

From: [Michael von Loewenfeldt](#)
To: [Council, City](#); [Kou, Lydia](#); [Burt, Patrick](#); [Lauing, Ed](#); [Lythcott-Haims, Julie](#); [Stone, Greer](#); [Tanaka, Greg](#); [Veenker, Vicki](#); [Eggleston, Brad](#); [Shikada, Ed](#); [Clerk, City](#); [City Attorney](#)
Subject: 532-536 Ramona
Date: Monday, May 8, 2023 12:21:17 PM
Attachments: [050823 Letter to Palo Alto re Ramona Post.pdf](#)

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

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

Please see the attached correspondence.

Michael von Loewenfeldt (he/him)
Certified Specialist, Appellate Law
Certified by the State Bar of California Board of Legal Specialization



100 Pine Street, Suite 2250
San Francisco, CA 94111
Direct: (415) 357-8909
Main: (415) 357-8900
wvbrlaw.com



Wagstaffe, von Loewenfeldt,
Busch & Radwick LLP

Michael von Loewenfeldt
PARTNER

100 Pine Street, Suite 2250
San Francisco, CA 94111

mvl@wvbrlaw.com
wvbrlaw.com

415-357-8909 *Direct*
415-357-8910 *Fax*

May 8, 2023

VIA EMAIL

City Council Members

City of Palo Alto

city.council@cityofpaloalto.org

lydia.kou@cityofpaloalto.org

pat.burt@cityofpaloalto.org

ed.lauing@cityofpaloalto.org

julie.lythcotthaims@cityofpaloalto.org

greer.stone@cityofpaloalto.org

greg.tanaka@cityofpaloalto.org

vicki.veenker@cityofpaloalto.org

City Clerk

city.clerk@cityofpaloalto.org

Molly Stump, Esq.

City Attorney

city.attorney@cityofpaloalto.org

Re: Third party parklet in front of 532-536 Ramona

Dear City Councilmembers, City Clerk, and City Attorney:

We represent Ramona Post LP, the owner of the building at 532-536 Ramona Street. We are writing again to address the City of Palo Alto's continuing violation of Ramona Post's rights by authorizing and renewing authorization for a parklet being used by a neighboring business to be placed in the street and setback directly in front of Ramona Post's property despite Ramona Post's objection.

We have become aware of your intent to consider at a special meeting today extending the current temporary parklet program until March 31, 2024. We had previously requested that you inform this office in advance of any meeting of the City Council or any other public body where the subject of parklets is discussed, and provide the entire agenda packet for such meeting pursuant to Government Code section 54954.1. You failed to comply with that requirement, and we have received no correspondence from you.

It now appears that the Council intends to allow “non-structure” parklets to extend beyond the establishment leasing the space *without the consent* of the neighboring owner or business. Our client has been advised by City staff that “non-structure” means any parklet without a roof, even if it has a permanent platform or railings, which are obviously structures and which block the rights of the neighboring owner. City staff has also stated that the language allowing “a tenant ... to obtain the rights to that space” only applies if the conflicting parklet is roofed.

Any use of the space in front of an adjoining business without the consent of the property owner that blocks that space or prevents the property owner or their tenant from using it is a violation of the property owners’ rights, as discussed in our prior correspondence.

In addition, the City intends to keep ignoring the rights of property owners other than those who it has impermissibly favored through excessive delays. The City needs to adopt a change to the temporary parklet program to remove the unroofed parklet in front of our client’s building which has, and continues, to cause severe loss of business to my client.

Ramona Post reserves the right to take all lawful measures to protect its rights.

Sincerely,



Michael von Loewenfeldt
Partner, WVBR

Cc: brad.eggleson@cityofpaloalto.org, Public Works
ed.shikada@cityofpaloalto.org, City Manager