City of Palo Alto (ID # 5140)

Architectural Review Board ARB Staff Report

Report Type: New Business **Meeting Date: 10/2/2014**

Summary Title: 441 Page Mill Road

Title: 441 Page Mill Road: Site and Design Review of new three-story, 35 foot tall, 35,711 sf Mixed Use Building including three off-menu concessions requested pursuant to the State density bonus law, and a Design Enhancement Exception requesting (1) five feet additional height above the 35 foot limit for a 40' tall entry tower element, and (2) a 7' setback from the front property line (3' additional setback beyond the "build-to-line") and (3) a three foot encroachment into the 10 foot landscape buffer at the rear of the property. Environmental Assessment: An Initial Study and Mitigated Negative Declaration have been prepared. Zone District: Service Commercial (SC) with a Site and Design (D) combining district.

From: Hillary Gitelman

Lead Department: Planning and Community Environment

RECOMMENDATION

Staff recommends that the Architectural Review Board (ARB) recommend the City Council approve the Site and Design Review application, as well as the three requested Design Enhancement Exceptions (DEEs) for the project at 441 Page Mill Road, based on Architectural Review (AR), Design Enhancement Exception (DEE), and Context Based Design Criteria Findings, and subject to the conditions in the draft Record of Land Use Action (RLUA, Attachment A).

EXECUTIVE SUMMARY

The ARB had continued its review of this application to the October 2, 2014 hearing, to allow the applicant to address comments about the architectural design. The applicant has modified the project, as reflected in revised plans for the ARB's consideration. The modifications include a slightly taller architectural feature, subject to a DEE request, than previously reviewed. Staff has provided a summary of the ARB's comments and applicant's responses in the Discussion section of this staff report.

The project site (26,926 sf) is comprised of four parcels identified as 423, 433, 441, and 451 Page Mill Road (shown on Attachment B, location map). The project includes the merger of the

four parcels into one single parcel (under separate application) and demolition of the four existing homes to make way for a three-story, mixed use building with parking facilities located one level below grade and at the ground floor.

The commercial floor area includes ground floor retail space (approximately 4,000 sf) and second floor office space (approximately 18,000 sf). The residential floor area, at approximately 14,048 square feet, would contain ten rental apartments. On-site parking facilities would provide a total of 91 automobile parking spaces, 26 long term bicycle spaces and 20 short term bicycle (rack) spaces. The project's parking adjustment request for 16% (15.8%) below code requirement for joint use (shared) parking facilities, is supportable since staff has determined 91 spaces would be adequate to serve all of the proposed uses on the site without creating an off-site parking impact.

The requested DEEs are to allow: (a) five feet additional height above the 35 foot limit (40 feet) for the entry tower element, (b) a building setback of seven feet from the front property line (a three foot greater setback than the current "build-to-line" requirement) and (c) a three foot encroachment into the required 10 foot landscape buffer at the rear of the property. The Architectural Review Board is requested to review the attached DEE and AR findings in the RLUA, and ensure the project meets the objectives of Site and Design Review set forth in Palo Alto Municipal Code (PAMC) Section 18.30(G).060 (noted as Site and Design Review findings in the RLUA).

BACKGROUND

Zone Change Approval

On January 14, 2013 the City Council approved a rezoning of the four parcels, from Single Family Residential District (R-1) to Service Commercial (CS) with a Site and Design (D) Combining District. The Commission and Council recognized that commercial zoning, allowing for mixed uses, would be more appropriate on this busy stretch of roadway than the existing single-family residential zoning. The Council also approved a new Comprehensive Plan land use designation of Service Commercial in conjunction with the rezoning action.

Preliminary ARB Review

On March 21, 2013, the ARB reviewed the conceptual building design in a noticed Preliminary Review hearing. The ARB preliminary review staff report can be found on the City's website at the following link: http://goo.gl/V7Ylz4

Commission Review

On June 11, 2014 the PTC reviewed the Site and Design Review application and Mitigated Negative Declaration, and voted 4-2 to recommend project approval as recommended in the staff report. The minutes from the June 11, 2014 Commission hearing are available at the following link: http://goo.gl/EYNhi2. The Commission staff report can be found on the City's website at the following link: http://goo.gl/EYNhi2

Formal ARB Review

On August 21, 2014 the ARB reviewed the Site and Design Review application and voted to continue the item to a date certain of September 18, 2014. In order to continue working on the design changes, the applicant requested to move the item to October 2, 2014. The ARB's comments and the applicant's responses are provided in the discussion section below. The ARB staff report can be found on the City's website at the following link: https://www.cityofpaloalto.org/civicax/filebank/documents/43476

Site Information

The site currently supports four single-story, single-family residences, one on each parcel.

The site's four single-family homes appear to have been built between 1939 and 1948. At that time, Page Mill Road was not the expressway that it is today; it was a minor street that supported a mix of residential and commercial development. Aerial photography records indicate that by 1965, the minor street had been transformed into the expressway. The residential properties became less desirable to live in, since they were located on a busy roadway, and deferred maintenance led to their decline.

Site Context

Adjacent uses to the northeast include the Kelly Moore Paint Store at 411 Page Mill Road and the AOL office development at 395 Page Mill Road. Adjacent uses to the southwest include an animal hospital at 461 Page Mill Road, and the AT&T retail store on the corner at 2805 El Camino Real. To the southeast, or the rear of the site, are single family residences with the

exception of a grandfathered art studio at 440 Pepper Avenue. Across Page Mill Road to the northwest are multifamily residential Planned Community (PC) developments.

Project Description

The project includes the merger of four parcels into one single parcel (under separate application) of 26,926 square feet (sf). The existing homes would be demolished to make way for a three-story, mixed use building with parking facilities for 91 automobiles located one level below grade and at the ground floor, where 108 automobile spaces are required by code. Bicycle parking spaces totaling 46 spaces (26 long term and 20 short term) would be provided on site, where 19 such spaces are required.

DISCUSSION

The ARB appreciated the overall design concept, the organization, and the mix of uses within the building. However, the ARB requested that the applicant address several items for further review during the continued hearing. The following discussion summarizes the ARB comments during the August hearing, and describes how the applicant has chosen to address each of the items in the revised plans.

Colors/Materials

Many ARB members voiced concerns about the architecture and the use of colors and materials. Some felt there were too many colors and materials within the palette. In addition to expressing concern about the number of materials, most members agreed that the heavier stone material was too heavy over the lighter and more delicate glass facade of the lower office and retail floors of the building.

The applicant has replaced the heavier ceramic quartz tile with a lighter cement plaster material that is already used elsewhere on the building. This lightens the upper floor and eliminates one of the materials of the material palette. To further reduce the massing of the building, the applicant has pulled the third floor back, away from the front edge at units 9 and 10. This reduces the visual impact on the Page Mill façade and increases the size of the balcony area for those two units. The applicant has also replaced the spandrel glass and the frosted deck and railing glass with a fritted glass.

Differentiation of Uses

The ARB members noted that it was difficult to read the different uses of the building, stating that although the residential portion read as separate from the commercial portion of the building given the use of the stone tile, the office and retail spaces were not differentiated enough.

The applicant added a solid cement plaster base at the retail façade of the building, replacing some of the storefront glass at the ground floor. Staff requests that the ARB determine whether or not the addition of the alternate base material is enough to differentiate the retail use at the ground floor from the office uses on the second floor.

Entry Tower

The ARB members expressed concern over the curved entry tower element, noting that the curve was arbitrary, as it did not relate to the other rectilinear design features of the project. Some members also did not support the DEE for the two additional feet in height that was requested to differentiate the tower from the rest of the building.

The applicant has revised the entry tower. Upon further review, the applicant discovered that due to the elevator location, the entry tower would need to be taller to hide the elevator tower. This resulted in an increase in height from two feet over the 35-foot height limit, to five feet over the 35-foot height limit. While the tower did get taller, and it is still curved, the tower now has less vertical divisions and the horizontal banding at each floor level is carried through the tower to reduce the verticality of it. The continuity of these horizontal spandrel bands serve to better integrate the tower with the rest of the building. The curved entry canopies over the retail entries and the garage entry were revised; the canopies now have a rectilinear form to better relate to the rest of the building.

Third Floor Courtyard

Some ARB members commented that the third floor courtyard felt too hard due to the extensive use of the stone materials on the walls, planters, and pavers, and suggested that the courtyard needed to be softer and warmer.

The applicant replaced the stone walls with a softer cement plaster finish, painted in a crème color, to warm up the courtyard area. The applicant also replaced the metal trellis members with wood beams and added wood elements for greater warmth to provide a more familiar, residential feel to the courtyard.

Sunshades

One ARB member noted that the sun shades should be vertical, to be more effective. The applicant has stated that the vertical sun-shades would not fit, aesthetically, with the horizontality of the building.

North Elevation

The ARB members asked the applicant to work further on the north elevation. The applicant revised the north elevation to include more accentuated cement plaster reveals that align with the lines of the glass divisions on the front and rear facades.

ENVIRONMENTAL REVIEW

An Initial Study and Mitigated Negative Declaration (MND) have been prepared for the project in accordance with CEQA. The 30-day public review and comment period began on November 8, 2013 and ended on December 9, 2013. The environmental analysis notes there are a few potentially significant impacts that would require mitigation measures to reduce them to a less than significant level. These include mitigations for dust control during excavation, protection

for nesting birds, building design for earthquake resistance, basement shoring, and measures to prevent VOC vapor intrusion into the project. These are provided in the conditions of approval within the RLUA (Attachment A) as well as the MND (Attachment H).

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Reviewed by: Amy French, AICP, Chief Planning Official
Cara Silver, Senior Assistant City Attorney

Attachments:

- Attachment A: Record of Land Use Action (DOCX)
- Attachment B: Site Location Map (PDF)
- Attachment C: Zoning Compliance Table (DOCX)
- Attachment D: Context Based Design Criteria (PDF)
- Attachment E: Comprehensive Plan Policy Compliance (DOC)
- Attachment F: Applicant's Letter (PDF)
- Attachment G: Public Comments (PDF)
- Attachment H: Draft Mitigated Negative Declaration and Initial Study (PDF)
- Attachment I: Project Plans (ARB members only). Project plans are also available on the City's website at <http://goo.gl/95W5lM> (TXT)

ATTACHMENT A

ACTION NO. 2014-XX
RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO
LAND USE APPROVAL FOR 441 PAGE MILL ROAD: SITE AND DESIGN REVIEW, DENSITY BONUS CONCESSIONS, AND DESIGN ENHANCEMENT EXCEPTIONS
(13PLN-0307)

On _____, 2014, the Council of the City of Palo Alto approved the Mitigated Negative Declaration, Site and Design Review Application and Design Enhancement Exceptions (DEE) for a mixed use building in the Service Commercial (CS(D)) zone district.

SECTION 1. Background. The City Council of the City of Palo Alto ("City Council") finds, determines, and declares as follows:

A. Stoecker and Northway Architects, on behalf of Norm Schwab has requested the City's adoption and approval for the following items:

(1) A Mitigated Negative Declaration, prepared in accordance with the California Environmental Quality Act (CEQA);

(2) Site and Design Review application for a new 35,589 s.f. mixed-use building on a 26,929 s.f. site to provide 10 residential apartment units, including three below market rate units, and office and retail uses, with structured parking facilities (at surface and underground) providing 91 parking spaces including Design Enhancement Exceptions, (1) to allow five in additional height for an entry tower element, (2) to allow a three foot alleviation of the build-to-line, and (3) to allow a three foot encroachment into the 10 foot landscape buffer at the rear of the site.

(3) A Lot Coverage concession in the amount of 5,057 s.f. under the state density bonus law;

(4) An FAR concession in the total amount of 8,701 s.f. under the state density bonus law;

(5) An FAR concession for commercial square footage in the amount of 10,771 s.f. under the state density bonus law.

(6) A Parcel Map to merge four parcels into one parcel of land:

These properties are designated on the Comprehensive Plan land use map as Service Commercial, and are located within the Service Commercial (CS(D)) zone district.

B. The Planning and Transportation Commission (Commission) reviewed the request for Site and Design Review, density bonus concessions and Mitigated Negative Declaration on June 11, 2014, and recommended approval.

C. The Architectural Review Board (ARB) reviewed the application for Site and Design Review and Design Enhancement Exceptions on August 21, 2014, and continued the item for further review. The ARB reviewed the application again on September 2, 2014 and reviewed the project for consistency with Architectural Review findings, Design Enhancement Exception findings, and Context Based Design Criteria, and recommended approval.

SECTION 2. Environmental Review.

The City, as the lead agency for the Project, has determined that a Mitigated Negative Declaration (MND) will be required for the project subject to the provisions of the California Environmental Quality Act (CEQA). The Public Notice period for the MND began on November 08, 2013 and concluded on December 09, 2013.

SECTION 3. Site and Design Review Findings

1. The use will be constructed and operated in a manner that will be orderly, harmonious, and compatible with existing or potential uses of adjoining or nearby sites.

The proposed mixed use building would introduce compatible and harmonious uses in relation to adjacent and nearby uses in this diverse and eclectic neighborhood. The proposed building and uses would be sited such that they would not result in an impact on adjacent properties. Landscaping would be added at the rear to ensure privacy for the adjacent residential uses. The traffic and parking for the project have been reviewed and it has been determined that the use would be adequately parked and that the traffic volumes would not result in an impact to local intersections or roadways. The proposal removes several existing curb cuts and widens the sidewalk on the Page Mill Road frontage, improving pedestrian safety.

2. The project is consistent with the goal of ensuring the desirability of investment, or the conduct of business, research, or educational activities, or other authorized occupations, in the same or adjacent areas.

The approval of the project would maintain the desirability of investment by providing a project with a mix of uses that would assist in improving the neighborhood by making better use of a series of single family parcels that have long been neglected due to their undesirable location fronting the expressway. The proposal makes more appropriate use of the property adjacent to the busy roadway by placing office and retail uses adjacent to the roadway while placing new residential uses higher above and away from the roadway on the third floor. The proposal would be executed in a manner that has the potential to improve the aesthetic quality of the area. Construction of all improvements will be governed by the regulations of the current Zoning Ordinance, the Uniform Building Code, and other applicable codes to assure safety and a high quality of development.

3. Sound principles of environmental design and ecological balance are observed in the project.

The proposal, as a mixed use infill project, is intended to benefit the environment by providing new housing within the city to reduce vehicle commute times. Efficient use of space and the use of Green building practices are employed within the project.

4. The use will be in accord with the Palo Alto Comprehensive Plan.

The project is compliant with several comprehensive plan policies as noted in the Comprehensive Plan Compliance Table

SECTION 4. ARB Findings/Context Based Design Criteria Findings/Design Enhancement Exception Findings

Architectural Review Findings

1) The design of the proposed mixed use development is consistent and compatible with applicable elements of the City's Comprehensive Plan in that the site is designated as Service Commercial, which allows for mixed use development and compliance with applicable Comprehensive Plan policies is outlined in the Comprehensive Plan compliance table;

2) The design is compatible with the immediate environment of the site in that the proposed building is located within a

commercial zone district where a mixture of uses is appropriate. The building would be located on a significant arterial roadway where larger commercial buildings are common. The site is well utilized by the building's design. The building fills the site creating a buffer between the busy roadway and the single-family residences behind;

3) The design is appropriate to the function of the project in that the design appropriately accommodates the varied mix of proposed uses, elevating the residences up off the street and away from the busy roadway, improving pedestrian accessibility and safety by removing curb cuts, and addressing the street in such a way as to provide building mass close to the street while maintaining a wide sidewalk;

4) In areas considered by the board as having a unified design character or historical character, the design is compatible with such character. Not applicable. The area does not have a unified design character;

5) The design promotes harmonious transitions in scale and character in areas between different designated land uses in that the proposal includes ample landscape screening providing privacy between the mixed use project and the adjacent single family houses to the rear. The mixture of both commercial and residential uses helps to provide a transition between the busy roadway and the quieter single family residences;

6) The design is compatible with approved improvements both on and off the site in that the proposed mixed use building would be compatible with the other uses in the area and the uses within the building are divided in a manner to ensure they would be compatible with each other;

7) The planning and siting of the various functions and buildings on the site create an internal sense of order and provide a desirable environment for occupants, visitors and the general community in that the proposed design places the driveway at the far end of the site such that one could see the project and slowdown in time to safely enter the parking garage. It would also have a central pedestrian entry tower providing access to each of the three floors and the various uses within the building;

8) The amount and arrangement of open space are appropriate to the design and the function of the structures in that ample open space is provided in the form of private patio areas for the residences and there would be a large central courtyard at the third floor that would provide access to each of the residential units;

9) Sufficient ancillary functions are provided to support the main functions of the project in that the proposal includes sufficient parking and areas to accommodate trash and recycling needs of the development;

10) Access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles in that adequate parking areas are proposed both at the surface and below grade, bicycle parking provided at various locations throughout the site, and safe pedestrian access through the project;

11) Natural features are appropriately preserved and integrated with the project in that the proposal will replace the street tree canopy back from the street edge to ensure their continued success after the proposed street widening;

12) The materials, textures, colors and details of construction and plant material are appropriate expressions of the design and function in that the building is proposed to have a multitude of exterior finish materials with different colors and textures providing a high level of detail and visual interest;

13) The landscape design concept for the site, as shown by the relationship of plant masses, open space, scale, plant forms and foliage textures and colors create a desirable and functional environment in that the proposal includes landscape material where possible considering that the project sits upon a below grade parking structure. Landscape planters would be placed at the third floor and street trees and privacy screen trees are provided at the front and rear of the project respectively;

14) Plant material is suitable and adaptable to the site, capable of being properly maintained on the site, and is of a variety, which would tend to be drought-resistant and to reduce consumption of water in its installation and maintenance in that appropriate plant materials have been selected that are drought tolerant and suitable for their proposed locations;

15) The project exhibits green building and sustainable design that is energy efficient, water conserving, durable and nontoxic, with high quality spaces and high recycled content materials. The project would comply with the stricter CalGreen tier 2 requirements. The residential portion would comply with Build-it-Green requirements.

16) The design is consistent and compatible with the purpose of architectural review, which is to:

a. Promote orderly and harmonious development in the city;

b. Enhance the desirability of residence or investment in the city;

c. Encourage the attainment of the most desirable use of land and improvements;

d. Enhance the desirability of living conditions upon the immediate site or in adjacent areas; and

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

The project as designed, and as conditioned, would promote an environment that is of high design quality and variety.

Context Based Design Criteria Findings

Pursuant to PAMC 18.16.090 (a), the project shall be:

(A) Responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design. "Responsible to context" is not a desire to replicate surroundings, but provide appropriate transitions to surroundings, and

(B) Compatible with adjacent development, when apparent scale and mass is consistent with the pattern of achieving a pedestrian oriented design and when new construction shares general characteristics and establishes design linkages with the overall pattern of buildings so the *visual unity of the street is maintained*.

If there is any visual unity existing on the block now, it is the four dilapidated, single-story homes on the four lots plus one adjacent single story structure on the adjacent CN-zoned lot, in use as a veterinary office. With the recent rezoning of the site to CS, the commercial zoning of this block fronting Page Mill Road was completed. Buildings taller than one story anchor the corners of this commercial block and two and three story buildings are allowed by the zoning.

Pursuant to PAMC 18.16.090 (b), additional findings are applicable, related to (1) pedestrian and bicycle environment, (2) street building facades, (3) massing and setbacks, (4) low-density residential transitions, (5) project open space, (6) parking design, (7) multi-acre sites (not applicable), (8)

sustainability and green building design. The findings below are draft form and would be modified during the ARB review process.

1) Pedestrian and Bicycle Environment. *The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements.* The proposed building provides landscaping, decorative paving at the entries, benches, a staircase from the street for residential tenant use, and a slightly deeper setback than allowed per build-to-line/front setback requirement, allowing greater sidewalk width to create an inviting and active pedestrian environment. The proposed effective sidewalk width would be 10 feet plus a two foot wide planter strip along Page Mill Road and an additional setback to the building.

2) Street Building Facades. *Street facades shall be designed to provide a strong relationship with the sidewalk and the street (s), to create an environment that supports and encourages pedestrian activity through design elements*. The building front wall contains three commercial doors to the retail space(s), and a pedestrian staircase leading to the residential units on the third floor. The glassy façade provides viewing opportunities, contributing to an active pedestrian oriented area.

3) Massing and Setbacks. *Buildings shall be designed to minimize massing and conform to proper setbacks.* The building front wall is generally similar in placement on the site as is the Kelly Moore paint store at 411 Page Mill Road. The glass wall treatment will minimize massing along Page Mill Road; the building is proposed to be set back farther than the build-to-line/front setback, for which a DEE is requested. The rear and side setbacks have proper setbacks (zoning table confirms these setbacks are in compliance with CS zoning code minimum setbacks).

4) Low Density Residential Transitions. *Where new projects are built abutting existing lower scale residential development, care shall be taken to respect the scale and privacy of neighboring properties.* Screen trees are proposed and an approval condition would require nighttime window shades to minimize light intrusion.

5) Project Open Space: *Private and public open space shall be provided so that it is usable for the residents and*

visitors of the site. Public open space is the sidewalk area with landscaping and trees on private property offered to the public to enjoy. The usable private residential space (balconies) and common open space for the residential units is adequate

6) Parking Design: *Parking shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment.* The project provides parking below grade and in the rear of the building, with one 20' wide driveway - a reduction the number of driveways from four to one - to improve the pedestrian environment.

7) Large Multi-Acre Sites – not applicable

8) Sustainability and green building design: The project is designed to meet the City's locally amended Cal Green standards (Tier 2 mandatory) for the commercial component, and green point rated for the residential component of the building. The ARB will discuss and evaluate the "green" features of the project.

Design Enhancement Exception Findings:

The requested Design Enhancement Exceptions (DEE) are consistent with the following findings as stated in PAMC 18.76.050 (c). Note: These draft DEE Findings are provided for ARB review. Exceptions are requested for height (five feet over the 35 foot code limitation), alleviation of the build-to-line (three feet further from the front property line),and encroachment into the landscape buffer (three feet into the 10 foot landscape screen area).

(1) There are exceptional or extraordinary circumstances or conditions applicable to the property or site improvements involved that do not apply generally to property in the same zone district. This Finding can be made in the affirmative. To accommodate the below grade parking the proposed building footprint would span the entire site, resulting in an expansive roof capped at a restrictive 35 foot height limit as well as being subject to a zoning requirement to place 50% of the building up to the front setback line. Placing 50% of the building this close to the street in this location would not leave enough room to accommodate street trees in front of the project due to existing utility locations in the sidewalk and the future plans and regulations of Santa Clara County that has jurisdiction over Page Mill Road as a County expressway. They

don't allow street trees within seven feet of the roadway edge and they have future plans to widen the existing roadway by two feet, further reducing the sidewalk width.

(2) The granting of the application will enhance the appearance of the site or structure, or improve the neighborhood character of the project and preserve an existing or proposed architectural style, in a manner which would not otherwise be accomplished through strict application of the minimum requirements of this title (Zoning) and the architectural review findings set forth in Section 18.76.020(d). This Finding can be made in the affirmative. The five feet in additional height would provide the entry tower element the ability to break the roof plane adding architectural interest to the building and would incorporate the elevator tower, which would otherwise be an awkward projecting element. The alleviation of the build to line and the encroachment into the landscape screen area would allow the building to be set back from the street three additional feet to provide a wider sidewalk and additional room for street trees while still maintaining appropriate room for privacy screening for the rear R-1 neighbors.

(3) The exception is related to a minor architectural feature or site improvement that will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience. This Finding can be made in the affirmative in that the proposed height exception is for the entry tower element only, providing architectural relief to the building and hiding the elevator tower. The tower is located on the front of the building and the additional five feet of height for this feature would not be seen from the residential uses to the rear. The alleviation of the build to line and the encroachment into the landscape screen area would have the positive impact of providing wider sidewalks, pedestrian amenities, and additional room for street trees rather than any negative impact.

SECTION 5. State Density Bonus Concession Findings

(i) The Development is eligible for the Density Bonus and any Concessions, waivers, modifications, or revised parking standards requested.

By providing three out of the 10 units as low income units the project is eligible for three concessions. The applicant has not requested the revised parking standards allowed by the state density bonus law.

(ii) Any requested Concession or Incentive will result in identifiable, financially sufficient, and actual cost reductions based upon the financial analysis and documentation provided. The City finds that the Concessions and Incentives included in Section 18.50.050(c) will result in identifiable, financially sufficient, and actual cost reductions.

The City's consultant has done a fiscal analysis of the applicants pro forma and has found that the requested concessions are necessary in order to provide the three Below Market Rate dwelling units.

(iii) If the Concession or Incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k)(2) have been met.

All the requirements of Government Code Section 65915(K)(2)have been met in that the commercial portions of the project are compatible with the residential uses.

SECTION 6. Site and Design Review Approval and DEE Granted. Site and Design Review, and DEEs are granted by the City Council under Palo Alto Municipal Code Section 18.30(G).070, and Section 18.76.010 for application 13PLN-00307, subject to the conditions of approval in Section eight of the Record.

SECTION 7. Plan Approval.

The plans submitted for Building Permit shall be in substantial conformance with those plans prepared by Stoecker and Northway Architects, consisting of 33 pages, dated September 10, 2014, and received September 24, 2014, except as modified to incorporate the conditions of approval in Section Eight. A copy of these plans is on file in the Department of Planning and Community Environment. This document, including the conditions of approval in Section eight, shall be printed on the cover sheet of the plan set submitted with the Building Permit application.

SECTION 8. Conditions of Approval.

Department of Planning and Community Environment

1. The plans submitted for Building Permit shall be in substantial conformance with plans received on September 24, 2014, except as modified to incorporate the following conditions of approval and any additional conditions placed on the project by the Planning Commission, Architectural Review Board, or City Council. The following conditions of approval shall be printed

on the cover sheet of the plan set submitted with the Building Permit application.

2. All noise producing equipment shall not exceed the allowances specified in Section 9.10 Noise of the Palo Alto Municipal Code.

3. Any existing city street trees shall be maintained and protected during construction per City of Palo Alto standard requirements.

4. All landscape material shall be well maintained and replaced if it fails.

5. Any exterior modifications to the building or property shall require Architectural Review. This includes any new signs.

6. An Affordable Rental Housing Agreement for the three units designated for Lower Income Households shall be executed and recorded prior to building permit issuance. Applicant will enter into a Regulatory Agreement restricting three units for lower income households consistent with the city's Below Market Rate Housing Program guidelines."

7. All of the on-site parking spaces shall remain unassigned such that no single space shall be encumbered by any individual or tenant.

8. A Parcel Map, to merge the four parcels into a single parcel, must be recorded with the County of Santa Clara prior to building permit issuance.

9. The applicant must notify the Public Art Office of their intent to fulfill the public art requirement by payment of the in-lieu fee instead of commissioning art on site. The applicant is required to submit the amount equal to 1% of the estimated construction valuation into the public art fund account prior to their application for a building permit and provide a copy of the receipt to the Public Art office. According to the original Public Art application form, the estimated art budget is $160,000. At the time of their building permit application, the estimated construction valuation will be confirmed. If the estimated construction valuation has increased at that time, the applicant will have to submit 1% of the new estimated construction valuation prior to the issuance of a building permit.

10. Mitigation Measures C-1: The effects of construction activities would be increased dust fall and locally elevated levels of particulate matter downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. This impact is considered potentially significant but normally mitigated by implementing the following control measures:

During demolition of existing structures:

- Water active demolition areas to control dust generation during demolition and pavement break-up.
- Cover all trucks hauling demolition debris from the site.
- Use dust-proof chutes to load debris into trucks whenever feasible.
- During all construction phases:
- Pave, apply water 3x/daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Hydro-seed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water 2 times daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- The above measures include feasible measures for construction emissions identified by the BAAQMD for large sites. According to the District threshold of significance for construction impacts, implementation of the measures would reduce construction impacts of the project to a less than significant level.

11. Mitigation Measures: See H-3 under Section VII, Hazards and Hazardous Materials

12. Mitigation Measures B-1: The applicant shall abide by all provisions of Sections 3503 and 3503.5 of the State Fish and Game Code and Migratory Bird Treaty Act of 1918 (MBTA) as published in the Federal Register (Vol. 70, No. 49; March 15, 2005).

Although there is no vegetation on the project site that may contain nesting birds, there may be nesting birds in existing vegetation abutting the proposed project site. To protect any nesting birds, the proposed project may avoid construction during the nesting period. Alternatively, a qualified wildlife biologist (to be hired by the applicant) shall conduct a survey for nesting birds that are covered by the MBTA and/or Sections 3503 and 3503.5 of the State Fish and Game Code in the vicinity of the project site. This survey shall cover all areas that would be disturbed as a result of construction-related activities during the nesting period, and shall include a "buffer zone" (an area of potential sensitivity, beyond the bounds of the proposed project construction area) which shall be determined by the biologist based on his or her professional judgment and experience. This buffer zone may include off-site habitat.

This biological survey shall be conducted no more than 14 days prior to the commencement of construction activities. The wildlife biologist shall provide a report to the City promptly detailing the findings of the survey. No construction shall be conducted until this report has been provided to the City and the City has authorized in writing the commencement of construction activities in accord with the biologist's findings.

13. Mitigation Measures F-1: All earthwork and site drainage, including foundation and basement excavations, retaining wall backfill, preparation of the subgrade beneath hardscape, placement and compaction of engineered fill, and surface drainage should be performed in accordance with the Geotechnical Report prepared by Cornerstone Earth Group dated May 2, 2013.

14. Mitigation Measures F-2: The design of all buildings shall be designed in accordance with current earthquake resistant standards, including the 2007 CBC guidelines and design recommendations regarding the potential for localized liquefaction presented in the Geotechnical Investigation provided by Cornerstone Earth Group.

