

Not Yet Adopted

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Section 18.08.040 of the Palo Alto Municipal Code (the Zoning Map) to Rezone the Property at 2901 Middlefield Rd. from Planned Community Ordinance 2343 (PC-2343) to Planned Community Ordinance XXXX (PC-XXXX).

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations.

- (a) On _____, Dewey Land Company LLC (“Dewey”) and Handa Developer’s Group/RRP (“Handa”) applied to amend Planned Community (“PC”) Ordinance 2343 to apply solely to the property at 2901-2905 Middlefield Road, APN 127-35-194, (“Middlefield Parcel”) and rezone the property at 702 Ellsworth Place, APN 127-35-152, (“Ellsworth Parcel”) from Planned Community to Single Family Residential (R-1).
- (b) The City Council at its March 13, 2023 study session considered the prescreening application and indicated the project applicants should proceed with a formal PC rezoning application to the Planning and Transportation Commission for a recommendation.
- (c) On June 28, 2023, July 12, 2023, and August 9, 2023 the Palo Alto Planning and Transportation Commission (“PTC”) held a series of public hearings to consider the application. The PTC recommended that PC-2343 be amended to remove the Ellsworth Parcel and to establish two new PC ordinances to govern the Middlefield Parcel and Ellsworth Parcel, respectively.
- (d) The rezoning recommended by the PTC would reduce the area of the Planned Community PC 2343 from 26,386 sf to 19,893 square feet to encompass 2901-2905 Middlefield Road, a 12-unit apartment building currently owned by Dewey, and amend the development plan for the PC to:
- (i) resctrive the tenant parking facility to assign four uncovered parking spaces to meet current code requirements for tenant parking spaces,
 - (ii) provide a truck delivery space,
 - (iii) maintain trash enclosure and pickup from Sutter Avenue,
 - (iv) the 35-foot sight triangle at the intersection of Ellsworth Place and Middlefield Road shall not be obstructed by plants, fences, or other objects taller than 1 foot, and
 - (v) add a 3'6"-wide swath of paving alongside Ellsworth Place beginning at the Middlefield Road curb line and extending to the location of an existing utility pole guy-wire to increase the perceived width of Ellsworth Place.
- (e) The PTC recommended concurrent adoption of a companion ordinance (Ordinance No. XXXX) to designate the remaining 6,493 square foot parcel currently owned by Handa at 702 Ellsworth as PC, for the purpose of constructing a single-story, single-family residence.

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(f) The Planning and Transportation Commission, after duly noticed public hearings on June 28, July 12, and August 9, 2023, made the findings set forth below and recommended that Section 18.08.040 (the Zoning Map) of the Palo Alto Municipal Code be amended.

(g) The Council, after due consideration of the recommendations, finds:

- (i) The site is so situated and the uses proposed for the site are of such characteristics that the application of general districts or combining zoning districts will not provide sufficient flexibility to allow the proposed development; the City's conventional zoning district RM20 would not permit the existing 12 unit structure on the proposed 0.46 acre site
- (ii) Amendment to the existing Planned Community PC2343 will provide public benefits expected to result from the Project, including an expanded public access easement over the first 37 feet of Ellsworth Place, and the construction of an additional dwelling unit.
- (iii) The Council further finds that the Project provides public benefits, as described above, that are of sufficient importance to make the Project, as a whole, one with reasonable public benefit.
- (iv) The existing use and improvements are generally remaining unchanged and are compatible with existing and potential uses on adjoining sites or within the general vicinity.
- (v) The use permitted and the site development regulations are consistent with the following Palo Alto Comprehensive Plan policies and are, on balance, consistent with the goals and purposes of the Comprehensive Plan:

Policy L-1.1	Infill development in the urban service area should be compatible with its surroundings and the overall scale and character of the city to ensure a compact, efficient development pattern.
Policy L-1.2	Hold new development to the highest development standards in order to maintain Palo Alto's livability and achieve the highest quality development with the least impacts.
Policy L-1.3	Ensure that new or remodeled structures are compatible with the neighborhood and adjacent structures.
Policy L-1.4	Avoid negative impacts of basement construction for single-family homes on adjacent properties, public resources, and the natural environment.
Policy L-1.5	Design buildings to complement streets and public spaces; to promote personal safety, public health and well-being; and to enhance a sense of community safety.
Policy L-1.6	Discourage the use of fences that obscure the view of the front of houses from the street. The use and improvements on the site are remaining unchanged from existing conditions, which are compatible with existing and potential uses on adjoining sites.

