

# ELLIS PARTNERS

September 3, 2024

Emily Kallas  
Planner, City of Palo Alto  
[Emily.Kallas@CityofPaloAlto.com](mailto:Emily.Kallas@CityofPaloAlto.com)  
(650) 617-3125

Dear Emily,

This letter is in response to your email dated July 25, 2024, regarding Application No. 24PLN-00095, which requests a Planned Community Zone Change (PHZ) for the construction of a new 3-story, 22,552 square foot residential condominium at 70 Encina. As requested, Town & Country Village (TCV) is providing herein a detailed schedule of our typical operations and deliveries, with a particular focus on the rear alley behind Building 3 and the north parking lot along Encina Avenue. This letter is supplemental to our July 22, 2024 letter in which we expressed concerns about the proposed project and its potential impacts on our shopping center's operations and its lack of architectural compatibility with our historic community asset. We hope this information will aid in your review of the application.

## Background

TCV has reviewed all iterations of this application and has participated in all related public hearings to voice our concerns about the design, density, and operational impact on TCV, its tenants, customers, and the community. Our concerns have been communicated through the following documents: a letter to the Palo Alto City Council dated September 8, 2022; a letter to the Architectural Review Board (ARB) dated December 2, 2023; and a letter dated July 24, 2024 addressing the plans submitted on March 28, 2024 (Plans Dated March 8, 2024). Additionally, we have voiced these concerns in person at the City Council hearing on September 12, 2022 and at the ARB Study Session on December 7, 2023. For reference, we have attached these previous communications.

Notably, during the September 8, 2022 hearing, the City Council **"requested the applicant to collaborate with Town & Country to gain support for the project and to consider how the development might affect the vitality of Town & Country. The Council also emphasized the need for a visual connection with Town & Country through the use of appropriate materials."**

We recognize that the applicant has reduced the project height in the spirit of the collaboration the City Council requested and, while we appreciate this revision, we still have significant concerns. We believe that meaningful issues regarding architectural compatibility and operational impact (many of which were raised by the ARB) have not been adequately addressed. Attached is a letter from Randy Popp, dated July 3, 2024, which highlights ongoing concerns about the lack of architectural harmony between the proposed project and TCV, a unique and historic community asset.

# ELLIS PARTNERS

## **Operational Impacts - Noise**

Upon reviewing the applicant's plans dated July 25, 2024, it is evident that the proposed design does not sufficiently address the impact on TCV's operations and fails to mitigate potential conflicts. As highlighted in ongoing discussions about retail policy changes, particularly the vote for retail reform by the Planning & Transportation Committee (PTC) on August 14, 2024, retail vacancies remain a significant concern for the City Council and PTC. The vitality of our center relies heavily on its ability to operate effectively, and potential impacts from the proposed project could further affect our leasing, customer traffic, and associated sales tax revenue. The current design lacks necessary setbacks or design elements to buffer the proposed residences from the regular noise associated with a busy shopping center. We are concerned that complaints from future residents could restrict our operations and those of our tenants, leading to conflicts between TCV and the new residents coming to live in the middle of our north parking lot and main service corridor.

Per your request, we are providing the attached operational schedule detailing on-site activities:

### **Trash, Recycling & Compost:**

TCV generates waste that requires frequent collection by GreenWaste of Palo Alto, starting each day at 4 a.m. Since our center operates heavily from 7:00 a.m. onwards (beginning with deliveries to many tenants), any adjustments to the waste disposal schedule to accommodate future residents' concerns could significantly impact our operations and those of our tenants.

### **Center Maintenance:**

TCV requires frequent maintenance, scheduled during off-hours to avoid disrupting our tenants' prime operating times. Essential activities, such as weekly pressure washing and regular plumbing and grease interceptor cleanings, are often concentrated in the service alley adjacent to the proposed 70 Encina residences. Consequently, these late-night or early-morning maintenance tasks might lead to complaints from nearby residents.

### **Tenant Activity:**

Our businesses, including Trader Joe's, Jamba Juice, and Douce France, operate early and throughout the day to serve the community. To ensure the availability of fresh produce and groceries for Palo Altans, Trader Joe's begins receiving deliveries at 5:00 a.m. Jamba Juice and Douce France (both located in close proximity to the proposed project) open their doors and start receiving deliveries at 7:00 a.m. on weekdays and at 7:00 or 8:00 a.m. on weekends. Employees, essential for daily operations and delivery management, park in the North Lot adjacent to 70 Encina to keep closer spaces available for patrons. The potential for complaints from future residents about these necessary deliveries and required employee presence represents a significant threat to the operating viability of these and all our businesses at the center.

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In summary, the proposed development's lack of setbacks, buffers, or acoustic elements fails to address the significant impact that these existing operational activities might have on future residents. TCV has

# ELLIS PARTNERS

been a beloved part of Palo Alto's community for over 70 years, and we are deeply concerned that the current design will lead to consistent noise complaints from future residents, severely disrupting our tenants' operations and compromising their ability to serve the community effectively.

We therefore request that the PTC require the applicant to revise the design to address both our previously communicated architectural concerns and our concerns about potential noise complaints. Given the density of the proposed project relative to the size of the parcel and its proximity to vital elements of TCV's retail spaces and operational infrastructure, we believe it is essential for the applicant to incorporate a combination of setbacks, buffers, and/or acoustic dampeners to mitigate impacts and conflicts triggered by the project.

While we are not prescribing specific noise mitigation measures, which is the responsibility of the applicant and their design team, we recommend they consider the following specific revision as an example of the type of buffer elements to include:

- The CMU wall at the southern end of the proposed vehicle alley, detailed in elevation 1 on A3.02 of the July 25, 2024 plan set, features an open block design that directly abuts our main service alley. We fear that noise will pass through the open block wall and reverberate within the canyon-like alley, potentially exacerbating disturbances and leading to complaints about our normal retail operations.

## **Operational Impacts – Parking & Traffic:**

### **Potential Parking Issues:**

The Planning Department has raised concerns in the past about parking at TCV. While we comply with current codes, we worry that residential guest parking will spill into our adjacent lots, displacing our customers and creating additional stress on our parking resources. The proposed design offers insufficient guest parking for the ten residences and provides an average of only 1.4 spaces per three-bedroom unit. Given that two or more cars are likely to be associated with each three-bedroom unit, this shortfall could result in 20-30 resident cars needing parking, leading to 6-16 overflow resident cars seeking to park at TCV due to limited street parking nearby. This lack of adequate parking means that residents (plus their guests) are likely to park on our property, displacing our customers and placing additional stress on our parking resources. Such overflow parking would not only lead to unauthorized use of our property but also require TCV to implement ticketing and towing measures, potentially necessitating City intervention. While we understand that the City has limited ability to mandate parking minimums, this issue must be considered as part of the Planned Community Zone (PHZ) approval process to ensure the development is suitable for its intended setting.

# ELLIS PARTNERS

**Potential Increased Traffic:**

The development will likely increase vehicular traffic on our property, as residents and guests may use our lot to bypass traffic congestion on Encina. This added traffic could negatively impact our property and patrons, requiring City intervention for mitigation.

While we understand the need for new housing in the City and appreciate the changes the applicant has made to date, we urge you to require further revisions to the proposal to address the concerns raised by the ARB (not yet addressed in this revision) as well as the operational and aesthetic impacts we have highlighted over the past two years. We believe that the proposed development is too dense for this ¼-acre site, and while it may offer a minimal benefit to the City's housing shortage, it will dramatically and permanently degrade TCV, a unique and cherished community asset.

