#)
To: [Planning Commission](#)
Cc: [ranguranganath](#)
Subject: Concerns and questions on the Wilton project at El Camino
Date: Monday, January 14, 2019 3:21:18 PM

The Staff of the Planning and Transportation Commission,

I am writing to express my concerns regarding the High density housing project at El Camino Real and Wilton. The neighborhood's concerns regarding traffic effects on Wilton as a consequence of this project have been raised and expressed a number of times. Looking at the architects plan for the site, one needs to question why the parking access is in the service street, behind the proposed project? This particular placement forces the traffic associated with this project to dump all the car traffic onto Wilton, a street that is home to apartment complexes that are located close to El Camino.

If one were to take the existing plan and rotate it by 180 degrees (about an axis that is perpendicular to the ground and located at the center of the plot), the parking access would now be on El Camino! Any traffic from this property using Wilton would be minimal and the concerns of the residents would be addressed to a very large extent! With a 20 ft wide service street separating this project from the apartment complex behind, concerns of daylight plane encroachment would be minimal.

In the absence of a thorough traffic study and a serious attempt to address concerns of traffic congestion on Wilton, I am not surprised with the plan that is being pushed. If the planning commission's intent is to seriously address these neighborhood concerns, I would urge you to please consider what I am proposing. It also bothers me that, it falls on the shoulders of a local resident to point out an alternative such as this one, even though there is ostensibly a planning commission with access to the talents of the city's transportation commission!

Thank you for listening to me.

Sincerely,

Ranganath (greater Ventura resident)

Planning and Transportation Commission Public Comment 1-30-19

From: [Jeanne Fleming](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); alisonlcormack@cityofpaloalto.org; [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: 1/15/19 San Jose Mercury News article
Date: Sunday, January 13, 2019 6:28:16 PM

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou and Mr. Tanaka,

In case you haven't seen it, I'm attaching an article from today's *Mercury News* on the City Planning Director's ruling on the design for cell towers in University South.

Regarding this decision: Jonathan Lait's unprecedented break with practice in unilaterally rejecting the ARB's recommendation—and rejecting it in favor of a cell tower design he has never seen—has infuriated many residents.

So have his contrived excuses for his actions. Consider: Mr. Lait says he approved the new Crown Castle/Verizon University South cell tower design a) without consulting the experts on the ARB, and b) without having seen a photo, photo simulation or mock-up of what the installations actually look like, because the law requires the City to make a decision on them by February 7th.

But it was Mr. Lait who sat on the final Crown Castle/Verizon Cluster 2 applications for months so he could schedule them for ARB review at the last minute, and in the hyper-busy-for-residents holiday season to boot.

This is the same person who is now asking you to approve an amended Wireless Ordinance that gives him the *sole authority* to establish aesthetic standards for the siting and appearance of cell towers next to people's home.

Surely Palo Altans deserve better than that.

Sincerely,

Jeanne Fleming

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

Planning and Transportation Commission Public Comment 1-30-19

From: [Luce, Gwen](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); "Greg Tanaka"; [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Cell Towers
Date: Sunday, January 13, 2019 11:57:43 PM

Coldwell Banker 	Gwen Luce, Realtor®	Coldwell Banker 	
	DRE License #00879652 Direct Line: 650.566.5343 gluce@cbnorcal.com		
			

Dear Eric Filseth, Adrian Fine, Alison Cormac, Tom Dubois, Liz Kniss, Lydia Kou, Greg Tanaka
Architectural Review Board, Planning Commission, City Clerk:

Please do not approve the amended Ordinance without modifying it a) to make the Architectural Review Board the lead in developing the new standards, not the Planning Director and b) to make provisions for the process to be democratic (e.g., to include opportunities for residents to express their views about the proposed standards.)

Sincerely,
Gwen Luce

Gwen Luce
650-566-5343
gluce@cbnorcal.com
www.gwenluce.com

Powered by [e-Letterhead](#)

Gwen Luce
650-566-5343
gluce@cbnorcal.com
www.gwenluce.com

***Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

Planning and Transportation Commission Public Comment 1-30-19

From: [Francesca Kautz](#)
To: [DuBois, Tom](#); [Kou, Lydia](#); [Tanaka, Greg](#); [Filseth, Eric \(Internal\)](#); Alison.Cormack@cityofpaloalto.org; alisoncormack@gmail.com; [Fine, Adrian](#); [Kniss, Liz \(internal\)](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Photographs and Mock-up Installation
Date: Friday, January 11, 2019 11:41:08 AM

Dear Mr. DuBois, Ms. Kou, Mr. Tanaka, Mr. Filseth, Ms. Cormack, Mr. Fine and Ms. Kniss,

I recently learned that the Interim Director of Planning and Community Environment, Jonathan Lait, has rejected the Architectural Review Board's December recommendation to locate underground the cell towers Crown Castle/Verizon applied to install in the University South neighborhood. He has instead approved a streetlight pole mounted cell tower design of which there are no photographs available to the public.

Just as with the Cluster 1 proposal, we need to have a mock installation so people can see what the antenna, cabling and radio equipment screened within a custom green painted, cylindrical shroud mounted atop the replacement streetlight pole looks like.

Please direct Planning Director Lait to withdraw his decision to approve the Crown Castle/Verizon University South proposed cell tower installations until he provides the City of Palo Alto with photographs and a mock-up installation.

Thank you,

Francesca Kautz

From: [Whitney Leeman](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Greg Tanaka](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Planning Director approves University South cell tower design sight unseen
Date: Friday, January 11, 2019 7:02:01 AM

Dear Mayor Filseth, Vice Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou and Mr. Tanaka,

I have learned that Palo Alto's Planning Director has rejected the Architectural Review Board's December recommendation to locate underground the cell towers Crown Castle/Verizon has applied to install in the University South neighborhood. Instead, Mr. Lait has approved a Crown Castle streetlight pole-mounted cell tower design—a design which he apparently has never seen a photograph of, much less a mock-up or actual installation.

City Staff has told Ms. Jeanne Fleming that there exists no photograph of the towers Mr. Lait approved.

Planning Director Lait, who is not an architect, has thrown out the recommendations of Palo Alto's Architectural Review Board and approved Crown Castle's cell towers without even seeing what they actually look like.

As you know, these irresponsible actions come at a time when City Staff is asking City Council to approve an amended Wireless Ordinance that gives the Planning Director *sole authority* to establish aesthetic standards for the over 150 so-called small cell node cell towers that telecom companies have already applied to locate in close proximity to residents' homes and businesses in Palo Alto.

Respectfully, I ask you to please reject the amended Ordinance that City Staff has submitted to you and insist that it be modified to:

1. Establish the Architectural Review Board—not the Planning Director—as the lead in setting standards for the siting and appearance of cell towers;
2. Establish that there be a series of community meetings so that residents may learn what standards are being proposed, ask questions of ARB members and City Staff, and offer their own ideas for consideration; and
3. Require that, once these standards have been assembled, City Council must

Planning and Transportation Commission Public Comment 1-30-19
approve them before they become part of the City's Wireless Ordinance.

I ask you as well to please direct Planning Director Lait to withdraw his decision to approve the Crown Castle/Verizon University South proposed cell tower installations, to withdraw it until he can provide the citizens of Palo Alto with photographs and a mock-up installation that show what he has approved actually looks like.

Sincerely,

Whitney Leeman, Ph.D.

From: [Jeanne Fleming](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); "Greg Tanaka"
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Planning Director approves University South cell tower design sight unseen
Date: Thursday, January 10, 2019 4:20:47 PM

Dear Mayor Filseth, Vice Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou and Mr. Tanaka,

I have just learned that Palo Alto's Planning Director has rejected the Architectural Review Board's December recommendation to locate underground the cell towers Crown Castle/Verizon has applied to install in the University South neighborhood. Instead, Mr. Lait has approved a Crown Castle streetlight pole-mounted cell tower design—a design which he apparently has never seen a photograph of, much less a mock-up or actual installation.

It was in asking City Staff for a photograph of the towers Mr. Lait approved that I discovered no photo exists.

Planning Director Lait, who is not an architect, has thrown out the recommendations of Palo Alto's Architectural Review Board and approved Crown Castle's cell towers without even seeing what they actually look like.

As you know, these irresponsible actions come at a time when City Staff is asking City Council to approve an amended Wireless Ordinance that gives the Planning Director *sole authority* to establish aesthetic standards for the over 150 so-called small cell node cell towers that telecom companies have already applied to locate in close proximity to residents' homes here.

Respectfully, I ask you to please reject the amended Ordinance that City Staff has submitted to you and insist that it be modified to:

1. Establish the Architectural Review Board—not the Planning Director—as the lead in setting standards for the siting and appearance of cell towers;
2. Establish that there be a series of community meetings so that residents may learn what standards are being proposed, ask questions of ARB members and City Staff, and offer their own ideas for consideration; and
3. Require that, once these standards have been assembled, City Council must approve them before they become part of the City's Wireless Ordinance.

I ask you as well to please direct Planning Director Lait to withdraw his decision to approve the Crown Castle/Verizon University South proposed cell tower installations, to withdraw it until he can provide the citizens of Palo Alto with photographs and a mock-up installation that show what he has approved actually looks like.