SECTION 2. Amendment of Zoning Map.

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Section 18.08.040 of the Palo Alto Municipal Code, the "Zoning Map," is hereby amended to rezone the certain property known as 2901-2905 Middlefield Road from PC-2343 to "PC-XXXX." The subject property and revised zoning designation is shown on the map labeled Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 3. Development Plan

Those certain plans entitled PROPOSED PC AMENDMENT TO PC 2343, DATED 1967, a copy of which is attached hereto as Exhibit "B" and incorporated herein, are hereby approved as the Development Plan for the subject property.

SECTION 4. Uses.

(a) Permitted Uses. The permitted uses within the PC boundary shall be limited to a 12-unit apartment building: The existing apartment building shall remain on the 2901-2905 Middlefield site within the PC boundary. Covered and uncovered parking for the tenants shall be provided in accordance with Section 5(b) of this ordinance.

SECTION 5. Site Development Regulations.

(a) Compliance with Development Plan. All improvements and development shall be substantially in accordance with the Development Plan, except as modified herein.

- (i) A 30-inch-wide swath of paving shall be created alongside Ellsworth Place beginning at the Middlefield Road curb line and extending approximately 37 feet to the location of an existing utility pole guy-wire, to increase the perceived width of Ellsworth Place.
- (ii) This additional paved area shall be maintained clear of obstructions.
- (iii) Prior to final inspection of any improvements on the site, Dewey shall offer an ingress and egress easement over this additional paved area to the other properties on Ellsworth Place.
- (iv) Any exterior changes to the apartment building or any new construction not specifically permitted by the Development Plan or by these site development regulations shall require an amendment to this Planned Community Zone or, if eligible, Architectural Review approval under Section 18.76 of the Palo Alto Municipal Code, as it is amended from time to time.

(b) Parking and Loading Requirements. One covered parking space shall be provided for each of the 12 residential apartments. In addition, four uncovered spaces and a truck delivery space shall be provided on the 2901-2905 Middlefield property, accessible from Ellsworth Place, as shown on the Development Plan.

(c) Trash Enclosures and Pickup. Trash enclosures and pickup shall be maintained with access from Sutter Avenue, and not from Ellsworth Place.

Not Yet Adopted

(d) Development Schedule. The parking lot striping on 2901-2905 Middlefield Road shall be immediately implemented upon the effective date of this ordinance. Construction of the improvements to Ellsworth Place shall be completed within twelve (12) months of the effective date of this ordinance.

(e) Minor Variations in Project. Minor changes to the Project may be approved by the Director, according to the provisions of Palo Alto Municipal Code Section 18.76.020(b)(3)(D) for architectural review. "Minor" changes do not include changes in land use.

SECTION 6. The City Council finds that this ordinance is categorically exempt from review under the California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3) because it can be seen with certainty that minor changes to the parking configuration at 2901-2905 Middlefield Road and construction of a single-family home pursuant to Ordinance No. XXXX will not result in a significant impact on the environment. The City Council finds that this ordinance is additional categorically exempt under Section 15303 of the CEQA Guidelines, as it requires only a minor change to an existing facility.

SECTION 7. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning and Development Services