Thank you for considering our concerns. We value our partnership with the Palo Alto Planning Department and appreciate the opportunity to be involved in the review process. We hope the proposal can be revised to better suit this important and sensitive location.

Sincerely,

Dean Rubinson



Director of Development

Ellis Partners LLC of behalf of CEP Town & Country Investors, LLC

Cc: Jim Ellis, Ellis Partners  
Melinda Ellis Evers, Ellis Partners  
Mitchell Serrato, Ellis Partners  
Amy French, City of Palo Alto

**Attachments:**

TCV Center Delivery & Maintenance Schedule

Letter to Palo Alto City Council – September 8, 2022

Letter to Palo Alto Architectural Review Board – December 2, 2022

Design Review Letter, Randolph Popp Architects - July 3, 2024

Letter to Palo Alto Planning Department – July 24, 2024

TCV - Center Delivery & Maintenance Schedule - Weekly

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		4 AM - Recycling Pick Up - Bldg. 2	4 AM - Recycling Pick Up	4 AM - Recycling Pick Up	4 AM - Recycling Pick Up	4 AM - Recycling Pick Up	4 AM - Recycling Pick Up
		4 AM - Compost Pick Up - Bldg. 2	4 AM - Trash Pick Up - Bldg. 2	4 AM - Teleferic Recycling & Compost Pick Up	4 AM - Compost Pick Up - Bldg. 2	4 AM - Teleferic Garbage, Recycling & Compost Pick Up	4 AM - Trash Pick Up - Bldg. 2
		4 AM - Teleferic Recycling & Compost Pick Up	4 AM - Teleferic Recycling Pick Up	4 AM - Manresa Garbage, Recycling, Compost Pick Up	4 AM - Teleferic Recycling Pick Up	4 AM - Manresa Garbage, Recycling, Compost Pick Up	4 AM - Teleferic Recycling & Compost Pick Up
		4 AM - Manresa Garbage, Recycling, Compost Pick Up	4 AM - Manresa Recycling, Compost Pick Up	4 AM - Wildseed Garbage, Recycling, Compost Pick Up	4 AM - Manresa Recycling, Compost Pick Up	4 AM - Wildseed Garbage, Recycling, Compost Pick Up	4 AM - Manresa Recycling, Compost Pick Up
		4 AM - Wildseed Garbage, Recycling, Compost Pick Up	4 AM - Wildseed Garbage, Recycling, Compost Pick Up		4 AM - Wildseed Garbage, Recycling, Compost Pick Up		4 AM - Wildseed Garbage, Recycling, Compost Pick Up
					5 AM - Recycling Compactor Pick Up - B.5 - Every other Week		
	9:30 PM - 10:30 PM - North Lot Sweeping		9:30 PM - 10:30 PM - North Lot Sweeping		9:30 PM - 10:30 PM - North Lot Sweeping	7:00 AM - 10:00 AM - Landscaping Maintenance, full property.	
	11:00 PM - 12:30 PM - Parking Lot Sweeping - remainder		11:00 PM - 12:30 PM - Parking Lot Sweeping - remainder		11:00 PM - 12:30 PM - Parking Lot Sweeping - remainder	9:30 PM - 10:30 PM - North Lot Sweeping	
					11:00 PM - 6:00 AM - Sidewalk Pressure washing	11:00 PM - 12:30 PM - Parking Lot Sweeping - remainder	
						11:00 PM - 6:00 AM - Sidewalk Pressure washing	
Tenant Activity	5 AM - Trader Joe's Morning Delivery and employees park in North Lot.	5 AM - Trader Joe's Morning Delivery and employees park in North Lot.	5 AM - Trader Joe's Morning Delivery and employees park in North Lot.	5 AM - Trader Joe's Morning Delivery and employees park in North Lot.	5 AM - Trader Joe's Morning Delivery and employees park in North Lot.	5 AM - Trader Joe's Morning Delivery and employees park in North Lot.	5 AM - Trader Joe's Morning Delivery and employees park in North Lot.
	7 AM - Jamba Juice employees arrive onsite & park in the North Lot.	6 AM - Jamba Juice employees arrive onsite & park in the North Lot.	6 AM - Jamba Juice employees arrive onsite & park in the North Lot.	6 AM - Jamba Juice employees arrive onsite & park in the North Lot.	6 AM - Jamba Juice employees arrive onsite & park in the North Lot.	6 AM - Jamba Juice employees arrive onsite & park in the North Lot.	7 AM - Jamba Juice employees arrive onsite & park in the North Lot.
	7 AM - Douce France employees arrive onsite & park in the North Lot.	6 AM - Douce France employees arrive onsite & park in the North Lot.	6 AM - Douce France employees arrive onsite & park in the North Lot.	6 AM - Douce France employees arrive onsite & park in the North Lot.	6 AM - Douce France employees arrive onsite & park in the North Lot.	6 AM - Douce France employees arrive onsite & park in the North Lot.	6 AM - Douce France employees arrive onsite & park in the North Lot.
	7:30 AM - CVS employees arrive onsite and park in the North Lot.	6:30 AM - CVS employees arrive onsite and park in the North Lot.	6:30 AM - CVS employees arrive onsite and park in the North Lot.	6:30 AM - CVS employees arrive onsite and park in the North Lot.	6:30 AM - CVS employees arrive onsite and park in the North Lot.	6:30 AM - CVS employees arrive onsite and park in the North Lot.	6:30 AM - CVS employees arrive onsite and park in the North Lot.
	8 AM - Jamba Juice opens and begins receiving deliveries.	7 AM - Jamba Juice opens and begins receiving deliveries.	7 AM - Jamba Juice opens and begins receiving deliveries.	7 AM - Jamba Juice opens and begins receiving deliveries.	7 AM - Jamba Juice opens and begins receiving deliveries.	7 AM - Jamba Juice opens and begins receiving deliveries.	8 AM - Jamba Juice opens and begins receiving deliveries.
	8 AM - Douce France opens and begins receiving deliveries.	7 AM - Douce France opens and begins receiving deliveries.	7 AM - Douce France opens and begins receiving deliveries.	7 AM - Douce France opens and begins receiving deliveries.	7 AM - Douce France opens and begins receiving deliveries.	7 AM - Douce France opens and begins receiving deliveries.	7 AM - Douce France opens and begins receiving deliveries.
	8 AM - CVS opens and begins receiving deliveries.	7 AM - CVS opens and begins receiving deliveries.	7 AM - CVS opens and begins receiving deliveries.	7 AM - CVS opens and begins receiving deliveries.	7 AM - CVS opens and begins receiving deliveries.	7 AM - CVS opens and begins receiving deliveries.	7 AM - CVS opens and begins receiving deliveries.
	9 AM - LaBelle employees arrive at North lot.	7 AM - Marine Layer Weekly Delivery	7 AM - 8 AM - Corepower Yoga Deliveries	8 AM - LaBelle employees arrive at North lot.	8 AM - LaBelle employees arrive at North lot.	7 AM - 8 AM - Corepower Yoga Deliveries	9 AM - LaBelle employees arrive at North lot.
	10 AM - LaBelle Opens	8 AM - LaBelle employees arrive at North lot.	8 AM - LaBelle employees arrive at North lot.	9 AM - LaBelle Opens	9 AM - LaBelle Opens	8 AM - LaBelle employees arrive at North lot.	10 AM - LaBelle Opens
	7:30 PM - Trader Joe's Evening Delivery	9 AM - LaBelle Opens	9 AM - LaBelle Opens	11 AM - T&C Tennis Deliveries	3 PM - UPS Package Pickup	9 AM - LaBelle Opens	3 PM - UPS Package Pickup
	11 PM - Trader Joe's employees leave site.	10 AM - UPS Packing Materials Delivery	11 AM - 1 PM - Fillmore & 5th Bi-weekly Delivery	3 PM - UPS Package Pickup	7:30 PM - Trader Joe's Evening Delivery	11 AM - T&C Tennis Deliveries	7:30 PM - Trader Joe's Evening Delivery
		11 AM - 1 PM - Fillmore & 5th Bi-weekly Delivery	3 PM - UPS Package Pickup	7:30 PM - Trader Joe's Evening Delivery	11 PM - Trader Joe's employees leave site.	3 PM - UPS Package Pickup	11 PM - Trader Joe's employees leave site.
		11 AM - T&C Tennis Deliveries	7:30 PM - Trader Joe's Evening Delivery	11 PM - Trader Joe's employees leave site.			
		3 PM - UPS Package Pickup	11 PM - Trader Joe's employees leave site.				
		7:30 PM - Trader Joe's Evening Delivery					
		11 PM - Trader Joe's employees leave site.					