15. Mitigation Measure F-3: Prior to building permit approval, the applicant shall submit a well-designed shoring system for the basement excavation to be designed by a licensed engineer subject to review and approval by Public Works Department.

16. Mitigation Measure F-4: The basement walls be designed for hydrostatic pressure (an additional 40pcf of fluid pressure) and waterproofed.

17. Mitigation Measure F-5: The garage/basement slab should be designed for an uplift pressure of 250 pounds per square foot, which is equivalent to approximately 4 feet of hydraulic lift. At a minimum a vapor retarder should be placed below the slab mat foundation. Due to the proximity of the slab to the ground water table, a waterproofing membrane should be in place.

18. Mitigation Measures H-1: Because the site is documented to be contaminated by VOCs, primarily trichloroethylene (TCE) a Health and Safety Plan (HASP) and a Site Mitigation Plan (SMP), shall be prepared prior to construction, and adhered to during construction and excavation activities. The SMP will provide recommended measures to mitigate the long-term environmental or health and safety risks caused by TCEs in the soil and groundwater. All workers on site should be read and understand the HASP and SMP, and copies should be maintained on site during construction and excavation at all times.

The SMP shall be reviewed and approved by the Santa Clara County Department of Environmental Health, the San Francisco Bay Regional Water Quality Control Board or other appropriate agency addressing oversight to establish management practices for handling contaminated soil or other materials if encountered during demolition.

The details of the SMP shall include the provision of a vapor barrier (refer to H-3) and details about ventilation systems for the garages and buildings, including air exchange rates and operation schedules for the systems. The SMP will also contain contingency plans to be implemented during excavation activities if unanticipated hazardous materials are encountered.

19. Mitigation Measures H-2: A Remedial Risk Management Plan (RRMP) shall be developed and followed by current and future owners, tenants, and operators. The plan will include the implementation of the described remedies and engineering design.

20. Mitigation Measures H-3: A vapor barrier system beneath the garage slab and walls shall be installed to mitigate any issues with the potential presences of VOCs or (TCE). The membrane system should consist of a 60ml, spray applied, seamless, solvent free membrane. Specifications for the vapor barrier included in the SMP shall document proper installation, coupon samples of the membrane (to verify its thickness) and a smoke test would also need to be performed.

21. Mitigation Measure H-5: A properly designed and operating and Heating, Ventilation, Air Conditioning (HVAC) system for the building and below grade parking garage. An HVAC mechanical engineer shall be consulted to evaluate design options for a building ventilation system that helps limit potential vapor intrusion concerns.

22. Mitigation Measure H-6: A passive sub-slab depressurization system shall be designed for the project. The system inhibits soil gases from flowing into the building, reducing volatile chemical entry into the building. This design shall be reviewed by the Regional Water Quality Control Board prior to the issuance of a building permit.

23. Mitigation Measures T-1: The applicant shall provide clear sight lines for drivers exiting the site. Within the corner site triangle:

- Shrubs, fencing, and signs no higher than three feet above the adjacent street surface.
- Tree branches no lower than seven feet above the adjacent street surface.
- No poles, trees and other tall object situated so that they would create a wall effect when viewed at an oblique angle.

24. The Development Impact Fees, approximated at $642,587.00, shall be paid prior to building permit issuance.

25. Automatic night shades shall be added to the office windows facing the single family parcels to the rear to ensure that lighting from the office uses does not disturb the residential neighbors.

Public Works, Urban Forestry Division

PRIOR TO DEMOLITION, BUILDING OR GRADING PERMIT ISSUANCE

26. Page Mill Road Frontage. Nine existing Shumard oak trees that would not survive construction are approved for removal. Five new trees shall be planted in the right-of-way planters to function as a consistent link to the overall Urban Forest theme for this section of Page Mill Road (from El Camino Real to Park Avenue). A sixth tree, planted behind the City property adjacent to the parking garage ingress/egress, should be a different species to help differentiate the entry from the vehicular perspective.

27. ROW species (5 trees) shall be changed to Quercus shumardii (Shumard Oak). Garage planter (6th tree) shall be Chitalpa tashkentensis (Chitalpa), a flowering accent tree for native garden settings (or approved equivalent).

28. Performance standards for all trees shall conform to the following: Size: 36" box. Planting Stock, Materials and Quality meeting Tree Technical Manual Standards, Section 3.35, planted per PW Detail #603a for Structural Soil. Irrigation: each tree shall be provided with three bubblers per PW Detail #513.

29. Engineered Soil Mix (ESM). Civil plans and landscape plans shall provide for optimum root growth under sidewalk and hardscape areas. Show clearly all areas designated for ESM adjacent to tree planter areas out to curb, 24" depth minimum (or as limited by utility vault sections of various origins). Specification and Detail sheets shall show listed Engineered Soil Mix (Structural Soil), PW Specification Section 30 (all sheets) and PW Detail #603a, printing all on stamped job copy and building permit copy plan sets.

30. Canary Island Date Palm-Special Care Program. The site plan notes shall show the existing tree provision, "Protect Canary Island Date Palm using modified Type III protection (see attached handout) and chain link fencing 6' from trunk until final landscaping and irrigation is installed. Tree shall be fertilized and sprayed for pink rot disease control. Mandatory pruning by an ISA certified tree worker shall establish an aesthetic 'pineapple bowl' section for maintaining a maximum 45-degreee green frond retention (60-degree pruning is detrimental and prohibited). Brown trunk shall be skinned from the bowl to the ground. Trimming equipment shall be sanitized with BMP recommended process.

31. SITE PLAN REQUIREMENTS. The Site Plans must show Type I & Type III fencing (see above) around the existing Date Palm a bold dashed line enclosing the Tree Protection Zone as shown on

Detail #605, Sheet T-1, and the City Tree Technical Manual, Section 6.35-Site Plans.

DURING CONSTRUCTION

32. SHEET T-1. The building permit plan set must include the city-provided, Sheet T-1 (Tree Protection-it's Part of the Plan!) Applicant shall complete and sign the sheet Tree Disclosure Statement. Inspection #1 applies to this project.

33. TREE PROTECTION VERIFICATION. Prior to demolition, grading or building permit issuance, a written verification from the contractor that the required protective fencing is in place shall be submitted to the Building Inspections Division. The fencing shall contain required warning sign and remain in place until final inspection of the project. Tree fencing shall be adjusted after demolition if necessary to increase the tree protection zone as required by the project arborist.

34. TREE DAMAGE. The applicant shall be responsible for the repair or replacement of any publicly owned or protected trees that are damaged during the course of construction, pursuant to Title 8 of the Palo Alto Municipal Code, and city Tree Technical Manual, Section 2.25.

35. GENERAL. The following general tree preservation measures apply to all trees to be retained: No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground under and around the tree canopy area shall not be altered. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.

Environmental Services Division

36. PAMC 16.09.180(b)(9) Covered Parking: Drain plumbing for interior parking garage floor drains must be connected to an oil/water separator with a minimum capacity of 100 gallons, and to the sanitary sewer system. It is recommended that the stormwater pump area in the garage be labeled: no dumping flows to Bay or similar language.

37. PAMC 16.09.055 Unpolluted Water: Unpolluted water shall not be discharged through direct or indirect connection to the sanitary sewer system. The uncovered ramp to the garage must be connected to the storm drain system.

37. PAMC 16.09.180(b)(14) Architectural Copper: on and after January 1, 2003, copper metal roofing, copper metal gutters, copper metal down spouts, and copper granule containing

asphalt shingles shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing, gutters and downspouts on historic structures are exempt, provided that the roofing material used shall be prepatinated at the factory. For the purposes of this exemption, the definition of "historic" shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory.

38. PAMC 16.09.180(b)(5) Condensate from HVAC: Condensate lines shall not be connected or allowed to drain to the storm drain system.

39. 16.09.215 Silver Processing: Facilities conducting silver processing (photographic or X-ray films) shall either submit a treatment application or waste hauler certification for all spent silver bearing solutions. 650-329-2421.

40. PAMC 16.09.180(b)(b) Copper Piping: Copper, copper alloys, lead and lead alloys, including brass, shall not be used in sewer lines, connectors, or seals coming in contact with sewage except for domestic waste sink traps and short lengths of associated connecting pipes where alternate materials are not practical. The plans must specify that copper piping will not be used for wastewater plumbing.

41. PAMC 16.09.220(c)(1) Dental Facilities That Remove or Place Amalgam Fillings: An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system. The installed device must be ISO 11143 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.

42. PAMC 16.09.205(a) Cooling Systems, Pools, Spas, Fountains, Boilers and Heat Exchangers: It shall be unlawful to discharge water from cooling systems, pools, spas, fountains boilers and heat exchangers to the storm drain system.

43. PAMC 16.09.165(h) Storm Drain Labeling: Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Bay," or equivalent.

Undesignated Retail Space:

44. PAMC 16.09 Newly constructed or improved buildings with all or a portion of the space with undesignated tenants or future use will need to meet all requirements that would have been applicable during design and construction. If such undesignated retail space becomes a food service facility the following requirements must be met:

Public Works Department Engineering Division

45. SIDEWALK, CURB & GUTTER: As part of this project, the applicant must replace those portions of the existing sidewalks, curbs, gutters or driveway approaches in the public right-of-way along the frontage(s) of the property that are broken, badly cracked, displaced, or non-standard, and must remove any unpermitted pavement in the planter strip. Contact Public Works' inspector at 650-496-6929 to arrange a site visit so the inspector can determine the extent of replacement work. The site plan submitted with the building permit plan set must show the extent of the replacement work or include a note that Public Works' inspector has determined no work is required. The plan must note that any work in the right-of-way must be done per Public Works' standards by a licensed contractor who must first obtain a Street Work Permit from Public Works at the Development Center.

46. STREET TREES: The applicant may be required to replace existing and/or add new street trees in the public right-of-way along the property's frontage(s). Call the Public Works' arborist at 650-496-5953 to arrange a site visit so he can determine what street tree work, if any, will be required for this project. The site plan submitted with the building permit plan set must show the street tree work that the arborist has determined, including the tree species, size, location, staking and irrigation requirements, or include a note that Public Works' arborist has determined no street tree work is required. The plan must note that in order to do street tree work, the applicant must first obtain a Permit for Street Tree Work in the Public Right-of-Way from Public Works' arborist (650-496-5953).

47. PEDESTRIAN & STREETSCAPE IMPROVEMENTS: Additional streetscape design elements and amenities such as bike racks and decorative street lights will be considered pending future

discussions with the Santa Clara County Department of Roads and Airports, Architectural Review Board, and other city departments.

The following comments are provided to assist the applicant at the building permit phase. You can obtain various plan set details, forms and guidelines from Public Works at the City's Development Center (285 Hamilton Avenue) or on Public Works' website:
http://www.cityofpaloalto.org/gov/depts/pwd/default.asp.

Include in plans submitted for a building permit:

48. LOT MERGER: A Certificate of Compliance application for lot line removal/merger must be submitted to Public Works, approved by pertinent city departments, and recorded by the Santa Clara County Clerk-Recorder's office prior to building permit issuance. Public Works processes and routes lot line removal/merger applications and routes documents to city departments for review and comment. A $3000 Certificate of Compliance plan check fee will be collected when the lot line removal/merger application is submitted to Public Works officials. The application form, soils report waiver, and checklist are available at the Development Center at 285 Hamilton Avenue or on the city's website.

49. BASEMENT DRAINAGE: Due to high groundwater throughout much of the City and Public Works prohibiting the pumping and discharging of groundwater, perforated pipe drainage systems at the exterior of the basement walls or under the slab are not allowed for this site. A drainage system is, however, required for all exterior basement-level spaces, such as lightwells, patios or stairwells. This system consists of a sump, a sump pump, a backflow preventer, and a closed pipe from the pump to a dissipation device onsite at least 10 feet from the property line, such as a bubbler box in a landscaped area, so that water can percolate into the soil and/or sheet flow across the site. The device must not allow stagnant water that could become mosquito habitat. Additionally, the plans must show that exterior basement-level spaces are at least 7-3/4" below any adjacent windowsills or doorsills to minimize the potential for flooding the basement. Public Works recommends a waterproofing consultant be retained to design and inspect the vapor barrier and waterproofing systems for the basement.

50. BASEMENT SHORING: Shoring for the basement excavation, including tiebacks, must not extend onto adjacent private property or into the City right-of-way without having

first obtained written permission from the private property owners and/or an encroachment permit from Public Works.

51. DEWATERING: Basement excavations may require dewatering during construction. Public Works only allows groundwater drawdown well dewatering. Open pit groundwater dewatering is disallowed. Dewatering is only allowed from April through October due to inadequate capacity in our storm drain system. The geotechnical report for this site must list the highest anticipated groundwater level. We recommend a piezometer to be installed in the soil boring. The contractor must determine the depth to groundwater immediately prior to excavation by using the piezometer or by drilling an exploratory hole if the deepest excavation will be within 3 feet of the highest anticipated groundwater level. If groundwater is found within 2 feet of the deepest excavation, a drawdown well dewatering system must be used, or alternatively, the contractor can excavate for the basement and hope not to hit groundwater, but if he does, he must immediately stop all work and install a drawdown well system before he continues to excavate. Public Works may require the water to be tested for contaminants prior to initial discharge and at intervals during dewatering. If testing is required, the contractor must retain an independent testing firm to test the discharge water for the contaminants Public Works specifies and submit the results to Public Works.

52. Public Works reviews and approves dewatering plans as part of a Street Work Permit. The applicant can include a dewatering plan in the building permit plan set in order to obtain approval of the plan during the building permit review, but the contractor will still be required to obtain a street work permit prior to dewatering. Alternatively, the applicant must include the above dewatering requirements in a note on the site plan. Public Works has a sample dewatering plan sheet and dewatering guidelines available at the Development Center and on our website.

53. GRADING & DRAINAGE PLAN: The plan set must include a grading & drainage plan prepared by a licensed professional that includes existing and proposed spot elevations and drainage flow arrows to demonstrate proper drainage of the site. Adjacent grades must slope away from the house a minimum of 2%. Downspouts and splashblocks should be shown on this plan, as well as any site drainage features such as swales. Grading will not be allowed that increases drainage onto, or blocks existing drainage from, neighboring properties. Public Works generally does not allow rainwater to be collected and discharged into the street gutter, but encourages the developer to keep rainwater onsite as much as feasible by directing runoff to landscaped and

other pervious areas of the site. See the Grading & Drainage Plan Guidelines for Residential Developments on our website: http://www.cityofpaloalto.org/civicax/filebank/documents/2717

54. GRADING & EXCAVATION PERMIT: An application for a grading & excavation permit must be submitted to Public Works when applying for a building permit. The site plan must include a table providing the cubic yardage of dirt being cut and filled outside of the building footprint. The application and guidelines are available at the Development Center and on our website.

55. STORM WATER POLLUTION PREVENTION: The City's full-sized Pollution Prevention - It's Part of the Plan sheet must be included in the plan set. Copies are available from Public Works at the Development Center or on our website: http://www.cityofpaloalto.org/civicax/filebank/documents/2732

56. STREET TREES: Show all existing street trees in the public right-of-way. Any removal, relocation or planting of street trees; or excavation, trenching or pavement within 10 feet of street trees must be approved by Public Works' arborist (phone: 650-496-5953). This approval shall appear on the plans. Show construction protection of the trees per City requirements.

57. WORK IN THE RIGHT-OF-WAY: The plans must clearly indicate any work that is proposed in the public right-of-way, such as sidewalk replacement, driveway approach, or utility laterals. The plans must include notes that the work must be done per City standards and that the contractor performing this work must first obtain a Street Work Permit from Public Works at the Development Center. If a new driveway is in a different location than the existing driveway, then the sidewalk associated with the new driveway must be replaced with a thickened (6” thick instead of the standard 4” thick) section. Additionally, curb cuts and driveway approaches for abandoned driveways must be replaced with new curb, gutter and planter strip.

58. IMPERVIOUS SURFACE AREA: The project will be creating or replacing 500 square feet or more of impervious surface. Accordingly, the applicant shall provide calculations of the existing and proposed impervious surface areas with the building permit application. The Impervious Area Worksheet for Land Developments form and instructions are available at the Development Center or on our website: http://www.cityofpaloalto.org/civicax/filebank/documents/2718

59. STORM WATER TREATMENT: This project must meet the latest State Regional Water Quality Control Board’s (SRWQCB) C.3

provisions. The applicant is required to satisfy all current storm water discharge regulations and shall provide calculations and documents to verify compliance. All projects that are required to treat stormwater will need to treat the permit-specified amount of storm water runoff with the following low impact development methods: rainwater harvesting and reuse, infiltration, evapotranspiration, or bio-treatment. However, bio-treatment (filtering storm-water through vegetation and soils before discharging to the storm drain system) will be allowed only where harvesting and reuse, infiltration and evapotranspiration are infeasible at the project site. Vault-based treatment will not be allowed as a stand-alone treatment measure. Where stormwater harvesting and reuse, infiltration, or evapotranspiration are infeasible, vault-based treatment measures may be used in series with bio-treatment, for example, to remove trash or other large solids.

Reference: Palo Alto Municipal Code Section 16.11.030(c)

60. The applicant must incorporate permanent storm water pollution prevention measures that treat storm water runoff that are site specific. The prevention measures shall be reviewed by a qualified third-party reviewer who needs to certify that it complies with the Palo Alto Municipal Code requirements. This is required prior to the issuance of a building permit. The third-party reviewer shall be acquired by the applicant and needs to be on the Santa Clara Valley Urban Runoff Pollution Prevention Program's (Program) list of qualified consultants. (http://www.scvurpppw2k.com/consultants2012.htm?zoom_highlight=consultants) Any consultant or contractor hired to design/and/or construct a storm water treatment system for the project cannot certify the project as a third-party reviewer.

61. Within 45 days of the installation of the required storm water treatment measures and prior to the issuance of an occupancy permit for the building, third-party reviewer shall also submit to the City a certification for approval that the project's permanent measures were constructed and installed in accordance to the approved permit drawings. The project must also enter into a maintenance agreement with the City to guarantee the ongoing maintenance of the permanent C.3 storm water discharge compliance measures. The maintenance agreement shall be executed prior to permit issuance.

62. The applicant is required to paint the "No Dumping/Flows to Matadero Creek" logo in blue color on a white background, adjacent to all storm drain inlets. Stencils of the logo are available from the Public Works Environmental Compliance Division, which may be contacted at (650) 329-2598.

A deposit may be required to secure the return of the stencil. Include the instruction to paint the logos on the construction grading and drainage plan. Include maintenance of these logos in the Hazardous Materials Management Plan, if such a plan is part of this project.

63. BEST MANAGEMENT PRACTICES (BMP's): The applicant is required to submit a conceptual site grading and drainage plan. In order to address potential storm water quality impacts, the plan shall identify BMP's to be incorporated into the Storm Water Pollution Prevention Plan (SWPPP) that will be required for the project. The SWPPP shall include permanent BMP's to be incorporated into the project to protect storm water quality. (Resources and handouts are available from PWE. Specific reference is made to Palo Alto's companion document to "Start at the Source", entitled "Planning Your Land Development Project"). The elements of the PWE-approved conceptual grading and drainage plan shall be incorporated into the building permit plans.

64. The developer shall require the contractor to incorporate BMP's for storm water pollution prevention in all construction operations, in conformance with the SWPPP prepared for the project. It is unlawful to discharge any construction debris (soil, asphalt, sawcut slurry, paint, chemicals, etc.) or other waste materials into gutters or storm drains. (PAMC Chapter 16.09).

65. PARKING STRUCTURE DRAINS: Drains within the covered floors of the parking structures shall be connected to oil-water separators and sanitary sewer lines. Stormwater runoff from any exposed surface or roof parking areas without canopies need to be treated per C.3 requirements.

66. GREASE/OIL REMOVAL DEVICE: If there will be a kitchen and food serving area in the new building, any drains in the food service facilities shall be connected to a grease removal device and located on private property.

67. LOADING DOCK: Any loading dock areas shall be covered and graded so that no storm water enters and flows through the space. Any runoff from the loading dock area shall be kept isolated from the storm drainage system. If the loading area/dock contains a drain, it shall be connected to the sanitary sewer through a manually operated fail-safe valve.

68. LOGISTICS PLAN: The contractor must submit a logistics plan to the Public Works Department prior to commencing work that addresses all impacts to the City's right-of-way, including, but not limited to: pedestrian control, traffic control, truck routes, material deliveries, contractor's

parking, concrete pours, crane lifts, work hours, noise control, dust control, storm water pollution prevention, contractor's contact, noticing of affected businesses, and schedule of work. The plan will be attached to a street work permit.

69. SANTA CLARA COUNTY DEPARTMENT OF ROADS AND AIRPORTS: The Page Mill Road right of way is subject to permitting and review from the Santa Clara County Department of Roads and Airports. County right-of-way across Page Mill Road extends from property line to property line. Please include a record of county approval on the planset submitted for a building permit.

70. FINALIZATION OF BUILDING PERMIT: The Public Works Inspector shall sign off the building permit prior to the finalization of this permit. All off-site improvements shall be finished prior to this sign-off. Similarly, all as-builts, on-site grading, drainage and post-developments BMP's shall be completed prior to sign-off

Public Works, Water Quality

71. PAMC 16.09.170, 16.09.040 Discharge of Groundwater.

The project is located in an area of suspected or known groundwater contamination with Volatile Organic Compounds (VOCs). If groundwater is encountered then the plans must include the following procedure for construction dewatering:

Prior to discharge of any water from construction dewatering, the water shall be tested for volatile organic compounds (VOCs) using EPA Method 601/602 or Method 624. The analytical results of the VOC testing shall be transmitted to the Regional Water Quality Control Plant (RWQCP) 650-329-2598. Contaminated ground water that exceeds state or federal requirements for discharge to navigable waters may not be discharged to the storm drain system or creeks. If the concentrations of pollutants exceed the applicable limits for discharge to the storm drain system then an Exceptional Discharge Permit must be obtained from the RWQCP prior to discharge to the sanitary sewer system. If the VOC concentrations exceed the toxic organics discharge limits contained in the Palo Alto Municipal Code (16.09.040(m)) a treatment system for removal of VOCs will also be required prior to discharge to the sanitary sewer. Additionally, any water discharged to the sanitary sewer system or storm drain system must be free of sediment

72. PAMC 16.09.180(b)(9) Covered Parking

Drain plumbing for parking garage floor drains must be connected to an oil/water separator with a minimum capacity of 100 gallons, and to the sanitary sewer system.

73.PAMC 16.09.180(b)(10) Dumpsters for New and Remodeled Facilities

New buildings and residential developments providing centralized solid waste collection, except for single-family and duplex residences, shall provide a covered area for a dumpster. The area shall be adequately sized for all waste streams and designed with grading or a berm system to prevent water runon and runoff from the area.

74. PAMC 16.09.180(b)(14) Architectural Copper

On and after January 1, 2003, copper metal roofing, copper metal gutters, copper metal down spouts, and copper granule containing asphalt shingles shall not be permitted for use on any residential, commercial or industrial building for which a building permit is required. Copper flashing for use under tiles or slates and small copper ornaments are exempt from this prohibition. Replacement roofing, gutters and downspouts on historic structures are exempt, provided that the roofing material used shall be prepatinated at the factory. For the purposes of this exemption, the definition of "historic" shall be limited to structures designated as Category 1 or Category 2 buildings in the current edition of the Palo Alto Historical and Architectural Resources Report and Inventory.

75.PAMC 16.09.175(k) (2) Loading Docks

(i) Loading dock drains to the storm drain system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation.

(ii) Where chemicals, hazardous materials, grease, oil, or waste products are handled or used within the loading dock area, a drain to the storm drain system shall not be allowed. A drain to the sanitary sewer system may be allowed if equipped with a fail-safe valve or equivalent device that is kept closed during the non-rainy season and during periods of loading dock operation. The area in which the drain is located shall be covered or protected from rainwater run-on by berms and/or grading. Appropriate wastewater treatment approved by the Superintendent shall be provided for all rainwater contacting the loading dock site.

76. PAMC 16.09.180(b)(5) Condensate from HVAC

Condensate lines shall not be connected or allowed to drain to the storm drain system.

77. 16.09.215 Silver Processing

Facilities conducting silver processing (photographic or X-ray films) shall either submit a treatment application or waste hauler certification for all spent silver bearing solutions. 650-329-2421.

78. PAMC 16.09.205 Cooling Towers

No person shall discharge or add to the sanitary sewer system or storm drain system, or add to a cooling system, pool, spa, fountain, boiler or heat exchanger, any substance that contains any of the following:

(1) Copper in excess of 2.0 mg/liter;

(2) Any tri-butyl tin compound in excess of 0.10 mg/liter;

(3) Chromium in excess of 2.0 mg/liter.

(4) Zinc in excess of 2.0 mg/liter; or

(5) Molybdenum in excess of 2.0 mg/liter.

79. The above limits shall apply to any of the above-listed substances prior to dilution with the cooling system, pool, spa or fountain water.

80. A flow meter shall be installed to measure the volume of blow-down water from the new cooling tower. Cooling systems discharging greater than 2,000 gallons per day are required to meet a copper discharge limit of 0.25 milligrams per liter.

81. PAMC 16.09.180(b)(b) Copper Piping

Copper, copper alloys, lead and lead alloys, including brass, shall not be used in sewer lines, connectors, or seals coming in contact with sewage except for domestic waste sink traps and short lengths of associated connecting pipes where alternate materials are not practical. The plans must specify that copper piping will not be used for wastewater plumbing.

82. PAMC 16.09.220(c)(1) Dental Facilities That Remove or Place Amalgam Fillings

An ISO 11143 certified amalgam separator device shall be installed for each dental vacuum suction system. The installed device must be ISO 11143 certified as capable of removing a

minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.

83. PAMC 16.09.175(a) Floor Drains

Interior (indoor) floor drains to the sanitary sewer system may not be placed in areas where hazardous materials, hazardous wastes, industrial wastes, industrial process water, lubricating fluids, vehicle fluids or vehicle equipment cleaning wastewater are used or stored, unless secondary containment is provided for all such materials and equipment

84. 16.09.180(12) Mercury Switches

Mercury switches shall not be installed in sewer or storm drain sumps.

85. PAMC 16.09.205(a) Cooling Systems, Pools, Spas, Fountains, Boilers and Heat Exchangers

It shall be unlawful to discharge water from cooling systems, pools, spas, fountains boilers and heat exchangers to the storm drain system.

86. PAMC 16.09.165(h) Storm Drain Labeling

Storm drain inlets shall be clearly marked with the words "No dumping - Flows to Bay," or equivalent.

Undesignated Retail Space:

87. PAMC 16.09

Newly constructed or improved buildings with all or a portion of the space with undesignated tenants or future use will need to meet all requirements that would have been applicable during design and construction. If such undesignated retail space becomes a food service facility the following requirements must be met:

Designated Food Service Establishment (FSE) Project:

88. A. Grease Control Device (GCD) Requirements, PAMC Section 16.09.075 & cited Bldg/Plumbing Codes

89. The plans shall specify the manufacturer details and installation details of all proposed GCDs. (CBC 1009.2)

90. GCD(s) shall be sized in accordance with the 2007 California Plumbing Code.

91. GCD(s) shall be installed with a minimum capacity of 500 gallons.

92. GCD sizing calculations shall be included on the plans. See a sizing calculation example below.

93. The size of all GCDs installed shall be equal to or larger than what is specified on the plans.

94. GCDs larger than 50 gallons (100 pounds) shall not be installed in food preparation and storage areas. Santa Clara County Department of Environmental Health prefers GCDs to be installed outside. GCDs shall be installed such that all access points or manholes are readily accessible for inspection, cleaning and removal of all contents. GCDs located outdoors shall be installed in such a manner so as to exclude the entrance of surface and stormwater. (CPC 1009.5)

95. All large, in-ground interceptors shall have a minimum of three manholes to allow visibility of each inlet piping, baffle (divider) wall, baffle piping and outlet piping. The plans shall clearly indicate the number of proposed manholes on the GCD. The Environmental Compliance Division of Public Works Department may authorize variances which allow GCDs with less than three manholes due to manufacture available options or adequate visibility.

96. Sample boxes shall be installed downstream of all GCDs.

97. All GCDs shall be fitted with relief vent(s). (CPC 1002.2 & 1004)

98. GCD(s) installed in vehicle traffic areas shall be rated and indicated on plans.

99. B. Drainage Fixture Requirements, PAMC Section 16.09.075 & cited Bldg/Plumbing Codes

100. To ensure all FSE drainage fixtures are connected to the correct drain lines, each drainage fixture shall be clearly labeled on the plans. A list of all fixtures and their discharge connection, i.e. sanitary sewer or grease waste line, shall be included on the plans.

101. A list indicating all connections to each proposed GCD shall be included on the plans. This can be incorporated into the sizing calculation.

102. All grease generating drainage fixtures shall connect to a GCD. These include but are not limited to:

- Pre-rinse (scullery) sinks
- Three compartment sinks (pot sinks)
- Drainage fixtures in dishwashing room except for dishwashers shall connect to a GCD
- Examples: trough drains (small drains prior to entering a dishwasher), small drains on busing counters adjacent to pre-rinse sinks or silverware soaking sinks
- Floor drains in dishwashing area and kitchens
- Prep sinks
- Mop (janitor) sinks
- Outside areas designated for equipment washing shall be covered and any drains contained therein shall connect to a GCD.
- Drains in trash/recycling enclosures
- Wok stoves, rotisserie ovens/broilers or other grease generating cooking equipment with drip lines
- Kettles and tilt/braising pans and associated floor drains/sinks

103. The connection of any high temperature discharge lines and non-grease generating drainage fixtures to a GCD is prohibited. The following shall not be connected to a GCD:

- Dishwashers
- Steamers
- Pasta cookers
- Hot lines from buffet counters and kitchens
- Hand sinks
- Ice machine drip lines
- Soda machine drip lines
- Drainage lines in bar areas

104. No garbage disposers (grinders) shall be installed in a FSE. (PAMC 16.09.075(d)).

105. Plumbing lines shall not be installed above any cooking, food preparation and storage areas.

106. Each drainage fixture discharging into a GCD shall be individually trapped and vented. (CPC 1014.5)

107. C. Covered Dumpsters, Recycling and Tallow Bin Areas PAMC, 16.09.075(q)(2)

Newly constructed and remodeled FSEs shall include a covered area for all dumpsters, bins, carts or container used for the collection of trash, recycling, food scraps and waste cooking fats, oils and grease (FOG) or tallow.