Sincerely,

Jeanne Fleming

Jeanne Fleming, PhD
JFleming@Metricus.net

650-325-5151

Planning and Transportation Commission Public Comment 1-30-19

Planning and Transportation Commission Public Comment 1-30-19

From: [Annette Rahn](#)
To: [Council, City](#)
Cc: [Clerk, City](#); [Architectural Review Board](#); [Planning Commission](#)
Subject: Planning Director approves University South cell tower design sight unseen
Date: Friday, January 11, 2019 2:06:19 PM

Dear Mayor Filseth, Vice Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou and Mr. Tanaka,

I ask you to please reject the amended Ordinance that City Staff has submitted to you and insist that it be modified to:

1. Establish the Architectural Review Board—not the Planning Director—as the lead in setting standards for the siting and appearance of cell towers;
2. Establish that there be a series of community meetings so that residents may learn what standards are being proposed, ask questions of ARB members and City Staff, and offer their own ideas for consideration; and
3. Require that, once these standards have been assembled, City Council must approve them before they become part of the City's Wireless Ordinance.

I ask you as well to please direct Planning Director Lait to withdraw his decision to approve the Crown Castle/Verizon University South proposed cell tower installations, to withdraw it until he can provide Palo Alto residents with photographs and a copy of the proposed installation that clearly show what he has approved.

Sincerely,

Annette Rahn



Planning and Transportation Commission Public Comment 1-30-19

From: celia.chow
To: Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Fine, Adrian](#); [Filseth, Eric \(Internal\)](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#); [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Please reject the amended Palo Alto's Wireless Ordinance that City Staff has submitted to you for approval
Date: Thursday, January 10, 2019 8:01:06 PM

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou, and Mr. Tanaka,

I'd like to urge you not to approve the amended Ordinance without modifying it: a) to make the Architectural Review Board the lead in developing the new standards, not the Planning Director; b) to make provisions for the process to be democratic (e.g., to include opportunities for residents to express their views about the proposed standards); and c) to require City Council's approval, before the assembled standards become part of the City's Wireless Ordinance.

Please, reject the amended Ordinance that City Staff has submitted to you and insist that it be modified to:

1. Establish the Architectural Review Board—not the Planning Director—as the lead in setting standards for the siting and appearance of cell towers;
2. Establish that there be a series of community meetings so that residents may learn what standards are being proposed, ask questions of ARB members and City Staff, and offer their own ideas for consideration; and
3. Require that, once these standards have been assembled, City Council must approve them before they become part of the City's Wireless Ordinance.

As a long-term resident of Palo Alto, I thank you for your consideration.

Celia Chow

celia.cchow@gmail.com



Planning and Transportation Commission Public Comment 1-30-19

From: [Herc Kwan](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); "Greg Tanaka"
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Regarding Planning Director's decision to reject ARB's recommendation
Date: Thursday, January 10, 2019 10:11:09 PM

Dear Mayor Filseth, Vice Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou and Mr. Tanaka,

Last month I have written you to urge the ARB to realize that we DO NOT want pole-mounted ancillary cell-tower equipment in Palo Alto. This evening I just learned that the Architectural Review Board's December recommendation to locate underground the cell towers Crown Castle/Verizon has applied to install in the University South neighborhood has been rejected by the Planning Director.

I just attended and returned from the 2019 Consumer Electronics Show (CES) in Las Vegas where I witnessed the Verizon Wireless executives and other telecom companies emphasizing the 5G network.

<https://www.cnet.com/news/5g-is-even-more-of-a-confusing-mess-than-ever-at-ces-2019/>

During the show, I can also see how desperately these telecom companies are competing to put their infrastructure in place.

Only I realize now that they are doing it at the expense of poor citizens and residents like us who are being forced to accept the direction that the Planning Director wants to take us to and not according to ARB who consists of experts and architects who are highly qualified to defend and preserve the building code in Palo Alto.

If Planning Director Lait would reject every decision made by ARB that does not please the big telecom companies, why should we have the ARB in place to examine carefully the applications from the big telecom companies? Shouldn't we have a system to examine each decision and have a system or authority to re-examine any suspicious decisions made by the Planning Director?

In addition, I also learned that the City Staff is hastily asking the City Council to approve an amended Wireless Ordinance that gives the Planning Director **sole authority** to establish aesthetic standards for the over 150 so-called small cell node cell towers that telecom companies have already applied to locate in close proximity to residents' homes here, including our home on 2490 Louis Rd. Why are they so desperate in this effort? Are they doing it to hurt the residents that they are meant to serve? I just could not comprehend.

Please stop these negative ordinances from damaging our beautiful environment and quality of life. We hope the City Council will act to protect its residents and citizens living here.

Thank you for your attention.

Best Regards,

Herc Kwan, Ph.D.

Residents, [REDACTED] Louis [REDACTED]

[REDACTED]

From: [Jessica Prasad](#)
To: [Planning Commission](#)
Subject: UPDATE: ADU Workshop, Saturday, February, 2, 2019
Date: Friday, January 11, 2019 3:51:39 PM

UPDATED:

Housing Trust Silicon Valley's Small Homes, Big Impact Program is hosting another Accessory Dwelling Unit (ADU) workshop! The workshop will take place on February 2, 2019 at the Almaden Winery Community Center.

This is a FREE event where a panel of experts will answer the following five questions for you:

- **Can I build an ADU on my site?**
- **How do I get an ADU permitted?**
- **How do I put a team together to design and manage construction?**
- **How do I pay for the ADU?**
- **I'm a landlord, now what?**

To attend the event you must complete the following steps by Monday, January 28:

- 1) Register for the workshop through [Eventbrite](#); and
- 2) Complete a survey by clicking [here](#).

Check-in will begin at 8:00am and the workshop will start sharply at 9:00am.

The agenda will be sent out a week prior to the event.

Meet our panelists:

Carrie Shores Owner/ Principal at [Larson/Shores Architects and Interiors](#) and [Inspired Independence](#) specializing in universal design, sustainable design and making the most of small spaces.

Steve Vallejos President and Project Developer of [Valley Home Development](#) and [prefabadu.com](#) specializing in prefab and panelized ADU construction.

Pam Dorr Director of Affordable Housing for the Blocks program at [Soup](#) providing factory modular and panelized ADUs.

Thancy Karem Camacho Gutierrez Lending Manager at Chase Bank.

Rebecca Gallardo Real Estate Professional and Intero Realtor.

Venue for the ADU Workshop is sponsored by Assyrian American Association, a non-profit 501(c) (3) organization of San Jose!

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Planning and Transportation Commission Public Comment 1-30-19

From: [Kelly Germa](#)
To: [Kou, Lydia](#); [Fine, Adrian](#); [Kniss, Liz \(internal\)](#); [DuBois, Tom](#); Alison.Cormack@cityofpaloalto.org; alisoncormack@gmail.com; [Tanaka, Greg](#); [Filseth, Eric \(Internal\)](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: University South cell design approval
Date: Thursday, January 10, 2019 6:55:43 PM

Dear Ms. Kou, Mr. Fine, Ms. Kniss, Mr. Dubois, Ms. Cormack, Mr. Tanaka, and Mr. Filseth,

I've just learned that Planning Director Jonathan Lait has approved streetlight-mounted cell towers for the University South neighborhood without knowing what they actually look like!

This is outrageous. The people of Palo Alto need to be able to see what will be put next to their homes and provide feedback along with the ARB on the design before anything gets approved.

Please move to rescind this approval until further review and input can be gained from the community you were elected to serve!

Thank you,

Kelly Germa, Palo Alto Homeowner



Sent from my iPad

Planning and Transportation Commission Public Comment 1-30-19

From: [Tina Chow](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Greg Tanaka](#)
Cc: [Architectural Review Board](#); [Clerk, City](#); [Planning Commission](#)
Subject: amendment to wireless ordinance would leave residents out
Date: Thursday, January 10, 2019 5:47:56 PM

Dear Ms. Cormack, Mr. DuBois, Mr. Fine, Mr. Filseth, Ms. Kniss, Ms. Kou, and Mr. Tanaka:

I have learned that city staff are asking you to approve an amended Wireless Ordinance that would give the Planning Director full authority to approve small cell towers in Palo Alto. Please DO NOT approve this amendment.

I am particularly concerned that with this amendment the residents of Palo Alto are being left out of this process. Instead of the current ordinance which relies on the ARB architectural review findings, the amendment replaces this clause with "all objective aesthetic standards published by the Director".

I learned today that the Planning Director just approved some cell towers without even seeing a photo of them. These decisions should clearly not be made by one person.

As you all know, the siting of over 150 small cell towers in Palo Alto is a topic of great debate and concern. The amended ordinance you are being asked to approve makes no provision for residents to have a say in what the cell towers the telecommunications industry wants to install in their neighborhoods look like or sound like, or where these towers are to be located.

Please slow down and think about the consequences of these seemingly small changes in the ordinance. **I urge you to vote no.**

Instead, please consider residents' and the PTC's and ARB's concerns about the safety and aesthetics of these cell towers. Please consider joining the dozens of other municipalities plus the League of California Cities (to which Palo Alto belongs) in suing the FCC. As you know Congressional representative Anna Eshoo has challenged the FCC's assertion that 5G cell tower installations are safe for human health. Finally the fire hazard from utility poles raises serious questions about the wisdom of adding additional equipment to them.

Thank you for your consideration. There are many of us in Palo Alto who are willing to help create a city which is forward thinking in many ways - not just blindly installing more cell towers - but thinking about how to bring communications to this city safely and wisely. Please, let's do this right.