TCV - Monthly Operations Schedule

January	February	March	April	May	June	July	August	September	October	November	December
<p>8 AM - 9:30 AM - Main Sewer Line Hydrojetting - 1 Day - North Lot &amp; B.2 Alley</p> <p>5 AM - 7 AM - B2 Grease Interceptor Cleaning - 1 Day</p>	<p>7 AM to 10 PM - Serena &amp; Lily Large Deliveries</p>	<p>8 AM - 11 AM - Tree Maintenance - 4 days - Whole Center</p>	<p>7 AM - 10 AM - Wood Dry Rot Repair - 1 Week - Whole Center</p> <p>8 AM - 9:30 AM - Main Sewer Line Hydrojetting - 1 Day - North Lot &amp; B.2 Alley</p> <p>5 AM - 7 AM - B2 Grease Interceptor Cleaning - 1 Day</p>		<p>7 AM to 10 PM - Serena &amp; Lily Large Deliveries</p>	<p>8 AM - 9:30 AM - Main Sewer Line Hydrojetting - 1 Day - North Lot &amp; B.2 Alley</p> <p>8 AM - 11 AM - Tree Maintenance - 4 days - Whole Center</p> <p>7 AM - 11 AM - Parking Lot R&amp;M - 2 Days - Whole Center</p> <p>5 AM - 7 AM - B2 Grease Interceptor Cleaning - 1 Day</p>		<p>7 AM - 10 AM - Wood Dry Rot Repair - 1 Week - Whole Center</p> <p>7 AM - 3 PM - Roof Maintenance - 1 Week - Whole Center</p> <p>7 AM to 10 PM - Serena &amp; Lily Large Deliveries</p>	<p>8 AM - 9:30 AM - Main Sewer Line Hydrojetting - 1 Day - North Lot &amp; B.2 Alley</p> <p>5 AM - 7 AM - B2 Grease Interceptor Cleaning - 1 Day</p>		

# ELLIS PARTNERS

September 8, 2022

Palo Alto City Council

250 Hamilton Avenue

Palo Alto, CA 94301

Dear Honorable Mayor, Vice Mayor, and City Council Members:

Ellis Partners bought Town and Country Village in 2005 and immediately completed a complex and extensive renovation of what was then a struggling rundown property. For the past 17 years, our team has been the careful steward of this treasured community asset. At every stage, even during financial crises and a global pandemic, we have endeavored to make decisions with the architectural and historical legacy of Town and Country Village in mind. As is evident today, all our renovation work, as well as the development of the Trader Joes building, has been consistent with the scale and character of this primarily single-story Hacienda-style center.

Ellis Partners efforts at preserving and improving Town and Country Village have been guided by city policy. There is a specific land use policy for Town and Country Village within the Palo Alto Comprehensive Plan, which states:

*Policy L-4.12 - Recognize and preserve Town and Country Village as an attractive retail center serving Palo Altans and residents of the wider region. Future development at this site should preserve its existing amenities, pedestrian scale and architectural character while also improving safe access for bicyclists and pedestrians and increasing the amount of bicycle parking.*

This policy has been the guidepost for all our efforts in operating, improving and tenanting this unique and treasured property. As such, it came to us as a shock that an application was submitted for a five-story, 55-foot high, stucco-clad development on a quarter acre site within the north parking area that has been ground leased to Town and Country Village since its development in the 1950s. This proposal is significantly different from the existing scale and architecture that Ellis Partners, based on city policy, has worked to preserve.

Our intent was to continue to ground lease the site and utilize it for parking for our tenants and customers for the foreseeable future. However, it appears that the site is now under contract with a developer who is interested in maximizing the development density on the site, in excess of the city-wide height limits and with no apparent regard for the architectural context of this important community gathering place.

We recognize the critical need for additional housing in the city, and we're supportive of appropriately scaled housing developments, but we believe the proposed development is too dense for this location and would negatively impact the character of Town and Country Village that we've worked so hard to enhance.

If residential development is to proceed on this site, despite being prohibited by Comprehensive Plan Policy L2.4.4, it should be carefully designed to a scale and character that is consistent with the existing *"pedestrian scale and architectural character"* of Town and Country Village. In fact, the development is proposed at approximately 80 dwelling units per acre, which far exceeds the maximum density of 50 units per acre that the city has identified in the Housing Element Site Inventory.

Ellis Partners has engaged Randolph Popp Architects to evaluate the proposed development and to create a set of accurate renderings of how the proposed development would appear to our customers and tenants, and to study alternatives to identify an appropriate scale of residential development for this location. As noted in Mr. Popp's findings, a two-story and potentially a three-story residential development appears to be the maximum height that might be suitable for this setting, creating an appropriate transition from the single-story buildings at Town and Country.

Furthermore, we have engaged our land use attorneys at Jorgensen, Siegel, McClure & Flegel to evaluate the zoning applicable to this proposed development. The project site is currently included in the Palo Alto Zoning Code definition of Town and Country Village Shopping Center, which includes all properties bounded by El Camino Real, Embarcadero Road, Encina Avenue, and the Southern Pacific right-of-way. We have also asked our attorneys to assess whether the Planned Home Zoning (PHZ) process, which was intended to provide the City Council with additional housing opportunities in general compliance with the City of Palo Alto's planning and design review standards, is a suitable path for this proposed development. The legal analysis is included with this letter.

In summary, we understand the critical need for housing in Palo Alto, and truly respect the commitment that the City Council has made to address this need, including the establishment of the PHZ process. While the current Comprehensive Plan clearly states that, *"Conversion to residential capacity should not be considered in Town and Country Village,"* we can understand that the Council would re-evaluate this prohibition, given the housing crisis in the area. However, we hope that the Council will carefully evaluate any such residential proposals in light of the stated goal at Town and Country Village to, (per Policy L4.12), *"preserve the existing amenities, pedestrian scale and architectural character"*.

We feel that the 70 Encina proposal will set a precedent for future development at and adjacent to Town and Country Village. Furthermore, the city has spent significant time establishing Objective Design Standards. These standards establish crucial guardrails for urban planning and design that are there to protect property owners and maintain the community fabric. These standards require new projects to *"provide harmonious transitions between adjacent structures"*, which clearly is not the case with the current 70 Encina proposal. As such, we believe that the proposed development should be reduced to a two-story, or potentially a three-story structure, which would be appropriate for a structure adjacent to the low-rise, pedestrian scale of Town and Country Village.