PROJECT DIRECTORY		VICINITY MAP	PROJECT INFORMATION	SHEET INDEX
CLIENT	RLD LAND LLC 240 LORTON AVENUE 4TH FLOOR BURLINGAME, CA 94083 650.571.1010		<p>PROJECT DESCRIPTION: SEE ATTACHED LETTER.</p> <p>APN 127-35-194</p> <p>ZONE PC-2343</p> <p>OCCUPANCY R-2</p> <p>CONSTRUCTION V-B</p> <p>BUILDING CODE 2022 CBC CALIFORNIA RESIDENTIAL CODE 2022 CBC CALIFORNIA FIRE CODE 2022 CMC CALIFORNIA MECHANICAL CODE 2022 CPC CALIFORNIA PLUMBING CODE 2022 CEC CALIFORNIA ENERGY CODE 2022 CGC CALIFORNIA GREEN CODE 2022 CBC CALIFORNIA BUILDING CODE</p> <p>PARCEL LOT 19,893 SF</p>	<p>ARCHITECTURAL</p> <p>A0.1A TITLE SHEET</p> <p>T-1 SPECIAL TREE PROTECTION INSTRUCTION SHEET A1.0A EXISTING PC 2343 DEVELOPMENT PLAN. FOR REFERENCE ONLY.</p> <p>A2.1 DEVELOPMENT PLAN</p> <p>A3.0A PHOTOS</p> <p>A3.1A PHOTOS SIGHT LINES</p>
ARCHITECT	HAYES GROUP ARCHITECTS 2657 SPRING STREET REDWOOD CITY, CA 94063 650.365.0600 PH 650.365.0670 FAX CONTACT: Ken Hayes x:15 khayes@thehayesgroup.com			
Date: 8/16/23 File Name: Ellsworth House_BIM.ARCH				

T r e e P r o t e c t i o n - I t ' s P a r t o f t h e P l a n !

M a k e s u r e y o u r c r e w s a n d s u b s d o t h e j o b r i g h t !

under trees are essential to protect the environment by keeping it clean and healthy, and to combat climate change. This project aims to raise awareness about the importance of trees and their role in maintaining a healthy environment. The project will involve planting trees, organizing tree-planting drives, and conducting awareness campaigns. The project will also involve working with local communities to promote tree-planting and to encourage them to take care of the environment. The project will be implemented in collaboration with local government agencies, NGOs, and other stakeholders. The project will be funded through donations, sponsorships, and other sources. The project will be evaluated based on its impact on the environment and the community. The project will be successful if it achieves its goals and helps to create a cleaner, healthier environment for everyone.

 D I S C L O S U R E S T A T E Planning Division, 250 Hamilton Palo Alto, CA 94301 (650) 329-2244 http://www.cityofpaloalto.org/planning-community/tree_technical.html
<p>040, requires disclosure and protection of certain approved site plans. A completed disclosure statement, all demolition or grading permit applications, and tree protection plans must be submitted to the Planning Division, 250 Hamilton Street, Palo Alto, CA 94301, no later than 30 days after the issuance of a demolition or grading permit.</p> <p>REMARKS:</p> <p>Please indicate if there are any trees overhanging the property or right-of-way easement within 30' of property lines. If so, attach a detailed diagram showing the location of the trees and the property lines. Tree protection plans must be submitted to the Planning Division, 250 Hamilton Street, Palo Alto, CA 94301, no later than 30 days after the issuance of a demolition or grading permit.</p> <p>Site Plan Requirements:</p> <p>Plans must show a dashed line, a fenced enclosure area out to the drip line, and a note indicating that trees are to be fenced.</p> <hr/> <p>Agreement: I acknowledge that failure to disclose protected trees constitutes a violation and may lead to criminal and/or civil legal action.</p> <p>Print: _____ Date: _____</p> <p>Property Owner or Agent: _____</p> <p>FOR STAFF USE:</p> <p>Effective Fencing: _____</p> <p>Comments: _____</p> <p>Tree Protection Verification: _____</p> <p>Notes: _____</p> <p>On public property; b) Protected trees in residential areas, when measured 54" above natural ground level, which are part of an approved (TTM) contains instructions for all requirements on this website. _____</p>

<p>For written specifications associated with illustrations below, see Public Works Specifications Section 31</p> <p>Detailed specifications are found in the Palo Alto Tree Technical Manual (TTM) (www.cityofpaloalto.org/trees/)</p>																																
<p>Protection Zone (TPZ) see PrT shown in gray (radius of TPZ equals 10-times the diameter of the tree or 10-feet, whichever is greater).</p> <p>Technical Manual Sec 2.15(E).ree T Restricted activity area -- see T</p> <p>Technical Manual Sec 2.20(C-D), any proposed trench or form work ree T Restricted trenching area -- see T</p> <p>Works Operations. Call 650-496-5953. within TPZ of a protected tree requires approval from Public W</p>																																
<p>Trees located on private and public property must accompany all tree development activity.</p>		<p>Protected & Designated Trees For all Ordinance Protected and Designated trees, as detailed in the site specific tree preservation report (TPR) prepared by the project arborist as diagrammed on the plans, applicant'</p>																														
<p>Note: Ordinance Protected & Designated Trees. Issuance of a permit requires applicant's project arborist written verification Type I is installed correctly according to the plans and Tree Preservation Report</p>																																
<p>Type II Tree Protection</p>																																
<p>Type III Tree Protection</p>																																
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Table 2-2 Palo Alto Tree Technical Manual