Sincerely,

Tina Chow, PhD
Barron Park

Planning and Transportation Commission Public Comment 1-30-19

From: [Carol Heermance](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); greg@gregtanaka.org
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: cell towers
Date: Thursday, January 10, 2019 7:30:22 PM

Dear Mayor Filseth, Vice Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou and Mr. Tanaka,

Please be advised that there are many Palo Alto residents that are concerned about the direction that the city is taking regarding the installation of cell towers in our neighborhoods. The City Staff is asking you to sign off on an amended Wireless Ordinance. These proposed amendments sideline any input from residents and allow a single staff person to ok new cell installations. In December we were relieved when the city decided to accept the recommendations of the ARB regarding placement of cell towers. However, in the past few days, it appears that only one person on staff is now solely responsible for cell tower placement. Mr Lait has apparently already ignored the ARB recommendation to locate the Crown Castle/Verizon towers underground in the University South neighborhood and has instead approved the Crown Castle cell towers above ground.

We have included the following emails dated January 7 and January 10, from Jean Fleming, that articulate our concerns.

Thank you for your consideration.

Richard and Carol Heermance

Letter from Jean Fleming dated January 7:

Dear Ms. Cormack, Mr. DuBois, Mr. Fine, Mr. Filseth, Ms. Kniss, Ms. Kou, and Mr. Tanaka:

I am writing to ask you to vote against approving as written the amended Wireless Ordinance that City Staff is asking you to sign off on.

The Planning Director and the City Attorney may tell you that the proposed amendments represent only minor adjustments to the Ordinance, adjustments required to bring it into compliance with an FCC order that goes into effect in mid-January.

In fact, however, the proposed new language leaves City Council and the people of Palo Alto out of the process that will determine the siting and appearance of cell towers next to residents' homes. How? By assigning solely to the Planning Director the authority to establish aesthetic standards—and it is in the establishment of aesthetic standards that municipalities have an opportunity to resist the dictates of the FCC. (Remember President Trump has stacked the FCC with champions of the telecommunications industry—e.g., the new Commissioner was formerly the Associate General Counsel at Verizon).

Unfortunately, the amended Ordinance, in giving the Planning Director the sole authority to establish aesthetic standards—more specifically, the sole authority to replace the City of Palo Alto's core aesthetic standards expressed in Section 18.76.020(d) of the Code with those of his own devising—does so a) without stating what the

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standards should be, b) without requiring that the Architectural Review Board provide the Planning Director with recommendations, and c) without giving either City Council or residents any say in the matter.

You may recall that, in 2017, the ARB put forward a thoughtful set of guidelines that should serve as the starting point for any aesthetic standards the City establishes vis a vis cell towers. But the amended Ordinance ignores these guidelines and, as written, empowers the Planning Director to establish whatever aesthetic standards he chooses, with input from no one.

The fact is, if you approve this amended Ordinance:

1. You will be pre-approving, sight unseen, whatever a single City employee—an employee who has no particular qualifications to establish aesthetic standards and who is not accountable to voters—wants to do;
2. You will be allowing him to make critical quality-of-life and quality-of-neighborhood decisions without any recommendations from the Architectural Review Board—i.e., from the people bestqualified to establish aesthetic standards; and
3. You will be setting in motion a process in which the residents of Palo Alto are given no opportunity to participate.

The proposed amended Ordinance establishes a process that is undemocratic.

The standards for the siting and appearance of cell towers next to residences has been a subject of intense debate in Palo Alto for over one and one-half years. As you know, City Council has received countless emails and phone calls from residents who object to the telecom companies' applications to locate ugly, noisy and potentially hazardous ancillary cell tower equipment aboveground, adjacent to residents' homes. Dozens of residents have attended the Architectural Review Board's public hearings on proposed cell towers, and dozens have stayed late into the night at City Council meetings to express their concerns about the siting of this equipment and about the language of the Wireless Ordinance. Plus, the press has been closely following this story, along with the related story of the California Fair Political Practices Commission's investigation of now former Chief Technology Officer Jonathan Reichenal, with respect to violations of gift and conflict of interest laws involving the telecommunications industry.

In light of all this, it is unfathomable why the amended Ordinance you are being asked to approve makes no provision for residents to have a say in what the cell towers the telecommunications industry wants to install in their neighborhoods look like or sound like, or where these towers are to be located.

Moreover, the amended Ordinance makes no provision for either you, our elected representatives on City Council, or for we Palo Alto residents to even know what standards the Planning Director has in mind until *after* you have approved his sole authority to establish them. How can this be right?

The proposed amended Ordinance ignores the wishes of the Architectural Review Board and the concerns of the Planning & Transportation Commission and the people of Palo Alto.

The Architectural Review Board, in its public hearings, has repeatedly said that ancillary cell tower equipment must be installed underground, where it can't be seen. What could be a clearer objective standard?

Why doesn't the amended Ordinance you are being asked to approve state, at least in general terms, the aesthetic standards the Planning Director wishes to incorporate into the Wireless Ordinance? After all, Staff has had since October to prepare the Ordinance.

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Only two weeks ago, the Planning and Transportation Commission 1) expressed grave doubts about the safety of aboveground ancillary cell tower equipment; 2) urged the City to consider joining dozens of other municipalities plus the League of California Cities (to which Palo Alto belongs) in suing the FCC; and 3) urged the City to obtain expert legal advice on the lawfulness of the FCC's order and on how best to amend Palo Alto's Wireless Ordinance. Why are the PTC's recommendations being ignored?

Moreover, our Congressional representative, Anna Eshoo has, with Senator Richard Blumenthal of Connecticut, challenged the FCC's assertion that 5G cell tower installations—which all of the proposed cell towers in Palo Alto will accommodate—pose no threat to human health. In addition, the California Public Utilities Commission, because of the fire hazard utility poles and aboveground equipment pose, has now begun a process that will lead to moving most of them underground. Why are these red flags being ignored in Palo Alto?

Please, reject the amended Ordinance that City Staff has submitted to you and insist that it be modified to:

1. Establish the Architectural Review Board—not the Planning Director—as the lead in setting standards for the siting and appearance of cell towers;
2. Establish that there be a series of community meetings so that residents may learn what standards are being proposed, ask questions of ARB members and City Staff, and offer their own ideas for consideration; and
3. Require that, once these standards have been assembled, City Council must approve them before they become part of the City's Wireless Ordinance.

To remind you: The 12/12/18 Staff Report notes that cities may take up to 180 days following the effective date of the FCC regulations to develop and publish their aesthetic standards. There is no need to rush.

For your convenience, I have attached a comparison of the language in the current Wireless Ordinance with respect to the aesthetic standards for Tier 3 cell towers (here, the City's core aesthetic standards—i.e., "architectural review findings"—expressed in Section 18.76.020(d) of the Municipal Code) with the proposed amended language for aesthetic standards for Tier 3 cell towers.

Thank you for your consideration. And please let me know if you have any questions—questions, for example, about how experts in telecommunications law are advising other cities to respond to the FCC's order.

Sincerely,

Jeanne Fleming

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

Letter from Jean Fleming dated January 10

Dear Mayor Filseth, Vice Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou and Mr. Tanaka,

I have just learned that Palo Alto's Planning Director has rejected the Architectural Review Board's December recommendation to locate underground the cell towers Crown Castle/Verizon has applied to install in the

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University South neighborhood. Instead, Mr. Lait has approved a Crown Castle streetlight pole-mounted cell tower design—a design which he apparently has never seen a photograph of, much less a mock-up or actual installation.

It was in asking City Staff for a photograph of the towers Mr. Lait approved that I discovered no photo exists.

Planning Director Lait, who is not an architect, has thrown out the recommendations of Palo Alto's Architectural Review Board and approved Crown Castle's cell towers without even seeing what they actually look like.

As you know, these irresponsible actions come at a time when City Staff is asking City Council to approve an amended Wireless Ordinance that gives the Planning Director *sole authority* to establish aesthetic standards for the over 150 so-called small cell node cell towers that telecom companies have already applied to locate in close proximity to residents' homes here.

Respectfully, I ask you to please reject the amended Ordinance that City Staff has submitted to you and insist that it be modified to:

1. Establish the Architectural Review Board—not the Planning Director—as the lead in setting standards for the siting and appearance of cell towers;
2. Establish that there be a series of community meetings so that residents may learn what standards are being proposed, ask questions of ARB members and City Staff, and offer their own ideas for consideration; and
3. Require that, once these standards have been assembled, City Council must approve them before they become part of the City's Wireless Ordinance.

I ask you as well to please direct Planning Director Lait to withdraw his decision to approve the Crown Castle/Verizon University South proposed cell tower installations, to withdraw it until he can provide the citizens of Palo Alto with photographs and a mock-up installation that show what he has approved actually looks like.

Sincerely,

Jeanne Fleming

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

Planning and Transportation Commission Public Comment 1-30-19

From: [Glenn, Orit](#)
To: [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#); [jeffrey glenn](#)
Subject: Amendment to the Wireless Ordinance
Date: Tuesday, January 8, 2019 10:01:13 PM
Attachments: [Letter to City Council Jan8 2019.pdf](#)

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Cormack, Mr. DuBois, Ms. Kniss, Ms. Kou, and Mr. Tanaka,

We are writing this letter to urge you to NOT approve the amended Ordinance regarding cell tower placement without modifying it: a) to make the Architectural Review Board the lead in developing the new standards, not the Planning Director; and b) to make provisions for the process to be democratic (e.g., to include opportunities for residents to express their views about the proposed standards).

As long-time residents of Palo Alto, we are concerned about maintaining the valuable quality of life that makes this City so special. Short of placing all utility lines underground, we urge you to at least respect this basic request which is echoed by our neighbors. This is a most important issue to us, and we trust that our elected representatives will vote in concert with their constituents' strong desires.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Glenn", with a long horizontal flourish extending to the right.

Jeffrey S. Glenn, M.D., Ph.D.

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

Orit A. Glenn, M.D.