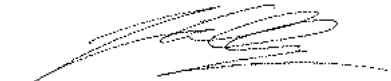
In closing, our objection is not to housing. We would support a thoughtfully designed two or three story structure. Our objection is to the height and massing of this proposed development, that far exceeds what's permitted under the base zoning. The City of Palo Alto puts tremendous effort into their zoning, comprehensive plan, and overall land use policy. That effort has resulted in thoughtful design and urban planning throughout Palo Alto. Our hope is that those same standards will be applied when evaluating the proposal at 70 Encina.

Thank you for your time and please let us know if you have any questions.

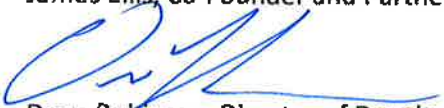
Sincerely,



Melinda Ellis Evers, Co-Founder and Partner



James Ellis, Co-Founder and Partner



Dean Robinson, Director of Development and Partner

Cc: Ed Shikada, Jonathan Lait, Amy French, Jodie Gerhardt, Emily Foley

8 September 2022

Sent via email: [city.council@cityofpaloalto.org](mailto:city.council@cityofpaloalto.org)

City of Palo Alto City Council  
Palo Alto City Hall  
250 Hamilton Avenue  
Palo Alto, CA 94301

Re: Proposed Planned Home Zoning Project at 70 Encina Avenue

Honorable Mayor, Vice Mayor, Council Members, and Staff:

In response to the proposal submitted for 70 Encina Avenue, Ellis Partners has retained my services to assist in their understanding of the project and its potential impact on Town & Country Village. Having practiced in this community for over 32 years including serving on the Architectural Review Board, I believe my insight and evaluation could be beneficial as a part of your review of the application. While I am typically a proponent of increasing the availability of housing, I do not feel the proposal offered for this particular site meets the standards our city has set in several critical areas.

I'll preface all of this by stating my general appreciation for the projects Hayes Architects has designed. I think they are a valuable local resource and have enhanced our environment through their work time and again. One notable example of their work was the thoughtful and compatible Trader Joe's addition to Town & Country Village. However, with this project, their client is not Ellis Partners, and the design is not compatible with Town & Country Village.

To support my evaluation of the proposal I have worked with a well-known and widely respected renderer who has developed additional dimensionally accurate views of the building using the information provided in the proposal package. I have attached those images to this letter and, without attempting to alter the building design, believe they represent a range of building heights to help illustrate how a more reasonable two- or three-story proposal might be viewed within the existing context.

As we all know, a new development in Palo Alto is generally obligated to conform to the review standards of the Architectural Review Board and as such, must satisfy findings to be deemed approved. This project falls short in almost every category.

**Consistency with ARB Review Standards:**

- *Promote orderly and harmonious development of the city*  
Our Comprehensive Plan, Municipal Code, and Zoning regulations clearly define what is appropriate regarding orderly and harmonious development within the city. The project is located in the Community Commercial Zoning District which is designed to encourage retail and some commercial uses. Notably, residential use in this area is highly restricted through both Zoning and Comprehensive Plan policy. As can be seen in the attached renderings, a five-story structure, placed in a parking lot, and adjacent to primarily single-story structures, is jarring and out-of-context.
- *Enhance the desirability of residence or investment in the city*

While there might be some convenience to living in this location, the proposed height and massing in this location is entirely inappropriate. While many would argue that we need housing in any format we can achieve it, I would argue that there are other more appropriate locations. Compromising to allow a PHZ project of this scale at this location sets precedent for ignoring development standards we have agreed are necessary to maintain aesthetic balance across Palo Alto. Indicating encouragement for this type of dramatic change here would result in far reaching impacts that will significantly alter our environment.

- *Encourage the attainment of the most desirable use of land and improvements*

Approving a project of this scale and character at this location will result in unintended consequences for this street and Town & Country Village. The likelihood of other projects similar to this being developed in the near future is slim (Ellis Partners has a long-term ground lease) so this would remain an isolated anomaly for the foreseeable future. Based on current Zoning and Comprehensive Plan Policies, which indicate the most desirable use of the site is retail/commercial, the land use change necessary to achieve this type of development at this site would create a condition that is not in harmony with the existing surrounding development or what can be reasonably be anticipated for the future.

- *Enhance the desirability of living conditions upon the immediate site or in adjacent areas*

It is challenging to understand how an isolated, purely residential project, could be considered compatible with the adjacent properties. If a coordinated effort here was able to allow a significant land area to be developed for residential use, there might be enough benefit to the nearby retail to balance the visual impact it would cause. At that scale, it could be large enough to allow for transitions to the adjacent context in a way this small parcel cannot. The dimensions of this project site within the context of the single-story and parking lot adjacent uses allows for no reasonable transition to a building at the height proposed. The limited number of units possible simply does not outweigh the negative aesthetic impact the proposal creates. Additionally, the limited setbacks proposed, and overall building layout, will make any future adjacent project even more difficult to accommodate.

- *Promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other.*

As stated above, the scale of this project, exaggerated by the boxy massing, represents no acknowledgment of the adjacent environment and is inconsiderate of the low-slung Hacienda style. It is common practice for projects to terrace, or step back, from edges that border on parcels with lesser height. As this site is bordered by single-story and parking lot adjacent uses, the only possible approach would include a significant reduction in overall height. A more appropriate approach, as suggested in the attached images, might be a revised two- or three-story proposal that could transition from the adjacent single-story context and would then be more consistent with nearby 2-story structures.

### **Consistency with Findings for Approval**

(1) *The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.*

As outlined in the letter provided by Land Use Attorney Leigh Prince, this project is inconsistent with both the Comprehensive Plan and Zoning regulations. *This Finding cannot be made.*

*(2) The project has a unified and coherent design, that:*

*(C) Is consistent with the context-based design criteria of the applicable zone district*

The project is inconsistent with context-based design criteria for the district within which it is proposed. Notably, the FAR is significantly in excess of what would reasonably be anticipated. This Finding cannot be made.

*(2) The project has a unified and coherent design, that:*

*(D) Provides harmonious transitions in scale, mass, and character to adjacent land uses and land use designations*

The project does not provide a harmonious transition in scale, mass, or character to the adjacent land uses and land-use designations. The project proposes a 5-story 55-foot high square stucco building amidst parking and adjacent to Town & Country Village, which is primarily a single-story Hacienda style collection of structures. As the images I provided show, the contrast between the two is severe and there seems to be no attempt toward transition. This Finding cannot be made.

*(3) The design is of high aesthetic quality, using high quality, integrated materials and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.*

While acknowledging this is a preliminary proposal, my evaluation is that the current design does not suggest it will strive to be of the highest aesthetic quality, using high-quality integrated materials, or incorporating textures, colors, and other details that are compatible with and enhance the surrounding area. Although the immediate context is eclectic, the predominant style is the low-slung architecture of the Town & Country Village. Departing from that in the manner proposed will not unify or allow for a transition that could satisfy this requirement. This Finding cannot be made.

*(5) The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought resistant plant material capable of providing desirable habitat that can be appropriately maintained.*

Due in large part to the 86.5% site coverage proposed the minimal landscape design does not truly enhance the building or its surroundings. It appears to be only modestly appropriate to the site's function and does not appear to represent a desirable habitat. This Finding cannot be made.