108. The area shall be designed and shown on plans to prevent water run-on to the area and runoff from the area.

109. Drains that are installed within the enclosure for recycle and waste bins, dumpsters and tallow bins serving FSEs are optional. Any such drain installed shall be connected to a GCD.

110. If tallow is to be stored outside then an adequately sized, segregated space for a tallow bin shall be included in the covered area.

111. These requirements shall apply to remodeled or converted facilities to the extent that the portion of the facility being remodeled is related to the subject of the requirement.

112. D. Large Item Cleaning Sink, PAMC 16.09.075(m)(2)(B)

FSEs shall have a sink or other area drain which is connected to a GCD and large enough for cleaning the largest kitchen equipment such as floor mats, containers, carts, etc. Recommendation: Generally, sinks or cleaning areas larger than a typical mop/janitor sink are more useful.

Utilities Department, Water Gas Wastewater Utilities Division

113. Prior to demolition, the applicant shall submit the existing water/wastewater fixture unit loads (and building as-built plans to verify the existing loads) to determine the capacity fee credit for the existing load. If the applicant does not submit loads and plans they may not receive credit for the existing water/wastewater fixtures.

114. Prior to demolition, the applicant shall submit a request to disconnect all utility services and/or meters including a signed affidavit of vacancy. Utilities will be disconnected or removed within 10 working days after receipt of request. The demolition permit will be issued

by the building inspection division after all utility services and/or meters have been disconnected and removed.

115. The applicant shall submit a completed water-gas-wastewater service connection application - load sheet(s) (one load sheet required for each unit or place of business for City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (water in fixture units/g.p.m., gas in b.t.u.p.h, and sewer in fixture units/g.p.d.). The applicant shall provide the existing (prior) loads, the new loads, and the combined/total loads (the new loads plus any existing loads to remain).

116. The applicant shall submit improvement plans for utility construction. The plans must show the size and location of all underground utilities within the development and the public right of way including meters, backflow preventers, fire service requirements, sewer mains, sewer cleanouts, sewer lift stations and any other required utilities.

117. The applicant must show on the site plan the existence of any auxiliary water supply, (i.e. water well, gray water, recycled water, rain catchment, water storage tank, etc.).

118. The applicant shall be responsible for installing and upgrading the existing utility mains and/or services as necessary to handle anticipated peak loads. This responsibility includes all costs associated with the design and construction for the installation/upgrade of the utility mains and/or services.

119. The applicant's engineer shall submit flow calculations and system capacity study showing that the on-site and off-site water and sanitary sewer mains and services will provide the domestic, irrigation, fire flows, and wastewater capacity needed to service the development and adjacent properties during anticipated peak flow demands. Field testing may be required to determined current flows and water pressures on existing water main. Calculations must be signed and stamped by a registered civil engineer. The applicant is required to perform, at his/her expense, a flow monitoring study of the existing sewer main to determine the remaining capacity. The report must include existing peak flows or depth of flow based on a minimum monitoring period of seven continuous days or as determined by the senior wastewater engineer. The study

shall meet the requirements and the approval of the WGW engineering section. No downstream overloading of existing sewer main will be permitted.

120. For contractor installed water and wastewater mains or services, the applicant shall submit to the WGW engineering section of the Utilities Department four copies of the installation of water and wastewater utilities off-site improvement plans in accordance with the utilities department design criteria. All utility work within the public right-of-way shall be clearly shown on the plans that are prepared, signed and stamped by a registered civil engineer. The contractor shall also submit a complete schedule of work, method of construction and the manufacture's literature on the materials to be used for approval by the utilities engineering section. The applicant's contractor will not be allowed to begin work until the improvement plan and other submittals have been approved by the water, gas and wastewater engineering section. After the work is complete but prior to sign off, the applicant shall provide record drawings (as-builts) of the contractor installed water and wastewater mains and services per City of Palo Alto Utilities record drawing procedures. For contractor installed services the contractor shall install 3M marker balls at each water or wastewater service tap to the main and at the City clean out for wastewater laterals.

121. An approved reduced pressure principle assembly (RPPA backflow preventer device) is required for all existing and new water connections from Palo Alto Utilities to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. The RPPA shall be installed on the owner's property and directly behind the water meter within 5 feet of the property line. RPPA’s for domestic service shall be lead free. Show the location of the RPPA on the plans.

122. An approved reduced pressure detector assembly is required for the existing or new water connection for the fire system to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive (a double detector assembly may be allowed for existing fire sprinkler systems upon the CPAU’s approval). Reduced pressure detector assemblies shall be installed on the owner's property adjacent to the property line, within 5’ of the property line. Show the location of the reduced pressure detector assembly on the plans.

123. All backflow preventer devices shall be approved by the WGW engineering division. Inspection by the utilities cross connection inspector is required for the supply pipe between the meter and ++the assembly.

124. Existing wastewater laterals that are not plastic (ABS, PVC, or PE) must be abandoned per WGW Utilities standards.

125. The applicant shall pay the capacity fees and connection fees associated with new utility service/s or added demand on existing services. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.

126. Each unit or place of business shall have its own water and gas meter shown on the plans. Each parcel shall have its own water service, gas service and sewer lateral connection shown on the plans.

127. A separate water meter and backflow preventer is required to irrigate the approved landscape plan. Show the location of the irrigation meter on the plans. This meter shall be designated as an irrigation account an no other water service will be billed on the account. The irrigation and landscape plans submitted with the application for a grading or building permit shall conform to the City of Palo Alto water efficiency standards.

128. A new gas service line installation is required. Show the new gas meter location on the plans. The gas meter location must conform with utilities standard details.

129. All existing water and wastewater services that will not be reused shall be abandoned at the main per WGW utilities procedures.

130. Utility vaults, transformers, utility cabinets, concrete bases, or other structures cannot be placed over existing water, gas or wastewater mains/services. Maintain 1’ horizontal clear separation from the vault/cabinet/concrete base to existing utilities as found in the field. If there is a conflict with existing utilities, Cabinets/vaults/bases shall be relocated from the plan location as needed to meet field conditions. Trees may not be planted within 10 feet of existing water, gas or wastewater mains/services or meters. New water, gas or wastewater services/meters may not be installed within

10’ or existing trees. Maintain 10’ between new trees and new water, gas and wastewater services/mains/meters.

131. To install new gas service by directional boring, the applicant is required to have a sewer cleanout at the front of the building for each lateral exiting the building. This cleanout is required so the sewer lateral can be videoed for verification of no damage after the gas service is installed by directional boring.

132. All utility installations shall be in accordance with the City of Palo Alto utility standards for water, gas & wastewater.

133. The applicant shall obtain an encroachment permit from Caltrans for all utility work in the El Camino Real right-of-way. The applicant must provide a copy of the permit to the WGW engineering section.

Fire Department

134. The last 30 feet of curb space on both ends of Page Mill Road frontage shall be posted NO PARKING - FIRE LANE.

135. Sprinkler main drain must be coordinated with plumbing design so that the 200 gpm can be flowed for annual main drain testing for 90 seconds without overflowing the collection sump, and the Utilities Department approved ejector pumps will be the maximum flow rate to sanitary sewer.

136. Low-E glass can interfere with portable radios used by emergency responders. Please provide an RF Engineering analysis to determine if additional devices or equipment will be needed to maintain operability of emergency responder portable radios throughout 97% of the building in accordance with the Fire Code Appendix J as adopted by the City of Palo Alto.

Transportation Division

137. The project must have approved TDM plan that is required by the director for any parking reductions allowed. TDM requirements at a minimum would include Caltrain Go Passes and an annual monitoring and reporting plan that includes a review of parking and traffic generation.

Building Department

(August 20, 2013 conditions will be updated for ARB review based on current plans):

138. Sheet A7 (dated 7-29-2013): All bedrooms from units 3 through 7 and interior bedrooms from units 2, 8, 9 and 10 are in violation of Section 1029.1 of CBC. This section, in part, states: "Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section. Such openings shall open directly into a public way or to a yard or court that opens to a public way."

139. Sheet A4 (dated 7-29-2013): The space between west wall and the property line (serving Stair # 3) constitutes an egress court. The width is required to be minimum 44". All openings into this egress court are required to be rated per Section 1027.5 or Section 705.8, whichever is more restrictive.

140. Sheet A4 (dated 7-29-2013): Stair # 3 is required to have a door from 1st floor to the basement.

141. Sheet A4 (dated 7-29-2013): Openings along the East wall and the property line are required to be addressed per Section 705.8.

142. Sheet A7 (dated 7-29-2013): Openings along the East wall seem to be excessive. Comply with Section 705.8.

143. Sheet A6 (dated 7-29-2013): Openings along the West wall seem to be excessive (at stair #3 and rear deck). Comply with Section 705.8.

144. Check Rear wall (South) for opening limitations/protections per Section 705.8.

145. The 8'-2" parking clearance is required to be maintained throughout the parking garage levels.

Utilities Department, Electrical Division

The Utilities Electrical Division conditions shall be inserted prior to the ARB review.

Santa Clara County Roads & Airports

146. A Tree Removal Encroachment Permit is required prior to any tree removed, replaced, or relocated within the County Maintained Road Right of Way, which measures over 37.7 inches in circumference at 4.5 feet above ground or which exceeds 20 feet in height. Provide plans that clearly identify species, size, and height of all existing trees and proposed trees to be removed as necessary along the project's work limits within the existing County road right-of-way. The Process for obtaining a Tree Removal Encroachment Permit involves but is not limited to completing and submitting an application to the Roads and Airport Department and review by the Board of Supervisors. Please submit a tree removal application a minimum of 60 days prior to the planned removal. Tree Removal Encroachment Permit may be processed in advance of completing plans for other permits. Please contact permits at (408) 573-2475 for complete application package and process.

147. Preliminary plans dated July 29, 2013 prepared by Stoecker and Northway Architects incorporated and the Draft Traffic Impact Analysis dated July 25, 2013 prepared by RKH Civil and Transportation Engineering indicate the existing Page Mill Road on-street parking along the property frontage be removed. Removal of on-street parking requires County Board of Supervisors Resolution. County Roads and Airports Staff supports the removal of the on-street parking along Page Mill Road and will take the necessary steps to request County Board of Supervisors' approval of a parking prohibition resolution at the appropriate time. Please contact Dawn Cameron, (408) 573 - 2465 or by email at Dawn.Cameron@rda.sccgov.org for complete application process and timeline.

148. Preliminary plans dated July 29, 2013 prepared by Stoecker and Northway Architects incorporated and the Draft Traffic Impact Analysis dated July 25, 2013 prepared by RKH Civil and Transportation Engineering propose to construct a 25-ft commercial loading zone as shown. It appears that the location of the loading zone would be within the line of sight distance. Roads and Airports requests that the applicant pursue one of the following actions: (1) Contact neighboring property owners about possibly using their existing parking facilities for deliveries or (2) The owner's engineer shall demonstrate through the final version of the Traffic Impact Analysis, to be reviewed and approved by Roads and Airports, that there are no site impacts or that impacts can be mitigated and owner/ applicant shall comply with the recommended mitigations. Designating a loading zone requires County Board of Supervisors Resolution. Please contact Dawn Cameron, (408) 573 -2465 or by email at Dawn.Cameron@rda.sccgov.org for complete application process and

timeline.

149. A Santa Clara County Roads and Airports Encroachment Permit is required prior to any work performed in the County Maintained Road Right of Way. The process for obtaining an Encroachment Permit involves but is not limited to submitting a minimum of three full size copies, one half size copy of the signed engineered final improvement plans, drainage calculations, erosion control plans, traffic control plan, and Certificate of Worker's Compensation Insurance to County Permitting Office in conjunction with an encroachment application. Please contact Permits, (408) 573 -2475 or by email at Permits@rda.sccgov.org for complete application process and timeline.

150. All structures, including but not limited to street furniture, bike racks, planter boxes, etc. shall be located outside of the County Road Right of Way. Tree replacement shall provide a minimum of 7 feet of clearance from existing face of curb to face of mature tree trunk or a minimum 5 feet of clearance from future face of curb to face of mature tree trunk.

151. Provide drainage plans and hydraulic calculations prepared by a registered civil engineer in accordance with criteria as designated in the County's Drainage Manual that demonstrate one of the following:
A. The post development runoff onto the County maintained roadway/ right of way is equal or less than the pre-development runoff; or
B. The storm water runoff generated from the proposed development can safely be conveyed and contained within the existing storm drainage system, does not create and/or contribute to downstream or upstream flooding conditions, and maintains a minimum 1 foot of freeboard in the existing storm drainage system for the entire watershed. If this cannot be demonstrated, provide a detention/retention system pursuant to the Design Guidelines in the 2007 Santa Clara County Drainage Manual to be located outside the County Maintained Road Right of Way.

152. Submit final improvement plans prepared by a registered civil engineer for review and approval. Include plan, profile, typical sections, contour grading and drainage for all construction improvements located within the County Maintained Road Right of Way (ROW). All the following standards shall be consistent with the September 1997 Standard Details Manual, County of Santa Clara, Roads and Airports Department. Final Improvement Plans Shall include the following:
A. Driveway Approach per County Standard B8.

B. Abandoned Driveway Approaches per County Standard B9.
C. Traffic Control Plan during construction
D. Street striping and pavement markings in accordance with the California Manual on Uniform Traffic Control Devices and August 2003 County Expressway Bicycle Accommodations Guidelines.
E. All existing features located within the County Road ROW, including but not limited to, edge of pavement, existing face of curb/ future face of curb ROW, ROW dedication, above and below ground utility lines, easements, etc.
F. Provide an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period in accordance with Sections C12-568 through C12-571 of the Grading Ordinance and Municipal Regional Permit. Erosion and Sediment Control Plan Sheets may include, but are not limited to, the following information as needed:
(1) Erosion and Sediment Control: soil binders, geotextiles, mats, creek and hillside stabilization, hydroseeding, silt fence, sediment basin, check dams, fiber rolls, gravel bags, drainage inlet protection, construction entrance/ exit, street sweeping requirements, perimeter controls, etc.
(2) Good Site Management: containment, spill prevention, material storage/ protection, sanitary waste management, etc.
(3) Non Stormwater Management, dewatering operations, paving operations, concrete washouts, vehicle and equipment storage and refueling, etc.
G. Include the following Notes on the Erosion and Sediment Control Plan:
(1) "The Owner/ Owner's contractor, agent, and/or engineer shall install and maintain throughout the duration of construction and until the establishment of permanent stabilization and sediment control within the Santa Clara County maintained ROW and any portion of the site where storm water run-off is directly flowing into the Santa Clara County maintained road ROW Best Management Practices (BMPs) to prevent construction materials, excavated materials, waste materials, and sediment caused by erosion from construction activities entering the storm drain system, waterways, and roadway infrastructure. BMPs shall include, but not be limited to, the following practices applicable to the public road and expressway facilities:
(a) Reduction of pollutants in storm water discharges from the construction site and the contractor's material and equipment laydown/staging areas
(b) Prevention of tracking of mud, dirt and construction materials onto public road right of way.
(c) Prevention of discharge of water runoff during dry and wet weather conditions onto public road ROW.
H. Indicate on the improvement plans all existing and proposed

utilities, mains and services within the County Maintained Road ROW.
I. All relocations, temporary facilities, and new facilities shall be included in the improvement plans. Indicate which ones are to be underground and overhead.

153. Construct all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

SECTION 9. Term of Approval.

Site and Design Approval. In the event actual construction of the project is not commenced within two years of the date of council approval, the approval shall expire and be of no further force or effect, pursuant to Palo Alto Municipal Code Section 18.30(G).080.

SECTION 10. Standard Conditions

A. Except as expressly specified herein, the site plan, floor plans, building elevations and any additional information or representations, submitted by the Applicant during the Staff review and public hearing process leading to the approval of this entitlement, whether oral or written, which indicated the proposed structure or manner of operation, are deemed conditions of approval.

B. The approved use and/or construction are subject to, and shall comply with, all applicable City ordinances and laws and regulations of other governmental agencies.

C. California Government Code Section 66020 provides that a project applicant who desires to protest the fees, dedications, reservations, or other exactions imposed on a development project must initiate the protest at the time the development project is approved or conditionally approved or within ninety (90) days after the date that fees, dedications, reservations or exactions are imposed on the Project. Additionally, procedural requirements for protesting these development fees, dedications, reservations and exactions are set forth in Government Code Section 66020. IF YOU FAIL TO INITIATE A PROTEST WITHIN THE 90-DAY PERIOD OR FOLLOW THE PROTEST PROCEDURES DESCRIBED IN GOVERNMENT CODE SECTION 66020, YOU WILL BE BARRED FROM CHALLENGING THE VALIDITY OR

REASONABLENESS OF THE FEES, DEDICATIONS, RESERVATIONS, AND EXACTIONS.

D. This matter is subject to the California Code of Civil Procedures (CCP) Section 1094.5; the time by which judicial review must be sought is governed by CCP Section 1094.6.

E. To the extent permitted by law, the Applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the Project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its own choice.

PASSED:
AYES:
NOES:
ABSENT:
ABSTENTIONS:

ATTEST:

_____
City Clerk

APPROVED:

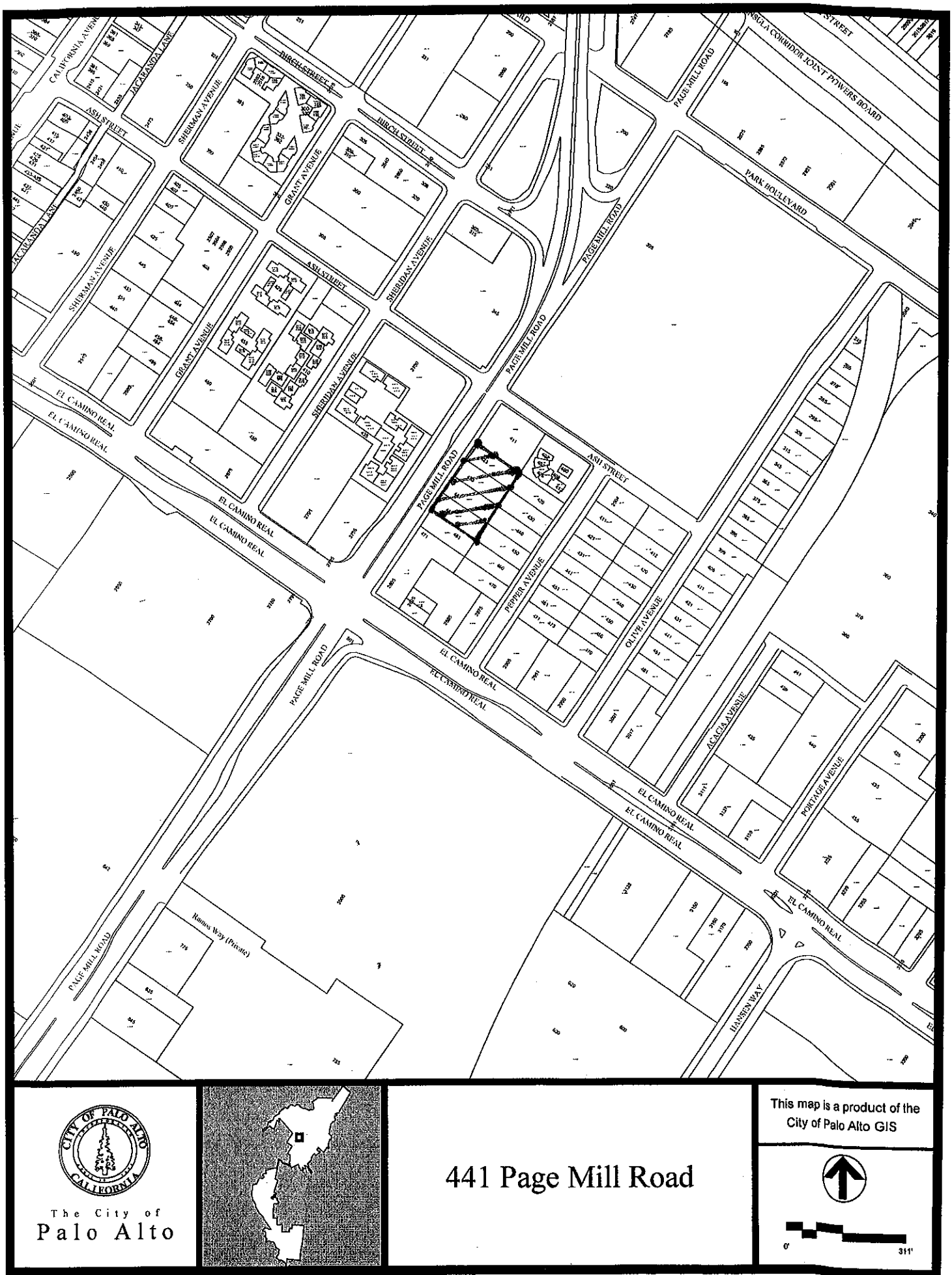
_____
Director of Planning and Community Environment

APPROVED AS TO FORM:

_____
Senior Asst. City Attorney

PLANS AND DRAWINGS REFERENCED:

1. Those plans prepared by Stoecker and Northway Architects entitled "441 Page Mill Road", consisting of 34 pages, dated July 21, 2014, and received on July 29, 2014.



The City of Palo Alto

441 Page Mill Road

This map is a product of the City of Palo Alto GIS

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Assessor Parcels (\\co-maps\gis$\gis\admin\metaview.mdb)

441 Page Mill Road Mixed Use Project
Zoning Compliance Table

Attachment C

	CS Zone District Standards	**Proposed Project**	**Conformance**
Minimum Setbacks			
Front yard	0'-10' to create an effective 8'-12' effective sidewalk width (4 foot special setback)	4 feet (7 feet back for most of the building)	Complies (proposal creates a 10 foot wide sidewalk and most of the building is approximately 17 feet back from the face of curb)
Rear Yard (abutting a residential zone district)	10 feet	27 feet	Complies (DEE requested for a three foot encroachment into the 10 foot landscape buffer area at rear. The encroachment is for the driveway ramp and not the building.)
Interior side yard	none	4 feet on the right side and 5 feet on the left side	complies
Build-To-Lines	50% of frontage built to setback	3% built up to the four foot setback	**DEE** request to set the building back an additional three feet for a total setback from the property line of seven feet for a majority of the building.
Maximum Site Coverage	50% or 13,463 s.f.	69% or 18,520 s.f.	**State Density Bonus concession request** for 5,057 s.f of lot coverage
Usable Open Space	150 sq. ft. per unit X 10 units = 1,500 s.f.	4,658 s.f.	Complies
Maximum Height (When located within 150 feet of a residential zone)	35 feet	35 feet (except for entry tower at 40 feet)	Complies (except for the entry tower where a **DEE** has been requested for five feet)
Maximum Allowable Floor Area (FAR)			
Residential floor area	0.6:1 = 16,159 s.f.	0.5:1 = 14,048 s.f.	Complies

Commercial floor area	0.4:1 = 10,770 s.f.	0.8:1 = 21,541 s.f.	**State Density Bonus concession request** for 10,771 s.f.
Total Mixed Use floor area	1.0:1 = 26,926 s.f.	1.32:1 = 35,589 s.f.	**State Density Bonus concession request** for 8,701 s.f.
Minimum ground floor Commercial FAR	0.15:1 or 4,039	0.15:1 = 4,028 s.f.	Complies
Maximum Allowable Residential Density	30 DU/AC = 18 units	10 dwelling units	Complies
Parking Requirements			
Total parking spaces required Retail 2,895 sf Office 18,646 sf 2 bedroom DU 1 bedroom DU Guest parking 1 + 10% of total # of units	111 spaces required 14.48 spaces 74.59 spaces 16 spaces 3 spaces 2 spaces	91 spaces proposed	BMR parking reduction of 3 spaces reduces parking required from 111 to 108 spaces. Parking reduction request 16% (17 spaces) of 108 total required spaces for shared uses. Maximum reduction allowed per Section 18.52.050 is 20% of the total or 22 spaces.).

Uses	Gross Floor Area of New Construction (ft^2)	Showers Required
Medical, Professional, and General Business Offices, Financial Services, Business and Trade Schools, General Business Services	0-9,999	No requirement
	10,000-19,999	1
	20,000-49,999	2
	50,000 and up	4
Retail Services, Personal Services, and Eating and Drinking Services	0-24,999	No requirement
	25,000-49,999	1
	50,000-99,999	2
	100,000 and up	4

(Ord. 5035 § 2, 2009: Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.070 Parking and Loading

Off-street parking and loading facilities shall be required for all permitted and conditional uses in accord with Chapters 18.52 and 18.54 of this title. All parking and loading facilities on any site, whether required as minimums or optionally provided in addition to minimum requirements, shall comply with the regulations and the design standards established by Chapters 18.52 and 18.54.

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.080 Performance Standards

In addition to the standards for development prescribed above, all development in the CN, CS, CC, and CC(2) districts shall comply with the performance criteria outlined in Chapter 18.23 of the Zoning Ordinance. All mixed use development shall also comply with the provisions of Chapter 18.23 of the Zoning Ordinance.

(Ord. 4923 § 3 (part), 2006: Ord. 4925 § 3 (part), 2006)

18.16.090 Context-Based Design Criteria

(a) Contextual and Compatibility Criteria

Development in a commercial district shall be responsible to its context and compatible with adjacent development, and shall promote the establishment of pedestrian oriented design.

(1) Context

(A) Context as used in this section is intended to indicate relationships between the site's development to adjacent street types, surrounding land uses, and on-site or nearby natural features, such as creeks or trees. Effective transitions to these adjacent uses and features are

strongly reinforced by Comprehensive Plan policies.

(B) The word "context" should not be construed as a desire to replicate existing surroundings, but rather to provide appropriate transitions to those surroundings. "Context" is also not specific to architectural style or design, though in some instances relationships may be reinforced by an architectural response.

(2) Compatibility

(A) Compatibility is achieved when the apparent scale and mass of new buildings is consistent with the pattern of achieving a pedestrian oriented design, and when new construction shares general characteristics and establishes design linkages with the overall pattern of buildings so that the visual unity of the street is maintained.

(B) Compatibility goals may be accomplished through various means, including but not limited to:

(i) the siting, scale, massing, and materials;

(ii) the rhythmic pattern of the street established by the general width of the buildings and the spacing between them;

(iii) the pattern of roof lines and projections;

(iv) the sizes, proportions, and orientations of windows, bays and doorways;

(v) the location and treatment of entryways;

(vi) the shadow patterns from massing and decorative features;

(vii) the siting and treatment of parking; and

(viii) the treatment of landscaping.

(b) Context-Based Design Considerations and Findings

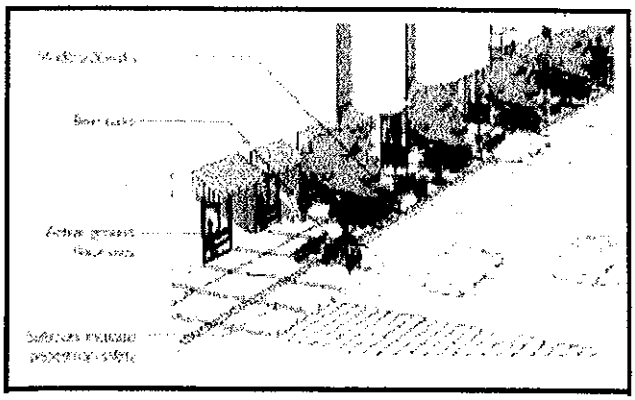
In addition to the findings for Architectural Review contained in Section 18.76.020(d) of the Zoning Ordinance, the following additional findings are applicable in the CN, CS, CC and CC(2) districts, as further illustrated on the accompanying diagrams:

(1) Pedestrian and Bicycle Environment

The design of new projects shall promote pedestrian walkability, a bicycle friendly environment, and connectivity through design elements such as:

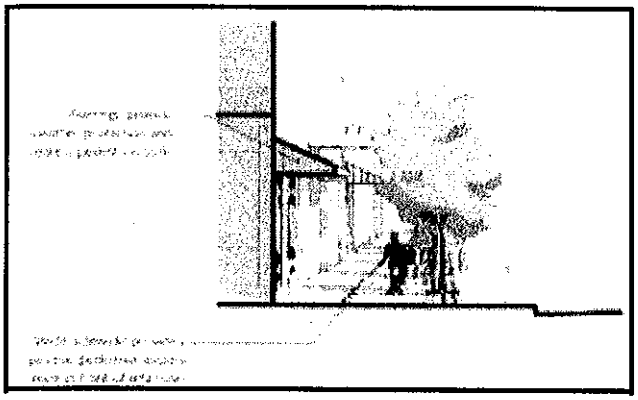
A. Ground floor uses that are appealing to pedestrians through well-designed visibility and access (Figure 1-1);

Figure 1-1



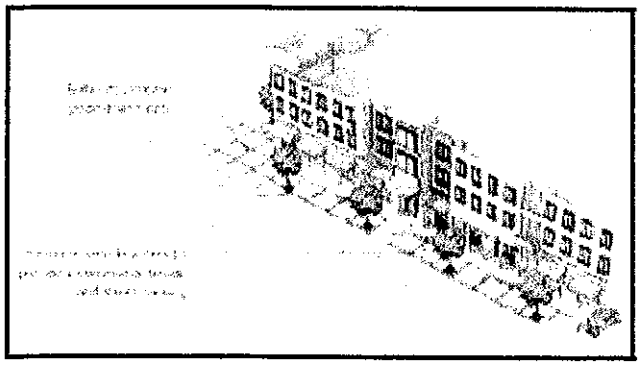
B. On primary pedestrian routes, climate and weather protection where possible, such as covered waiting areas, building projections and colonnades, and awnings (Figure 1-2);

Figure 1-2



C. Streetscape or pedestrian amenities that contribute to the area's streetscape environment such as street trees, bulbouts, benches, landscape elements, and public art (Figure 1-3);

Figure 1-3



D. Bicycle amenities that contribute to the area's bicycle environment and safety needs, such as bike racks, storage or parking, or dedicated bike lanes or paths (Figure 1-1); and

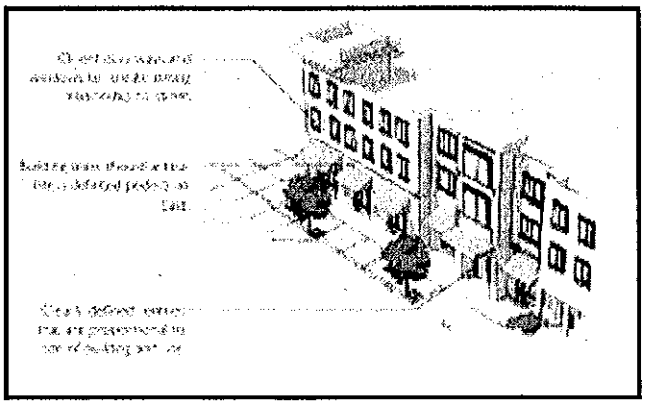
E. Vehicle access from alleys or sidestreets where they exist, with pedestrian access from the public street.