Planning and Transportation Commission Public Comment 1-30-19

From: [Annette Fazzino](#)
Cc: [Planning Commission](#)
Subject: Details matter. Vote AGAINST the amended Wireless Ordinance
Date: Wednesday, January 9, 2019 12:32:22 PM

Dear Mayor Filseth, Vice Mayor Fine and Council Members Cormack, DuBois, Kniss, Kou and Tanaka:

I respectfully ask you to vote against approving the amended Wireless Ordinance that City Staff currently has before you.

We all use cell phones and depend on them. That said, we need to make sure that service is provided in the right way for Palo Alto--not the right (cheapest) way for the big telecoms. I've written and appeared several times about the telephone pole that is steps away from my home. It is on the list to have heavy, noisy, unattractive equipment stacked upon it. Solutions are available to make the equipment aesthetically pleasing and quiet by undergrounding the equipment. Telecoms don't want to do it because it will cost them more money.

What does this have to do with the amended Wireless Ordinance in front of you? Well, the Planning Director and the City Attorney might say that the proposed amendments are minor and that they are required to bring it into compliance with an FCC order that goes into effect mid-month.

Please read carefully. The proposed new language in the amended ordinance before you changes everything. It leaves you as the Council, as well as all Palo Alto residents out of the loop. Yes, it is true. Instead, the proposed language assigns the Planning Director the sole authority to change and replace the City of Palo Alto's core aesthetic standards. Those standards are found in 18.76.020(d) of the Code. The proposed amendment allows the Planning Director to establish aesthetic standards in any way he sees fit. That means he can make decisions without considering or stating what the standards should be AND without asking or requiring the Architectural Review Board's weigh-in and recommendations. Furthermore, the City Council and the residents would not have any ability to express their opinions, thoughts, and concerns in the matter.

Please remember that we have an Architectural Review Board in place. The folks there have carefully and thoughtfully put in place a set of guidelines. Those guidelines should be the starting point of aesthetic standards for the City of Palo Alto when it comes to cell towers.

Without checks and balances, the Planning Director alone can approve anything willy-nilly. The Planning Director is a single City employee, with no accountability to voters. Should we leave one person in charge of setting aesthetic standards in our beautiful City? No, thank you! Fortunately, we have the ARB in place to do that job.

This is an important consideration before you. The decision effects the quality of life and the beauty of our neighborhoods.

When my late husband and I bought our home, I expressed concern about the telephone pole and wires sweeping back and forth across our street. He assured me then that there was a plan to place all utilities in neighborhoods underground. That was for mere aesthetics. Now, with the huge, unprecedented fires in our state, it is even more critical that we underground

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whatever we are able in order to maintain safety and reduce city liability (Palo Alto has its own Utility--no passing accountability to PG & E).

Just a couple of weeks ago the Planning and Transportation Commission expressed serious doubts about the safety of ancillary cell tower equipment. In addition, they urged the city to join dozens of other municipalities and the League of California Cities (Palo Alto is a member) in suing the FCC. And, finally, they urged the City to obtain expert legal advice on the lawfulness of the FCC's order and how to best craft or amend the Palo Alto Wireless Ordinance. Let's follow these wise recommendations,

Consider, too, that our esteemed Congressional representative, Anna Eshoo, along with Senator Richard Blumenthal of Connecticut, has challenged the assertion that 5G cell tower installations (which are the type that are proposed in Palo Alto) pose no threat to human health.

Further consider that the California Public Utilities Commission has now begun the process of moving most of them underground--this because of the fire hazard posed by utility poles and above ground equipment. The old saying goes, "an ounce of prevention is worth a pound of cure." It is time NOW to get on board.

Please reject the Ordinance the City Staff has in front of you. Instead, require that the ARB--not the Planning Director--take the lead in setting the aesthetic standards and siting of towers. Establish a series of community meetings to allow residents to weigh in. Finally, require that YOU, our elected representatives approve standards before they become part of the City's Wireless Ordinance.

Your job is a difficult one, I know. I appreciate your service and all that you do for our beautiful City. Thank you so very much for your consideration.

Yours truly,

Annette Evans Fazzino

From: [Nancy](#)
To: Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Fine, Adrian](#); [Filseth, Eric \(Internal\)](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#); [Nina](#); forest129@yahoo.com
Subject: Proposed Amendment to the city's Wireless Ordinance
Date: Wednesday, January 9, 2019 9:44:05 AM

Dear Mayor Filseth, Vice-Mayor Fine, Ms. Kniss, Mr. DuBois, Ms. Kou, Mr. Tanaka, and Ms. Cormack:

We are concerned about a proposed amended Wireless Ordinance that City Staff would like you to approve. This amended Wireless Ordinance proposal will have a profound effect on all our neighborhoods. We believe this proposal needs to be discussed with all of Palo Alto and allow voters and tax payers to have a say in how our city is run before City Council signs off on it.

This proposal undermines our Architectural Review Board (ARB) by bypassing its authority to make decisions not only on aesthetic standards but also on citizens' concerns for health and safety issues. It appears to be a naked grab for power, and it undermines citizens' ability to vet such proposals through our usual channels.

It also appears that behind the scenes is the powerful telecommunications industry who want to save money by putting all equipment above ground. The ARB recently rejected such a proposal and directed Verizon to underground their equipment. If the new proposal is passed, then the ARB is completely removed from having any review or opinion about such issues. This new proposal would give all the say to one individual, the Planning Director. How is that democratic?

Our neighborhood is not yet slated for upgraded telecommunications equipment, but that is only a question of time. Not only does our neighborhood, Green Acres I, not have any cell phone towers, but also, it does not have any poles. All our electric cables, transformers, and switches are **fully** underground, a configuration which our residents and predecessor owners paid a substantial surcharge for 45 years ago. We deeply appreciate having our utilities fully underground as well as value the greater safety it affords us.

We are right now facing a sudden demand by the city of Palo Alto Utilities Department to bring our transformers and switches above ground. The CPAU wants our fault-free transformers and switches housed in huge pad mounted boxes, which are not only unsightly, but are also raising concerns for our health and safety.

So it comes as a further shock that a utility rebuild may be not the only equipment that may eventually be placed above ground in our Green Acres I neighborhood. We will undoubtedly face many boxes being brought above

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ground because companies want to save money.

This is a major step backwards in the quality of our lives and our neighborhoods.

Please vote no on this proposed amended Wireless Ordinance.

Sincerely,

Nancy Steinbach

Nina Bell

Michael Maurier

Planning and Transportation Commission Public Comment 1-30-19

From: [Mary Thomas](#)
To: Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Fine, Adrian](#); [Filseth, Eric \(Internal\)](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Subject: The Proposed Amendment to Palo Alto's Wireless Ordinance
Date: Wednesday, January 9, 2019 4:57:21 PM

Dear City Council Members,

As members of the Palo Alto City Council you are all well aware that the proposal of wireless service providers that cell towers be located above ground next to residents' homes has been a very contentious proposal. It provides another element in the broad debate within Palo Alto of how to best balance residential interests with commercial/business interests. The positions on this broad debate of those running for Palo Alto City Council had a significant impact on who was elected and the voters can and should expect that the City Council will be the deciding voice in this related matter.

Numerous residents have written the City Council and attended City Council meetings in opposition to above ground siting of cell towers. The Palo Alto's Architectural Review Board has examined and considered not only our residents' responses but also the responses and actions taken by numerous other communities in California, many of which are against cell towers above ground siting near residences. Also the Palo Alto's Planning and Transportation Commission has urged that Palo Alto join with other municipalities and the League of California Cities in evaluating various hazards in such above ground siting and challenging the lawfulness of the FCC's order, an action supported by members of Congress including our Anna Eschoo.

If the amended Wireless Ordinance that City Staff was asking you to sign off on took the position that analyses and recommendations by the Palo Alto Planning Director should be added to the inputs to the City Council, there would be little reason to object to this position. The main question might be: if this input is a good use of the Planning Director's time, why has the Planning Director failed to make any inputs to the debate (as far as I know) up to this point in time?

However, the amended Wireless Ordinance does not propose that the Planning Director makes analyses and recommendations to the City Council, but rather that the Planning Director, based upon whatever criteria he chooses to use, makes the FINAL decision on cell tower siting over which the City Council has no say and to which there is no appeal. Since the current Planning Director has taken no public position on this matter, even if he were subject to election by the voters, there would be no record on which to make a judgement.

No election and no record of positions and unchecked power is a dictatorship. We, the voters in Palo Alto elections, have elected the City Council in a democratic process to reflect our views on this and other important matters. If the City Council approves the amended Wireless Ordinance as written, it will be a betrayal of their responsibility to voters that elected them to make such decisions.

Respectfully,

Mary and Tom Thomas
■ Santa Rita Avenue
Palo Alto 94301

Planning and Transportation Commission Public Comment 1-30-19

From: [Jerry Fan](#)
To: Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Fine, Adrian](#); [Filseth, Eric \(Internal\)](#); [Kniss, Liz \(internal\)](#); [Tanaka, Greg](#); [Kou, Lydia](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: BAD amendment proposed to Palo Alto's Wireless Ordinance
Date: Tuesday, January 8, 2019 12:27:39 AM

Dear Ms. Cormack, Mr. DuBois, Mr. Fine, Mr. Filseth, Ms. Kniss, Ms. Kou, and Mr. Tanaka:

I am writing to ask you to vote against approving as written the amended Wireless Ordinance that City Staff is asking you to sign off on.