### **Consistency with Objective Standards**

When evaluated in the context of the adopted Objective Design Standards for the CC Zoning District, and consistent with other requirements listed above, it seems important to understand the direction outlined in Section 18.24.050 Building Massing (underlining added for emphasis):

*(A) Intent*

*To create buildings that are compatible with and enhance the surrounding area through the consideration of building scale, massing, and bulk. Massing should create a human-scale environment that is of high aesthetic quality and accommodates a variety of uses and design features. Building massing should include elements that:*

- Are consistent in scale, mass and character to adjacent land uses and land use designations
- Provide harmonious transitions between adjacent properties

The project as proposed does not reflect consideration of this Standard and significant modification would be needed in the form of step-back/terracing and height reduction to conform to the many requirements the Palo Alto regulations describe. Note that these are similar and related to the other obligations described above and as I have repeatedly stated, the 5-story box is in no way compatible or consistent with Town & Country Village.

### **Critique of the submitted documents**

A further critique of the submitted documents yields other problematic concerns.

The lowest level of the building, which is primarily a parking garage, is an entirely solid wall for virtually all of the perimeter. While modestly appropriate along Encina, the remainder of the building, which is viewable from all sides, lacks articulation or character at the pedestrian level.

The rendered representation of the building provided by the applicant, both in elevation and perspective, fails to fully clarify the character of this building relative to its context. I think it is important to note that the 2-foot-tall parapet as shown would not be sufficient to screen typical roof-mounted equipment that would need to be placed there. A more common screen height would be closer to 5-7 feet, pushing the total visual height of the building to somewhere in the neighborhood of 60 feet. That height will be approximately 40 feet more than the Town & Country building it is most adjacent to and similarly in contrast to the single-story buildings on the opposite side of Encina. The multi-story buildings shown in the renderings are misleading in that they are far from the project site at a distance of roughly 300 feet (the length of a football field).

In closing, I believe there are many other housing opportunity sites that might be appropriate for this type of development but find the proposal presented for this site to be impossible to support based on established standards for review and approval.

Sincerely,

Randy Popp



Randolph Popp, Architect

## View A

Key Plan



Five Level



Three Level



Two Level



## 70 Encina Avenue – Study Illustrations

### **View B**

Key Plan



Five Level



Three Level



Two Level



## 70 Encina Avenue – Study Illustrations

### **View C**

Key Plan



Five Level



Three Level



Two Level



## 70 Encina Avenue – Study Illustrations

### **View D**

Key Plan



Five Level



Three Level



Two Level



## 70 Encina Avenue – Study Illustrations

### **View E**

Key Plan



Five Level



Three Level



Two Level



**JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP**  
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MARVIN S. SIEGEL  
(1936 - 2012)  
JOHN R. COSGROVE  
(1932 - 2017)

September 7, 2022

Sent via email: [City.Council@cityofpaloalto.org](mailto:City.Council@cityofpaloalto.org)

City of Palo Alto City Council  
Palo Alto City Hall  
250 Hamilton Avenue  
Palo Alto, CA 94301

**Re: Proposed Planned Home Zoning Project at 70 Encina Avenue**

Dear Honorable Mayor and City Council Members:

Town and Country Village ("Town and Country") is a specialty retail shopping center that was originally completed in the 1950s. Since acquiring Town and Country, Ellis Partners has been committed to retaining the original character of early western-style architecture with red tile roofs, heavy wood beam and column-supported covered walkways and stately oaks growing throughout. Over the years, Ellis Partners has completed renovations to Town and Country, including the construction of Trader Joe's. These renovations have preserved the low-slung character of Town and Country, while increasing its appeal as one of Palo Alto's primary retail destinations.

Recently, a Planned Home Zoning ("PHZ") project was proposed at 70 Encina Avenue ("project site"). The project site was previously used and permitted by the City of Palo Alto ("City") as a part of Town and Country for parking (although in recent months the owner has fenced off the project site without City approval). The current proposal would rezone the project site from Community Commercial ("CC") to PHZ to allow the development of a 55-foot high five-story condominium building. This proposed project is not only out of character with the adjacent Town and Country buildings, but it is also inconsistent with the City's Comprehensive Plan. Approving the proposed project, even at a more palatable height and scale, would require more than rezoning the project site to PHZ, it would require a Comprehensive Plan amendment and a zoning text amendment. As a result, Ellis Partners opposes the project because as proposed it would detract from this important and iconic pedestrian-oriented retail destination.

### **Town and Country Village Includes the Project Site**

Town and Country is defined as all properties zoned CC and bounded by El Camino Real, Embarcadero Road, Encina Avenue and Southern Pacific right-of-way – this includes the project site. See Palo Alto Municipal Code Section 18.16.030. Town and Country was originally constructed in phases between 1952 and 1958 including one and two-story buildings, an extensive parking lot, trees and landscaping. From the 1950s to the present (approx. 70 years), the City has considered Town and Country by these boundaries. A recent Planning Commission staff report dated February 10, 2021, included figures showing Town and Country. These figures illustrate how the City and the community at large understand Town and Country – as including the project site.

### **Figures Showing Town and Country**



### **Residential is Inconsistent with the City's Comprehensive Plan**

Palo Alto's Comprehensive Plan does not support the rezoning of the project site, which has historically been part of Town and Country, from its current CC zoning to PHZ zoning. Comprehensive Plan Policy B-6.6 provides that Town and Country should be retained as an attractive, local-serving retail center. Most importantly, Comprehensive Plan Policy L2.4.4 provides that "Conversion to residential capacity should not be considered in Town and Country Village." Rezoning the project site to allow a residential condominium building would violate these Comprehensive Plan policies. As a result, the finding needed to approve the proposed project and rezone to PHZ – that the proposed use would be consistent with the Comprehensive Plan – cannot be made. Palo Alto Municipal Code Section 18.36.060.

If there is a strong desire to alter the long-standing policy regarding preserving Town and Country for low-density retail, approving a PHZ rezoning to allow housing, even at a more palatable height and scale, would require approving a Comprehensive Plan amendment to change the language that housing should not be considered at Town and Country. In addition, a zoning text amendment would be needed to carve out the project site from the definition of Town and Country in Palo Alto Municipal Code Section 18.16.030. Such a significant policy shift should not be undertaken lightly as it may have lasting and precedent setting impacts on Town and Country, potentially undermining this iconic retail center and further eroding the City's dwindling retail uses.

It is Ellis Partners' firm belief that the City Council cannot make the required finding to rezone, absent a Comprehensive Plan amendment and a zoning text amendment. As it currently stands, the Comprehensive Plan provides that residential capacity should not be considered at this location and Town and Country should be retrained as a local serving retail center.

### **Neither Consistent with Nor a Reasonable Modification to Existing Zoning**

The existing CC zoning for the proposed project site would not allow the development of the proposed project. Palo Alto Municipal Code Section 18.16.040 provides that in the CC zone residential is permitted, but only as part of a mixed-use development or on sites designated as housing inventory sites. The proposed project site is not listed as a housing inventory site (in fact it was administratively removed from the list of potential sites in this Housing Element cycle). In addition, while adding housing would make Town and Country mixed-use as a whole, the premise of the applicant's proposal is founded on separating itself from Town and Country. Therefore, to be permitted the project itself would have to be mixed-use and it is not.

Further, the City Council's policy direction regarding the PHZ has been to look for reasonable modifications to the existing zoning. This project proposes a significant departure from the existing zoning. It proposes a project that is substantially different from and not compatible with Town and Country. See Palo Alto Municipal Code Section 18.38.060 requiring the Council to find the project would be compatible with existing and potential uses on adjoining sites or within the general vicinity.