(2) Street Building Facades

Street facades shall be designed to provide a strong relationship with the sidewalk and the street(s), to create an environment that supports and encourages pedestrian activity through design elements such as:

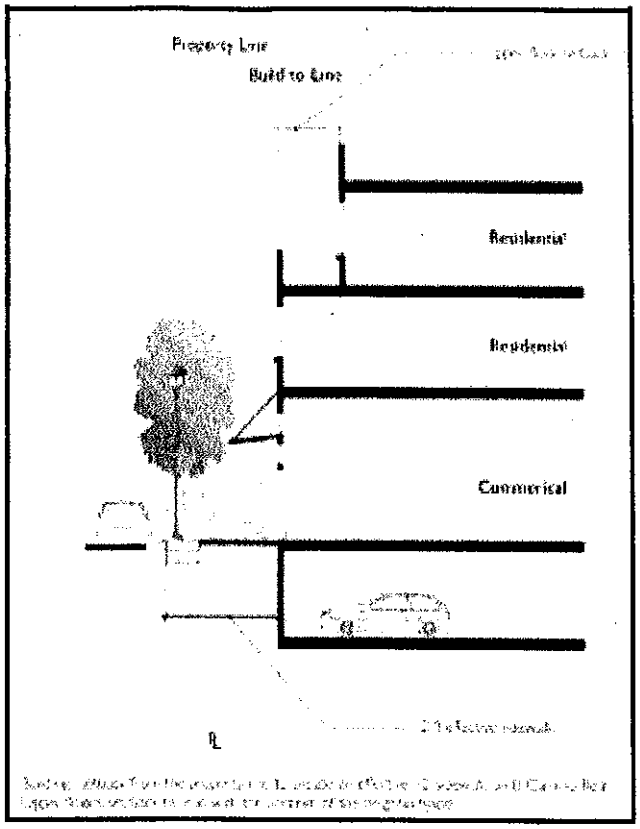
A. Placement and orientation of doorways, windows, and landscape elements to create strong, direct relationships with the street (Figure 2-1);

Figure 2-1



B. Facades that include projecting eaves and overhangs, porches, and other architectural elements that provide human scale and help break up building mass (Figure 2-2);

Figure 2-2



C. Entries that are clearly defined features of front facades, and that have a scale that is in proportion to the size and type of the building and number of units being accessed; larger buildings should have a more prominent building entrance, while maintaining a pedestrian scale;

D. Residential units and storefronts that have a presence on the street and are not walled-off or oriented exclusively inward;

E. Elements that signal habitation such as entrances, stairs, porches, bays and balconies that are visible to people on the street;

F. All exposed sides of a building designed with the same level of care and integrity;

G. Reinforcing the definition and importance of the street with building mass; and

H. Upper floors set back to fit in with the context of the neighborhood.

(3) Massing and Setbacks

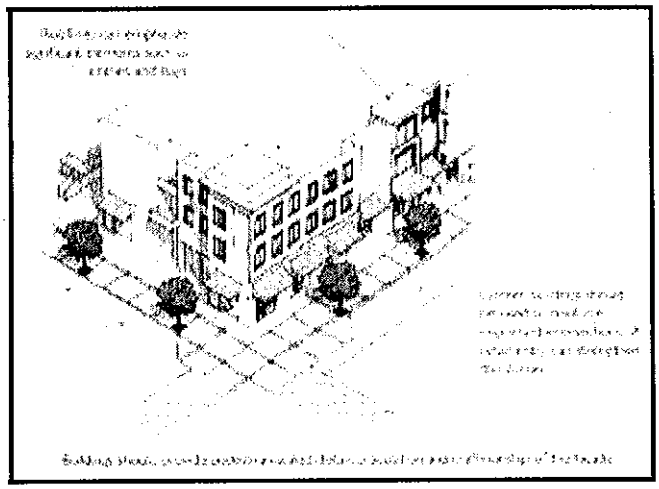
Buildings shall be designed to minimize massing and conform to proper setbacks through elements such as:

A. Rooflines that emphasize and accentuate significant elements of the building such as entries, bays, and balconies (Figure 3-1);

B. Design with articulation, setbacks, and materials that minimize massing, break down the scale of buildings, and provide visual interest (Figure 3-1);

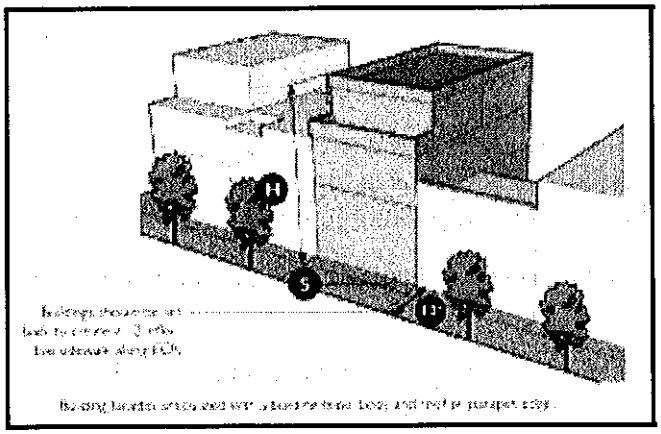
C. Corner buildings that incorporate special features to reinforce important intersections and create buildings of unique architectural merit and varied styles (Figure 3-1);

Figure 3-1



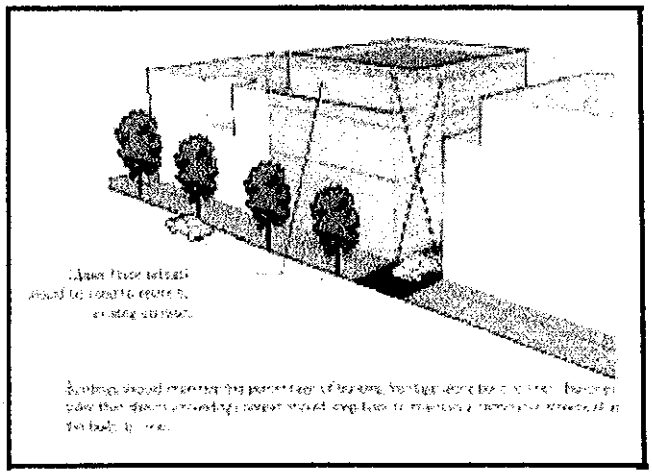
D. Building facades articulated with a building base, body and roof or parapet edge (Figure 3-2);

Figure 3-2



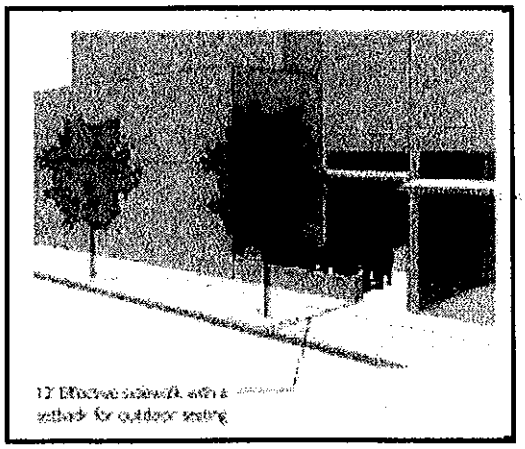
E. Buildings set back from the property line to create an effective 12' sidewalk on El Camino Real, 8' elsewhere (Figure 3-4);

Figure 3-3



F. A majority of the building frontage located at the setback line (Figure 3-3); and

Figure 3-4



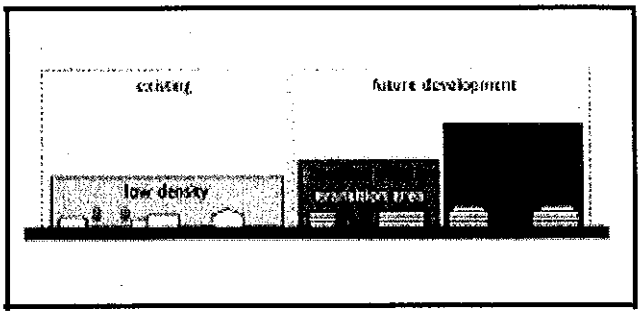
G. No side setback for midblock properties, allowing for a continuous street facade, except when abutting low density residential (Figure 3-3).

(4) Low-Density Residential Transitions

Where new projects are built abutting existing lower-scale residential development, care shall be taken to respect the scale and privacy of neighboring properties through:

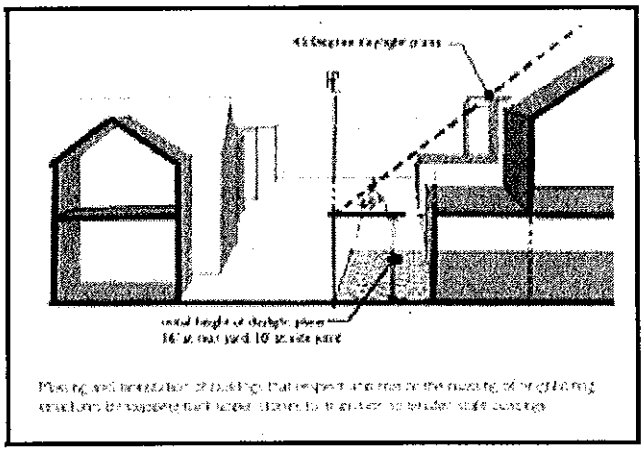
A. Transitions of development intensity from higher density development building types to building types that are compatible with the lower intensity surrounding uses (Figure 4-1);

Figure 4-1



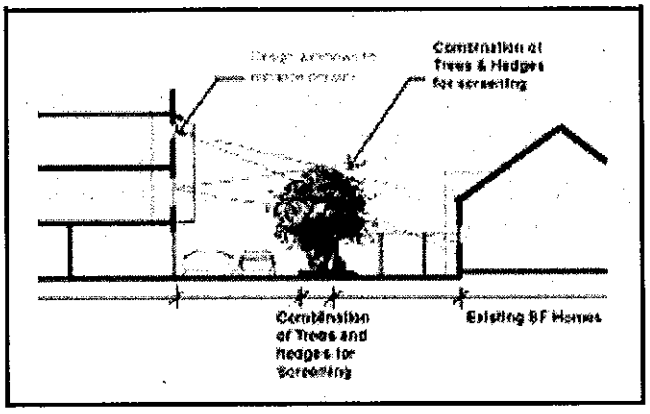
B. Massing and orientation of buildings that respect and mirror the massing of neighboring structures by stepping back upper stories to transition to smaller scale buildings, including setbacks and daylight planes that match abutting R-1 and R-2 zone requirements (Figure 4-2);

Figure 4-2



C. Respecting privacy of neighboring structures, with windows and upper floor balconies positioned so they minimize views into neighboring properties (Figure 4-3);

Figure 4-3



D. Minimizing sight lines into and from neighboring properties (Figure 4-3);

E. Limiting sun and shade impacts on abutting properties; and

F. Providing pedestrian paseos and mews to create separation between uses.

(5) Project Open Space

Private and public open space shall be provided so that it is usable for the residents, visitors, and/or employees of a site.

A. The type and design of the usable private open space shall be appropriate to the character of the building(s), and shall consider dimensions, solar access, wind protection, views, and privacy;

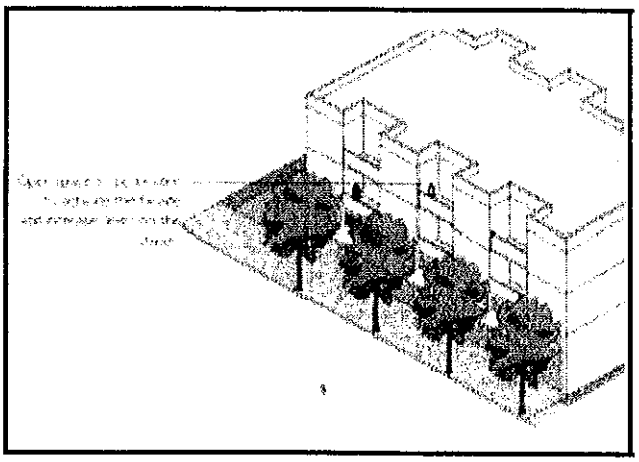
B. Open space should be sited and designed to accommodate different activities, groups, active and passive uses, and should be located convenient to the users (e.g., residents, employees, or public)

C. Common open spaces should connect to the pedestrian pathways and existing natural amenities of the site and its surroundings;

D. Usable open space may be any combination of private and common spaces;

E. Usable open space does not need to be located on the ground and may be located in porches, decks, balconies and/or podiums (but not on rooftops) (Figure 5-1);

Figure 5-1



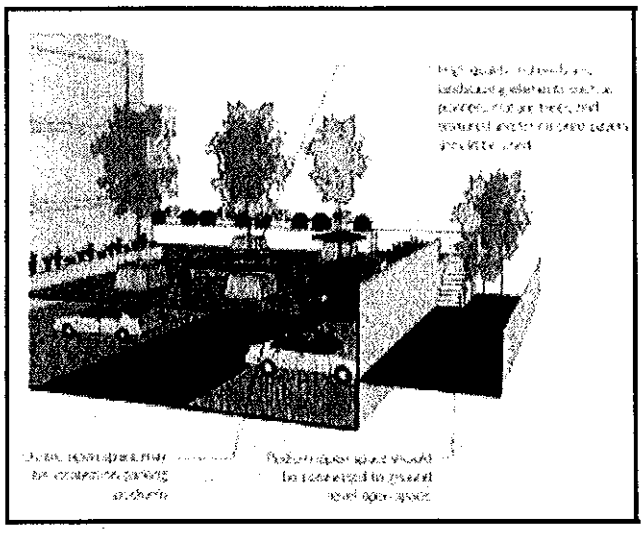
F. Open space should be located to activate the street façade and increase "eyes on the street" when possible (Figure 5-1);

G. Both private and common open space areas should be buffered from noise where feasible through landscaping and building placement;

H. Open space situated over a structural slab/podium or on a rooftop shall have a combination of landscaping and high quality paving materials, including elements such as planters, mature trees, and use of textured and/or colored paved surfaces (Figure 5-2); and

I. Parking may not be counted as open space.

Figure 5-2



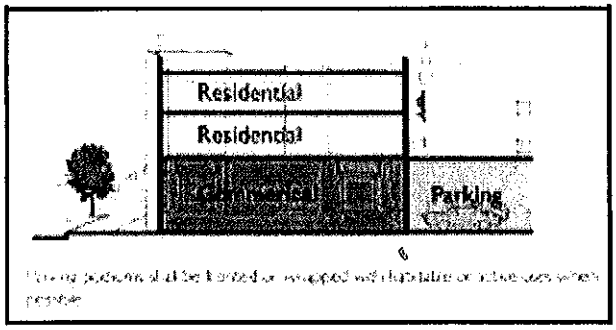
(6) Parking Design

Parking needs shall be accommodated but shall not be allowed to overwhelm the character of the project or detract from the pedestrian environment, such that:

A. Parking is located behind buildings, below grade or, where those options are not feasible, screened by landscaping, low walls, etc.;

B. Structured parking is fronted or wrapped with habitable uses when possible (Figure 6-1);

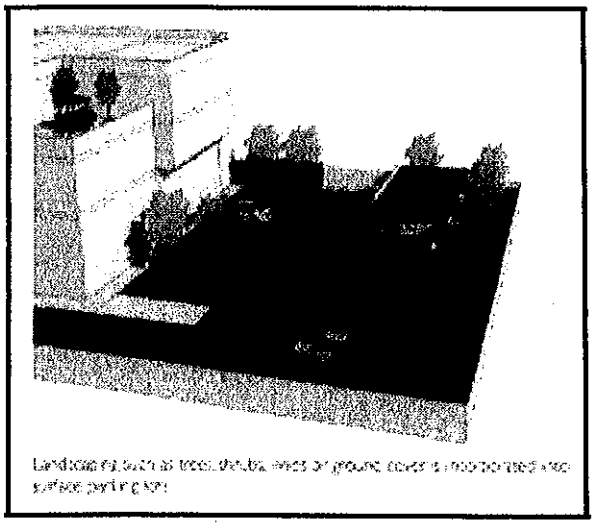
Figure 6-1



C. Parking that is semi-depressed is screened with architectural elements that enhance the streetscape such as stoops, balcony overhangs, and/or art;

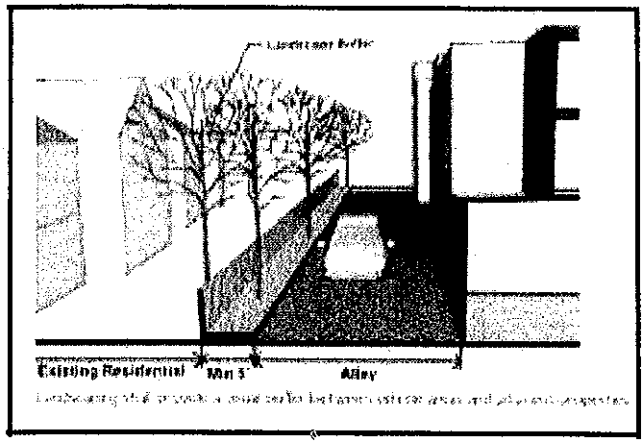
D. Landscaping such as trees, shrubs, vines, or groundcover is incorporated into surface parking lots (Figure 6-2);

Figure 6-2



E. For properties with parking access from the rear of the site (such as a rear alley or driveway) landscaping shall provide a visual buffer between vehicle circulation areas and abutting properties (Figure 6-3);

Figure 6-3



F. Street parking is utilized for visitor or customer parking and is designed in a manner to enhance traffic calming;

G. For properties with parking accessed from the front, minimize the amount of frontage used for parking access, no more than 25% of the site frontage facing a street should be devoted to garage openings, carports, or open/surface parking (on sites with less than 100 feet of frontage, no more than 25 feet);

H. Where two parking lots abut and it is possible for a curb cut and driveway to serve several properties, owners are strongly encouraged to enter in to shared access agreements (Figure 6-4); and

I. Parking is accessed from side streets or alleys when possible.

Figure 6-4

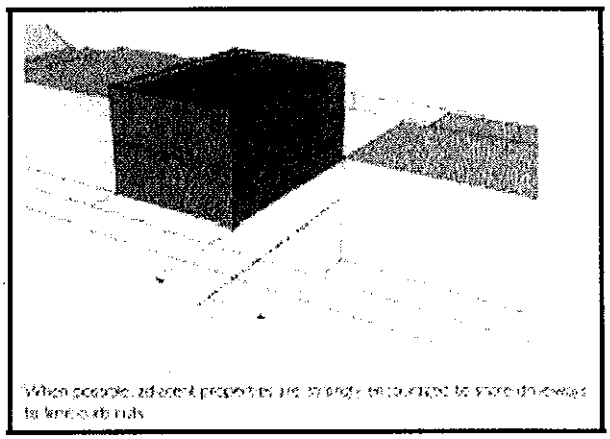


Figure 6-5 -- Mixed-Use with Surface Parking

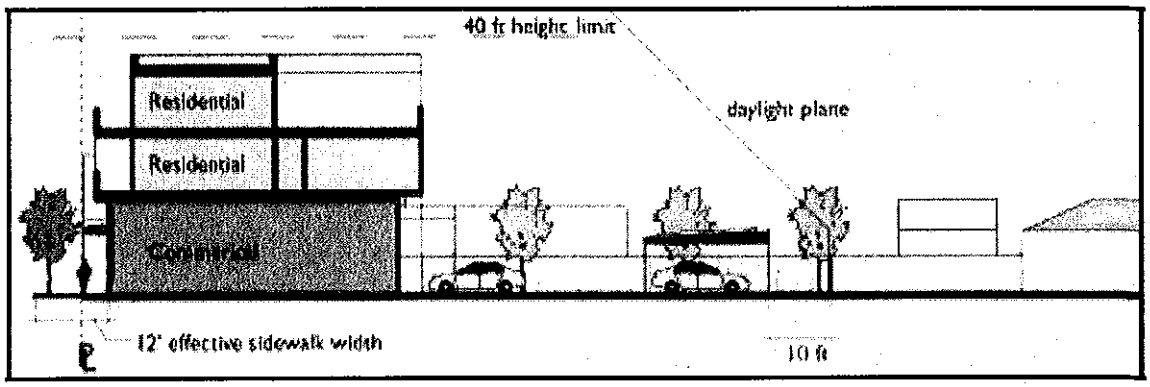


Figure 6-6 -- Mixed-Use with Podium Parking

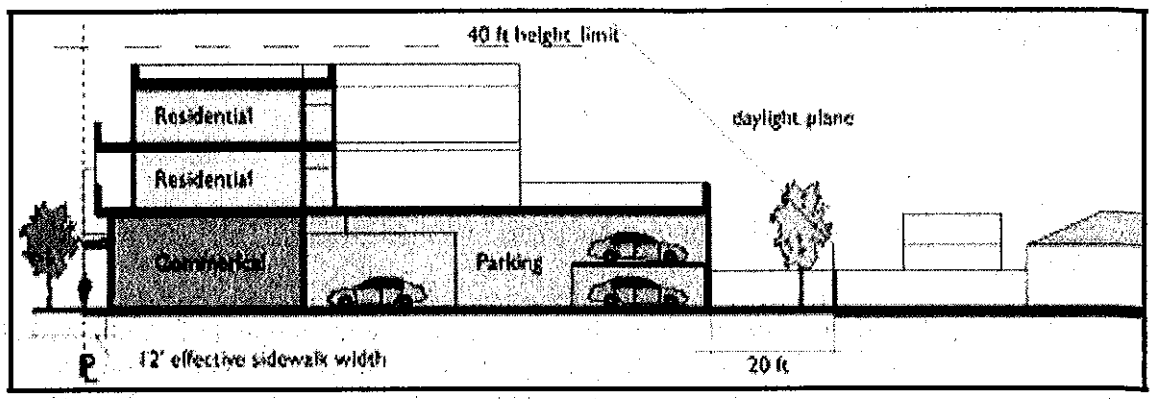


Figure 6-7 -- Mixed-Use with Partial Sub-Grade Parking Podium

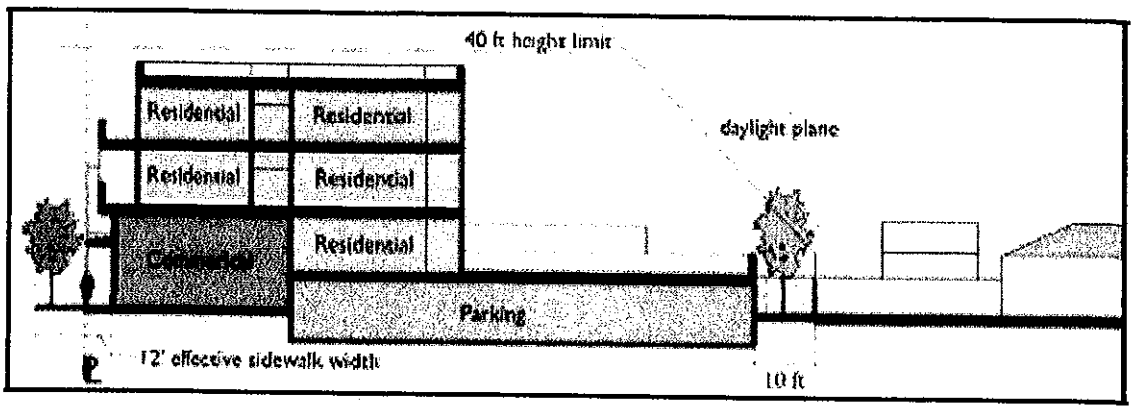
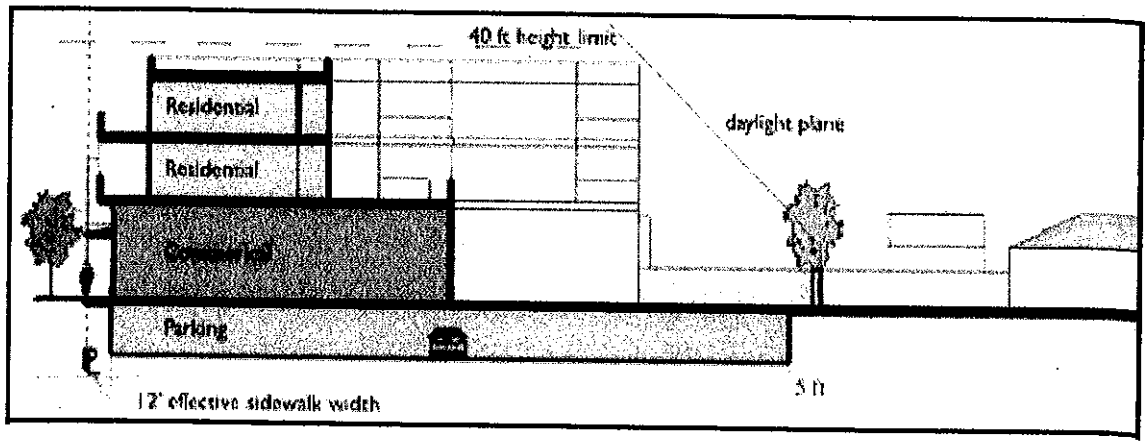


Figure 6-8 -- Mixed-Use with Below-Grade Parking Podium



(7) Large (Multi-Acre) Sites

Large (in excess of one acre) sites shall be designed so that street, block, and building patterns are consistent with those of the surrounding neighborhood, and such that:

A. New development of large sites maintains and enhances connectivity with a hierarchy of public streets, private streets, walks and bike paths (integrated with Palo Alto's Bicycle Master Plan, when applicable);

B. The diversity of building types increases with increased lot size (e.g., <1 acre = minimum 1 building type; 1-2 acres = minimum 2 housing types; greater than 2 acres = minimum 3 housing types) (Figures 7-1 through 7-3); and

C. Where a site includes more than one housing type, each building type should respond to its immediate context in terms of scale, massing, and design (e.g., Village Residential building types facing or abutting existing single-family residences) (Figures 7-2 and 7-3).