The amended Ordinance, in giving the Planning Director the sole authority to establish aesthetic standards—more specifically, the sole authority to replace the City of Palo Alto's core aesthetic standards expressed in Section 18.76.020(d) of the Code with those of his own devising—does so a) without stating what the standards should be, b) without requiring that the Architectural Review Board provide the Planning Director with recommendations, and c) without giving either City Council or residents any say in the matter.

As a resident that represented 3 other neighbors in the recent ARB against VzW wireless antennas, I can tell you that the thoughtful guidance of our ARB is irreplaceable in the process. **A personal story** to illustrate why ARB should not be bypassed in the process. My wife, after attending the ARB board meeting last month - was astonished when she recognized Wynne Furth. Saying that unbeknownst to her, she actually talked to Chair Furth walking by in front our house, taking a survey of the proposed antenna sites in Barron Park - and she remembered her urging us to pay attention to the proposal.

Can you imagine or expect the Planning Director doing that? No.

Not only did our ARB understand what the purpose of aesthetic standards are - but they are able to articulate the soul of Palo Alto through their craft. They're also able to spot the incremental trend of slowly worsening aesthetics and knew they had to take a stand against that before it's too late. City employees will not have the incentive to take such a stance - nor do they have the *neutrality* to make the judgement call for *when* to take the stance.

If you approve the amendment, the fact is you'll be allowing a single city employee to make critical quality-of-life and potentially change the aesthetic that makes each of our neighborhood stand apart for one another - yet complete the picture of our city together.

Please, reject the amended Ordinance that City Staff has submitted to you and insist that it be modified to:

- Establish the Architectural Review Board—not the Planning Director—as the lead in setting standards for the siting and appearance of cell towers;
- Establish that there be a series of community meetings so that residents may learn what standards are being proposed, ask questions of ARB members and City Staff, and offer their own ideas for consideration; and
- Require that, once these standards have been assembled, City Council must approve them before they become part of the City's Wireless Ordinance.

Thx,
J

Planning and Transportation Commission Public Comment 1-30-19

From: [Jeanne Fleming](#)
To: [Carnahan, David](#)
Cc: [Council, City](#); [Architectoral Review Board](#); [Planning Commission](#)
Subject: CPRA Request
Date: Tuesday, January 8, 2019 12:22:59 PM

Dear David Carnahan,

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain copies of all Invoices submitted to the City of Palo Alto by lawyers and by law firms between January 1, 2018 and December 31, 2018.

If you have any questions about my request, please let me know.

Thank you for your attention to this matter. As always, I am most appreciative of your help.

Sincerely,

Jeanne Fleming

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

From: [Jeanne Fleming](#)
To: Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Fine, Adrian](#); [Filseth, Eric \(Internal\)](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Fatal flaws in the proposed amendment to Palo Alto's Wireless Ordinance
Date: Monday, January 7, 2019 10:16:43 AM
Attachments: [Original v. Amended Wireless Ordinance.doc](#)

Dear Ms. Cormack, Mr. DuBois, Mr. Fine, Mr. Filseth, Ms. Kniss, Ms. Kou, and Mr. Tanaka:

I am writing to ask you to vote against approving as written the amended Wireless Ordinance that City Staff is asking you to sign off on.

The Planning Director and the City Attorney may tell you that the proposed amendments represent only minor adjustments to the Ordinance, adjustments required to bring it into compliance with an FCC order that goes into effect in mid-January.

In fact, however, the proposed new language leaves City Council and the people of Palo Alto out of the process that will determine the siting and appearance of cell towers next to residents' homes. How? By assigning solely to the Planning Director the authority to establish aesthetic standards—and it is in the establishment of aesthetic standards that municipalities have an opportunity to resist the dictates of the FCC. (Remember President Trump has stacked the FCC with champions of the telecommunications industry—e.g., the new Commissioner was formerly the Associate General Counsel at Verizon).

Unfortunately, the amended Ordinance, in giving the Planning Director the sole authority to establish aesthetic standards—more specifically, the sole authority to replace the City of Palo Alto's core aesthetic standards expressed in Section 18.76.020(d) of the Code with those of his own devising—does so a) without stating what the standards should be, b) without requiring that the Architectural Review Board provide the Planning Director with recommendations, and c) without giving either City Council or residents any say in the matter.

You may recall that, in 2017, the ARB put forward a thoughtful set of guidelines that should serve as the starting point for any aesthetic standards the City establishes vis a vis cell towers. But the amended Ordinance ignores these guidelines and, as written, empowers the Planning Director to establish whatever aesthetic standards he chooses, with input from no one.

The fact is, if you approve this amended Ordinance:

1. You will be pre-approving, sight unseen, whatever a single City employee—an employee who has no particular qualifications to establish aesthetic standards and who is not accountable to voters—wants to do;
2. You will be allowing him to make critical quality-of-life and quality-of-neighborhood decisions without any recommendations from the Architectural Review Board—i.e., from the people best qualified to establish aesthetic standards; and
3. You will be setting in motion a process in which the residents of Palo Alto

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are given no opportunity to participate.

The proposed amended Ordinance establishes a process that is undemocratic.

The standards for the siting and appearance of cell towers next to residences has been a subject of intense debate in Palo Alto for over one and one-half years. As you know, City Council has received countless emails and phone calls from residents who object to the telecom companies' applications to locate ugly, noisy and potentially hazardous ancillary cell tower equipment aboveground, adjacent to residents' homes. Dozens of residents have attended the Architectural Review Board's public hearings on proposed cell towers, and dozens have stayed late into the night at City Council meetings to express their concerns about the siting of this equipment and about the language of the Wireless Ordinance. Plus, the press has been closely following this story, along with the related story of the California Fair Political Practices Commission's investigation of now former Chief Technology Officer Jonathan Reichenal, with respect to violations of gift and conflict of interest laws involving the telecommunications industry.

In light of all this, it is unfathomable why the amended Ordinance you are being asked to approve makes no provision for residents to have a say in what the cell towers the telecommunications industry wants to install in their neighborhoods look like or sound like, or where these towers are to be located.

Moreover, the amended Ordinance makes no provision for either you, our elected representatives on City Council, or for we Palo Alto residents to even know what standards the Planning Director has in mind until *after* you have approved his sole authority to establish them. How can this be right?

The proposed amended Ordinance ignores the wishes of the Architectural Review Board and the concerns of the Planning & Transportation Commission and the people of Palo Alto.

The Architectural Review Board, in its public hearings, has repeatedly said that ancillary cell tower equipment must be installed underground, where it can't be seen. What could be a clearer objective standard?

Why doesn't the amended Ordinance you are being asked to approve state, at least in general terms, the aesthetic standards the Planning Director wishes to incorporate into the Wireless Ordinance? After all, Staff has had since October to prepare the Ordinance.

Only two weeks ago, the Planning and Transportation Commission 1) expressed grave doubts about the safety of aboveground ancillary cell tower equipment; 2) urged the City to consider joining dozens of other municipalities plus the League of California Cities (to which Palo Alto belongs) in suing the FCC; and 3) urged the City to obtain expert legal advice on the lawfulness of the FCC's order and on how best to amend Palo Alto's Wireless Ordinance. Why are the PTC's recommendations being ignored?

Moreover, our Congressional representative, Anna Eshoo has, with Senator Richard Blumenthal of Connecticut, challenged the FCC's assertion that 5G cell tower

Planning and Transportation Commission Public Comment 1-30-19
installations—which all of the proposed cell towers in Palo Alto will accommodate—pose no threat to human health. In addition, the California Public Utilities Commission, because of the fire hazard utility poles and aboveground equipment pose, has now begun a process that will lead to moving most of them underground. Why are these red flags being ignored in Palo Alto?

Please, reject the amended Ordinance that City Staff has submitted to you and insist that it be modified to:

1. Establish the Architectural Review Board—not the Planning Director—as the lead in setting standards for the siting and appearance of cell towers;
2. Establish that there be a series of community meetings so that residents may learn what standards are being proposed, ask questions of ARB members and City Staff, and offer their own ideas for consideration; and
3. Require that, once these standards have been assembled, City Council must approve them before they become part of the City's Wireless Ordinance.

To remind you: The 12/12/18 Staff Report notes that cities may take up to 180 days following the effective date of the FCC regulations to develop and publish their aesthetic standards. There is no need to rush.

For your convenience, I have attached a comparison of the language in the current Wireless Ordinance with respect to the aesthetic standards for Tier 3 cell towers (here, the City's core aesthetic standards—i.e., “architectural review findings”—expressed in Section 18.76.020(d) of the Municipal Code) with the proposed amended language for aesthetic standards for Tier 3 cell towers.

Thank you for your consideration. And please let me know if you have any questions—questions, for example, about how experts in telecommunications law are advising other cities to respond to the FCC's order.

Sincerely,

Jeanne Fleming

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

Planning and Transportation Commission Public Comment 1-30-19

From: [Ann Protter](#)
To: [Council, City](#); alisoncormack@gmail.com
Cc: [Clerk, City](#); [Architectural Review Board](#); [Planning Commission](#)
Subject: Planning Manager should Not have sole authority
Date: Monday, January 7, 2019 4:59:09 PM

Dear City Council Members,

I understand the city staff has a proposal to give the Planning Manager sole authority over the aesthetic standards for cell towers - including where they sit and their appearance.

While I understand the desire to streamline (both the city council as well as some of the city processes), we citizens actually feel like we have a right to be involved and be able to express our opinions.

Given that some residents helped to uncover financial bias in at least one city staff member which directly impacted a cell tower decision, you all might agree that residents contribute to the process.

I urge you to request modification of the proposed ordinance:

- 1) Have the Architectural Review Board lead in developing new standards; do not allow the Planning Manager sole authority.
- 2) Allow for a democratic process (residents input).
- 3) Insist upon City Council's approval.