1. Floor Area Ratio - The maximum allowable floor area ratio ("FAR") is 0.35 for Town and Country. The maximum FAR for mixed-use development for Town and Country is limited to 0.50 provided that no more than 0.15 shall be residential. The project has proposed a FAR of 2.4 for residential only, far in excess of both the underlying zoning and the existing surrounding retail center. To put it into perspective, the proposed FAR is 6.8 times larger than the allowable FAR for retail and 16 times larger than the allowable FAR for residential in a mixed-use project.
2. Site Coverage – The maximum site coverage is 50 percent. The project proposes a site coverage of 86.5% or 36.5% percent more than allowable under the existing zoning or allowed for any of the surrounding Town and Country uses.
3. Height – Although the maximum allowable height is 50 feet in the CC zoning district, the majority of buildings in Town and Country are a blend of one and two stories approximately 18 to 24 feet in height. Thus, 55-feet and five stories is a significant departure from the low-slung character of the retail center.

The proposed project would be the first and likely only building of this type and magnitude for the foreseeable future at Town and Country making it incompatible with the surrounding uses. Given the established retail uses, existing zoning regulations and long-term ground lease, Ellis Partners does not anticipate any significant change to Town and Country, and certainly nothing that would be compatible with the height and scale of the proposed project. Furthermore, the City's Comprehensive Plan programs and policies speak to transitions in scale between developments (Policy L-1.3) and discouraging abrupt changes in scale and density (Policy L-6.7 and Program L6.7.1). The proposed project provides no transition and is an abrupt change in scale from Town and Country buildings and parking which would surround it.

### **Conclusion**

Ellis Partners appreciates the significant amount of time and resources these pre-screening applications consume and thanks City staff and the Council for their time and attention to this matter. Ellis Partners understands the City's need to plan for housing; however, housing development of this height and scale is not appropriate at Town and Country and if approved as

City of Palo Alto City Council  
Planned Home Zoning Project at 70 Encina  
September 7, 2022  
Page 4

proposed would undermine the look and feel of this iconic retail center. Thus, Ellis Partners respectfully requests that the City Council not to support moving this project forward as proposed.

Sincerely,



Leigh F. Prince

cc: Jonathan Lait, Planning Director ([Jonathan.Lait@cityofpaloalto.org](mailto:Jonathan.Lait@cityofpaloalto.org))

December 2, 2023

Sent via email: arb@cityofpaloalto.org

City of Palo Alto City Architectural Review Board  
Palo Alto City Hall  
250 Hamilton Avenue  
Palo Alto, CA 94301

Re: Proposed Planned Home Zoning Project at 70 Encina Avenue

Dear Chair Baltay, Vice-Chair Rosenberg, and Members of the Palo Alto Architectural Review Board:

Town & Country Village is appreciative of the reduced scale and concept modifications represented in the submitted design but continues to be concerned about the proposed project at 70 Encina Avenue. We have been the thoughtful stewards of Town & Country Village as an important community asset for nearly 20 years and throughout our ownership we have been focused on preserving and protecting this unique neighborhood treasure in a manner that is entirely consistent with the Comprehensive Plan and all the City's design guidelines.

The proposed project, however, does not preserve and protect this community treasure and is wholly inconsistent with the Comprehensive Plan. Comprehensive Plan Policy L-2.4, Program L2.4.4, states explicitly ***"Conversion to residential capacity should not be considered in Town and Country Village."*** Although the 70 Encina parcels have no buildings on them and have existed for 70 years as parking for the center, this site is clearly listed under the Municipal Code as within the boundary of Town & Country Village. As such, when considering this project, we hope you will focus your attention on weighing the relative value of the zoning code concessions you are being asked to evaluate and the impact of the project on the Town & Country Village as a whole.

We clearly understand there is a housing crisis and appreciate the City's efforts to mitigate the deficit in Palo Alto by identifying locations for 6,086 potential new housing units (plus an additional 780 units to act as a "buffer") within the city per the 6<sup>th</sup> Cycle Housing Element, with the majority (3465) being at moderate or below moderate-income levels. However, it seems inconsistent with the City's housing goals to allow 10 luxury condominiums to take precedence over the continued preservation of a valued, historical neighborhood center at a location where the Comprehensive Plan ***specifically prohibits housing.***

As a reminder, the Comprehensive Plan, when speaking about the future of Town & Country Village in Policy L-4.12, states that proposed developments should, ***"recognize and preserve Town and Country Village as an attractive retail center serving Palo Altans and residents of the wider region. Future development at this site should preserve its existing amenities, pedestrian scale, and architectural character."*** While we appreciate the applicant's decision to reduce the scale of the project, which previously towered over the primarily single-story Town & Country Village, we continue to believe that the latest iteration is still lacking consistency within this important and sensitive setting and as proposed, would most certainly not contribute to the preservation of ***"its existing amenities, pedestrian scale, and architectural character."***

While we understand that the application is proposed as a PHZ/PC, which allows the City some leeway to depart from current zoning standards established for these parcels, it is essential to remember, as stated in the staff report, that ***“a planned community district is particularly intended for unified, comprehensively planned developments that are of substantial public benefit and which conform with and enhance the policies and programs of the Palo Alto Comprehensive Plan.”*** The proposed project, even though scaled down, is not a unified, comprehensively planned development – it will exist as a small one-off residential development within the Town & Country Village shopping center parking lot. It does not provide substantial public benefit – likely providing a mere two affordable units amongst eight condos likely costing over \$1.5 million each. It does not enhance the policies and programs of the Palo Alto Comprehensive Plan but rather, stands in direct opposition to those policies and programs.

We consider this proposal to be inappropriate in its attempt to use the PHZ/PC process. As proposed it will certainly result in a dramatic degradation of the community treasure that has been carefully protected for decades and that we have been working to preserve since 2005. The City Council, at the September 12, 2022 hearing clearly recognized the risk of this project adversely impacting Town & Country Village. As stated in the Staff Report, ***“they asked the applicant to work with Town & Country to receive their support of the project, and stated that consideration should be paid to how this development may affect the vitality of Town & Country. Council also wanted any project at 70 Encina to provide a better visual connection with Town & Country, such as through the use of materials.”***

We encourage you to respond to this application in a manner that aligns with the City Council’s direction to achieve Town & Country support, limits conflict with the Comprehensive Plan, and aligns fully with the intent of the PHZ/PC process. As the proposed project does not yet achieve any of these, we respectfully request that you provide the applicant with such feedback. The proposal you are being asked to evaluate will have a lasting adverse impact if approved in its current form. We appreciate your partnership in maintaining Town & Country’s unique character, scale, and architectural charm for the future.

Below is a more detailed evaluation provided in consultation with Randy Popp, an Architect and former Chair of the ARB, who we have asked to advise us in evaluating this design proposal, its consistency with City design guidelines, and the impact it would have on Town & Country Village. Also provided below is a list of significant operational concerns this proposal raises.

Thank you for your careful consideration,

Dean Rubinson  
Director of Development  
Ellis Partners LLC

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### **Architectural Review Findings:**

Regardless of the concessions granted through the PHZ regulations, the role of ARB is to ensure that all required Architectural Findings (PAMC 18.76.020(d)) must be met by the applicant. We find that it is inconsistent with the following criteria:

1. The design is consistent with applicable provisions of the Palo Alto Comprehensive Plan, Zoning Code, coordinated area plans (including compatibility requirements), and any relevant design guides.

*This project site was not intended to be developed as residential. While current changes in policy may make this project seem desirable, any departure from established plans or codes should provide significant community benefit, far beyond the enrichment of the development team. Furthermore, the proposal should seek to achieve the greatest possible alignment with all other established aspects of zoning regulations and policy.*

2. The project has a unified and coherent design, that:
  - a. Creates an internal sense of order and desirable environment for occupants, visitors, and the general community.