Figure 7-1

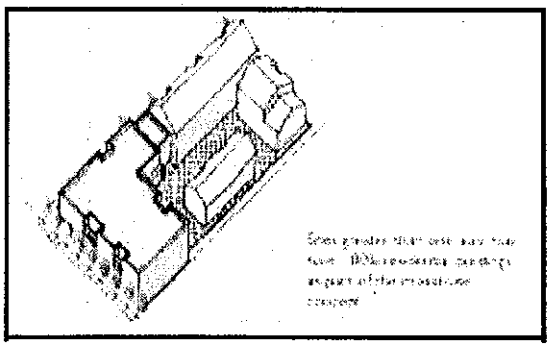


Figure 7-2

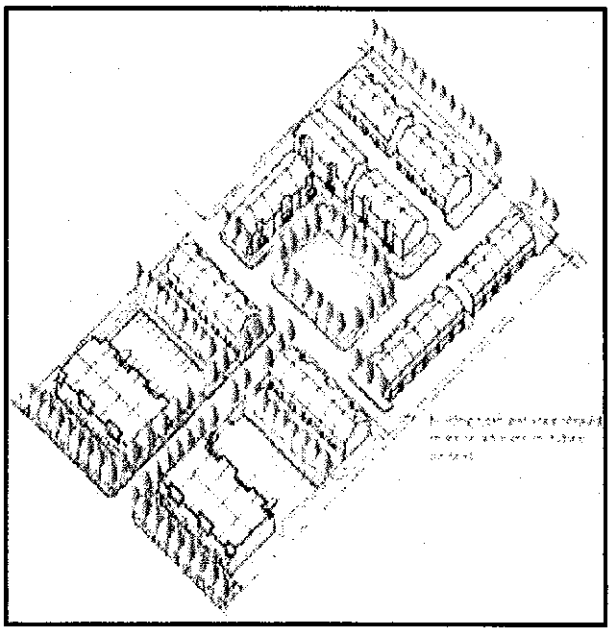
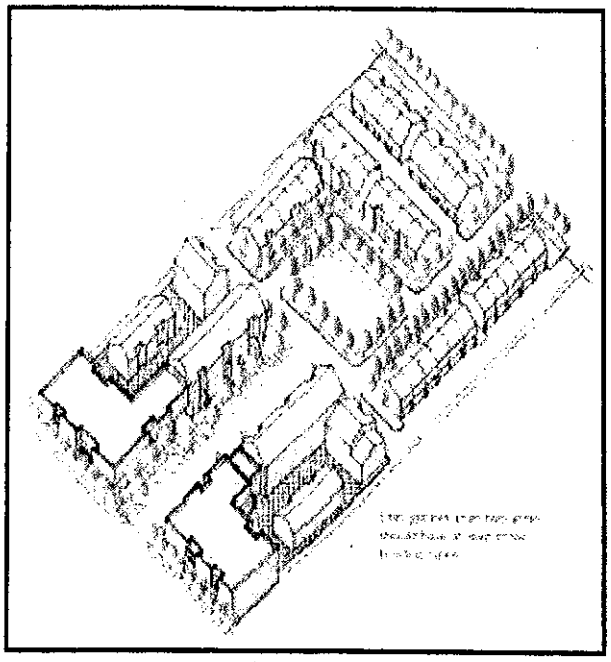


Figure 7-3

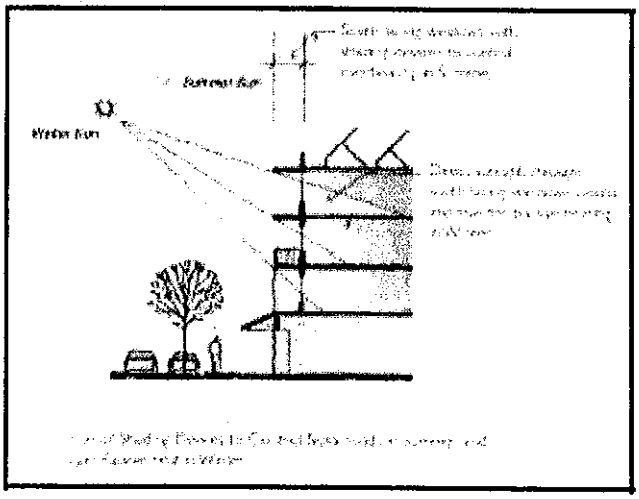


(8) Sustainability and Green Building Design

Project design and materials to achieve sustainability and green building design should be incorporated into the project. Green building design considers the environment during design and construction. Green building design aims for compatibility with the local environment: to protect, respect and benefit from it. In general, sustainable buildings are energy efficient, water conserving, durable and nontoxic, with high-quality spaces and high recycled content materials. The following considerations should be included in site and building design:

A. Optimize building orientation for heat gain, shading, daylighting, and natural ventilation (Figure 8-1).

Figure 8-1

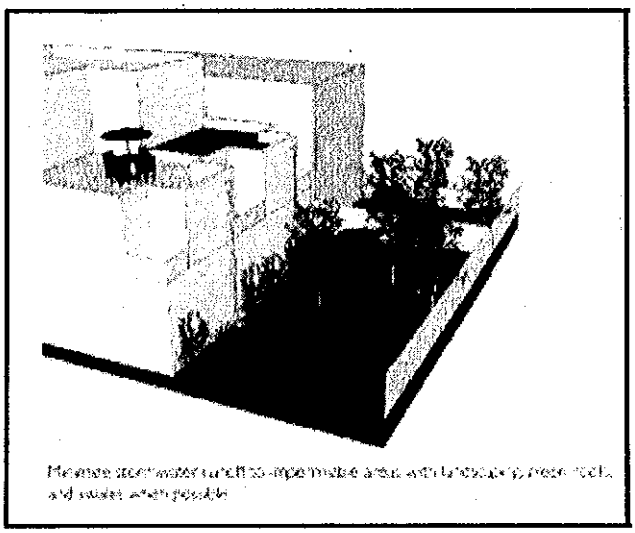


B. Design landscaping to create comfortable micro-climates and reduce heat island effects.

C. Design for easy pedestrian, bicycle, and transit access.

D. Maximize onsite stormwater management through landscaping and permeable pavement (Figure 8-2).

Figure 8-2



E. Use sustainable building materials.

F. Design lighting, plumbing, and equipment for efficient energy and water use.

G. Create healthy indoor environments.

H. Use creativity and innovation to build more sustainable environments. One example is establishing gardens with edible fruits, vegetables or other plants to satisfy a portion of project open space requirements.

I. Provide protection for creeks and riparian vegetation and integrate stormwater management measures and open space to minimize water quality and erosion impacts to the creek environment.

J. Encourage installation of photovoltaic panels (Figure 8-3).

Figure 8-3

ATTACHMENT E
APPLICABLE COMPREHENSIVE PLAN POLICIES
441 Page Mill Road
13PLN-00307

Land Use and Community Design Element	
Goal L-1: A well designed, compact city, providing residents and visitors with attractive neighborhoods, work places, shopping districts, public facilities and open spaces.	**Related policies L-4, L-6, and L-7 are to Maintain and Strengthen City character**
Policy L-4: Maintain Palo Alto's varied residential neighborhoods while sustaining the vitality of its commercial areas and public facilities. Use the Zoning Ordinance as a tool to enhance Palo Alto's desirable qualities.	The project is in a mixed use neighborhood with access from Page Mill Road. The building height and setbacks are intended to have only minimal impact to the Pepper Avenue residential neighborhood. The upper floors are stepped back from the rear property line to meet the daylight plane requirement. The project includes retail use at the ground floor level to create continuous ground floor commercial uses along Page Mill Road from El Camino Real to the end of the block face, increasing the vitality of the block, while also providing residential use on the third floor resulting in no reduction in the number of residential units on the block (rather, the project increases the number of residential units).
Policy L-6: "Where possible, avoid abrupt changes in scale and density between residential and non-residential areas and between residential and areas of different densities. To promote compatibility and gradual transitions between the land uses, place zoning district boundaries at mid-block locations rather than along street where possible.**"**	The proposal is for multi-family residential and commercial uses on a busy thoroughfare, adjacent to single family residential to the rear (420 – 450 Pepper Ave) and commercial uses on Page Mill Road to the sides of the site. The proposed building is three stories near one and two story buildings. The lot area and proposed building are larger than other lots and buildings on the block; therefore, the result is a significant change in scale and density. The building would be set back 27 feet from the rear property line and meets the rear daylight plane abutting the single family residential neighborhood. Alternating trees (Pittospurm and Primrose) are proposed at a spacing of 25' on center.

Policy L-7: Evaluate changes in land use in the context of regional needs, overall City welfare and objectives, as well as the desires of surrounding neighborhoods.	The project provides greater residential density and additional housing units to offset the City's jobs to housing imbalance. Redevelopment of these properties is desirable; the properties have not seen significant investment for a long time.
Policy-L9: Mixed Use Areas - Enhance desirable characteristics in mixed use areas, Use the planning and zoning process to create opportunities for new mixed use development.	The mixed use project has both commercial and residential uses and is located within an area identified as a mixed use area (see Policy L-31 below). The opportunity for this mixed use project was created by the rezoning of the site to the C-S(D) zone district.
Policy L-31: Cal Ventura Mixed Use Area Develop the Cal-Ventura area as a well-designed mixed use district with diverse land uses, two- to three-story buildings, and a network of pedestrian oriented streets providing links to California Avenue.	The proposal is a three story, mixed use building in the Cal Ventura area, near a "primary entry point" and along a "scenic route" but not at the point on the route identified as a "major view corridor" (per the Community Design Features map (L-4)). The proposal is consistent with the Comprehensive Plan policy for the Cal Ventura Area, as reflected on a map created in a community workshop, showing the project site within an area suitable for mixed use development. The 10-foot-wide sidewalk is bordered by a two foot landscaped buffer area adjacent to the curb, and trees adjacent to the inner edge of the sidewalk on the property, ensuring maintenance and tree growth avoiding damage from trucks passing on the expressway. Pedestrian amenities include benches and retail display windows.
Transportation Element	
Goal T-1: Less Reliance on Single Occupant Vehicles **Program T-1: Reducing Auto Use** Encourager infill redevelopment and reuse of vacant or underutilized parcels employing minimum density requirements appropriate to support transit, bicycling and walking.	The project provides rental housing units and commercial uses on underutilized parcels of land and will support transit, bicycling and walking.
Business and Economics Element	

Goal B-1: A thriving business environment that is compatible with Palo Alto's residential character and Natural Environment. **Policy B-3:** Recognize that Palo Alto's street tree system is an economic asset to the City.	The mixed use project will add to a business environment along Page Mill Road and includes measures designed to reduce impacts upon the residential character of the Pepper Avenue neighborhood. The building siting is intended to minimize intrusion into the adjacent Pepper Avenue neighborhood, as the building mass is to be placed forward on the site. The project includes seven trees along the street frontage, and a mix of retail and office use. The project includes vegetation (nine trees) along the rear property line to help mitigate the privacy impacts of the proposed project upon the adjacent single family residential neighborhood. Conditions have been prepared to prohibit lighting from the office from impacting the residential homes; additional measures may be developed during the review process during Architectural Review Board hearings, as the project's compliance with context based design guidelines are evaluated during the design review process.
Goal B-2: A diverse mix of commercial, retail and professional service businesses **Policy B-23: Multi-Neighborhood Center, Cal Ave/Cal-Ventura** Main the existing local serving retail orientation of the California Avenue Business district. Discourage development that would turn the district into a regional shopping area or intrude into adjacent residential neighborhoods.	
Housing Element	
Goal H2 Support the construction of Housing near schools, transit, parks, shopping, employment, and cultural institutions **Associated Policy H2.1 and the H2 programs**	The project is a mixed use development near community services, supporting the City's fair share of regional housing needs. The project meets objectives for increased residential densities and mixed use development within ½ mile of fixed rail stations, where adequate urban services are located. The sizes of the residential units range from 1-bedroom units at 800 square feet to 3-bedroom units ranging up to 1497 s.f.; though Program H2.1.4 notes units less than 900 s.f. should have reduced parking requirements, and the project is eligible to request parking reductions per State Density Bonus law; the project does not include a request for a parking reduction for the housing units. The project provides increased walkability by reducing four curb cuts to one curb cut, and providing pedestrian amenities.
Goal H3 Meet underserved housing needs, and provide community resources to support our neighborhoods	The project includes rental apartments and affordable dwelling units.

STOECKER AND NORTHWAY ARCHITECTS INCORPORATED

1000 ELWELL COURT SUITE 150 PALO ALTO CALIFORNIA 94303 650 965-3500 / FAX 650 965-1095

SITE & DESIGN REQUEST: 441 PAGE MILL ROAD (CURRENTLY 423-451 PAGE MILL ROAD)
ARB - Revised September 10, 2014

The application before you is a request for Site & Design review and Design Enhancement Exception (DEE) consideration.

We are proposing to merge the four parcels at 423-451 Page Mill Road, now zoned CS (D), to create a single parcel of approximately 27,000 square feet. On that parcel, we are proposing a three story mixed use building with one level of underground parking using the Palo Alto Zoning Ordinance and the State Density Bonus Law (Government Code Section 65915-65918).

A mixed use building is consistent with Palo Alto's Comprehensive Plan. Comprehensive Plan Policy L-31 calls for development of the Cal-Ventura area as a well-designed mixed use district with diverse land uses. The proposed building design would also be consistent with Comprehensive Plan Policy L-9, which calls for using the planning and zoning process to create opportunities for new mixed use development. Placing multiple residential units on the upper floor while extending ground floor retail uses along Page Mill Road would also support Comprehensive Plan Policy L-4, which seeks to maintain varied residential neighborhoods while sustaining the vitality of commercial areas.

Neighborhood Context
Page Mill Road is a high speed, major arterial route. The neighboring properties to the northeast and extending to Park Boulevard are the Kelly Moore Paint Store at 411 Page Mill, and the AOL offices at 395 Page Mill. The adjacent properties to the southwest are a veterinary hospital at 461 Page Mill, and a parking lot at 471 that serves the AT&T store at the corner of Page Mill Road and El Camino Real.

The three properties across Page Mill Road (435 Sheridan, 2700 Ash and 345 Sheridan) are multi-family residential PC developments. The VTA parking lot on the corner of El Camino has recently been sold and is expected to be redeveloped. The adjoining properties to the southeast (along Pepper Avenue) are all occupied by single family residences, with the exception of one grandfathered use, a printing press/art gallery.

The site is located between two very different scales of development: The residential scale of the Pepper Avenue neighborhood and the large arterial scale of the Page Mill Road buildings.

Building and Site Design
We are proposing a three story mixed use building. The single level basement is entirely parking with mechanical and storage spaces. The ground floor will be approximately 3,000 sf. of retail space located adjacent to Page Mill Road to help the vitality of the street and to create a much more pedestrian friendly environment. Hidden behind the retail space, the rest of the ground floor will be covered parking.

Page Mill Road is a high speed, busy arterial. The Pepper Avenue neighbors experience difficulty getting onto it eastbound from Ash Street. They say that drivers still "have highway in their blood" as they race past our project site. To alleviate their problem and not create another dangerous one for the new building's occupants as they slow down and turn into the driveway, Santa Clara County is eliminating the street parking in front of our site, we have only one driveway entrance at the far northeast side of the property and use the removed street parking to create the necessary sight lines and extra width needed to help cars get both in and out of the garage and Ash Street safely.

The second floor will be all office space. Since Page Mill is such a fast, noisy road, housing is only really marketable on the third floor, as far away from the street as possible. And a mix of office and housing on the second floor would also not be desirable or marketable. In order to get a larger number of housing units and community space on the third floor, the size of the second floor has to be as large as the third floor in order to structurally support it.

The third floor will provide (10) housing units for rent: (2) one bedroom units, (3) two bedroom units and (5) three bedroom units. By replacing the 4 existing housing units which used to occupy the 4 separate sites with 10 new ones, it helps the City's goal of reaching the Housing mandate of 279 new housing units and creates a more diverse housing community by having different sized units. Being on the top floor of a building along a busy road, it was very important in the design of the building to create a neighborhood feeling since Page Mill Road did not have one. The owner really wanted a sense of community for the housing units up there, to create a "street" that all the front doors were off of, that kitchen windows looked out onto, with larger community gathering spaces along it where neighbors could meet and kids could play while still providing private outdoor space for each tenant.

To transition between the two different scales, we gradually stepped the building down from the bigger Page Mill Road scale to both the Pepper residences and the Animal Doctor to limit the building's impact on their smaller size. We initially had located the building up against the Page Mill 4' front setback as required by the CS zone, and as requested by the Pepper neighbors. But after meeting with various City departments and Santa Clara County, who governs Page Mill, we are requesting two DEE's to move the building back 3' further. The County's current policy does not allow new trees in the public right-of-way, so the City has requested a row of trees inside the property line. The first DEE is for locating the building at a front setback of 7' that allows for a row of trees outside of the right-of-way. It also is more consistent with the recent City Council desire to not have buildings so close to the curb. The main part of the building will now be 17' from the curb. But for the street trees to have enough deep soil for roots, we also needed to push the underground basement back 3'. Because the garage design is already at the required minimums for drive aisles and parking stalls, it pushes the garage ramp 3' into the 10' required landscape buffer adjacent to residential. That means a second DEE to reduce the landscape buffer to 7', which is still enough for the particular trees that have been selected as screening along that rear property line.

The allowed rear setback is 10', but by placing the garage entrance ramp to the underground parking in the rear of the building, the first and second floors are much further back at 27' from rear property line. The third floor walls step in and out with only the bedrooms and their higher window sills at 27', while the living rooms with full height glass doors are stepped further back to be 36' away from the rear property line. The stepping in and out of the third floor walls also serves to keep the decks private and limit the views to and from living rooms to only the properties directly behind them and not ones off to the side.

The smaller patios also physically limit the occupant's ability to use the decks for unsightly storage, a concern voiced by the Pepper neighbors.

From a streetscape point of view, the new building serves as an appropriate transition between the ±35' commercial building at the corner of El Camino and Page Mill and the ±50' structure at 395 Page Mill. It also provides balance to the multi-family housing across the street, ±40' tall at 435 Sheridan and ±50' tall at 345 Sheridan.

Materials

The design of the building is very horizontal, responding to the nature of the site and the typical experience of it, from a car driving past it. The front facade of the bottom two floors is very open and glassy, speaking to its' commercial occupancy. The glass is taken around the corner to the south to capture the great views of the hills and sunset, and that corner glass theme is then repeated around the building. The bottom section of the retail space is cement plaster to hide any possible cabinetry, ground the building and tie it into the greater expanses of cement plaster that are on the building's sides. The main lobby and circulation is expressed as a curved, glass tower element that serves as an important way finding focal point. The rest of the building is very horizontal and rectilinear, but the second floor roof and horizontal spandrel bands go through the entry tower element to blend the tower into the rest of the building. Fritted glass, composed of close knit horizontal lines, is used for both the spandrel glass of the lower two levels and tower, lowest band at office level along Page Mill and the third floor residential balconies, further unifying the building's floors. It is opaque at the spandrels, and more filtered for the railings and lowest glass band of the office floor to hide clear views of possible clutter and to protect modesty. Rectilinear aluminum roof elements above the garage and each retail entrance speak to the rectilinear theme of the main building, serve to visually call out the entrances and provide space for future signage. The rear of the building is more closed off with glass starting at 3' above the second floor, respecting the rear neighbors' privacy. The roof's fascia is a dark bronze colored metal with a cream colored metal at the soffit so it does not feel so heavy from the street.

The main walls of the first two floors are a cream colored cement plaster with accentuated reveals between the sections to keep the lower building design simple with clean lines, especially at the north and south side elevations which are hidden by adjacent buildings. The third floor has some color change to hint at its different use as multifamily residential from the street level. The third floor units that pop out are covered with either a gray or wheat accent color of cement plaster, and they are separated by interior walls of the same cream colored cement plaster as the commercial floors below to tie all the floors together despite their different usage. The use of three cement plaster colors serve to emphasize the in and outs of the third floor as well as provide some individuality to each of the units and warm up the feeling of the third floor courtyard and "street". The entry tower is also painted the wheat color to highlight it from the rest of the commercial floors and bring some of the third floor accent color down to street level.

The continuous aluminum horizontal sunshade is mainly an aesthetic element that minimizes the height of the third floor and emphasizes the building's horizontal design at the highest floor. It is deeper where it can actually help for shading and less on sides where it just acts as an aesthetic horizontal design element. The sunshade becomes a curved roof overhang at each unit entrance to mimic the curves in the landscape planter walls that welcome you into each unit entrance below it.

Parking

The commercial uses of the building require 90 parking spaces per the Zoning Code. The residential uses require 18 spaces using the State Density Bonus Law. Per Zoning Code Section 18.52.080(c) Shared Parking Facilities, a mixed use building does not require all of the spaces for each use independently because the uses do not occur at the same time. The commercial occupants use the spaces during the day while the residential uses use the same spaces primarily at night. So according to our Hourly Accumulation of Parking (Weekdays) Analysis, which serves as a check of the Zoning Code's Shared Parking Facilities section, we only need to provide a maximum of 79 spaces on a peak weekday for the entire building, but 87 parking spaces are recommended which includes a 10% contingency. We are requesting a 16% Shared Parking Facilities reduction and proposing to provide 91 parking spaces: 34 on the first floor, and 57 in the basement. A Transportation Demand Management Plan is required and will be specifically designed to provide transit passes for the office and retail workers to encourage them out of their vehicles and utilizing the nearby transit instead. We have also provided a large amount of secured bicycle parking to further discourage car usage.

Affordable Housing

Affordable units are not required for rental projects anymore. We are proposing to use Government Code Section 65915-65918, a State law that requires cities to grant incentives when developers voluntarily provide affordable units. We are proposing to provide 3 affordable R units (30% additional) to get 3 incentives. The three affordable units would be one from each bedroom type: a one bedroom, a two bedroom and a three bedroom and also help toward the City's Housing Mandate. The incentives are as follows:

1. Lot coverage – 50% is allowed under CS zone. Our site is very wide and shallow, making it difficult to build the allowable floor area and parking while also dealing with a rear daylight plane. We are showing 69% site coverage. (The DBL ordinance allows the maximum site coverage to be exceeded but only by square footage of the affordable residential units.)
2. FAR (Exceeding amount of commercial FAR allowed) - CS zone allows a mixed use building with FAR of 0.6:1 residential and 0.4:1 commercial, for a total FAR of 1.0:1. We are showing an increase in the amount of office space to 0.8. commercial FAR. Office space is financially what funds the ability to do the affordable residential units, as well as physically, because the size of the third floor housing is determined by the size of the office space beneath. (The DBL ordinance only allows residential FAR to be increased and only by the square footage of the 3 affordable units. The project is 10,771 sf. over the total allowed commercial FAR and the DBL ordinance)
3. FAR (Exceeding amount of total FAR allowed) - CS zone allows a mixed use building with a total FAR of 1.0:1. Our increase in the amount of office space gives us a total overall FAR of 1.33:1. Again, office space is financially what funds the ability to do the affordable residential units, as well as physically, because the size of the third floor housing is determined by the size of the office space beneath. (This is above the square footage menu amount listed in the DBL ordinance of the 3 affordable units. The project is 8,785 sf. over the total allowed FAR. Based on the affordable units selected, their square footage is 3,544 sf., meaning we are showing approximately an additional 5,241 sf. of total FAR over the DBL ordinance)

Building Height

CS zone limits height to 35' adjacent to residential. We are showing 35' for the main building height and the residential rear daylight plane is not violated at all, not even by a roof overhang. The small entry

feature up against Page Mill, and not visible from Pepper as shown by the site cross section, is proposed at 40' for aesthetic and practical reasons. The elevator is located in that entry, and they require a tall hoistway space above the uppermost floor for the required mechanisms to make it function. While elevator equipment is allowed by zoning to encroach over the height limit, having just the elevator core stick out above the building along the front facade does not look good. We request the entire roof of the entry be raised to hide the elevator core, not feature it, and further delineate the entry to the building with its taller height that also relates to the taller commercial buildings across Page Mill Road. We request its' 40' height through the use of a DEE.

Landscape Design

The overall landscape approach to our project is to be a good neighbor, to both commercial properties along Page Mill Road and the residential properties that face Pepper Avenue. The landscape plan consists of essentially three different zones, 1) the face along Page Mill Road, 2) the back area that faces onto the residential, 3) courtyard area on the 3rd floor.

Page Mill Road

The Page Mill Road elevation at the pedestrian level will consist of street trees, benches, glazed planters and racks for bicycles. The assorted street furniture will give a friendly and lively appearance to the property.

Back Area

The neighbors that live on Pepper Avenue were concerned about noise, privacy, long range views and light issues. In a neighborhood meeting, the neighbors were given a choice from a variety of species of trees, both deciduous and evergreen, that would provide screening at the back property line. The 11 tree types suggested were chosen because they were fast growing, had low water consumption, low pollen production, non-messy, had non-destructive root systems, were non-fruit bearing and reached a maximum height of 30' which allowed long views over the top of them but concealed the building from Pepper. So far, the neighbors have selected only two varieties of evergreen trees (Pittosporum undulatum and Lagunaria patersonii) which are shown on the plan. They will be planted from 36" box material. At the time of planting, these trees will be 12'-14' with a 6' spread.

Storm Drainage

Storm Drainage will be addressed via a large biorention basin in the rear of the property and self-treating areas with appropriate C3 planting.

Residential Courtyard

The outdoor courtyard spaces will be filled with plant material and enhance the feelings of connectedness to nature and create a comfortable community gathering space. Some edible plants and fruit trees were also selected as an added benefit for the residents. The paving and planter facing in the upper courtyard is a warm tone stone paver.

A varied plant palette of Mediterranean/native groundcover, shrubs and trees will be selected to maximize a variety of textures, fragrance and colors. All plantings will be irrigated with an automatically controlled irrigation system and will comply with the Water Efficient Landscape Ordinance.

Contaminated Groundwater

The project is within the California Olive Emerson (COE) Study area and has groundwater contaminated from offsite dumping of Volatile Organic Compounds. We have specifically kept the depth of the parking garage to a single level to remain well above the contaminated water table. We engaged Cornerstone Earth Group to give us a specific environmental analysis and develop appropriate mitigations measures to ensure the safety of the neighboring buildings as well as the new building's occupants, including treatment measures for all excavated soil before it is disposed of. They suggested three measures, each adequate to mitigate the soil vapors on their own: a vapor barrier system beneath the garage slab and walls; a properly designed and operated HVAC system for the building and garage; and a passive sub-slab depressurization or venting system. We have opted to do all three to be safe and ensure redundancy.

Neighborhood Outreach

Following up on our neighborhood outreach meetings during the zone change process, we reached out again to the same neighbors from Pepper Avenue and had a meeting on January 3, 2013 showing them the preliminary design of the building before we turned in for Preliminary ARB, and another one on June 20, 2013, a month before we officially turned in for Site & Design, to show them the results of our Preliminary ARB process. We have consistently had neighbors representing 5 properties attend but they also sent our meeting notes to the larger neighborhood e-mail distribution list. At both meetings, we introduced the design of the proposed building with plans, 3D renderings and a physical model showing building's relationship to their properties.

In general, the neighbors were happy about the greater rear setback distance, the amount of parking provided on site, the elimination of the street parking, getting to choose the tree species and at the time had no big issues with the building design itself. The issues they did have:

- Parking on their street - Despite the amount of parking we have provided on site, they are very concerned about the rash of development occurring in their neighborhood, and more so about the much larger projects that were coming down the pipeline.
- Light pollution from offices at night – We said the offices can have occupancy sensors and automatic shades at night to block any light spill into residences.
- Smoking on second floor terrace - We said that smoking will not be allowed on the premise.
- Seeing storage items on tenant patios – We shrunk the patio sizes and used frosted glass railings to block views of the patios, but the developer will also manage building and can be called with concerns after the building is finished. All units are rentals, and he is willing to put in regulations against storage on patios if that becomes an issue.
- Trash and recycle bin location (worried about smells & noise) – We located them just inside the first floor parking garage, as far away from Pepper as possible.
- Location of air conditioning equipment (worried about noise) – We were able to get some of the condenser units inside the parking garage, and the ones we could not are on the roof. None of them exceed the noise limits at any of the property lines according to our noise study. We also opened up some of the walls of the first floor garage to allow more light in and allow natural ventilation to eliminate another potentially noisy exhaust system.
- Odor and equipment noise from businesses – Tenant(s) not yet determined but not looking for one that would generate smells or excessive equipment noises. No restaurants would be allowed.

- There are neighborhood issues with homeless and garbage scavenging, they recommend gates to restrict access to sides of building – We can look into installing gates to restrict access and discourage possible crime and garbage scavenging activities if it becomes a problem.

Art Concept

We are providing art on site to comply with the 1% for Art program. The approximate art budget is $160,000.00 including consultant fees. Paula Kirkeby, one of the Pepper neighbors sharing our site's rear property line, a former Public Art Commissioner and owner of Smith Anderson Editions has graciously agreed to help us as our art consultant. Paula thought sculpture that was easily seen by but not distracting to the many passing cars on Page Mill Road would be a good fit. Paula brought in internationally known sculptor, Fletcher Benton, who already has a very successful piece, Tilted Donut #5, a block away at the corner of Page Mill Road and El Camino Real.

Fletcher has a folded square series, where he uses one square piece of steel, makes cuts and folds only, and with no waste material creates the alphabet and all the numbers. We are proposing to use three of his number series, representing the building address and place them right in front of the building where the benches are currently shown. They would be brightly painted from one of his standard colors, approximately 30" square, each up on its own black painted steel pedestal and end up approximately 5' tall. The budget also allows us to possibly acquire one more piece and we are exploring the possibilities. The Public Art Commission fully supported our idea of the 4 sculptures from Fletcher Benton and their locations, and we are currently redesigning the landscape plan in the front area to accommodate the numbers.

We thank you for your review and consideration of our project.

STOECKER AND NORTHWAY ARCHITECTS INCORPORATED

1000 ELWELL COURT SUITE 150 PALO ALTO CALIFORNIA 94303 650 965-3500 / FAX 650 965-1095

SITE & DESIGN REQUEST: 441 PAGE MILL ROAD (CURRENTLY 423-451 PAGE MILL ROAD)

Changes from 1st ARB Submittal - September 10, 2014

General Building Design Changes

1. Reconfigured 3rd floor Units 9 & 10 to remove pop out to building edge and make their decks much larger. Reduces visual impact of third floor from Page Mill.
2. Removed all ceramic quartz tile. Building walls are now three different colors of cement plaster.
3. Changed spandrel glass, deck and stair railings to all be horizontally lined, fritted glass.
4. Raised the height of the entry tower back to 40' to make sure elevator shaft fits within it.
5. Added more accentuated cement plaster reveals on the north side elevation at the top that pull the lines from the glass divisions from the front and back facades. It creates a little more interest in the only area one might ever see on that side. Glass usage was already maxed out on this elevation.

Sheet A0 - Project Data

1. Proposed FAR Residential FAR - Units square footage reduced by 121 s.f. to 12,296 s.f. and third floor lobby reduced by 1 s.f. to 797 s.f. which reduces shared lobby number to 906 s.f. Total Residential FAR reduces from 14,170 s.f. to 14,048 s.f. Residential FAR dropped from .53 to .52:1.
2. Building Square Footage - Third floor square footage is reduced by same amounts. Third floor total became 13,131 s.f. Building total became 71,717 s.f.
3. Building Height - Entry tower DEE now 40'.
4. Usable Open space - Private deck number increases by 122 s.f. from 1,364 s.f. to 1,486 s.f. and increases the total from 4,658 s.f. to 4,780 s.f.
5. Landscape/Open Space - 3rd floor private decks increase by same amount, which increases the total from 9,850 s.f. to 9,972 s.f. The percentages stay the same.