I sincerely thank you,
Ann Protter

Planning and Transportation Commission Public Comment 1-30-19

From: [Francesca Kautz](#)
To: alisoncormack@gmail.com; [Tanaka, Greg](#); [Kou, Lydia](#); [Kniss, Liz \(internal\)](#); [Filseth, Eric \(Internal\)](#); [Fine, Adrian](#); Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#)
Cc: [Clerk, City](#); [Planning Commission](#); [Architectural Review Board](#)
Subject: Please Vote Against the Amendment to the Wireless Ordinance
Date: Monday, January 7, 2019 10:06:07 PM

Dear Mr. DuBois, Ms. Kou, Mr. Tanaka, Mr. Filseth, Ms. Cormack, Mr. Fine and Ms. Kniss,

It has come to my attention that City Staff is proposing an amendment to the Wireless Ordinance that gives the Director of Planning sole authority over establishing a new set of aesthetic standards for the siting and appearance of cell towers in Palo Alto. I urge you to vote against this as it will mean that the ARB's good work will be undone and neither the City Council nor the residents of Palo Alto will have a say in the matter.

With the whole Reichental debacle, who fled his Palo Alto job, the 12th highest paid position out of 1,500, a few days after it was made public that he may have violated state laws, it looks increasingly like the citizens of Palo Alto did not get a fair shake on the Verizon cell tower projects in our residential neighborhoods. Therefore, I think that there should be a moratorium on all current and future cell projects and that you should vote against approving this amended Ordinance.

Please keep the cell towers out of our residential neighborhoods and support the reversal of the earlier decision to allow 11 cell towers in the Cluster 1 area. Any council members who think the Verizon cell tower projects are a good idea, should have one installed in front of their home.

Thank you,

Francesca Kautz

Planning and Transportation Commission Public Comment 1-30-19

From: [Whitney Leeman](#)
To: Alison.Cormack@cityofpaloalto.org; [DuBois, Tom](#); [Fine, Adrian](#); [Filseth, Eric \(Internal\)](#); [Kniss, Liz \(Internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Please vote against approving the amended Wireless Ordinance
Date: Tuesday, January 8, 2019 1:54:09 PM

Dear Ms. Cormack, Mr. DuBois, Mr. Fine, Mr. Filseth, Ms. Kniss, Ms. Kou, and Mr. Tanaka,

I am writing to ask you to vote against approving the amended Wireless Ordinance that City Staff is asking you to approve.

The Planning Director and the City Attorney may tell you that the proposed amendments represent only minor adjustments to the Ordinance, adjustments required to bring it into compliance with an FCC order that goes into effect in mid-January.

Unfortunately, the proposed new language gives authority over aesthetics of cell towers to the Planning Director, instead of to City Council and the people (both residents and businesses) of Palo Alto.

The amended Ordinance, in giving the Planning Director the sole authority to establish aesthetic standards—more specifically, the sole authority to replace the City of Palo Alto’s core aesthetic standards expressed in Section 18.76.020(d) of the Code with those of his own devising—does so a) without stating what the standards should be, b) without requiring that the Architectural Review Board provide the Planning Director with recommendations, and c) without giving either City Council or residents/businesses any say in the matter.

In 2017, the ARB put forward a thoughtful set of guidelines that should serve as the starting point for any cell tower-related aesthetic standards the City establishes. But the amended Ordinance ignores these guidelines and, as written, empowers the Planning Director to establish whatever aesthetic standards he chooses, with input from no one.

If you approve this amended Ordinance, you will be:

- 1) pre-approving, sight unseen, whatever a single City employee—an employee who has no particular qualifications to establish aesthetic standards and who is not accountable to voters—wants to do;
- 2) allowing him to make critical quality-of-life and quality-of neighborhood decisions without any recommendations from the Architectural Review Board—i.e., from the people best qualified to establish aesthetic standards; and
- 3) setting in motion a process in which the residents and businesses of Palo Alto are given no opportunity to participate.

The proposed amended Ordinance establishes a process that is undemocratic: residents and businesses should have a say regarding what small cell towers look like, sound like, and where they should be located.

Additionally, the evidence that RF/microwave radiation may be unsafe is mounting:

<https://www.cdph.ca.gov/Programs/CCDC/DCDC/EDD/CDPH%20Document%20Library/Cell-Phone-Guidance.pdf>

<https://ntp.niehs.nih.gov/results/areas/cellphones/index.html>

Please do not subject your constituents to the great human experiment conducted by the cellular providers, who are trying to fill every cubic centimeter of public space with RF/microwave radiation at densities unheard of in the past. As you know, there are major conflicts of interest between cellular providers, local/state/federal/international governments, and the public:

<https://www.mercurynews.com/2018/11/23/palo-alto-tech-chief-whose-junkets-triggered-ethics-complaint-says-hes-quitting/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5504984/>

The amended Ordinance makes no provision for anyone to know what standards the Planning Director has in mind until after City Council has approved his sole authority to establish them. Why doesn't the amended Ordinance you are being asked to approve state, at least in general terms, the aesthetic standards the Planning Director wishes to incorporate into the Wireless Ordinance? Staff have had since October to prepare the Ordinance.

The proposed amended Ordinance ignores the wishes of the ARB and the concerns of the Planning & Transportation Commission and the people of Palo Alto.

The ARB, in its public hearings, has repeatedly said that ancillary cell tower equipment must be installed underground, where it can't be seen. In addition, the California Public Utilities Commission, because of the fire hazard utility poles and aboveground equipment pose, has now begun a process that will lead to moving most of them underground.

Only two weeks ago, the Planning and Transportation Commission 1) expressed grave doubts about the safety of aboveground ancillary cell tower equipment; 2) urged the City to consider joining dozens of other municipalities plus the League of California Cities (to which Palo Alto belongs) in suing the FCC; and 3) urged the City to obtain expert legal advice on the lawfulness of the FCC's order and on how best to amend Palo Alto's Wireless Ordinance. Why are the PTC's recommendations being ignored?

Please, reject the amended Ordinance that City Staff has submitted to you and insist that it be modified to establish:

- 1) the Architectural Review Board as the lead—not the Planning Director— in setting standards for the siting and appearance of cell towers;
- 2) that there be a series of community meetings so that residents may learn what standards are being proposed, ask questions of ARB members and City Staff, and offer their own ideas for consideration; and
- 3) require that, once these standards have been created, City Council must approve them before they become part of the City's Wireless Ordinance.

The 12/12/18 Staff Report notes that cities may take up to 180 days following the effective date of the FCC regulations to develop and publish their aesthetic standards. There is no need to rush.

Sincerely,

Whitney Leeman, Ph.D.

Planning and Transportation Commission Public Comment 1-30-19

From: [Chris Robell](#)
To: alison.cormack@cityofpaloalto.org; [Tom DuBois](#); [Fine, Adrian](#); [Filseth, Eric \(external\)](#); [Kniss, Liz \(internal\)](#); [Kou, Lydia](#); [Tanaka, Greg](#)
Cc: [Architectural Review Board](#); [Planning Commission](#); [Clerk, City](#)
Subject: Proposed amendment to Palo Alto's Wireless Ordinance
Date: Tuesday, January 8, 2019 1:18:15 PM

Dear City Council Members,

I understand you will soon be considering a proposed amendment to the city's Wireless Ordinance, and I urge you NOT to approve it in its current form. The proposal gives the Director of Planning sole authority over establishing a new set of aesthetic standards regarding the locations and appearance of cell towers. Said differently, it bypasses the good efforts of the Architectural Review Board (ARB) who is specifically chartered to evaluate aesthetics for new construction such as this.

I realize the ARB recently denied some cell tower applications, but this is not a reason to cut them at the knees and not include them in reviews going forward. I hope I'm wrong, but it seems that the approval process is being changed when the input from the ARB is inconsistent with the answer (i.e., approval) that the city staff and/or applicant wants to hear. If that is the case, that does not seem fair or appropriate.

I urge you not to thwart the good intentions and valuable service that the ARB performs on behalf of our city. Please reject any amendment unless it ensures the ARB (not the Planning Director) leads in the development of new standards. Furthermore, provisions should be made to ensure a democratic process is put in place, whereby residents can express their views about proposed standards.

On a more general level, I really think it would be wise for city council and city staff to take pulse surveys (surveymonkey?) to really understand and assess what residents want. I firmly believe that the direction we are heading on many development efforts, including Verizon's cell tower applications with above ground equipment on poles near residents' homes, is completely counter to what citizens want. For the record, I don't have one of these poles going near my house, but I feel for other residents who do, and I think it's just plain wrong for reasons I've previously articulated as have dozens of other residents.

Thank you for listening and doing your best to stay attuned to what residents (not developers, Sacramento, telecom companies, or big business) want.

Chris Robell

Planning and Transportation Commission Public Comment 1-30-19

From: [Kelly Germa](#)
To: Alison.Cormack@cityofpaloalto.org; [Kou, Lydia](#); [Tanaka, Greg](#); [DuBois, Tom](#); [Filseth, Eric \(Internal\)](#); liz.kniss@cityofpaloalto.org; [Fine, Adrian](#)
Cc: [Planning Commission](#); [Clerk, City](#); [Architectural Review Board](#); [Council, City](#)
Subject: Recently Rewritten Proposal for Palo Alto Wireless Ordinance Amendment
Date: Tuesday, January 8, 2019 3:51:38 AM

Dear Ms. Cormack, Ms. Kou, Mr. Tanaka, Mr. Filseth, Mr. Fine, and Ms. Kniss,

Please do not approve the newly rewritten proposal for the Palo Alto Wireless Ordinance.