*A sense of order and desirability of the environment for the general community is not accomplished through the proposed design. The current proposal does not support or enhance the requirements for a desirable retail environment, as further explained in the operational section below.*

- b. Preserves, respects and integrates existing natural features that contribute positively to the site and the historic character including historic resources of the area when relevant.

*The proposed project does not integrate into the existing historic character of Town & Country Village. Due to its proximity, the proposed project should seek to achieve greater compatibility in its design, massing, and use of materials. The submitted design stands in stark contrast to the historic character of Town & Country and must be substantially modified to meet this Finding.*

- c. Is consistent with the context-based design criteria of the applicable zone district.

*N/A - we are not aware of any context-based design criteria for this site.*

- d. Provides harmonious transitions in scale, mass and character to adjacent land uses and land use designations.

*While the applicant has reduced the scale, the proposed project is still inconsistent with adjacent architectural character and land use. Town & Country Village has a distinct scale and design vocabulary, (roof slope, materials, deep overhangs at comfortable pedestrian walkways, etc.) and we feel the current proposal is incompatible with the historic nature of the center.*

- e. Enhances living conditions on the site (if it includes residential uses) and in adjacent residential areas.

*The design does not enhance living conditions on the site. The intensive operational needs of a thriving neighborhood center include receiving deliveries, handling trash, well-lit customer parking, and the like. We believe that residents would find these necessary operational demands to be*

*unpalatable. Until the proposal can achieve mitigation of these existing necessary constraints, the application should be returned for modification.*

3. The design is of high aesthetic quality, using high quality, integrated materials, and appropriate construction techniques, and incorporating textures, colors, and other details that are compatible with and enhance the surrounding area.

*As stated before, we do not find the current design to be compatible with the current historic design, massing, or character of Town & Country Village.*

4. The design is functional, allowing for ease and safety of pedestrian and bicycle traffic and providing for elements that support the building's necessary operations (e.g., convenient vehicle access to property and utilities, appropriate arrangement and amount of open space and integrated signage, if applicable, etc.).

*We feel the proposed development will result in a net-negative to the safety and ease of access for pedestrians and bicycle traffic. The added vehicular traffic, loss of parking for retail use, and minimal setbacks combine to create an unmitigated series of impacts. Additionally, given the tight constraints of the site and the density of the proposed development, there is serious concern for the impact to retail vehicular access at an already constrained site, and certainly represents reduced access for operational needs.*

5. The landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes to the extent practical, regional indigenous drought resistant plant material capable of providing desirable habitat that can be appropriately maintained.

*The current proposal has the property fully developed leaving little to no room for the required landscaping necessary to achieve compliance with this Finding. The project landscape design does not provide the necessary transition to the adjacent Center design. In addition, please note that the proposed development represents a net loss to the existing tree canopy. Currently, the canopy coverage on the site is approximately 2170 square feet across 8 existing trees, while the proposed development includes 7 replacement trees with limited growth potential for a proposed approximate canopy of 550 square feet.*

6. The project incorporates design principles that achieve sustainability in areas related to energy efficiency, water conservation, building materials, landscaping, and site planning.

*We have yet to fully understand how this proposal achieves compliance with this Finding. As stated previously, the bar for approval should be set high due to the concessions being requested for approval of this proposal at this site.*

### **Operational Review Findings:**

Given that the proposed project stands in contrast to the City's planning documents, it is not surprising that if approved it will likely create several significant impacts on the pedestrian, vehicular and other operational aspects of Town & Country Village:

- 1) It is incompatible to locate residences within the parking lot of a busy commercial shopping center. Our shopping center receives tenants' deliveries throughout the day and frequently these are more intense in the early morning hours before the center opens to customers. Additionally, certain dining tenants operate into the late evening hours which might impact potential new residences within the vicinity. Lastly, we have trash and recycling serviced daily, immediately proximate to the proposed development. While these operations are consistent with City codes and existing approvals, residents will almost certainly find them incompatible with their residential use. We would ask that you carefully consider these concerns in your evaluation of the project to avoid creating a cycle of complaints that cannot be resolved.
- 2) Given the density of the proposed development, we foresee constraints on parking and pedestrian access. The current proposal allows for no space for potential residents' visitors, service vendors, or deliveries. With Encina Avenue already fully parked during the day, and with all our parking stalls restricted for our retail and restaurant uses at the Center, we feel the added traffic and parking load on Encina Avenue and the surrounding area would be untenable. The project should be designed in anticipation of all these needs, as would be required of any other proposal brought forward.

July 22, 2024

Emily Kallas  
Planner, City of Palo Alto  
[Emily.Kallas@CityofPaloAlto.com](mailto:Emily.Kallas@CityofPaloAlto.com)  
(650) 617-3125

Dear Emily,

As you proceed with your staff level review of application number 24PLN-00095, request for Planned Community Zone Change (PHZ) to allow construction of a new 3-story, 22,552 sf residential condominium building, we, as the owners and operators of Town & Country Village ("TCV") wish to raise our continued concerns with regards to the proposed 70 Encina development. Our concerns and objections were previously communicated in our September 8, 2022, letter to the Palo Alto City Council, in our letter from December 2, 2023 to the Architectural Review Board (both attached) and we addressed these concerns in person at the City Council hearing on September 12, 2022 and at the Architectural Review Board (ARB) Study Session on December 7, 2023.

We and our consultant architect, Randy Popp, have carefully reviewed the revised development plans, dated March 8, 2024. While we recognize that the applicant has made some minor changes to the proposal, our team and Mr. Popp believe that the vast majority of the concerns raised by the ARB on December 7, 2023 have gone completely ignored, notably the lack of a buffer between this zero lot line proposal and TCV and the lack of architectural compatibility for this sensitive setting. Furthermore, all the operational concerns that we have repeatedly raised about this problematic project remain unaddressed.

## Background

We of course understand the critical need for new housing development in Palo Alto and throughout the region, but we request that you require the applicant to revise its proposal to address the concerns raised by the ARB as well as the aesthetic and operational impacts that we have continued to highlight over the last three years. We do not consider this ¼ acre site surrounded by our north parking lot to be a suitable housing site and feel that the ten luxury townhomes this project will create will do little to address the City's housing shortage. Furthermore, the addition of these ten units does not justify the degradation of TCV, a unique and treasured community asset and source of significant sales taxes for the City of Palo Alto.

As you may be aware, at the September 8, 2022, hearing, the City Council ***"asked the applicant to work with Town & Country to receive their support of the project and stated that consideration should be paid to how this development may affect the vitality of Town & Country. Council also wanted any project at 70 Encina to provide a better visual connection with Town & Country, such as through the use of materials."***

Ever since that hearing, we have reviewed the prior revisions from the applicant and provided clear and consistent feedback to the applicant and to City staff in the hopes that the design would evolve in a manner that we can support and that is more appropriate and consistent with TCV's architectural vocabulary, massing and operational considerations.

# ELLIS PARTNERS

In terms of specific feedback on the most recent submittal, we are providing herein a summary of the impacts the proposed project would have on the operation of TCV and the potential areas of conflict it might create for our tenants and customers with the future occupants of the proposed development. Also attached is a letter from Randy Popp highlighting his concerns with the current design and the lack of architectural compatibility with TCV.