Sheet A2 - Streetscape

1. Revised building elevation.

Sheet A4 & A6 - Site Plan & Second Floor Plan

1. Revised entry tower to have less vertical divisions.
2. Revised overhangs at retail & garage openings to rectilinear.

Sheet A7 - Third Floor Plan

1. Revised entry tower to have less vertical divisions.
2. Revised plans of Units 9 & 10.

Sheet A8 - Roof Plan

1. Revised roof above Units 9 & 10 and entry tower.

Sheet A9 through A15 - 3D Perspectives, Exterior Elevations, Sections & Details

1. Revised look of building and notes per revised tower design and material changes.

Sheet LS1.1 & LS1.2 - Landscape Plans

1. Revised third floor plan for Unit 9 & 10 changes.
2. Sidewalk material runs through driveway opening.
3. Revised planting at front of building from Iceberg Rose to Cane Rush (Chondropetalum).
4. Increased depth of planter next to BBQ on third floor.

Concerns studied but not changed

1. Square tower element - Over 6 options were studied, many square, and revised curved option resubmitted was the best aesthetically looking.
2. Playground equipment - Real play ground equipment has enormous setbacks to any planter wall or other object that we cannot accommodate and building liability insurance will not allow it.
3. Vertical sun shading on front facade - It did not fit well with the horizontality of the building design.
4. Limiting the sun shade on the third floor - If it was not continuous, it did not tie it into the horizontality of the bottom floors as well.
5. Keeping street parking on Page Mill - Santa Clara County has decided to eliminate the parking, and we have no say in that decision.

Reich, Russ

From: vanallen2002@aol.com
Sent: Thursday, August 08, 2013 12:06 PM
To: Reich, Russ
Subject: Proposed Project @ 441 Page Mill Road

Planning Commission,

I must write you to object to your proposed development @ 441 Page Mill road. Like everything e you have approved this proposal is TOO BIG -- TOO CLOSE.

I agree that the little, old houses need to be replaced. But only with something of reasonable size and proper setback from the sidewalk. Projects recently constructed in this area have been neither! Just look at the tire marks up on the sidewalk at the corner of El Camino and Page Mill!

Your approval of the "Miki's Market" on Alma near East Meadow is a disaster! Look how close the building is to the high voltage electric lines!

Please reduce the size of this proposed project!

Respectfully submitted by Herbert R. Foster...

Reich, Russ

From: Chris Donlay <chrisdonlay@yahoo.com>
Sent: Thursday, August 15, 2013 12:57 PM
To: Reich, Russ
Cc: Aknin, Aaron; Turner, Steven; Yazdy, Shahla; Price, Gail (internal); Planning Commission
Subject: Problems with 441 Page Mill Road Project

Dear Russ,

I live on Pepper Avenue and I'm writing about the proposed project at 441 Page Mill Road, which is directly behind my house.

Our neighborhood already has a severe traffic and parking problem. Because we're next to the intersection of El Camino Real and Page Mill Road, drivers routinely circumvent the intersection by cutting through Olive and Pepper Avenues. In addition, employees and customers of the surrounding business and retail establishments on El Camino, Page Mill, Ash, Olive and Park all park their cars on our residential streets on a daily basis. Our neighborhood does not have room for more cars.

Your department is already aware of these issues. On July 10 we met with City Council member Gail Price, planning manager Steve Turner and transportation engineer Shahla Yazdy to discuss these problems. We also spoke at length at the July 31 Planning & Transportation Commission, and Aaron Aknin is likewise familiar with our problems. I suggest you speak with your colleagues for further details.

Given that background, there are serious problems with the 441 Page Mill project. The calculation for the office component uses the unrealistic formula of 250 ft' per occupant. In fact, the plan shows that the 2nd floor will be a completely open space. Occupants will undoubtedly used cubicles, the norm in this area, which means that the occupancy rate will be closer to 100 ft' per occupant. Using this figure, we see that the project has a parking deficit of 105 spaces, even granting the requested reduction. There is simply no room for more spillover parking in our neighborhood. Either the project must accommodate more spaces or it must reduce occupancy. Either way, this project should be put on hold until the traffic and parking studies being done as part of the EIR for the Page Mill/3045 Park Blvd project are completed.

I look forward to hearing from you about how the project will be changed to alleviate our traffic and parking problems.

Sincerely,

Chris Donlay
Pepper Avenue

Reich, Russ

From: Peter Kirkeby <peter@pkirkeby.com>
Sent: Thursday, August 15, 2013 1:44 PM
To: Reich, Russ
Subject: 441 page mill

Dear Sir,

The proposed project for 441 Page Mill is too dense.

The number of parking spaces the property will require are too many for the area of Page Mill Street between ElCamino and Ash streets to accommodate.

The increase in traffic will create an unsafe atmosphere.

Please consider the size and scale of this project when reviewing.

Thanks,
PK

Peter Kirkeby
440 Pepper Ave.
128 Texas St.
San Francisco, CA 94107
415-863-3060
peter@pkirkeby.com

Reich, Russ

From: Holgado, Ruben <RHolgado@wsgr.com>
Sent: Wednesday, August 21, 2013 2:41 PM
To: Reich, Russ
Cc: Aknin, Aaron; Turner, Steven; Yazdy, Shahla; Price, Gail (internal); Planning Commission
Subject: 441 Page Mill Rd.

Dear Russ,

I live on Pepper Avenue and I'm writing about the proposed project at 441 Page Mill Road, which is behind my house.

Our neighborhood already has a severe traffic and parking problem. Because we're next to the intersection of El Camino Real and Page Mill Road, drivers routinely circumvent the intersection by cutting through Olive and Pepper Avenues. In addition, employees and customers of the surrounding business and retail establishments on El Camino, Page Mill, Ash, Olive and Park all park their cars on our residential streets on a daily basis. Our neighborhood does not have room for more cars.

Your department is already aware of these issues. On July 10 we met with City Council member Gail Price, planning manager Steve Turner and transportation engineer Shahla Yazdy to discuss these problems. We also spoke at length at the July 31 Planning & Transportation Commission, and Aaron Aknin is likewise familiar with our problems. I suggest you speak with your colleagues for further details.

Given that background, there are serious problems with the 441 Page Mill project. The calculation for the office component uses the unrealistic formula of 250 ft' per occupant. In fact, the plan shows that the 2nd floor will be a completely open space. Occupants will undoubtedly used cubicles, the norm in this area, which means that the occupancy rate will be closer to 100 ft' per occupant. Using this figure, we see that the project has a parking deficit of 105 spaces, even granting the requested reduction. There is simply no room for more spillover parking in our neighborhood. Either the project must accommodate more spaces or it must reduce occupancy. Either way, the project should be put on hold until the traffic and parking studies being done as part of the EIR for the Page Mill/3045 Park Blvd project are completed.

I look forward to hearing from you about how the project will be changed to alleviate our traffic and parking problems.

Sincerely,

Ruben Holgado
404 pepper Ave

Reich, Russ

From: Alba <alba.holgado@gmail.com>
Sent: Tuesday, September 03, 2013 10:14 PM
To: Reich, Russ
Cc: Turner, Steven; Yazdy, Shahla; Price, Gail (internal); Planning Commission; Aknin, Aarc
Subject: 441 Page Mill Road

Dear Russ,

I am a Pepper Avenue resident and I'm writing about the proposed project at 441 Page Mill Road, which is behind my house.

Our neighborhood already has a severe traffic and parking problem. Because we're next to the intersection of El Camir Real and Page Mill Road, drivers routinely circumvent the intersection by cutting through Olive and Pepper Avenues. Ir addition, employees and customers of the surrounding business and retail establishments on El Camino, Page Mill, Asl Olive and Park all park their cars on our residential streets on a daily basis. Our neighborhood does not have room for more cars.

Your department is already aware of these issues. On July 10 we met with City Council member Gail Price, planning manager Steve Turner and transportation engineer Shahla Yazdy to discuss these problems. We also spoke at length : the July 31 Planning & Transportation Commission, and Aaron Aknin is likewise familiar with our problems. I suggest y(speak with your colleagues for further details.

Given that background, there are serious problems with the 441 Page Mill project. The calculation for the office component uses the unrealistic formula of 250 ft' per occupant. In fact, the plan shows that the 2nd floor will be a completely open space. Occupants will undoubtedly used cubicles, the norm in this area, which means that the occupancy rate will be closer to 100 ft' per occupant. Using this figure, we see that the project has a parking deficit of 1 spaces, even granting the requested reduction. There is simply no room for more spillover parking in our neighborhood Either the project must accommodate more spaces or it must reduce occupancy. Either way, the project should be put hold until the traffic and parking studies being done as part of the EIR for the Page Mill/3045 Park Blvd project are completed.

I look forward to hearing from you about how the project will be changed to alleviate our traffic and parking problems.

Sincerely,

Alba Holgado

Reich, Russ

From: Robert Moss <bmoss33@att.net>
Sent: Monday, August 05, 2013 2:48 PM
To: Reich, Russ
Subject: 441 Page Mill

Russ;
You probably are aware that this site is in the contaminated COE area where the groundwater has significant concentrations of the carcinogen TCE. A one level underground garage will almost certainly penetrate the groundwater which is 14 to 15 feet below grade at this site. The project includes housing, and the allowable exposure level of TCE for indoor air in residential buildings is 0.5 ppb/cubic meter. In commercial buildings the allowable level is 4 ppb/cubic meter. If a pregnant woman is exposed to TEC levels as low as 0.5 ppb/cubic meter for three weeks there is a high probability the fetus will have serious birth defects. .The closest TCE sample site in this area is at the former Stanford Cleaners near Pepper and El Camino where the TCE concentration in the groundwater was 470 micriograms/cubic liter.

Locating a residential occupancy building at this site with an underground garage creates a serious potential health risk. Therefore any such building must have sub-slab active ventillatoin and a vapor barrier, plus every effort must be taken to prevent leakage of groundwater into the basement. After the building is completed and before occupancy the indoor air mus be sampled to determine whether there are significant levels of TCE inside the building, and periodic re-sampling must be done over time, especially in the garage and residential area.

You or the developer should contact Roger Papler of the Regional Water Quality Control Board which is the agency overseeing the toxics at this site, inform him of the proposed project, and get any comments or cautions he wishes to provide. His E-mail is Roger.Papler@waterboards.ca.gov

Yours truly,
Bob Moss

ATTACHMENT G

Reich, Russ

From: Ellner, Robin
Sent: Monday, June 23, 2014 2:39 PM
To: Gitelman, Hillary; French, Amy; Reich, Russ; Silver, Cara
Cc: Keller, Arthur; Carl King (crking3@gmail.com); Eric Rosenblum (ericr@alum.mit.edu); Greg Tanaka (gltanaka@gmail.com); mark_d_michael@yahoo.com; Michael Alcheck; Przemek Gardias (przemek@gardias.com)
Subject: 441 Page Mill Road

Good afternoon,

Please see the email from Cheryl Lilienstein below.

Thank you,

Robin Ellner | Administrative Associate III| P&CE Department
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650.329.2603 |E: robin.ellner@cityofpaloalto.org

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

-----Original Message-----
From: Cheryl Lilienstein [mailto:clilienstein@me.com]
Sent: Wednesday, June 18, 2014 11:48 AM
To: Planning Commission
Subject: re: 441 Page Mill Road

Regarding 441 Page Mill Road

Dear PTC

The present new buildings on this stretch of Page Mill all have two access points so that customers/drivers have a choice about exit direction, and both the AT&T and the paint store have setbacks that make the exits visible to all drivers. This is sensible.

This design with lack of setbacks (the build-to sidewalk rule), and only one exit direction, will create a dangerous situation.This building does not provide visibility for passing or exiting drivers at all. And would force inhabitants to always exit eastbound, creating further avoidable traffic jams.

Perhaps the developer could make a right of way agreement with an adjacent property so Ash would continue to be the expected—and visually appropriate-- place where neighborhood drivers enter Page Mill eastbound.

IN summary: This configuration is not safe and will bring harm to drivers, and road clogging accidents if you allow this design. Can the city be held liable for allowing dangerous building designs to pass through its design processes?

Sincerely,
Cheryl Lilienstein

City of Palo Alto
Department of Planning and Community Environment
California Environmental Quality Act

DRAFT MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Date: November 8, 2013

Application No: 13PLN-00307

Address of Project: 441 Page Mill Road

Assessor's Parcel Numbers: 132-37-016

Applicant: Stoecker and Northway Architects

Owner: Norm Schwab

Project Description and Location: The existing residential structures and vegetation on the site would be removed to make way for a new three-story, mixed use building with one level of below grade parking. The ground floor area would include 4,000 sq. ft. for retail uses and a garage providing 33 at-grade parking spaces. The second floor would be approximately17,432 sq.ft. of office space, and the third floor would be approximately 13,073 sq.ft. of floor area for 10 residential rental apartment units.

The project site is located in the northern section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and east of Interstate 280. The project site has frontage on Page Mill Road, and is developed with four single family residences on four separate parcels. Adjacent uses to the northeast include a Kelly Moore Paint Store at 411 Page Mill Road and the AOL office development at 395 Page Mill Road (subject of a proposed PC zone change). Adjacent uses to the southwest include an animal hospital at 461 Page Mill Road, and the AT&T retail store at the corner at 2805 El Camino Real. To the southeast, or the rear of the site, are single-family residences with exception of a grandfathered art studio at 440 Pepper Avenue. Across Page Mill Road to the northwest are multifamily residential PC developments.

The proposed project would meet all of the green building requirements set forth in the California Green Building Code and the City's Build It Green Program and is proposed to attain Leadership in Energy and Environmental Design (LEED) Silver certification. Bicycle parking for the building would be provided, along with showers and locker room facilities for riders. Public bicycle racks would also be provided.

II. DETERMINATION

In accordance with the City of Palo Alto's procedures for compliance with the California Environmental Quality Act (CEQA), the City has conducted an Initial Study to determine whether the proposed project located at 441 Page Mill Road could have a significant effect on the environment. On the basis of that study, the City makes the following determination:

_____ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.

__X__ Although the project, as proposed, could have a significant effect on the environment, there will not be a significant effect on the environment in this case because mitigation measures have been added to the project and, therefore, a MITIGATED NEGATIVE DECLARATION is hereby proposed for adoption.

The initial study prepared for this project described above incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project. The following describes the areas of analysis and any mitigation measures incorporated into the proposed project in accordance with CEQA.

A. **AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.

B. **AGRICULTURAL RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.

C. **AIR QUALITY.** The project will not have a significant air quality impact, therefore no mitigation is required.

Mitigation Measures C-1: The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. This impact is considered potentially significant but normally mitigated by implementing the following control measures:

During demolition of existing structures:

- Water active demolition areas to control dust generation during demolition and pavement break-up.
- Cover all trucks hauling demolition debris from the site.
- Use dust-proof chutes to load debris into trucks whenever feasible.
- During all construction phases:
- Pave, apply water 3x/daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water 2x/daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).

- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

The above measures include feasible measures for construction emissions identified by the BAAQMD for large sites. According to the District threshold of significance for construction impacts, implementation of the measures would reduce construction impacts of the project to a less than significant level.

D. BIOLOGICAL RESOURCES.

The project could have a significant impact on biological resources in that nesting birds could be affected.

Mitigation Measures B-1:

The applicant shall abide by all provisions of Sections 3503 and 3503.5 of the State Fish and Game Code and Migratory Bird Treaty Act of 1918 (MBTA) as published in the Federal Register (Vol. 70, No. 49; March 15, 2005).

Although there is no vegetation on the project site that may contain nesting birds, there may be nesting birds in existing vegetation abutting the proposed project site. To protect any nesting birds, the proposed project may avoid construction during the nesting period. Alternatively, a qualified wildlife biologist (to be hired by the applicant) shall conduct a survey for nesting birds that are covered by the MBTA and/or Sections 3503 and 3503.5 of the State Fish and Game Code in the vicinity of the project site. This survey shall cover all areas that would be disturbed as a result of construction-related activities during the nesting period, and shall include a "buffer zone" (an area of potential sensitivity, beyond the bounds of the proposed project construction area) which shall be determined by the biologist based on his or her professional judgment and experience. This buffer zone may include off-site habitat.

This biological survey shall be conducted no more than 14 days prior to the commencement of construction activities. The wildlife biologist shall provide a report to the City promptly detailing the findings of the survey. No construction shall be conducted until this report has been provided to the City and the City has authorized in writing the commencement of construction activities in accord with the biologist's findings.

E. CULTURAL RESOURCES.

The project will not have a significant impact on Cultural Resources, therefore no mitigation is required.

F. GEOLOGY, SOILS, AND SEISMICITY.

The project could have a significant impact due to geologic features either on or off-site.

Mitigation Measures F-1: All earthwork and site drainage, including foundation and basement excavations, retaining wall backfill, preparation of the subgrade beneath hardscape, placement and compaction of engineered fill, and surface drainage should be performed in accordance with the Geotechnical Report prepared by Cornerstone Earth Group dated May 2, 2013.

Mitigation Measures F-2: The design of all buildings shall be designed in accordance with current earthquake resistant standards, including the 2007 CBC guidelines and design recommendations regarding the potential for localized liquefaction presented in the Geotechnical Investigation provided by Cornerstone Earth Group.

Mitigation Measure F-3: Prior to building permit approval, the applicant shall submit a well-designed shoring system for the basement excavation to be designed by a licensed engineer subject to review and approval by Public Works Department.

Mitigation Measure F-4: The basement walls be designed for hydrostatic pressure (an additional 40pcf of fluid pressure) and waterproofed.

Mitigation Measure F-5: The garage/basement slab should be designed for an uplift pressure of 250 pounds per square foot, which is equivalent to approximately 4 feet of hydraulic lift. At a minimum a vapor retarder should be placed below the slab mat foundation. Due to the proximity of the slab to the ground water table, a waterproofing membrane should be in place.

G. GREENHOUSE GAS EMISSIONS. The project will not have a significant impact due to greenhouse gas emissions, therefore no mitigation is required.

H. HAZARDS AND HAZARDOUS MATERIALS.

The proposed project could create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site.

Mitigation Measures H-1: Because the site is documented to be contaminated by VOCs, primarily trichloroethene (TCE) a Health and Safety Plan (HASP) and a Site Mitigation Plan (SMP), shall be prepared prior to construction, and adhered to during construction and excavation activities. The SMP will provide recommended measures to mitigate the long-term environmental or health and safety risks caused by TCEs in the soil and groundwater. All workers on site should be read and understand the HASP and SMP, and copies should be maintained on site during construction and excavation at all times.

The SMP shall be reviewed and approved by the Santa Clara County Department of Environmental Health, the San Francisco Bay Regional Water Quality Control Board or other appropriate agency addressing oversight to establish management practices for handling contaminated soil or other materials if encountered during demolition.

The details of the SMP shall include the provision of a vapor barrier (refer to H-3) and details about ventilation systems for the garages and buildings, including air exchange rates and operation schedules for the systems. The SMP will also contain contingency plans to be implemented during excavation activities if unanticipated hazardous materials are encountered.

Mitigation Measures H-2: A Remedial Risk Management Plan (RRMP) shall be developed and followed by current and future owners, tenants, and operators. The plan will include the implementation of the described remedies and engineering design.

Mitigation Measures H-3: A vapor barrier system beneath the garage slab and walls shall be installed to mitigate any issues with the potential presences of VOCs or (TCE). The membrane system should consist of a 60ml, spray applied, seamless, solvent free membrane. Specifications for the vapor barrier included in the SMP shall document proper installation, coupon samples of the membrane (to verify its thickness) and a smoke test would also need to be performed.

Mitigation Measure H-5: A properly designed and operating and Heating, Ventilation, Air Conditioning (HVAC) system for the building and below grade parking garage. An HVAC mechanical engineer shall be consulted to evaluate design options for a building ventilation system that helps limit potential vapor intrusion concerns.

Mitigation Measure H-6: A passive sub-slab depressurization system shall be designed for the project. The system inhibits soil gases from flowing into the building, reducing volatile chemical entry into the building. This design shall be reviewed by the Regional Water Quality Control Board prior to the issuance of a building permit.

I. **HYDROLOGY AND WATER QUALITY.** The project will not have a significant impact on hydrology and water quality, therefore no mitigation is required.

J. **LAND USE AND PLANNING.** The project will not have a significant land use impact, therefore no mitigation is required.

K. **MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.

L. **NOISE.** The project will not have a significant impact on noise levels, therefore no mitigation is required

M. **POPULATION AND HOUSING.** The project will not have a significant impact on population and/or housing, therefore no mitigation is required.

N. **PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.

O. **RECREATION.** The project will not have a significant recreation impact, therefore no mitigation is required.

P. **TRANSPORTATION AND TRAFFIC.**

The proposed project could increase hazards due to a design feature (e.g., sharp curves or dangerous intersections).

Mitigation Measures T-1: The applicant shall provide clear sight lines for drivers exiting the site. Within the corner site triangle:

- Shrubs, fencing, and signs no higher than three feet above the adjacent street surface.
- Tree branches no lower than seven feet above the adjacent street surface.
- No poles, trees and other tall object situated so that they would create a wall effect when viewed at an oblique angle.

Q. UTILITIES AND SERVICE SYSTEMS. The project will not have a significant impact on utility and service systems, therefore no mitigation is required.

R. MANDATORY FINDINGS OF SIGNIFICANCE. As described above, the proposed project, with the implementation of selected mitigation measures, would not have an impact on fish or wildlife habitat, nor would it impact cultural or historic resources. The proposed use is appropriate for the site and would not result in an adverse visual impact. There is nothing in the nature of the proposed development and property improvements that would have a substantial adverse effect on human beings, or other life or environmental impacts once mitigation is implemented to reduce potential impacts from hazardous materials and noise.

PUBLIC REVIEW PERIOD

The public review period begins on November 8, 2013 and ends on December 9, 2013. Comments on the Proposed Mitigated Negative Declaration may be submitted to:

Russ Reich
Senior Planner
City of Palo Alto
Department of Planning and Community Environment
250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301

Project Planner — **Date** 11/8/2013

Adopted by
Director of Planning and Community Environment — **Date**

441 Page Mill Road
Initial Study/Mitigated Negative Declaration

Prepared by
City of Palo Alto

November 8, 2013

PROJECT DESCRIPTION: Request for Site and Design Review of the demolition of four existing single story, single-family residences (at 423,433,441, and 451 Page Mill Road) and the construction of a new building containing 35,537 square feet (s.f., a net gain of 8,611 sq.ft. of new floor area). The three story building would be 40' feet tall, include 10 rental apartment units, 3,559 s.f of retail space, 15,675 s.f. of office space with surface and underground parking spaces (89 parking spaces in total) on 0.62 acre site located at 441 Page Mill Road. Zone District: Service Commercial with a Site and Design Combining District (CS (D)).

1. PROJECT TITLE

441 Page Mill Road
Palo Alto, California 94306

2. LEAD AGENCY NAME AND ADDRESS

City of Palo Alto
Department of Planning and Community Environment
250 Hamilton Ave.
Palo Alto, CA 94303

3. CONTACT PERSON AND PHONE NUMBER

Margaret Netto
Contract Planner, City of Palo Alto
650-796-5828

4. PROJECT SPONSOR'S NAME AND ADDRESS

Stoecker and Northway
1000 Elwell Court, Suite 150
Palo Alto, CA 94303

5. APPLICATION NUMBER

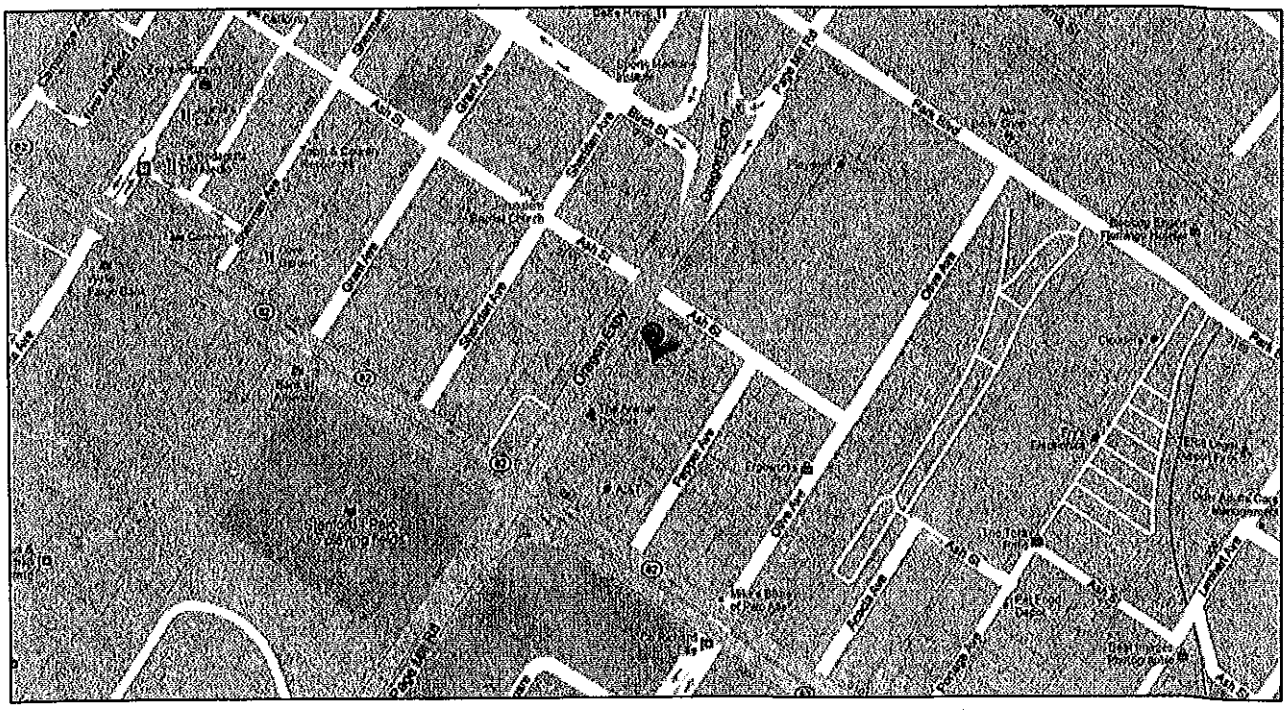
13-PLN-00307

6. PROJECT LOCATION

423, 433, 441 and 451 Page Mill Road, Palo Alto
Parcel Numbers: 132-37-016, 132-37-017,132-37-018 and 132-37-019

Figure 1: Regional Map

Figure 2: Vicinity Map



The project site is located in the northern section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and east of Interstate 280. The project site has frontage on Page Mill Road, and is developed with four single family residences on four separate parcels. Adjacent uses to the northeast include a Kelly Moore Paint Store at 411 Page Mill Road and the AOL office development at 395 Page Mill Road (subject of a proposed PC zone change). Adjacent uses to the southwest include an animal hospital at 461 Page Mill Road, and the AT&T retail store at the corner at 2805 El Camino Real. To the southeast, or the rear of the site, are single-family residences with exception of a grandfathered art studio at 440 Pepper Avenue. Across Page Mill Road to the northwest are multifamily residential PC developments.

7. GENERAL PLAN DESIGNATION:

The General Plan designation for this site is Service Commercial, per the Palo Alto 1998 - 2010 Comprehensive Plan. The Service Commercial land use designation allows for facilities providing citywide and regional services and relies on customers arriving by car. Typical uses encouraged in this district include auto services and dealerships, motels, appliance stores and restaurants. Within some locations, residential and mixed use projects may be appropriate in this land use category. The site is within the Cal-Ventura Mixed Use Area; the diagram for this area indicates mixed use as a development concept for the project site. Development within this area is intended to be well designed with diverse land uses and two to three story buildings as per Policy L-31. Program L-30 refers to use of the diagram as a starting point for a Cal-Ventura Coordinated Area Plan.

8. ZONING

The project site is zoned CS (Service Commercial) with a Site and Design Combining District. The development standards and context based design criteria set forth in Palo Alto Municipal Code (PAMC) Chapter 18.16 are applicable. Development on the project site is subject to the Site and Design Review process set forth in PAMC Chapter 18.30(G). Mixed-use development is a permitted land use in the service commercial (CS) district.

9. PROJECT DESCRIPTION

The project site consists of four parcels having approximately 0.62 acres (26,926 square feet) which will be merged under a separate application. The existing residential structures and vegetation on the site would be removed to make way for a new three-story, mixed use building with one level of below grade parking. The ground floor area would include 4,000 sq. ft. for retail uses and a garage providing 33 at-grade parking spaces. The second floor would be approximately17,432 sq.ft. of office space, and the third floor would be approximately 13,073 sq.ft. of floor area for 10 residential rental apartment units. A portion of the building would be 40 feet tall (the height of the entry/stair/elevator feature, for which a Design Enhancement Exception is requested), while the majority of the building would reach a height of 38 feet above grade (three feet above the

maximum 35 height limit is allowable via concession for three below market rate housing units not otherwise required by code).

The site is constrained by the busy roadway in front of the proposed building and the low density single-family residences bordering the site's rear property line. Much of the building mass would be placed near Page Mill Road, where a 17 foot setback from curb to building would be provided, and a 27-foot separation would be provided between the second and third floor exterior walls of the new building and the residential properties abutting the rear property line.

Primary access to the site would be provided from a single driveway off of Page Mill Road and traffic would be restricted to right-turn in and out only. The 56 below grade parking spaces would be accessed from a ramp located at the rear of the site behind the building. Landscaping is proposed as a vegetative buffer along the rear property line (Victorian Box trees, which can grow to 35 feet, and Primrose trees, which can grow above 30 feet), and as replacement trees (Pin Oaks) on the property side of the sidewalk.

10. SURROUNDING LAND USES AND SETTING

The project site is located on the south frontage of Page Mill Road, one block east of El Camino Real and Page Mill Road intersection.