You cannot in good conscience allow one Planning Commissioner to have sole discretion over the aesthetics and placement of cell towers in Palo Alto without being accountable to Palo Alto voters and/or being professionally qualified to make such decisions.

For months, your constituents, the residents of Palo Alto, have attended hours of meetings and written many many letters and emails to you voicing their opposition to above-ground, unsightly, noisy cell towers in their residential neighborhoods.

Just because the FCC order will become effective in mid-January doesn't allow you to suddenly completely ignore all this input. You were elected by vote to represent city residents, many of whom have emphatically and repeatedly told you they want the cell towers installed underground!

It is a breach of your duty to Palo Alto residents to now abruptly remove the ARB from the aesthetics review process and approve an amendment allowing one individual the power to indiscriminately change and implement cell tower installations without first establishing them to be what people of Palo Alto want as far as aesthetics and noise.

Your approval would back the cost-saving interests of cell phone companies, companies that have not elected you and to which you are not accountable, flying in the face of clear evidence of your Palo Alto constituents' wishes. This newly rewritten amendment takes away the ability of Palo Alto residents to have a say in the aesthetics of their community. You would be silencing them, not representing them. You would be authorizing one person in the Planning Commissioner role to decide the effects of cell tower installations on Palo Alto aesthetics without approving standards to insure that person is at least equal or more qualified than the ARB representatives you would remove from the current legal process, and without holding that person to any accountability standards for their decision-making to relate to the intentions of the people of Palo Alto.

Acting on behalf of Palo Alto residents as elected, please reject this amendment as rewritten and continue to move forward to find workable solutions to integrate cell tower equipment into residential neighborhoods with the least aesthetic damage.

Thank you,
Kelly Germa
Homeowner, Midtown Palo Alto


Sent from my iPad

Planning and Transportation Commission Public Comment 1-30-19

From: [Robert Lum](#)
To: [Atkinson, Rebecca](#); [Council, City](#); [Planning Commission](#)
Cc: [Lait, Jonathan](#); [Clerk, City](#)
Subject: Stop the Verizon Cluster 2 Cell Towers
Date: Monday, January 7, 2019 9:22:52 PM

As long term residence of Palo Alto, I urge you to stop the placement of any additional cellular towers on poles throughout Palo Alto. We are the owners and residents of 781 Barron Avenue for over 20 years.

We have been opposed to having this project since the beginning. You should enforce Palo Altos aesthetics, noise and ordinances with respect to the siting and installation of the cell towers near residences. If the towers are so safe and acceptable, there are plenty of poles closer to Barron Park Elementary School for placement.

Anne and Robert Lum

Planning and Transportation Commission Public Comment 1-30-19

From: slevy@ccsce.com
To: [Steve Levy](#)
Subject: Updates on Bay Area economy
Date: Tuesday, January 8, 2019 12:14:45 PM

<http://www.bayareaeconomy.org/insights/>

I write a monthly update for the Bay Area Council Economic Institute on recent trends.

There were two posts in December--one on job trends and one on new population estimates

The major takeaways are

--Job growth remains strong supported by large increases in labor force participation rates with new or returning entrants attracted by job opportunities

--Population growth is slowing dramatically driven by declining birth rates and increasing out migration driven by high housing costs.

Both trends suggest challenges are coming in finding new workers and underscore the importance of increasing housing supply for all income groups.

Steve

Planning and Transportation Commission Public Comment 1-30-19

From: [Jeanne Fleming](#)
To: [Carnahan, David](#)
Cc: [Council, City](#); [Planning Commission](#); [Architectural Review Board](#); [Clerk, City](#)
Subject: Council consideration of amendments to Wireless Ordinance and cell tower appeals
Date: Thursday, January 3, 2019 4:01:23 PM

Dear David Carnahan,

I would appreciate it if you would tell me when City Council is scheduled to consider the proposed amendments to the Wireless Ordinance (18.42.110).

I would also appreciate it if you would tell me whether appeals of Crown Castle/Verizon Cluster 2 and Vinculums/Verizon Cluster 2 remain on City Council's schedule for January 22nd, 2019.

If you are not the right person to ask for this information, please let me know who I should contact.

Thank you, as always, for your help, and Happy New Year to you.

Jeanne Fleming

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

Planning and Transportation Commission Public Comment 1-30-19

From: [Stump, Molly](#)
To: [Jeanne Fleming](#)
Cc: [Council, City](#); [Planning Commission](#); [Clerk, City](#); [Yang, Albert](#)
Subject: FW: Request for information
Date: Wednesday, January 2, 2019 3:55:56 PM
Attachments: [image001.png](#)

Dr. Fleming,

In response to your question below, please be advised that as City Attorney, I am responsible for legal services and work product provided to the City of Palo Alto, whether the work is performed by attorneys in this office or by outside special counsel. The Office works as a team under my general direction. We do not provide detailed breakdowns regarding who did what, in part because information of this nature may violate legal privileges. If you have a more specific question or concern, direct it to me.

Regards,
Molly Stump



Molly Stump | City Attorney
City Attorney's Office
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2171 | E:molly.stump@cityofpaloalto.org

Please think of the environment before printing this email – Thank you.

This message contains information that may be confidential and privileged. Unless you are the addressee, you may not use, copy or disclose the message or any information contained in the message. If you received the message in error, please notify the sender and delete the message.

From: Jeanne Fleming <jfleming@metricus.net>
Sent: Wednesday, December 26, 2018 5:14 PM
To: Yang, Albert <Albert.Yang@CityofPaloAlto.org>
Cc: Stump, Molly <Molly.Stump@CityofPaloAlto.org>; Council, City <city.council@cityofpaloalto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; Clerk, City <city.clerk@cityofpaloalto.org>
Subject: Request for information

Dear Albert Yang,

I would appreciate it if you would give me the names of the lawyers and law firms that have been or will be hired to draft, advise or otherwise assist the City of Palo Alto with the ordinance amending Section 18.42.110 (Wireless Communications Facilities) of the Municipal Code.

This is the amended ordinance that on December 12, 2018 you recommended to the Planning & Transportation Commission that it in turn advise City Council to adopt.

Please let me know if you have any questions.

Sincerely,

Jeanne Fleming

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

Planning and Transportation Commission Public Comment 1-30-19

From: [Anne Goess](#)
To: [Planning Commission](#)
Cc: [Patricia Goity](#); [John Bingham](#)
Subject: Petition to include 2353 Webster St. on Commission public agenda
Date: Thursday, January 3, 2019 2:40:21 PM

Dear Planning Commissioners:

I grew up in the house at 2353 Webster St. that is currently slated for a tear-down. My parents lived in the home from 1965 until 2014, when advancing age required them to move to an apartment. My mother passed away last August. If she were alive, she would be so grieved, as is my father, to hear about the plans for the property.

When my parents sold the house, they were told by the prospective buyer that she wanted the house so that her daughter could attend Walter Hays school. That turned out to be a complete fabrication: the house was instead rented out and now we see this unscrupulous and environmentally destructive plan to tear it down.

The house, admittedly, is modest: two bedrooms with an office. My family is not against progress; we understand that the new owners might want to make modifications (even add an upstairs room, as we sometimes thought about doing). But the existing home has undeniable charm: it was designed and built by Marcus Stedman in 1941 and features a hand-hewed beam ceiling in the living and beautiful wide-plank hardwood floors throughout.

Another asset of the home is the majestic Quercus Lobata oak tree in the backyard. Arborists that my family hired over the years to carefully maintain the tree estimate that the tree is over 500 years old, one of the oldest in Palo Alto. Current plans for the home include a subterranean basement, a project that we believe could substantially damage the tree.

The underground basement plan also could possibly violate Palo Alto's new construction dewatering regulations. According to the last survey by the Santa Clara Valley water district, the water table for that property is at only 10 feet. Some 15-plus years ago, I remember, neighbors behind us on Byron St. put in a basement. They had a hose draining out to the sewer for months--obviously bad environmental practice as well as less-than-respectful behavior for the neighborhood.

I hope the Commission will put the proposed development on the Jan. 30 (or subsequent) Planning Meeting agenda. I understand there is a petition submitted by Jack Morton to that effect, which I would like to add my name to.

I know the Commission wants to do the right thing, for Palo Alto quality of life, for the environment, and for a city proud of and known for its magnificent trees. I will look forward to the citizens having a chance to exercise their right to participate in this important planning process.

Sincerely,
Anne Bingham Goess
[REDACTED] Carmel Ave., Albany CA 94706

Planning and Transportation Commission Public Comment 1-30-19

From: [Jeanne Fleming](#)
To: [Carnahan, David](#)
Cc: [Council, City](#); [Planning Commission](#); [Architectural Review Board](#); [Clerk, City](#)
Subject: RE: Council consideration of amendments to Wireless Ordinance and cell tower appeals
Date: Thursday, January 3, 2019 9:18:05 PM

Dear David Carnahan,

Thank you for your prompt response.

To be sure I understand you, please tell me if this is correct: The amended Wireless Ordinance City Staff is recommending that City Council approve—and approve before January 14, 2019—is not in City Council's schedule for consideration.

Also to be sure I understand you, I would appreciate it if you would tell me if this is correct: The tentative agenda published on December 12, 2018 which said that appeals of Crown Castle/Verizon Cluster 2 and Vinculums/Verizon Cluster 2 would be heard by City Council on January 22nd, 2019 was not correct, and no such appeals are scheduled to be heard on that date, nor have they been set for any other date.