CONTRACTOR & ARBORIST INSPECTION SCHEDULE

Reference: the Palo Alto Tree Technical Manual is available at www.cityofpaloalto.org/environment/

ALL CHECKED ITEMS APPLY TO THIS PROJECT:

1. **Inspection of Protective Tree Fencing.** For Public Trees, the Street Tree Verification Form shall be signed by the City Arborist. For Protected Trees, the project site arborist shall provide an initial Monthly Tree Activity Report form with a photograph verifying that he has conducted a field inspection of the trees and that the correct type of protective fencing is in place around the designated tree protection zone (TPZ) prior to issuance of a demolition, grading, or building permit. (See TTM, Verification of Tree Protection, Section 1.39).
2. **Pre-Construction Meeting.** Prior to commencement of construction, the applicant or contractor shall conduct a pre-construction meeting to discuss tree protection with the job site superintendent, grading operators, project site arborist, City Arborist, and, if a city maintained irrigation system is involved, the Parks Manager (Contact 650-496-6962).
3. **Inspection of Rough Grading or Trenching.** Contractor shall ensure the project site arborist performs an inspection during the course of rough grading or trenching adjacent to or within the TPZ to ensure trees will not be injured by compaction, cut or fill, drainage and trenching, and if required, inspect aeration systems, tree wells, drains and special paving. The contractor shall provide the project arborist at least 24 hours advance notice of such activity.
4. **Monthly Tree Activity Report Inspections.** The project site arborist shall perform a minimum monthly activity inspection to monitor and advise on conditions, tree health and retention or, immediately if there are *any revisions* to the approved plans or protection measures. The Tree Technical Manual Monthly Tree Activity Report format shall be used and sent to the Planning Dept. landscape review staff no later than 14 days after issuance of building permit date. Fax to (650) 329-2154. (See TTM, Monthly Tree Activity Inspection Report, Addendum 11 & section 1.17).
5. **Special activity within the Tree Protection Zone.** Work in the TPZ area (see also #7 below) requires the direct onsite supervision of the project arborist (see TTM, Trenching, Excavation & Equipment, Section 2.20 C).
6. **Landscape Architect Inspection.** For discretionary development projects, prior to temporary or final occupancy the applicant or contractor shall arrange for the Landscape Architect to perform an on site inspection of all plant stock, quality of the materials and planting (see TTM, Planting Quality, Section 5.20.1 A) and that the irrigation is functioning consistent with the approved construction plans. The Planning Dept. landscape review staff shall be in receipt of written verification of Landscape Architect approval prior to scheduling the final inspection, unless otherwise approved.
7. **List Other** (please describe as called out in the site Tree Preservation Report, Sheet T-1, T-2, etc.)

* _____

* _____

City of Palo Alto Tree Technical Manual

ADDENDUM 11

Arborist Firm Data Here

email:
RCA/ISA Certified Arborist #WE-000
Contact Cell #:

Monthly Tree Activity Report- Construction Site

Inspection Date: _____	Site address: Palo Alto, CA	Contractor-Main Site Contact Information	#1: Job site superintendent Company: Email: Job site Office: Cell: Mail:
Inspection # _____		Also present:	* _____ * _____
Distribution:	1. City of Palo Alto 2. Others	Attn: Dave Dockter	Dave.dockter@cityofpaloalto.org 650-329-2440

Provide the requested minimum information with each report, customize as necessary. To be completed by project site arborist. Send monthly to city arborist at above address until project completion. Use additional sheets as needed.