As noted, the project site has frontage on Page Mill Road. Adjacent uses to the northeast include a Kelly Moore Paint Store at 411 Page Mill Road and the AOL office development at 395 Page Mill Road (subject of a proposed Planned Community (PC) zone change application). Adjacent uses to the southwest include an animal hospital at 461 Page Mill Road, and the AT&T retail store at the corner at 2805 El Camino Real. A commercial development and PC rezoning is also proposed across Page Mill Road, at 2755 El Camino Real.

11. OTHER PUBLIC AGENCIES

California Department of Transportation, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District (SCVWD), the San Francisco Bay Regional Water Quality Control Board (RWQCB) and the Office of the County Clerk-Recorder.

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. **[A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e. g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on**

project-specific factors as well as general standards (e. g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).]

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "(Mitigated) Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).

5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (C)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

DISCUSSION OF IMPACTS

The following Environmental Checklist was used to identify environmental impacts, which could occur if the proposed project is implemented. The left-hand column in the checklist lists the source(s) for the

answer to each question. The sources cited are identified at the end of the checklist. Discussions of the basis for each answer and a discussion of mitigation measures that are proposed to reduce potential significant impacts are included.

A. AESTHETICS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially degrade the existing visual character or quality of the site and its surroundings?	1,2,6			x	
b) Have a substantial adverse effect on a public view or view corridor?	1,2,3,5,6				x
c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1,2-Map L4,6				x
d) Violate existing Comprehensive Plan policies regarding visual resources?	1,2,6				x
e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1,5,6,			x	
f) Substantially shadow public open space (other than public streets and adjacent sidewalks) between 9:00 a.m. and 3:00 p.m. from September 21 to March 21?	1,5,				x

DISCUSSION:

The project site is not located within a major view shed. The project would not substantially damage scenic resources within a state scenic highway and does not violate any existing Comprehensive Plan policies regarding visual resources. Page Mill Road is noted as a scenic route and as a major view corridor for westbound traffic beyond the intersection of El Camino Real, noted as a 'primary entry point.' Tree removals proposed include the five mature trees on the site (Black Acacia, Pepper, Yew, Palm, Pine), and the nine street trees (Pin Oaks) in the adjacent Page Mill Road right of way located between the sidewalk and curb. The project includes the planting of six Pin Oak trees on the private property side of the Page Mill Road sidewalk, and the planting of screen trees along the rear property line to buffer views of the building from residential properties bordering the rear of the site.

The project is subject to Site and Design Review, which includes review by the Architectural Review Board (ARB); the Site and Design Review approval findings and ARB approval criteria and findings are designed to ensure an appropriate site layout and architectural design, including landscaping that is aesthetically pleasing and compatible with its surroundings. The mixed-use project is designed to meet

development standards (PAMC 18.16.060), and the Context Based Design Criteria (PAMC 18.16.090). In addition, the ARB and Council will have the opportunity to evaluate findings for two Design Enhancement Exceptions requested to allow increased setback from Page Mill Road and increased height for the entry feature.

The mixed-use design incorporates an articulated building base, body and roof. The first and second floor building elevation reflects a light and glassy aesthetic with decorative horizontal fins, and with ceramic quartz tile at the building base providing a rectilinear pattern that breaks up the building elevation. The exterior finish materials would include colored glass (at the entry stair element), cement plaster at the building sides and partially at the third floor, along with burgundy stainless steel tiles, spandrel panels, anodized aluminum windows and fins, and ceramic tiles providing a horizontal banding effect.

An entry tower element is proposed at the front of the building with multi-colored glass. This element is proposed to reach a height of 40 feet, exceeding the 35-foot height limit by five feet via a request for Design Enhancement Exception. The remainder of the building would reach a height of 38 feet, exceeding the height limit by three feet, which is an allowable encroachment since three below market rate housing units are proposed among the ten rental housing units. The residential units, set back on the third floor, would be clad in a different material (burgundy stainless steel tile) to reflect the land use as differentiated from the commercial spaces. The units would be designed around a courtyard/walkway area serving as a 'neighborhood pedestrian street' providing common open space on the third level. The residential balconies would have tempered frosted glass railings to help with privacy, and the living room glass would be 36 feet from the rear property line. The rectilinear balconies facing the R-1 zoned properties to the rear range from 93 square feet to 183 square feet in area. The buffering vegetation along the rear property line would help improve privacy for the future residents and adjacent neighbors in the Pepper Avenue homes.

The redevelopment of the site may result in a negligible increase in light and glare generated from the additional lighting of the site and glazing on the building. With the City's standard conditions of approval, the light and glare impacts of the project would not be significant. The conditions of approval would require the shielding of lighting such that the light does not extend beyond the site, is directional, and that the source of light is not directly visible.

With the required site and design review process, which includes the architectural review process, and project compliance with the applicable zoning standards, context based criteria and design guidelines, the proposed project will not substantially degrade the existing visual character or quality of the site or its surroundings, therefore no mitigation is required.

Mitigation Measure:

None

B. AGRICULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	1,2,3,5				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	1,2-Map L-9,3,5				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	1,2-MapL-9,3,6				X

DISCUSSION:

The site is not located in a "Prime Farmland", "Unique Farmland", or "Farmland of Statewide Importance" area, as shown on the maps prepared for the Farmland Mapping and Monitoring Program of the California Resources Agency. The site is not zoned for agricultural use, and is not regulated by the Williamson Act. Consequently, the proposed project would have no impact on agricultural resources.

Mitigation Measures:

None

C. AIR QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct with implementation of the applicable air quality plan (1982 Bay Area Air Quality Plan & 2000 Clean Air Plan)?	1,2,5,6			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:	1,2,5,6			X	
i. Direct and/or indirect operational emissions that exceed the Bay Area Air Quality Management District (BAAQMD) criteria air pollutants of 80 pounds per day and/or 15 tons per year for nitrogen oxides (NO), reactive organic gases (ROG), and fine particulate matter of less than 10 microns in diameter (PM_{10});	1,2,5,6			X	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
ii. Contribute to carbon monoxide (CO) concentrations exceeding the State Ambient Air Quality Standard of nine parts per million (ppm) averaged over eight hours or 20 ppm for one hour (as demonstrated by CALINE4 modeling, which would be performed when a) project CO emissions exceed 550 pounds per day or 100 tons per year; or b) project traffic would impact intersections or roadway links operating at Level of Service (LOS) D, E or F or would cause LOS to decline to D, E or F; or c) project would increase traffic volumes on nearby roadways by 10% or more)?	1,2,5,6			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	1,2,5,6			X	
d) Expose sensitive receptors to substantial levels of toxic air contaminants?	1		X		
i. Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 10 in one million	1			X	
ii. Ground-level concentrations of non-carcinogenic TACs would result in a hazard index greater than one (1) for the MEI	1				
e) Create objectionable odors affecting a substantial number of people?	1			X	
g) Not implement all applicable construction emission control measures recommended in the *Bay Area Air Quality Management District CEQA Guidelines?*	1				X

DISCUSSION:

The project is not expected to result in a significant impact on air quality. The project may result in temporary dust emissions due to construction activity. The City of Palo Alto uses the Bay Area Air Quality Management District's (BAAQMD) thresholds of significance for air quality impacts, as follows:

Long Term Impacts: Long-term project emissions primarily stem from motor vehicles associated with the proposed project. As discussed in the Transportation/Traffic section of this Initial Study, the project would generate additional vehicle trips but no intersections would be impacted. However, the change of

land use to mixed use will not have a significant impact on the surrounding area because of the anticipated increase in the volume of traffic that is already expected within the project area aside from the construction of this project. The mixed-use development is a permitted use for the site. Long-term air-quality impacts are expected to be less than significant.

Sensitive receptors are defined as children, elderly, or ill people who can be more adversely affected by air quality problems. The proposed project will be located in a mixed area consisting of retail, residential, and commercial uses. Although sensitive receptors are in the immediate vicinity of the project, the construction impacts would be addressed as standard approval conditions, resulting in a less than significant impact to sensitive receptors.

On-site Impacts

As described in the Hazards and Hazardous Materials section, Phase I and Phase II studies were prepared which indicate that the project site is in an area where there is known contamination of the soil and groundwater with volatile organic compounds (VOCs). Because of this contamination, the proposed project, which includes residential uses, would be at potential risk for vapor intrusion into the building. VOCs can disperse easily into small air spaces in soil and underneath structures, such as through foundation cracks, holes in concrete floors, and small gaps around pipes and utility lines. Some vapors, such as VOCs, may enter structures at low contamination levels, and building ventilation systems are used to prevent harmful vapor buildup. VOCs may or may not have a noticeable odor and may be present at levels posing acute or chronic health risks.

According to the EPA, steps can be taken before site redevelopment to prevent vapor intrusion.[1] Some examples of prevention include ensuring that VOC contamination is removed from the site (and sent to a proper treatment and disposal facility); preventing upward contaminant migration with an impermeable barrier such as a clay cap; and venting soil gas to outdoor air before it can reach indoor spaces. At sites where the source of contamination cannot be completely eliminated through removal, other solutions to vapor intrusion problems can be implemented. Building techniques that serve to provide a vapor barrier between interior spaces and soil (or groundwater) can be combined with structures that provide an escape route for soil vapor to vent to the atmosphere rather than into indoor air. Some ventilation systems operate effectively without the use of energy (passive systems), while others may need connection to a power supply (active systems). It should be noted for indoor air quality monitoring that the presence of VOCs in indoor air may not necessarily be a result of vapor intrusion, because there often is a background or pre-existing level of VOC contamination present from chemical use in the building or from ambient air. As such, it is often difficult to distinguish between contamination attributable to vapor intrusion and contamination from background levels.

As noted in Section VII, Hazards and Hazardous Materials, of this Initial Study, the proposed project would implement Mitigation Measure H-3, which would require the inclusion of a full vapor barrier and the installation of an active vapor collection and venting system underneath the building to mitigate

[1] Environmental Protection Agency "Design Solutions for Vapor Intrusion and Indoor Air Quality," on-line at http://www.epa.gov/swerosps/bf/facts/vapor_intrusion.pdf (accessed December 12, 2008)

potential soil vapor intrusion, and a monitoring plan to verify positive air flow and monitor for VOCs. Implementation of Mitigation Measure H-3 would reduce the potential for on-site impacts from VOCs to on-site residential and commercial uses to less than significant.

The project would be subject to the following City's standard conditions of approval:

The following controls shall be implemented for the duration of project construction to minimize dust related construction impacts:

- All active construction areas shall be watered at least twice daily.
- All trucks hauling soil, sand, and loose materials shall be covered or shall retain at least two feet of freeboard.
- All paved access roads, parking areas, and staging areas at the construction site shall be swept and watered daily.
- Submit a plan for the recovery/recycling of demolition waste and debris before the issuance of a demolition permit.
- Sweep streets daily if visible soil material is carried onto adjacent public streets.

Mitigation Measures C-1: The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties. This impact is considered potentially significant but normally mitigated by implementing the following control measures:

During demolition of existing structures:

- Water active demolition areas to control dust generation during demolition and pavement break-up.
- Cover all trucks hauling demolition debris from the site.
- Use dust-proof chutes to load debris into trucks whenever feasible.
- During all construction phases:
  - Pave, apply water 3x/daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
  - Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - Enclose, cover, water 2x/daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
  - Limit traffic speeds on unpaved roads to 15 miles per hour.
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - Replant vegetation in disturbed areas as quickly as possible.

The above measures include feasible measures for construction emissions identified by the BAAQMD for large sites. According to the District threshold of significance for construction impacts, implementation of the measures would reduce construction impacts of the project to a less than significant level.

Mitigation Measures: See H-3 under Section VII, Hazards and Hazardous Materials

D. BIOLOGICAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	1, 2-MapN1, 5				x
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, including federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	1,2-MapN1, 5				x
c) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	1, 2-MapN1, 5				x
d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or as defined by the City of Palo Alto's Tree Preservation Ordinance (Municipal Code Section 8.10)?	1, 2, 3, 5, 7, 8		x		
e) Conflict with any applicable Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1, 2, 3, 6, 7, 8,			x	

DISCUSSION:

The project site is located in an established urban area with no riparian or tree habitat for the candidate, sensitive, or special status species in the area. No endangered, threatened, or rare animals, insects and plant species have been identified at this site. The project site is located in an established commercial and residential urban setting.

The Comprehensive Plan includes policies, programs and implementing actions to ensure the preservation of biological tree resources. The following policies and programs are relevant to the proposed Project:

- *Policy N-14*: Protect, revitalize, and expand Palo Alto's urban forest.

- *Policy N-15*: Require new commercial, multi-unit, and single family housing projects to provide street trees and related irrigation systems.
- *Program N-16:* Require replacement of trees, including street trees lost to new development.
- *Program N-17*: Develop and implement a plan for maintenance, irrigation, and replacement of trees.

Palo Alto's Regulated Trees

The City of Palo Alto Municipal Code regulates specific types of trees on public and private property for the purpose of avoiding their removal or disfigurement without first being reviewed and permitted by the City's Planning or Public Works Departments. Three categories within the status of regulated trees include protected trees (PAMC 8.10), public trees (PAMC 8.04.020) and designated trees (PAMC 18.76, when so provisioned to be saved and protected by a discretionary approval.)

Palo Alto Municipal Code Tree Preservation Ordinance

Chapter 8.10 of the Municipal Code (the Tree Preservation Ordinance) protects a category of Regulated Trees, on public or private property from removal or disfigurement. The Regulated Tree category includes:

- *Protected Trees.* Includes all coast live oak (*Quercus agrifolia*) and valley oak trees 11.5 inches or greater in diameter, coast redwood trees 18 inches or greater in diameter, and heritage trees designated by the City Council according to any of the following provisions: it is an outstanding specimen of a desirable species; it is one of the largest or oldest trees in Palo Alto; or it possesses distinctive form, size, age, location, and/or historical significance.

- *Street Trees.* Also protected are City-owned street trees (all trees growing within the street right-of-way, outside of private property)

- *Designated Trees.* Designated trees are established by the City when a project is subject to discretionary design review process by the Architecture Review Board that under Municipal Code Chapter 18.76.020(d) (11) includes as part of the findings of review, "whether natural features are appropriately preserved and integrated with the project." Outstanding tree specimens contributing to the existing site, neighborhood or community, and that have a rating of "High" Suitability for Preservation as reflected in Table 3.6-1 would constitute a typical designated tree.

Palo Alto Tree Preservation Guidelines

For all development projects within the City of Palo Alto, discretionary or ministerial, a *Tree Disclosure Statement* (TDS) is part of the submittal checklist to establish and verify trees that exist on the site, trees that overhang the site originating on an adjacent property, and trees that are growing in a City easement, parkway, or publicly owned land. The TDS stipulates that a *Tree Survey* is required (for multiple trees), when a *Tree Preservation Report* is required (development within the dripline of a Regulated Tree), and

who may prepare these documents. The *City of Palo Alto Tree Technical Manual*[2] (Tree Technical Manual) describes acceptable procedures and standards to preserve Regulated Trees, including:

- The protection of trees during construction;
- If allowed to be removed, the acceptable replacement strategy;
- Maintenance of protected trees (such as pruning guidelines);
- Format and procedures for tree reports; and
- Criteria for determining whether a tree is a hazard.

There are 17 trees that would be impacted by the proposed project. Eight of the trees are planted along the roadway in front of the project. They are planted in a very narrow planter strip and are right at the street curb. The County of Santa Clara has jurisdiction over the roadway as it is a County expressway. The County typically does not permit trees to be located in seven feet of the roadway for safety and road maintenance concerns. City arborist Dave Dockter has found that, based on the type of tree, its limited growing environment, and the proposed improvements to the site, the existing street trees would not survive. There are many utility lines beneath the existing sidewalk that would be cost prohibitive to relocate. The applicant proposes to set the building back 7-feet from the property line (17 feet from the curb) to allow for the planting of six trees along Page Mill Road. Nine trees will be planted along the rear property line.

Nonetheless, the proposed project could result in disturbances to nesting birds in these trees. Nesting birds, their nests, and eggs are fully protected by the State Fish and Game Code (Sections 3503, 3503.5) and the Migratory Bird Treaty Act of 1918 (MBTA). Destruction of a nest would be a violation of these regulations, and would be a significant impact. The magnitude of impact would depend on the species affected.

Mitigation Measures B-1:

The applicant shall abide by all provisions of Sections 3503 and 3503.5 of the State Fish and Game Code and Migratory Bird Treaty Act of 1918 (MBTA) as published in the Federal Register (Vol. 70, No. 49; March 15, 2005).

Although there is no vegetation on the project site that may contain nesting birds, there may be nesting birds in existing vegetation abutting the proposed project site. To protect any nesting birds, the proposed project may avoid construction during the nesting period. Alternatively, a qualified wildlife biologist (to be hired by the applicant) shall conduct a survey for nesting birds that are covered by the MBTA and/or Sections 3503 and 3503.5 of the State Fish and Game Code in the vicinity of the project site. This survey shall cover all areas that would be disturbed as a result of construction-related activities during the nesting period, and shall include a "buffer zone" (an area of potential sensitivity, beyond the bounds

[2] City of Palo Alto, *City of Palo Alto Tree Technical Manual*, June 2001. Provided on line at http://www.cityofpaloalto.org/environment/urban_canopy.asp

of the proposed project construction area) which shall be determined by the biologist based on his or her professional judgment and experience. This buffer zone may include off-site habitat.

This biological survey shall be conducted no more than 14 days prior to the commencement of construction activities. The wildlife biologist shall provide a report to the City promptly detailing the findings of the survey. No construction shall be conducted until this report has been provided to the City and the City has authorized in writing the commencement of construction activities in accord with the biologist's findings.

E. CULTURAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?	1,2-MapL-7				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	1,2-MapL8			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1,2-MapL8			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?	1,2-MapL8				X
e) Adversely affect a historic resource listed or eligible for listing on the National and/or California Register, or listed on the City's Historic Inventory?	1,2-MapL7				X
f) Eliminate important examples of major periods of California history or prehistory?	1				X

DISCUSSION:

The Comprehensive Plan indicates that the site is in a moderate archaeological resource sensitivity zone. Most of the City area east of Interstate 280 is designated in this zone. Although existing and historic development has altered the native landscape, the potential exists that now-buried Native American sites could be uncovered in future planning area construction.

The project would entail excavation of one level of parking to a depth of 15 to 22 feet below grade. The project site is to be developed with underground parking. If archaeological materials are discovered the applicant would be required to perform additional testing and produce an Archaeological Monitoring and Data recovery Plan (AMDRP) to be approved prior to the start of construction. The City's standard conditions of approval will address this potentiality.

Mitigation Measures:

None

F. GEOLOGY, SOILS AND SEISMICITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	See below				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	2-MapN-5, 5			X	
ii) Strong seismic ground shaking?	2-MapN-10, 5,9			X	
iii) Seismic-related ground failure, including liquefaction?	2-MapN-5, 5,9			X	
iv) Landslides?	2-MapN-5, 5,9				X
b) Result in substantial soil erosion or the loss of topsoil?	1, 2,5,9				X
c) Result in substantial siltation?	1,2,5,9			X	
d) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	2-MapN-5, 5,9			X	
e) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	2-MapN-5, 5,9			X	
f) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	1,5,9				X
g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?	1,4,5,9				X

DISCUSSION:

The entire state of California is in a seismically active area. According to the Palo Alto Comprehensive Plan the project site is not in an area that is subject to very strong ground shaking in the event of an earthquake or in an area subject to expansive soils, surface rupture, liquefaction, or earthquake induced landslides. Based on the engineering analysis in the Geotechnical Investigation prepared by Cornerstone Earth Group the site is not located within a State-designated Seismic Hazard Zone for Liquefaction and CGS (2006) or a Santa Clara County Liquefaction Hazard Zone (SCC, 2012). The liquefaction potential at the site is characterized as "moderate" by CGS (2006) based on the mapped geology and historic highest ground water level. The soils encountered by the borings were generally very stiff fine-grained soils with interbedded zones of medium dense to dense sands. The granular layers encountered are considered to be non-liquefiable. The report, states the potential for liquefaction to impact site development is considered low.

According to Cornerstone Earth Group, ground water was encountered in their borings of 15 to 17 feet. Measurements were taken during drilling and immediately following drilling and may not the stabilized ground water levels. The California Geotechnical Survey (2006) maps high ground water level at approximately 17 to 18 feet in the vicinity of the site. Fluctuations in ground water levels occur due to many factors including seasonal fluctuation, underground drainage patterns, regional fluctuations, and other factors.

The site is not located within a State-designated Alquist Priolo Earthquake Fault Zone or a Santa Clara Fault Rupture Hazard Zone. No known surface expression of fault traces is thought to cross the site; therefore, no fault rupture would occur on-site.

Moderate to severe earthquakes can cause strong ground shaking, which is the case for most sites in the Bay Area. Development of the proposed project would be required to conform to all requirements in the Uniform Building Code, which includes provisions to ensure that the design and construction of all buildings includes provisions to resist damage from earthquakes to the extent feasible and acceptable.

Lateral spreading is horizontal ground movement of relatively flat-lying soil deposits towards a free face such as an excavation, channel or open body of water. Typically lateral spreading is associated with liquefaction of one or more subsurface layers near the bottom of the exposed slope. Due to the lack of free face and the absence of potentially-liquefiable soils, the potential of lateral spreading to affect the site is low.

Based on Cornerstone Earth Group, the project is feasible provided the concerns listed below are addressed in the project design. A design level geotechnical investigation should be performed once the site development plans are prepared indicating where proposed structures are planned. The design level investigation findings will be used to confirm the preliminary recommendations and develop detailed recommendations for design and construction.

- Basement Wall and Slab Design.
- Highly Expansive Soils
- Excavation Shoring
- Groundwater and Excavation Stability
- Differential movement at on-grade to on-structure treatments

Substantial or permanent changes to the site topography are not expected. Standard conditions of approval require submittal of a final grading and drainage plan for the project for approval by the Public Works Department prior to the issuance of a building permit. The application of standard grading, drainage, and erosion control measures as a part of the approved grading and drainage plan is expected to avoid any grading-related impacts.

Mitigation Measures F-1: All earthwork and site drainage, including foundation and basement excavations, retaining wall backfill, preparation of the subgrade beneath hardscape, placement and compaction of engineered fill, and surface drainage should be performed in accordance with the Geotechnical Report prepared by Cornerstone Earth Group dated May 2, 2013.

Mitigation Measures F-2: The design of all buildings shall be designed in accordance with current earthquake resistant standards, including the 2007 CBC guidelines and design recommendations regarding the potential for localized liquefaction presented in the Geotechnical Investigation provided by Cornerstone Earth Group.

Mitigation Measure F-3: Prior to building permit approval, the applicant shall submit a well-designed shoring system for the basement excavation to be designed by a licensed engineer subject to review and approval by Public Works Department.

Mitigation Measure F-4: The basement walls be designed for hydrostatic pressure (an additional 40pcf of fluid pressure) and waterproofed.

Mitigation Measure F-5: The garage/basement slab should be designed for an uplift pressure of 250 pounds per square foot, which is equivalent to approximately 4 feet of hydraulic lift. At a minimum a vapor retarder should be placed below the slab mat foundation. Due to the proximity of the slab to the ground water table, a waterproofing membrane should be in place.

G. HAZARDS AND HAZARDOUS MATERIALS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?	1, 5,11			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	1, 5,11		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	1, 5,11				X
d) Construct a school on a property that is subject to hazards from hazardous materials	1,5,11		X		

	contamination, emissions or accidental release?					
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	1, 2-MapN-9, 5				X
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	1, 2				X
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working the project area?	1, 2				X
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1,2-MapN-7				X
h)	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	2-MapN-7				X
i)	Create a significant hazard to the public or the environment from existing hazardous materials contamination by exposing future occupants or users of the site to contamination in excess of soil and ground water cleanup goals developed for the site?	1, 5,11,16				X

DISCUSSION:

The proposed project would not involve the handling, transportation, use, disposal, or emission of hazardous materials. The project is not expected to pose airport-related safety hazards. The proposed project would not interfere with either emergency response or evacuation. The project site is not located in a designated fire hazard area. The new construction and site design shall be required to comply with the City's building permit approval standards and fire equipment and fire protection coverage standards as conditions of project approval prior to the issuance of a building permit.

The Phase I Environmental analysis conducted by Cornerstone Earth Group has identified the site as having been impacted by Volatile Organic Compounds (VOCs), predominately TCE from offsite sources. The groundwater contamination is referred to the California-Olive-Emerson plume (COE) based on the city streets that bound it. The COE Study Area has a long (since 1981) of investigation and remediation by the responsible parties (HP and Varian). Both HP and Varian agreed to accept financial responsibility to investigate and remediate the plume, and the Water Board is providing regulatory oversight of the monitoring and cleanup action.

During the course of this assessment, Cornerstone Earth Group identified several potential environmental concerns with the development of the site: 1) the site is located within the COE Study Area. Groundwater beneath the COE area has been impacted by various VOCs; 2) there is potential that

soil adjacent to the on-site structure could be impacted by pesticides resulting from termite control activities and/or lead resulting from weathering of surfaces painted with leas containing paint.

Based on information during the Phase I ESA, a Phase II was performed to collect soil samples. The majority of the site will be lowered by 12 to 13 feet to accommodate construction of the proposed below grade ground garage. Cornerstone Earth Group recommends that the pesticide and lead impacted soil present near the on-site structures be over-excavated and appropriately disposed of at a licensed facility. They also recommend a Soil Management Plan (SMP) for garage activities to establish appropriate management practices for handing impacted soil. The SMP should include the following components:

- A Health and Safety Plan (HASP)
- Site control procedures to control the flow of personnel, vehicles and materials in and out of the site.
- Measures to minimize dust generation, storm water runoff and tracking of soil off-site as well as to reduce the potential for the creation of preferential pathways (vertical or horizontal) for chemicals of potential concern detected in ground water beneath the site.
- Procedures for pre-excavation characterization of the soil to be excavated during construction of the proposed below grade parking garage.
- Protocols to be implanted if buried structures, wells, debris, or unidentified areas of impacted soil.

Mitigation Measures H-1: Because the site is documented to be contaminated by VOCs, primarily trichloroethene (TCE) a Health and Safety Plan (HASP) and a Site Mitigation Plan (SMP), shall be prepared prior to construction, and adhered to during construction and excavation activities. The SMP will provide recommended measures to mitigate the long-term environmental or health and safety risks caused by TCEs in the soil and groundwater. All workers on site should be read and understand the HASP and SMP, and copies should be maintained on site during construction and excavation at all times.

The SMP shall be reviewed and approved by the Santa Clara County Department of Environmental Health, the San Francisco Bay Regional Water Quality Control Board or other appropriate agency addressing oversight to establish management practices for handling contaminated soil or other materials if encountered during demolition.

The details of the SMP shall include the provision of a vapor barrier (refer to H-3) and details about ventilation systems for the garages and buildings, including air exchange rates and operation schedules for the systems. The SMP will also contain contingency plans to be implemented during excavation activities if unanticipated hazardous materials are encountered.

Mitigation Measures H-2: A Remedial Risk Management Plan (RRMP) shall be developed and followed by current and future owners, tenants, and operators. The plan will include the implementation of the described remedies and engineering design.

Mitigation Measures H-3: A vapor barrier system beneath the garage slab and walls shall be installed to mitigate any issues with the potential presences of VOCs or (TCE). The membrane system should consist of a 60ml, spray applied, seamless, solvent free membrane. Specifications for the vapor barrier

included in the SMP shall document proper installation, coupon samples of the membrane (to verify its thickness) and a smoke test would also need to be performed.

Mitigation Measure H-5: A properly designed and operating and Heating, Ventilation, Air Conditioning (HVAC) system for the building and below grade parking garage. An HVAC mechanical engineer shall be consulted to evaluate design options for a building ventilation system that helps limit potential vapor intrusion concerns.

Mitigation Measure H-6: A passive sub-slab depressurization system shall be designed for the project. The system inhibits soil gases from flowing into the building, reducing volatile chemical entry into the building. This design shall be reviewed by the Regional Water Quality Control Board prior to the issuance of a building permit.

H. HYDROLOGY AND WATER QUALITY

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	1,2,5				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	2-MapN2				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	1,2,5				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	1,2,5				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	1,2,5				X
f) Otherwise substantially degrade water quality?	1,2				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	1, 2-Map				X

	N-6,5				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	2-MapN6				X
i) Expose people or structures to a significant risk of loss, injury or death involve flooding, including flooding as a result of the failure of a levee or dam or being located within a 100-year flood hazard area?	2-MapN6 N8				X
j) Inundation by seiche, tsunami, or mudflow?	2-MapN6, N8				X
k) Result in stream bank instability?	1,2-MapN6,9				X

DISCUSSION:

Construction of the proposed building and related site improvements would result in an increase in the amount of impervious surface area on the site. Storm water runoff is currently conveyed from the site via curb street gutters to the paved parking areas, where it runs to the street and ultimately discharges into the San Francisco Bay. As previously referred to in the *Geology, Soils and Seismicity* section of this study the borings encountered an approximately 8 to 15 foot thick mantel of stiff to very stiff, moderately to highly plastic clay across the site.

The project site is not located in an area of groundwater recharge and will not deplete the groundwater supplies. The project site is located outside of the 100-year flood hazard area and would not impede or redirect flood flows. The project site is not in an area that is subject to seiche, tsunami or mudflow. With the City's required conditions of approval the water impacts of the project will not be significant.

Water quality standards and waste discharge requirements that are applicable to the proposed project are established in the Water Quality Control Plan for San Francisco Bay (Basin Plan) prepared by the RWQCB in compliance with the federal CWA and the State Porter-Cologne Water Quality Control Act, and the NPDES permits issued by the RWQCB in accordance with the Clean Water Act, which incorporates Basin Plan objectives. All point and non-point discharges (including urban runoff) must comply with the identified water quality objectives and the concentrations of contaminants in the discharges must be controlled, either through C.3 of the NPDES permits or waste discharge requirements. Two components of the proposed project are subject to separate NPDES requirements: construction and operation. Although the RWQCB is ultimately responsible for ensuring discharges from development in the City comply with conditions in the permits, which are summarized below, the City of Palo Alto is required by the terms of its NPDES Municipal Permit to review and regulate storm water discharges from development sites. The project proposes to incorporate storm water treatment by providing bio-filtration zones including self-treating areas such as grass, turf blocks, or decomposed granite.