Thank you again,

Jeanne Fleming

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

From: Carnahan, David <David.Carnahan@CityofPaloAlto.org>
Sent: Thursday, January 3, 2019 4:47 PM
To: Jeanne Fleming <jfleming@metricus.net>
Cc: Council, City <city.council@cityofpaloalto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; Architectural Review Board <arb@cityofpaloalto.org>; Clerk, City <city.clerk@cityofpaloalto.org>
Subject: RE: Council consideration of amendments to Wireless Ordinance and cell tower appeals

Happy New Year Ms. Fleming,

The City Council Tentative Agenda is updated each week a Council Packet is published and includes a tentative list of items for future Council meetings. The [Tentative Agenda](#) published today goes out through the January 28 Council meeting. Neither of the items you mention are currently on the Tentative Agenda through January 28.

Please keep in mind that the tentative items listed for any particular City Council Agenda are subject

Planning and Transportation Commission Public Comment 1-30-19
to change. City Council Agendas are typically published 11 days in advance of each meeting.

If you have not already signed up for the [City Council Agenda Email List](#), I recommend signing up to receive notification when a new agenda is published. You can find the Tentative Agenda listed on the last page of the City Council Agenda.

David Carnahan, Deputy City Clerk, MPA
O: 650-329-2267 | E: david.carnahan@cityofpaloalto.org

From: Jeanne Fleming <jfleming@metricus.net>
Sent: Thursday, January 3, 2019 4:01 PM
To: Carnahan, David <David.Carnahan@CityofPaloAlto.org>
Cc: Council, City <city.council@cityofpaloalto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; Architectural Review Board <arb@cityofpaloalto.org>; Clerk, City <city.clerk@cityofpaloalto.org>
Subject: Council consideration of amendments to Wireless Ordinance and cell tower appeals

Dear David Carnahan,

I would appreciate it if you would tell me when City Council is scheduled to consider the proposed amendments to the Wireless Ordinance (18.42.110).

I would also appreciate it if you would tell me whether appeals of Crown Castle/Verizon Cluster 2 and Vinculums/Verizon Cluster 2 remain on City Council's schedule for January 22nd, 2019.

If you are not the right person to ask for this information, please let me know who I should contact.

Thank you, as always, for your help, and Happy New Year to you.

Jeanne Fleming

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

Planning and Transportation Commission Public Comment 1-30-19

From: [Carnahan, David](#)
To: [Jeanne Fleming](#)
Cc: [Council, City](#); [Planning Commission](#); [Architectural Review Board](#); [Clerk, City](#)
Subject: RE: Council consideration of amendments to Wireless Ordinance and cell tower appeals
Date: Thursday, January 3, 2019 4:46:37 PM

Happy New Year Ms. Fleming,

The City Council Tentative Agenda is updated each week a Council Packet is published and includes a tentative list of items for future Council meetings. The [Tentative Agenda](#) published today goes out through the January 28 Council meeting. Neither of the items you mention are currently on the Tentative Agenda through January 28.

Please keep in mind that the tentative items listed for any particular City Council Agenda are subject to change. City Council Agendas are typically published 11 days in advance of each meeting.

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David Carnahan, Deputy City Clerk, MPA
O: 650-329-2267 | E: david.carnahan@cityofpaloalto.org

From: Jeanne Fleming <jfleming@metricus.net>
Sent: Thursday, January 3, 2019 4:01 PM
To: Carnahan, David <David.Carnahan@CityofPaloAlto.org>
Cc: Council, City <city.council@cityofpaloalto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; Architectural Review Board <arb@cityofpaloalto.org>; Clerk, City <city.clerk@cityofpaloalto.org>
Subject: Council consideration of amendments to Wireless Ordinance and cell tower appeals

Dear David Carnahan,

I would appreciate it if you would tell me when City Council is scheduled to consider the proposed amendments to the Wireless Ordinance (18.42.110).

I would also appreciate it if you would tell me whether appeals of Crown Castle/Verizon Cluster 2 and Vinculums/Verizon Cluster 2 remain on City Council's schedule for January 22nd, 2019.

If you are not the right person to ask for this information, please let me know who I should contact.

Thank you, as always, for your help, and Happy New Year to you.

Jeanne Fleming

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

From: [Jeanne Fleming](#)
To: [Stump, Molly](#)
Cc: [Council, City](#); [Planning Commission](#); [Clerk, City](#)
Subject: RE: Request for information
Date: Thursday, January 3, 2019 2:21:37 PM
Attachments: [image001.png](#)

Dear Ms. Stump,

Thank you for your email.

I would appreciate it if you would tell me on what legal basis the City of Palo Alto is refusing to reveal the name(s) of the law firm(s) and/or lawyer(s) who are advising the City with respect to the amended Wireless Ordinance that your Office is advising City Council to adopt.

More generally and more importantly, I would like to know the ethical justification for the City of Palo Alto refusing to tell a resident the name of any firm or individual hired to provide services to the City.

Thank you for your attention.

Sincerely,

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

From: Stump, Molly <Molly.Stump@CityofPaloAlto.org>
Sent: Wednesday, January 2, 2019 3:56 PM
To: Jeanne Fleming <jfleming@metricus.net>
Cc: Council, City <city.council@cityofpaloalto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; Clerk, City <city.clerk@cityofpaloalto.org>; Yang, Albert <Albert.Yang@CityofPaloAlto.org>
Subject: FW: Request for information

Dr. Fleming,

In response to your question below, please be advised that as City Attorney, I am responsible for legal services and work product provided to the City of Palo Alto, whether the work is performed by attorneys in this office or by outside special counsel. The Office works as a team under my general direction. We do not provide detailed breakdowns regarding who did what, in part because information of this nature may violate legal privileges. If you have a more specific question or concern, direct it to me.

Regards,

Molly Stump



Molly Stump | City Attorney
City Attorney's Office
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2171 | E:molly.stump@cityofpaloalto.org

Please think of the environment before printing this email – Thank you.

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From: Jeanne Fleming <jfleming@metricus.net>
Sent: Wednesday, December 26, 2018 5:14 PM
To: Yang, Albert <Albert.Yang@CityofPaloAlto.org>
Cc: Stump, Molly <Molly.Stump@CityofPaloAlto.org>; Council, City <city.council@cityofpaloalto.org>; Planning Commission <Planning.Commission@cityofpaloalto.org>; Clerk, City <city.clerk@cityofpaloalto.org>
Subject: Request for information

Dear Albert Yang,

I would appreciate it if you would give me the names of the lawyers and law firms that have been or will be hired to draft, advise or otherwise assist the City of Palo Alto with the ordinance amending Section 18.42.110 (Wireless Communications Facilities) of the Municipal Code.

This is the amended ordinance that on December 12, 2018 you recommended to the Planning & Transportation Commission that it in turn advise City Council to adopt.

Please let me know if you have any questions.

Sincerely,

Jeanne Fleming

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

Planning and Transportation Commission Public Comment 1-30-19

From: [Jeanne Fleming](#)
To: [Yang, Albert](#)
Cc: [Stump, Molly](#); [Council, City](#); [Planning Commission](#); [Clerk, City](#)
Subject: Request for information
Date: Wednesday, December 26, 2018 5:14:29 PM

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650-325-5151

Planning and Transportation Commission Public Comment 1-30-19

From: [Maryjane Marcus](#)
To: [Council, City](#); [Lait, Jonathan](#); [French, Amy](#); [Planning Enforcement](#); [Planning Commission](#)
Subject: issue to consider - office use of retail space (290 California Ave and more)
Date: Friday, December 28, 2018 2:41:34 PM

Dear City Council and Planning Department/Code Enforcement,

With the highly valuable office space here, I urge the City Council to prioritize protecting retail space from office takeover. I've been paying attention because I care about civic/public space for our neighborhood and I've been working on renting space in Palo Alto for a community-building concept and so I pay close attention and inquire wherever space is available.

This one I just discovered was a new level of concern . I've submitted it to 311, but I wanted you to be aware at a policy level.

OFFICE USE TAKEOVER OF RETAIL SPACE

former Keeble & Shuckat space at 2980 California Ave.

This space briefly housed Accent Arts, and when they closed, it was vacant for awhile.

Blossom Birth has taken over the corner, and both sides are in violation.

290 California Ave, Suite C

Rented by Plume since January 2018 (or before). Supposed to be for their tech product.

Nothing in there for whole year except table and chairs (office-type use).



290 California Ave, Suite B - I discovered this Dec. 24, 2018
Now, a much larger space to the right (Suite B), where Accent Arts was, has a wall built so that Plume's offices are in most of the space. They are supposed to offer a retail product in the small remaining area. This is a way many tech companies could take over retail spaces and price out those of us who want to operate here. You can see a 'wall and door" has been built that allowed for their office to take over most of this retail space.



Losing retail is a huge huge loss. We have other issues to work out on Cal Ave (parking requirements for uses which incentivizes gyms, for instance), but at the very least let's protect retail from tech.

It's simply not true that these landlords cannot find tenants. I know because I've inquired about many vacant spaces and the landlords are unwilling to lower the rent to find a tenant. They want to make the money office tenants give them.

There are other examples (esp. around College Ave/Staunton, a few downtown), but to do this on a main business district is particularly bold.

Please do what you can

- 1) to address this violation and prevent other tech takeovers of retail space
- 2) to direct code enforcement to prioritize protection of retail zoning violations over personal house zoning violations (which have less of an impact on the whole community).
- 3) take policy steps if needed.

Please do not share my name with the landlord.

Warmly

Mary Jane Marcus



So my hope is that this space gets rectified, and that the City Council (and whoever else needs to be involved) does whatever you can to prioritize the protection of retail areas in Palo Alto.