1. Assignment Activity (Demolition/grading/sewer/trenching/foundation/list relevant visits)
 - a. Pre-construction meeting requirement with sub-contractors
 - b. Inspect to verify that tree protection measures are in place
 - c. Determine if field adjustments, watering or plan revisions may be needed
2. Field Observations (general site-wide and list by individual tree number)
 - a. Tree Protection Fences (TPF) are ...
 - b. Trenching has/will occur ...
3. Action Items (list site-wide, by tree number and date to be satisfied) and Date Due
 - a. Tree Protection Fence (TPF) needs adjusting (tree # x, x, x)
 - b. Root zone buffer material (wood chips) can be installed next
 - c. Schedule sewer trench, foundation dig with ...
4. Photographs (use often)
5. Tree Location Map (mandatory 8.5 x 11 sheet)
6. Recommendations, notes or monitor items for project/staff/schedule
 -
7. Past visits (list carry-over items satisfied/still outstanding)
 -

Respectfully submitted,

Project site arborist

Consultant contact information (Include email, cell#, and mailing)

Cc:

Enter Date

CPA Monthly Tree Activity Report: Type site address here

Page #1 of 1

W A R N I N G - - -

P r o t e c t i o n Z o n e

Along with signed Tree
and notify applicant.

s f e e c l i d a n m g b o s v h e d w i t h o u t
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w i t h o u t p e r m i s s i o n i s
t o a \$ 5 0 0 f i n e p e r d a y *

u n i c i p a l C o d e S e c t i o n 8 . 1 0 . 1 1 0

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TREE PROTECTION INSPECTIONS MNTDAORAY	
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Apply Tree Protection Report on sheet(s) T-2

Use additional "T" sheets as needed

Use additional "T" sheets as needed

L v i r d e d e n d e n P t a g e . r s h O e e t (e a d C d i t n i a o s n e e d I e C i t y o f P a l o A l t o



T i o n

NO.	DESCRIPTION:	DATE:
PLANNING SUBMITTAL	02.01.2023	
CITY COUNCIL	09.18.2023	

DRAWING CONTENT
EXISTING PC 2343
DEVELOPMENT PLAN.
FOR REFERENCE ONLY.