During demolition, grading and construction, storm water pollution could result. Standard conditions of architectural review approval would require the incorporation of Best Management Practices (BMPs) for storm water pollution prevention in all construction operations, in conformance with the Santa Clara Valley Non-Point Source Pollution Control Program, and submittal of a stormwater pollution prevention

plan (SWPPP) in conjunction with building permit plans to address potential water quality impacts. The City requires the Storm Water Pollution Prevention Plan (SWPPP) required by the NPDES Construction General Permit be reviewed by the Public Works Department prior to issuance of a grading permit. Overseeing conformance to the SWPPP is the responsibility of the Public Works Department, or a third party hired by the Public works Department, at the owner's expense, that specializes in the monitoring of activities related to water quality and water discharge requirements.

If contaminated soils were found, the soils would be managed appropriately by segregating them into separate piles in a designated area onsite and covering the piles with plastic sheeting until additional testing was completed. The stockpiles would be managed in accordance with the SWPPP and the SMP. This would reduce the potential for soils (regardless of whether contaminants are present or not) to be washed into storm drains and enter the creek. To prevent cross-contamination, construction equipment and transportation vehicles that contact exposed native soils would be decontaminated prior to leaving the site. Wash water from decontamination would be collected and managed in accordance with applicable laws and regulations and monitored by trained personnel. The stored water would be sampled for chemicals, the results of which would determine how the water should be disposed. The water used for on-site dust control would have to meet NPDES permit requirements for such use and for any subsequent discharge to the storm drain. If the water were found not to meet the permit requirements, it would either be treated on-site or removed. In either case, no discharges to the storm drain exceeding adopted standards would be permitted. This measure would reduce the potential for contaminants to be transported off-site and possibly enter runoff from roadways, and would ensure proper disposal.

Implementation of the required NPDES SWPP as monitored and enforced during construction would be compliance with storm water quality standards. City development standards and standard conditions of project approval would reduce potential negative impacts of the project to less than significant.

Mitigation Measure:

None

I. LAND USE AND PLANNING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	1,2			X	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	1,2,3,6			X	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1,2			X	
d) Substantially adversely change the type or intensity of existing or planned land use in the area?	1,2,6			X	
e) Be incompatible with adjacent land uses or with the general character of the surrounding area, including density and building height?	1,2,3,6			X	
f) Conflict with established residential, recreational, educational, religious, or scientific uses of an area?	1,2,6			X	
g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?	1,2,6				X

DISCUSSION:

Housing Concessions

Though inclusionary housing is required within projects having a certain number of housing units per the City's Comprehensive Plan policies, the zoning code and recent case law do not require rental residential projects to provide Below Market Rate (BMR) units. The applicant intends to provide 30% (three) of the residential units as BMR rental units. In doing so, per State law, three concessions or incentives for building the three BMR units may be granted. The three concessions that would be requested are lot coverage, floor area ratio (FAR) and height as noted in the table below.

Standard	Allowable	Proposed	Excess
Lot Coverage	50% (13,463 sf.)	69% (18,619 sf.)	19% (5,156 sf.)
Residential FAR	0.6:1=16,156 sf.	0.52:1= (13,996 sf.)	None
Commercial FAR	0.4:1=10,770 sf.	0.80:1 (21,541sf.)	0.4:1 (10,771 sf.)
Total FAR	1:1=26,926	1.32:1 (35,537 sf.)	0.32:1(8,611 sf.)
Height	35 feet	40 feet	5 feet

Three concessions are requested as part of this application. The first concession is to exceed the lot coverage in the CS zone district. The site is a shallow lot, 135 feet in depth by 200 feet wide, making it difficult to meet the allowable floor area and parking while also meeting the day light plane requirement in the rear of the site. The project would exceed the lot coverage by 19% or 5,156 square feet.

The second concession is to exceed the commercial FAR for the site. The CS zone allows a mixed use of building with a FAR of 0.6:1 residential and 0:4:1 commercial for a total of FAR 1.0:1. The applicant is proposing a 0.8 commercial FAR with a total FAR of 1.32:1. This is above the draft Density Bonus Ordinance, if the developer requests a concession not on the menu, additional review of the concession is required. As part of the review, the Approving Authority may request the developer to submit

financial information as documentation to support the concession request. The documentation would be used to demonstrate the concession is necessary to provide for affordable rents or sales prices.

The third concession is to exceed the maximum height limit in the CS zone district. The maximum height is 40-feet, measured at the proposed front entry/stair and elevator component of the building. Elsewhere, the height would be 38 feet above grade, where development standards reflect a maximum height of 35 feet within 150-feet of a residential zone district. The new building would serves as a transition between the 35 foot commercial building at the corner of El Camino Real and Page Mill Road and the existing 50 foot tall AOL building at 395 Page Mill. It also would provide balance to the multi-family residential buildings across the streets, which are 40 feet tall at 435 Sheridan and 50 feet tall at 345 Sheridan.

The project includes three concessions requested to provide for enhanced aesthetics and a stronger pedestrian oriented entry on Page Mill Road. Consequently, the project would have a less than significant impact with respect to land use and zoning designation. Two of the requested concessions/incentives on this project appear to be consistent with those listed in the draft Density Bonus Ordinance, but the requested FAR concession does not. The FAR concession appears to be more than double the proposed incentive in the draft ordinance relative to allowable non-residential FAR. The developer will need to submit pro-forma documentation to City Council to substantiate the need for the requested concession.

Two Design Enhancement Exceptions (DEEs) are requested as part of this application. The first DEE is to allow the stair/elevator/entry feature to exceed the maximum height limit in the CS zone district. The height of the proposed development is 40 feet, measured to the top of the entry feature, exceeding the height by 5-feet. The entry feature would not be visible from Pepper Avenue. The additional five feet would be for aesthetic purposes only. The draft Density Bonus Ordinance allows one additional foot in building height per BMR unit. The project is proposing three BMR units, allowing only 3 additional feet, or 38 feet, which the remainder of the building does meet. While the main building height is 3-feet taller, the residential daylight plane is not violated.

The second DEE is to exceed the front setback or "build-to" requirement in the CS zone district. The applicant is proposing 7-feet where 4-feet are required in the CS zone district. Santa Clara County does not allow new street trees in the public right-of-way and the City has requested a row of trees inside the front property line. Locating the building 7-feet back from the property line allows for a row of street trees outside of the right-of-way. The building would be setback 17-feet from the curb.

The Service Commercial land use designation allows for facilities providing citywide and regional services and relies on customers arriving by car. Typical uses encouraged in this district include auto services and dealerships, motels, appliance stores and restaurants. The proposed hotel development within this section of the City is consistent with the Comprehensive Plan goal to provide citywide and regional services. The proposed mixed use is an allowed use within the CS (D) Zone District. The site and design review combining district is intended to provide a process for review and approval of development in an environmentally and ecologically sensitive areas, including established community areas which may be sensitive to negative aesthetic factors, excessive noise, increased traffic or other disruptions, in order to assure that the use and development will be harmonious with other uses in the general environment.

The project site is located within the Cal-Ventura Mixed Use Area, identified in the Comprehensive Plan, a mixed use area adjacent to the California Avenue business district. It is also served by the California Avenue Multi-model Transit Station. Cal-Ventura offers opportunities for new transit-oriented development, as it includes several underutilized properties likely to redevelop in the near future. New housing in this area could provide the momentum for new pedestrian amenities and shuttle bus connections to nearby Stanford Research Park. The project is consistent with the Comprehensive Plan.

The site is not located in a "Prime Farmland", "Unique Farmland", or "Farmland of Statewide Importance" area, as shown on the maps prepared for the Farmland Mapping and Monitoring Program of the California Resources Agency. The site is not zoned for agricultural use, and is not regulated by the Williamson Act.

Mitigation Measures:

None.

J. MINERAL RESOURCES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	1,2				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	1,2				X

DISCUSSION:

The City of Palo Alto has been classified by the California Department of Conservation (DOC), Division of Mines and Geology (DMG) as a Mineral Resource Zone 1 (MRZ-1). This designation signifies that there are no aggregate resources in the area. The DMG has not classified the City for other resources. There is no indication in the 2010 Comprehensive Plan that there are locally or regionally valuable mineral resources within the City of Palo Alto.

Mitigation Measures:

None.

K. NOISE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	1,2,13			X	
b) Exposure of persons to or generation of excessive ground borne vibrations or ground borne noise levels?	1,2,13			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1,2,13			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1,2,13			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, would the project expose people residing or working in the project area to excessive noise levels?	1,2				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	1,2				X
g) Cause the average 24 hour noise level (Ldn) to increase by 5.0 decibels (dB) or more in an existing residential area, even if the Ldn would remain below 60 dB?	1,2,13			X	
h) Cause the Ldn to increase by 3.0 dB or more in an existing residential area, thereby causing the Ldn in the area to exceed 60 dB?	1,2,13			X	
i) Cause an increase of 3.0 dB or more in an existing residential area where the Ldn currently exceeds 60 dB?	1,2,13			X	
j) Result in indoor noise levels for residential development to exceed an Ldn of 45 dB?	1,2,13			X	
k) Result in instantaneous noise levels of greater than 50 dB in bedrooms or 55 dB in other rooms in areas with an exterior Ldn of 60 dB or greater?	1,2,13			X	X
l) Generate construction noise exceeding the daytime background Leq at sensitive receptors by 10 dBA or more?	1,2,5,13				X

DISCUSSION:

The current L_{dn} for the residential buildings to the south is 55 dB at the property line. Based on acoustical measurements performed Mei Wu Acoustics this project will increase the day-night level to 57dB. This is a 2dB increase of the day-night level at the residential property line and the level remains below the "conditionally acceptable" threshold. The project will provide a noise barrier for the areas

located directly behind the building. This effect could reduce the Page Mill Road traffic noise to the residential property by as much as 20dB; although calculations indicate that the noise level may only be marginally reduced. Noise will be blocked best when the angle to Page Mill Road is less for residences directly behind the building.

Grading and construction activities will result in temporary increases in local ambient noise levels. Typical noise sources would include mechanical equipment associated with excavation, grading and construction, which will be short term in duration. Standard approval conditions would require the project to comply with the City's Noise Ordinance (PAMC Chapter 9.10), which restricts the timing and overall noise levels associated with construction activity. Short-term construction that complies with the Noise Ordinance would result in impacts that are expected to be less than significant. Therefore, noise reducing measures would be required to comply with City's noise standards.

The Comprehensive Plan Noise Exposure Contours Map indicates a 65Ldn level along Page Mill Road in the vicinity of the project. Where the DNL exceeds 65dBA, the project must incorporate mitigation measures into the building design to reduce interior noise levels from exterior sources to DNL 45dBA or less. To meet the indoor noise level criteria, sound-rated exterior facades will be necessary for some units. Recommendations for sound rated construction will depend on the size and type of rooms, window and exterior facades, and must be determined during the design phase.

In addition to the background noise affecting the project, the project will generate noise that would increase the ambient noise levels. Equipment such as roof top air conditioning and exhaust fans as well as emergency engine generators crates noise that must comply with the City of Palo Alto Noise Ordinance. The ordinance requires that mechanical equipment noise not exceed 6dB above the local ambient at residential property lines or 8 dB at commercial property lines with a maximum daytime exception of 70 dB when measures at 25 feet.

To mitigate the potential noise impacts of the mechanical equipment it is recommended that the project incorporate mitigations measures as outlined in the Palo Alto Noise Ordinance which include equipment selection, equipment location, and equipment enclosures. The underground parking will require an exhaust system. Any noise from this system will be attenuated.

The City's standard conditions of approval will be applied to the project to ensure the construction noise and rooftop mechanical equipment noise impacts will be reduced to a level of insignificance. The project site is not located within an airport land use plan or within the vicinity of a private airstrip.

Mitigation Measures:

None

L. POPULATION AND HOUSING

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing					X

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	1,2,5,6				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	1,5,6				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	1,5,6				X
d) Create a substantial imbalance between employed residents and jobs?	1,2,6				X
e) Cumulatively exceed regional or local population projections?	1,2,6,				X

DISCUSSION:

The project would include the merger of the four separate parcels into one parcel totaling approximately 26,926 square feet. The existing residential structures on the site would be demolished to make way for ten rental residential units and approximately 21,432 s.f. of commercial space (4,000 square feet for retail uses and 17,432 square feet for office use). This mixed-use project will not impact the City's jobs-housing balance.

Population in Palo Alto's sphere of influence in 1996, according to Palo Alto Comprehensive Plan was 58,000 people. This is projected by the City's Comprehensive Plan to increase to 62,880 by 2010. By adding 7 units (10 units minus three existing units) to the housing stock, the proposed project would contribute to population growth in the area. With an average household size of 2.24 persons the proposed project would generate a population increase of approximately 16 people; however, the project is included as Housing Opportunity site in the Housing Element, and the population increase has been anticipated. This incremental increase in population generated by the proposed project would be less than significant.

Mitigation Measures:

None.

M. PUBLIC SERVICES

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of					

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	1, 2				X
Police protection?	1, 2				X
Schools?	1, 2				X
Parks?	1, 2			X	
Other public facilities?	1, 2			X	

DISCUSSION:

Fire

The site is presently served by the Palo Alto Fire Department. The proposed changes will not impact present Fire District service to the site or area. The project would, as a condition of approval, be required to comply with all Fire Department requirements for fire safety.

Police

The site is located within the jurisdiction of the Palo Alto Police Department. The proposed changes will not result in the need for additional police officers, equipment or facilities.

Schools

The Palo Alto Unified School District (PAUSD) serves the City of Palo Alto and portions of the City of Los Altos Hills. PAUSD includes 12 elementary schools (kindergarten through grade five), 3 intermediate schools (grades six through eight), and 2 high schools (grades nine through twelve). Other schools and programs in the PAUSD include a pre-school program, a self-supporting adult school, a school for the hearing impaired, the Children's Hospital School at the Lucille Packard Children's Hospital, and a summer school.[3] In 2006, PAUSD employed approximately 646 teachers, providing a ratio of one teacher for every 17.5 students.[4]

Enrollment in the PAUSD is approaching capacity. According to the City of Palo Alto's Board of Education, in the 2008-2009 school year, elementary schools have room for an additional 123 students, middle schools have room for 95 students, and high schools have room for 239 students. Therefore, PAUSD schools' classroom capacity can accommodate approximately 457 additional students. Based on the current PAUSD demographer, .24 student would result from

[3] Palo Alto Unified School District, http://pausd.org/parents/schools_sites/index.shtml, accessed December 12, 2008

[4] The staffing ratio is calculated based on 2006 student enrollment of 11,329 as reported by the Palo Alto Unified School District, Agenda, Regular Meeting, September 23, 2008

one attached multifamily unit and .69 student would result from a single family residence. The net student decrease for the project is .36 of a student (ten apartment units at .24 student/unit equals 2.4 students, minus 2.76 students from four homes at .69 student per home). Previous student generation rates (Lapkoff & Gobalet Demographic Research, Inc., Lapkoff Forecast page 20) cited different numbers that would have indicated a slight increase by .24 student (where an apartment unit had yielded 0.15 student, a stacked condominium had yielded 0.25 student, and a BMR multifamily residential unit had yielded 0.7 student). Consequently, the impact of the proposed project on schools would be less than significant.

Parks

The City of Palo Alto follows the National Recreation and Park Association (NRPA) Standards as guidelines for determining parkland needs. These standards recommend that a city of the size and density of Palo Alto should provide 2 acres of parkland for every 1,000 residents. The proposed project would generate 22 additional residents at the project site and would generate additional workers at the project site. Based on the NRPA Standards, the addition of 22 residents to the project site would generate a demand for .09 acres of parkland. Impact fees to address impacts on parks were adopted by the Palo Alto City Council in March of 2002. As a condition of approval and prior to receiving a building permit, the project applicant will be required to pay a one-time development impact fee for parks. The City's park facility fee will be used to offset impacts on park facilities as a result of this project. Therefore, the project would result in a less than significant impact.

Other Public Facilities

Impact fees to address impacts on community centers and libraries were adopted by the Palo Alto City Council in March of 2002. Prior to receiving a building permit, the project applicant will be required to pay a one-time development impact fee for community centers and libraries. The fee will be used to offset impacts on community centers and library facilities as a result of this project. Therefore, the project would result in a less than significant impact.

Mitigation Measures:

None

N. RECREATION

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	1,5,6				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	1,5,6				X

DISCUSSION:
This project is subject to payment of impact fees for parks, libraries and community facilities. The project would not have any significant impact on existing parks, nor include or require construction of recreational facilities. No mitigation is required.

There would not be a significant change to the demand of recreation services as a result of the proposed project.

Mitigation Measures:

None

O. TRANSPORTATION AND TRAFFIC

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	1, 5,12			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	1, 5,12			X	
c) Result in change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	1				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1,6, 12			X	
e) Result in inadequate emergency access?	1,2,5			X	
f) Result in inadequate parking capacity?	1,2,5, 12			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit & bicycle facilities)?	1,2,5,6, 12			X	
h) Cause a local (City of Palo Alto) intersection to deteriorate below Level of Service (LOS) D and cause an increase in the average stopped delay for the critical movements by four seconds or more and the critical volume/capacity ratio (V/C) value to increase by 0.01 or more?	1,2,5, 12			X	
i) Cause a local intersection already operating at LOS E or F to deteriorate in the average	1,2,5, 12			X	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
stopped delay for the critical movements by four seconds or more?					
j) Cause a regional intersection to deteriorate from an LOS E or better to LOS F or cause critical movement delay at such an intersection already operating at LOS F to increase by four seconds or more and the critical V/C value to increase by 0.01 or more?	1,2,5, 12			X	
k) Cause a freeway segment to operate at LOS F or contribute traffic in excess of 1% of segment capacity to a freeway segment already operating at LOS F?	1,2,5, 12			X	
l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?	1,2,5,12			X	
m) Cause queuing impacts based on a comparative analysis between the design queue length and the available queue storage capacity? Queuing impacts include, but are not limited to, spillback queues at project access locations; queues at turn lanes at intersections that block through traffic; queues at lane drops; queues at one intersection that extend back to impact other intersections, and spillback queues on ramps.	1,2,5,12			X	
n) Impede the development or function of planned pedestrian or bicycle facilities?	1,2,5,12			X	
o) Impede the operation of a transit system as a result of congestion?	1,2,5,12			X	
p) Create an operational safety hazard?	1,5,12			X	

DISCUSSION:

A Transportation Impact Analysis provided by RKH analyzed the potential impacts to the transportation system as a result of the redevelopment of the project site. The existing facilities at the project site include the four single-family residences. The existing residences would be demolished.

Three study intersections were included in the analysis:

1) El Camino Real and Page Mill Road
2) Oregon Expressway and Middlefield Road
3) El Camino Real and Olive/Palo Alto Square

The three designated study area intersections have been analyzed according to the methodologies contained in the 2000 edition of the Highway Capacity Manual.

The new mixed-use project would generate an estimated 34 new vehicle trips during the morning street peak hour and 33 new vehicle trips during the afternoon peak hour of an average weekday, but will not create a significant impact at any of the three study intersections. The project generated daily traffic volumes will not create a significant impact on the adjacent neighborhood streets.

Access/Circulation

Primary access to the site will be provided from Page Mill Road with turns restricted to right turn in and out only. Page Mill Road is posted for a 35 mph speed limit. The sight triangle must include the current parking lane on Page Mill Road. From the westerly edge pf the proposed driveway the on-parking should be prohibited for a distance of not less than 385 feet to the west of the driveway to provide the desired corner distance and not less than 165 feet from the driveway to provide a minimum corner sight distance (stopping sight distance). The street frontage of the site is only 200-feet (155-feet west of the driveway, a 20-foot driveway, and 25-feet east of the driveway). The parking along the entire street frontage of the site should be prohibited including parking to the eats of the driveway to facilitate corner sight distance for vehicles entering Page Mill Road from Ash Street.

Pedestrian and bicycle access to the site will also be provided via Page Mill Road. On-site circulation aisles are 2-way and vary in width from 23 to 26 feet, but are generally 25 feet wide with perpendicular parking on one or both sides of the aisles. The ramp down to the underground parking level is 18'-9" feet wide and is 61-feet long with 10 feet transitions to the top and bottom of the ramp. The maximum slope of the ramp is 22%. Service vehicles have access to the ground level only. Refuse enclosures are located immediately adjacent to the driveway entrance so refuse trucks can readily access and empty the refuse bins. Large delivery vans would be limited by height restrictions and difficulty turning around on the ground level. A designated commercial loading zone on Ash Street near Page Mill Road could provide parking for those delivery vehicles.

Parking Spaces

Thirty-three surface parking spaces are provided behind the retail area supplemented by 56 below grade parking spaces accessed toward the rear of the parking area. According to the Palo Alto Municipal Code, Section 18.52.040, the project is required to provide 107 parking spaces. The project proposes 89 parking spaces, 17% (18 parking spaces). The parking provided is a joint facility serving a variety of uses, the applicant will request a reduction in accordance with PAMC Section 18.52.050 Table (4). PAMC 18.52.050 allows for Director adjustments for, for joint use parking facilities where at least 10 spaces are otherwise required where the Director can require a TDM program to be submitted and approved (up to 20% reduction). The applicant is requesting a 17% reduction in the required number of stalls.

A time of day parking analysis was performed for the three land uses on-site because each of the land uses have their peak parking demands at different times of the day. As noted, the zoning code would require 107 on-site parking spaces. The analysis indicates a maximum parking accumulation of 79 parking spaces during the middle of the weekday, 28 fewer spaces than required. The parking analysis indicates the parking supply should not be set at peak demand. The parking level should be set at a level that would accommodate variations in demand and that will minimize circulation by drivers looking for a vacant space. RKH recommends that the parking supply be set at 87 spaces, with spaces above the projected peak demand but 20 spaces below the zoning code required parking supply. That is a supply of

10% more parking spaces than the peak demand is estimated to require.

Transit Service Impacts
Existing bus service is provided on Page Mill Road and El Camino Real. The project is estimated to have a less than significant impact to transit service.

Pedestrian and Bicycle Impacts
The project includes adequate bicycle parking as well as pedestrian access to and from the site. The project is estimated to have a less than significant impact to bicycle and pedestrian impacts.

The project has been reviewed by the City Fire Department and Transportation Division and does not contain design features that will substantially increase hazards or result in inadequate emergency access. The project will not result in a change to air traffic patterns.

Impact Fees
The development of the property is subject to payment of citywide traffic impact fees.

Mitigation Measures T-1: The applicant shall provide clear sight lines for drivers exiting the site. Within the corner site triangle:

- Shrubs, fencing, and signs no higher than three feet above the adjacent street surface.
- Tree branches no lower than seven feet above the adjacent street surface.
- No poles, trees and other tall object situated so that they would create a wall effect when viewed at an oblique angle.

P. UTILITIES AND SERVICE SYSTEMS

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	1,2				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1,2				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1,2				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	1,2				X
e) Result in a determination by the wastewater treatment provider which serves or may					

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	1				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	1				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1				X
h) Result in a substantial physical deterioration of a public facility due to increased use as a result of the project?	1				X

DISCUSSION:

The proposed project would not significantly increase the demand on existing utilities and service systems, or use resources in a wasteful or inefficient manner. Standard conditions of approval require the applicant to submit calculations by a registered civil engineer to show that the on-site and off site water, sewer and fire systems are capable of serving the needs of the development and adjacent properties during peak flow demands. Trash and recycling facilities are proposed in the project to accommodate the expected waste and recycling streams that would be generated by the expected uses within the building. The project is subject to all conditions of approval provided by all applicable city departments.

Mitigation Measures:

None

Q. MANDATORY FINDINGS OF SIGNIFICANCE

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	1,2-Map L4,5		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable"				X	

Issues and Supporting Information Resources Would the project:	Sources	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1,2,5				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1,5,9,11,12, 13		X		

DISCUSSION:

The project would not have an impact on fish or wildlife habitat, nor would it impact cultural or historic resources. The uses are appropriate for the site and the development would not result in an adverse visual impact. There is nothing in the nature of the proposed development and property improvements that would have a substantial adverse effect on human beings, or other life or environmental impacts once mitigation is implemented to reduce potential impacts to the users of the new mixed use project in the area of biological resources, noise, seismicity and air quality.

Global Climate Change Impacts

Global climate change is the alteration of the Earth's weather including its temperature, precipitation, and wind patterns. Global temperatures are affected by naturally occurring and anthropogenic generated atmospheric gases, such as carbon dioxide, methane, and nitrous oxide. These gases allow sunlight into the Earth's atmosphere, but prevent radiative heat from escaping into outer space, which is known as the "greenhouse" effect. The world's leading climate scientists have reached consensus that global climate change is underway and is very likely caused by humans. Twenty agencies at the international, national, state, and local levels are considering strategies to control emissions of gases that contribute to global warming. There is no comprehensive strategy that is being implemented on a global scale that addresses climate change; however, in California a multiagency "Climate Action Team", has identified a range of strategies and the Air Resources Board, under Assembly Bill (AB) 32, has been designated to adopt the main plan for reducing California's GHG emissions by January 1, 2009, and regulations and other initiatives for reducing GHG emissions by January 1, 2011. AB 32 requires achievement by 2020 of a statewide greenhouse gas emissions limit equivalent to 1990 emissions, and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions.

By 2050, the state plans to reduce emissions to 80 percent below 1990 levels. While the state of California has established programs to reduce greenhouse gas emissions, there are no established standards for gauging the significance of greenhouse gas emissions. Neither CEQA nor the CEQA Guidelines provide any methodology for analysis of greenhouse gases. Given the "global" scope of global climate change, the challenge under CEQA is for a Lead Agency to translate the issue down to the level of a CEQA document for a specific project in a way that is meaningful to the decision making process. Under CEQA, the essential questions are whether a project creates or contributes to an environmental impact or is subject to impacts from the environment in which it would occur, and what mitigation measures are available to avoid or reduce impacts.

The project would generate greenhouse gases primarily through electricity generation/use and generation of vehicle trips. Efforts to reduce the project's greenhouse gas emissions by reducing electricity demand and reducing vehicle trips and miles, therefore, should be implemented. The land use is changing from residential and to a mixed use development consisting of commercial and residential. The proposed project would conform to the City's Comprehensive Plan and other policies to reduce vehicle trips and miles traveled, and encourage automobile-alternative modes of transportation (e.g., public transit, walking, and bicycling), as described in detail in *Section O, Transportation* of this Initial Study.

Given the overwhelming scope of global climate change, it is not anticipated that a single development project would have an individually discernible effect on global climate change (e.g., that any increase in global temperature or rise in sea level could be attributed to the emissions resulting from one single development project). Rather, it is more appropriate to conclude that the greenhouse gas emissions generated by the proposed project would combine with emissions across the state, nation, and globe to cumulatively contribute to global climate change.

Declaring an impact significant or not implies some knowledge of incremental effects that is several years away, at best. To determine whether the proposed project would have a significant impact on global climate change is speculative, particularly given the fact that there are no existing numerical thresholds to determine an impact. However, in an effort to make a good faith effort at disclosing environmental impacts and to conform with the CEQA Guidelines [§16064(b)], it is the City's position that, based on the nature and size of this project, its location within an established urban area served by existing infrastructure (rather than a greenfield site) and the project's location in an area served by local and regional shuttle and transit systems, the proposed project would not impede the state's ability to reach the emission reduction limits/standards set forth by the State of California by Executive Order S-3-05 and AB 32. For these reasons, this project would not make a cumulatively considerable contribution to global climate change associated with greenhouse gas emissions.

The measures to reduce energy use have not been specifically identified. Final measures to reduce energy use and emissions would be prepared during the building permit process. The project includes components that will offset the project's potential minor incremental contribution to global climate change. These include:

- Cal Green Tier 2 compliance
- Residential Green building compliance
- Incorporate low-and zero-VOC products
- Interior design will incorporate sustainability harvested, recyclable and renewable materials
- Location in proximity of existing public transportation network
- Incorporating materials and finishes to protect indoor air quality
- Indoor water reduction
- Energy Star equipment and appliances

SOURCE REFERENCES

1. Project Planner's knowledge of the site and the proposed project

2. Palo Alto Comprehensive Plan, 1998-2010 (list specific policy and map references)
3. Palo Alto Municipal Code, Title 18 – Zoning Ordinance
4. Required compliance with the Uniform Building Code (UBC) Standards for Seismic Safety and Windload
5. Project Plans, Architectural Dimensions, received July 29, 2013
6. Project Description, Architectural Dimensions, received July 29, 2013
7. Landscape Plan Sheets A-3 and A-4 prepared by Stoecker and Northway dated July 29, 2013
8. Palo Alto Tree Technical Manual, Municipal Code Chapter 8.10.030, June 2001
9. Geotechnical Engineering Investigation, Cornerstone Earth Group, Inc., May 2, 2013
10. City of Palo Alto South El Camino Real Design Guidelines, June 2002
11. Phase I and Phase II Environmental Site Assessment, Cornerstone Earth Group, May 17, 2012 and May 24 2013,
12. Transportation Impact Analysis, RKH, October 1, 2013
13. Environmental Noise Assessment, Mei Wu Acoustics, July 26, 2013

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	**x**
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that	

earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

MNDD

Project Planner

11/07/13

Date

Director of Planning and Community Environment

Date

File#: 729 11/08/2013

Attachment I: Project Plans (ARB members only). Project plans are also available on the City?s website at <http://goo.gl/95W5lM>