## **TCV Operational Concerns**

1. The Planning Department has expressed concern multiple times about parking at TCV, and while we comply with current code and issued approvals, our concern is that guest parking for the proposed residential development is going to spill into our adjacent lots and displace our customers. The proposed design includes no guest parking for ten residences and only provides an average of 1.4 spaces for these three-bedroom units. While we understand the desire to not build large parking facilities in Palo Alto, it is inevitable that future guests and residents will park on our property given its proximity. TCV will then be forced to police and tow guest parking for this development, and TCV will need to involve the City in repeated complaints about unauthorized use of our property.
2. This development will also result in an increase in vehicular traffic on our property. Given its design and orientation, residents and guests will likely use our property to drive through from Embarcadero, given Encina is sometimes hard to access by car via El Camino Real. As stated above, we believe the increase in traffic posed by the proposed development will create adverse impacts to our property and our patrons. TCV will be forced to involve the City in mitigation of neighbors using our property for path of travel.
3. Poke House, Asian Box, Antoine's Cookies, Jamba Juice, Douce France, and Horsefeather will all be operating food and beverage facilities adjacent to the new residents, whose homes will be along on our primary service alley. Our concern is that residents will complain and try to impose on our tenants' ability to operate. Each of these food service operations receive deliveries at early hours, and early morning businesses like Jamba Juice & Douce France will have employees and patrons arriving at the site early each day. Horsefeather will be utilizing a nearby outdoor patio until 10 PM at night, as allowed in their planning approval, which poses a potential conflict with residents who will likely complain to the City about the incompatibility of a these two nearly adjacent uses.
4. Since the proposed development abuts our rear service alleyway, we are concerned that residents will complain about off-hours deliveries, trash pickups, and other typical elements of commercial food operations. Employees occupy the service alleys adjacent to the residences at all hours of the day, and our concern is that residents will inevitably complain to the City about their presence, and the general operations of our tenants. The proposed development includes no buffer or setbacks to mitigate this and proposes high-end residential units directly adjacent to our active shopping center that has been operating for over 70 years in this location.

## **Zoning Violations**

Beyond our concerns with the revised proposal, we would also like to remind you and others at the City of Palo Alto, that the owners of the subject site installed a chain link fence on or about November 2021, surrounding their portion of the parking lot. Based on conversations we had with planning staff in 2021, we were told that the installation of this fence was a clear zoning violation and that its installation would require an application by the 70 Encina property owners to modify prior planning approvals, factoring in changes in traffic flow and aesthetics. Since no such application has been filed, we have repeatedly reminded staff of this situation and now after nearly three years of weeds, pavement cracks and overall

# ELLIS PARTNERS

blight, this situation remains unchanged, as a result of a lack of zoning enforcement (current condition photos attached). Given how meticulous City staff is in enforcing zoning codes and processes at TCV, it is quite surprising that the City is willing to process this new development application for a site that has a nearly three year old outstanding zoning violation that is blighting such an important community asset. Please see the recent photos of the site for reference. We respectfully request that you put this application on hold until the property in question is in full compliance with current zoning regulations and the blighted conditions are addressed.

Thank you for your consideration of our concerns. We truly appreciate being included in the review process for this application and are hopeful that it can be revised to result in a project that is more appropriate for this important and sensitive setting. We have been the careful stewards of TCV since 2005 and would be devastated if this project as proposed were to be built in such a dense and incompatible configuration.

Sincerely,

Dean Rubinson



Director of Development

Ellis Partners LLC of behalf of CEP Town & Country Investors, LLC

Cc: Jim Ellis, Ellis Partners  
Melinda Ellis Evers, Ellis Partners  
Mitchell Serrato, Ellis Partners  
Amy French, City of Palo Alto

Attachments:

Design Review Letter, Randolph Popp Architects - July 3, 2024

Current Photos Exhibit – July 22, 2024

Letter to Palo Alto City Council – September 8, 2022

Letter to Palo Alto Architectural Review Board – December 2, 2022

3 July 2024

Dean J. Robinson  
Partner, Director of Development  
Ellis Partners  
111 Sutter Street, Suite 800  
San Francisco, CA 94104

Re: Proposed Planned Home Zoning Project at 70 Encina Avenue

Dean:

I was excited to understand there was an updated package available for the proposal adjacent to Town & Country Village but after my review, I'm quite disappointed to find much of the constructive criticism the development team received when they presented to ARB on December 07, 2023 has not been addressed. In fact, in some areas, the impact has worsened.

First and foremost, it still feels like more units are being squeezed into this property than can reasonably be accommodated. Board Member Chen mentioned this concern, and while I typically advocate for more density, in this particular case, I tend to agree with her perspective. A number of critical constraints and limitations have not been resolved as outlined below, and the overall design just feels too strained.

The vehicular entry off of Encina has been widened. However, the interior courtyard space still seems to be too narrow, such that, as Board Member Hirsh pointed out, cars will have difficulty getting into and out of the garages. In particular, the first two stalls immediately adjacent to the entry will likely require multipoint turns to safely enter and exit. While this juggling is going on, other vehicles will not be able to enter or exit the property, potentially causing a queuing issue out on the street. At the opposite end of the drive aisle they have added an open weave CMU screen below a pair of outdoor terraces. Noise from the service drive, particularly in the early morning hours, will most certainly translate to the interior courtyard of the development, which will act like an echo chamber, creating an impact for all of the units, not just those adjacent to the service drive.

Accessory to the above is the concern raised by Board Member Chen that interior-facing bedroom windows are directly aligned. This too is a byproduct of the excessive density they are trying to achieve. The impact is a very challenging privacy conflict. It's unclear how this could be resolved without a significant retooling of the design.

Another issue which has not been addressed but would require some significant reorganization is that the trash room is still only accessible by doors fronting on Encina. It's difficult to understand how all of the townhomes will utilize this space efficiently and what the long-term impact of this will be for the most distant units. I personally can't imagine walking my trash, recycling, and compost that distance on a regular (daily) basis.

Both Board Members Rosenberg and Adcock raised valid concerns about the zero setback positioning of the massing at the 3 non-street frontage sides. Although there has been an attempt made to create some additional visual relief to the massing of the building, ultimately,

the concept remains essentially unchanged. In respect to the street-facing units, Board Member Baltay pointed out the potential for direct access via stoops on Encina. Rather than doing that, the design continues to exist as a 'wall' without addressing many of the objective design standards typically expected for the pedestrian-level street-facing portion of the building.

It appears from some added sheets that additional work has been done relative to fire access. The result of this is the addition of a very intrusive stair configuration and a heavy screening element. I know from earlier conversations that you and I both feel this elevation is a primary component of the building because so much of it is visually accessible from the interior of Town & Country Village. This add-on is yet another element indicative of a density and massing which is greater than what the site can reasonably accommodate. Contextually, it increases the problematic nature of the development, which we know will continue to exist for decades as a singular building amid a large parking area.

Turning to the elevations, materials, and color choices, Board Members Rosenberg and Baltay most vocally indicated they felt not enough deference was being paid to Town & Country Village. Board Member Chen suggested greater mass along Encina and a reduction in height closer to Town & Country Village. I'm ambivalent about the value of changing the massing to elevate height closer to Encina and feel that may not be productive on such a small site. In regards to architectural deference to Town & Country Village, the addition of a dark-colored rain screen is a positive step, but the beige sandstone-colored brick at the base of the building feels like an inappropriate approach regarding materials and color. I do not consider the current design to be successful concerning the important goal communicated by the ARB Members.

In summary, I don't believe this submittal addresses the concerns raised by the Board or in response to those identified by your team. I cannot see how, at this point, you might indicate your support for the proposal. I know that was the goal for the Council but we are just not there yet.

Sincerely,

Randy Popp

A handwritten signature in black ink, appearing to read 'Randy Popp', with a stylized, cursive script.

Randolph Popp, Architect