STAMP

JOB NUMBER:
2202.00

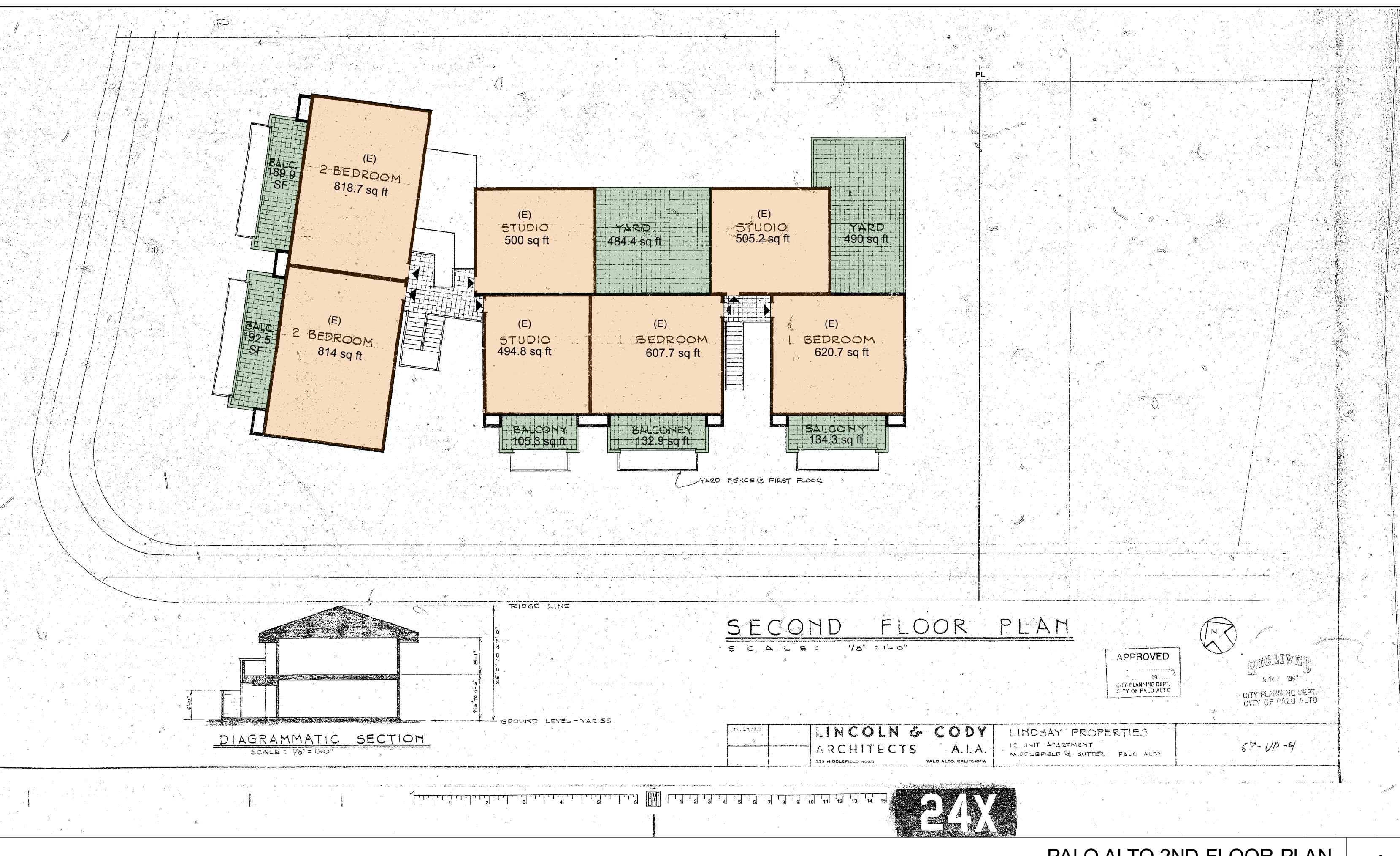
SCALE:
AS NOTED

DRAWN BY:
LB

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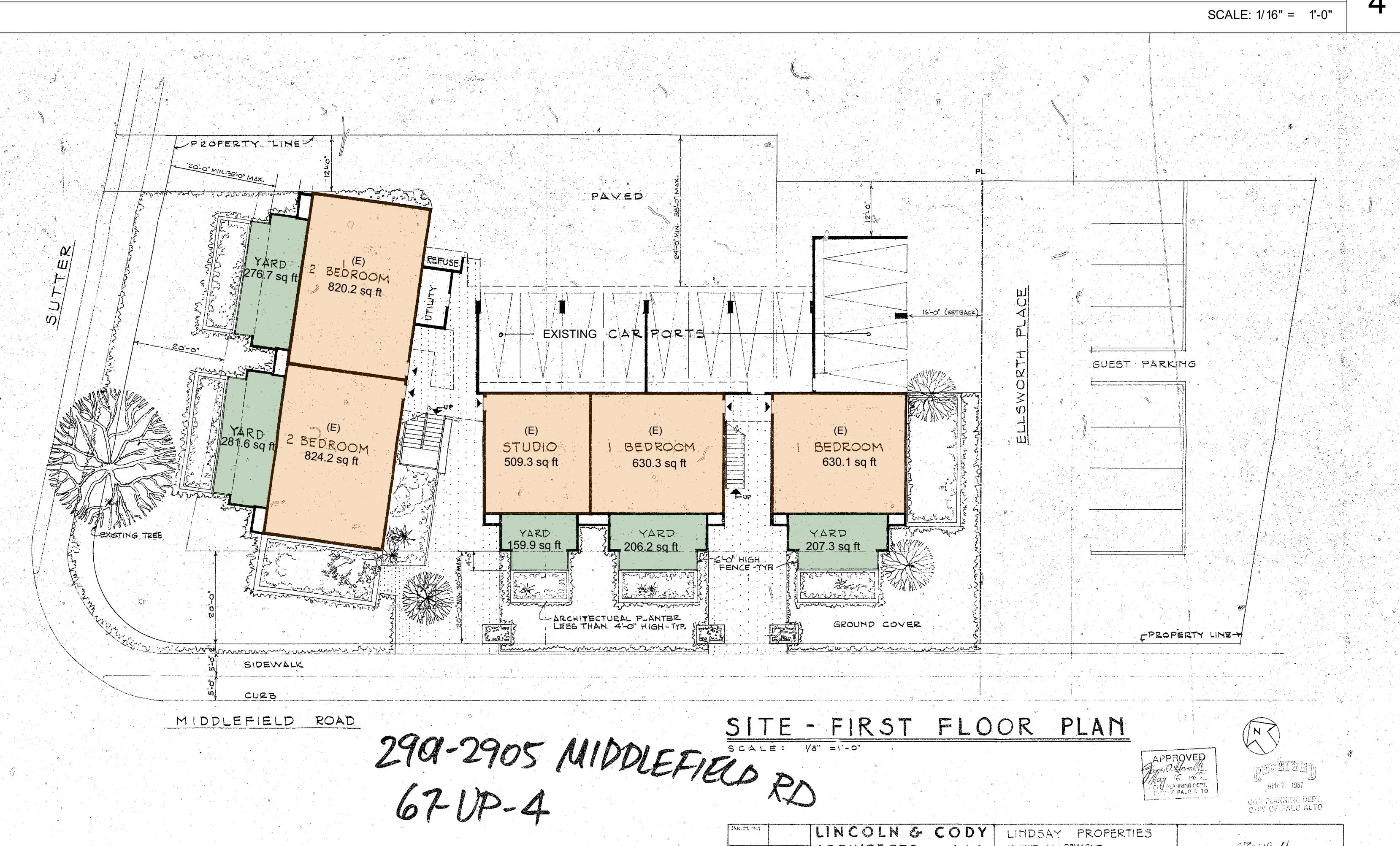
DRAWING NUMBER

A1.0A



PALO ALTO 2ND FLOOR PLAN
SCALE: 1/16" = 1'-0"

4



PALO ALTO SITE
SCALE: 1/16" = 1'-0"

3

SUANCE:

D. DESCRIPTION: DATE:
PLANNING SUBMITTAL 02.01.20
CITY COUNCIL 09.18.20

DRAWING CONTENT DEVELOPMENT PLAN

TAMP

PROPOSED PLAN

SCALE 3/32" = 1'-0"

EXISTING PC 2343 AMENDMENT

LOT-A
127-35-194
2901 + 2905 MIDDLEFIELD ROAD

E) SITE AREA	19,893	<u>REQUIRED PARKING</u>
E) BUILDING AREA (APPROX.)	7,775	4-2BR UNITS
E) FAR (APPROX.)	.39	4-1BR UNITS
E) UNITS (NO CHANGE)	(4) 2 BEDROOM (4) 1 BEDROOM <u>(4) STUDIO</u> 12 UNITS TOTAL	4-STUDIO UNITS
		TOTAL REQUIRED
		TOTAL PROVIDED
E) PRIVATE OPEN SPACE (NO CHANGE)	2861	16
E) BIKE PARKING (NO CHANGE)	INSIDE UNITS	16

ISSUANCE:

NO. DESCRIPTION DATE:
PLANNING SUBMITTAL 02.01.2023
CITY COUNCIL 09.18.2023

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PHOTOS

STAMP

JOB NUMBER:
2202.00
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DRAWN BY:
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DRAWING NUMBER



VIEW OF EXISTING 702 ELLSWORTH

SCALE:

6



VIEW FROM SUTTER AVE.

SCALE:

4



VIEW OF SUTTER APARTMENT FROM ELLSWORTH PLACE

SCALE:

2



VIEW OF INTERIOR PARKING

SCALE:

5



VIEW FROM MIDDLEFIELD RD.

SCALE:

1

HAYES GROUP ARCHITECTS, INC.
2657 SPRING STREET
REDWOOD CITY, CA 94063
P: 650.365.0600
F: 650.365.0670
www.thehayesgroup.com

PROJECT ADDRESS:
2901-2905
MIDDLEFIELD RD.
PALO ALTO, CA 94306

ISSUANCE:

NO. DESCRIPTION DATE:
PLANNING SUBMITTAL 02.01.2023
CITY COUNCIL 09.18.2023

DRAWING CONTENT
PHOTOS SIGHT LINES

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DRAWING NUMBER



VIEW APPROACHING STOP SIGN 2
SCALE: 4



VIEW FROM STOP SIGN 2
SCALE: 2



VIEW APPROACHING STOP SIGN
SCALE: 3



VIEW FROM STOP SIGN
SCALE: 1

* FENCE 3'-0" TALL SETBACK 4'-0" FROM BACK OF CITY SIDEWALK PER CITY OF PALO ALTO
TRANSPORTATION PLANNING DEPARTMENT RECOMMENDATION