On June 7, 2004, the Council of the City of Palo Alto adopted the Negative Declaration and the Site and Design Review application for construction of a two-story, single-family residence, an accessory sports building, swimming pool, landscaping and other site improvements in the Open Space Zone District, making the following findings, determination and declarations:

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

A. Lisa Victor of BAR Architects, on behalf of Yoav Shoham and Orit Atzmon, property owner, has requested the City’s approval to allow construction of a two-story, single-family residence, an accessory sports building, swimming pool, landscaping and other site improvements for a total floor area of 11,006 square feet. ("The Project").

B. The project site is a single parcel (APN 182-36-030) of approximately ten acres in the Palo Alto Foothills. The site is undeveloped, containing no structures or utilities. The site is designated on the Comprehensive Plan land use map as Open Space and is located within Open Space (OS) zoning district.

The project includes construction of a new 11,006 square foot single-family residence (including garage and basement areas) with an outdoor swimming pool and a 2,294 square foot accessory sports building. The driveways would be constructed of pervious materials including gravel and interlocking paver stones. Total impervious area (including building foot print and other hardscaped areas) would be 13,546 square feet. All utilities will be installed, including electricity, telephone, water, and sewage lines.

C. The Planning and Transportation Commission (Commission) reviewed and recommended approval of the Project on January 28, 2004. The Commission’s recommendations are contained in CMR:203:04 and the attachments to it.
SECTION 2. Environmental Review. The City as the lead agency for the Project has determined that the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA) under Guideline section 15070, Decision to Prepare a Negative or Mitigated Negative Declaration. An environmental impact assessment was prepared for the project and it was determined that, with the implementation of conditions of approval, no potentially adverse impacts would result from the development, therefore, the project would have a less than significant impact on the environment. The Negative Declaration was made available for public review beginning January 7, 2004 through January 28, 2004.

The applicant has made minor revision to the project since the January 28, 2004 review by the Commission. The revision included changes to floor area, impervious area, building orientation and the materials palette. An addendum to the Negative Declaration was prepared on June 3, 2004. This addendum included analysis of the impacts of the revisions to the environment. It was found that the revisions would not significantly change the findings as described in the original Environmental Impact Assessment.

The Environmental Impact Assessment, Negative Declaration, and Addendum are contained in CMR 203:04.

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 project is located in an area of other single-family residential home sites. Although the project introduces development to a previously undeveloped site and will be visible from the shared driveway, the project was designed to minimize the visual impact of the structures by following the natural topography of the site, by minimizing the amount of second floor areas and by designing the structures low roof profiles. The development will have minimal visual impacts on adjacent sites. Furthermore, the materials, colors and landscaping selection have been designed to blend in with the natural environment to the greatest extent possible.

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 project would maintain desirability of investment in the same and adjacent areas, in that the proposed design, size and use of the site are consistent with the existing residences on Los Trancos Road. The construction of all improvements would 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 project has been designed to minimize the impact on existing vegetation. Mitigation measures and conditions of approval have been incorporated into the project and would be implemented to mitigate impacts on biological resources, protected trees, and geotechnical stability. The use of permeable materials will help reduce rainwater flows across the land. The proposed design of the residential structure, driveway, walkways, sports building will follow existing site topography.

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

The project proposal complies with the policies of the Land Use and Community Design and the Natural Environment elements of the Comprehensive Plan, including:

Policy L-1: The Comprehensive Plan encourages the preservation of undeveloped land west of the Foothill Expressway and Junipero Serra as open space, with allowances made for very low-intensity development consistent with the open space character of the area. The project site is located southwest of the Highway 280 and east of Alpine Road, within the Open Space district. The Palo Alto Comprehensive Plan land use designation for the project site is Open Space/Controlled Development. Single-family residential uses are permitted within this district. The structures would be designed to minimize the impact on the open space by minimizing the amount of impervious surfaces, by designing low-profile buildings and by the use of materials and colors that are compatible with the environment.

Policy L-5: The Comprehensive Plan states to maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due to their size and scale. The project proposal would be compatible with other structures in the area and does not detract from the natural character of the site. Although the project would bring development to an essentially
undeveloped site, the residential structure, sports building and other proposed improvements would result in minimal impacts to neighboring properties.

Policy L-60: The Comprehensive Plan indicates the project site is located within an Archaeological Resource Area of Low Sensitivity. Palo Alto is known to contain widely dispersed prehistoric sites with shell-ridden components, including human burials and a variety of artifacts. Therefore, cessation of all grading and construction activities is required, if any archaeological or human remains are encountered. At that time, retention of a qualified archaeologist to address the find in the field, notification of the Santa Clara County Medical Examiner's office, and if native American remains are discovered, evaluation of the finds by a Native American descendent shall be required. The Native American descendent, appointed by the Native American Heritage Commission of the State of California, would provide implementation of additional mitigation measures.

Policy L-69: Preserve the scenic qualities of Palo Alto's roads and trails for motorists, cyclists, pedestrians, and equestrians. Although the project would bring development to an essentially undeveloped site, the project would not seriously impede views of the foothills to users of Los Trancos Road or Alpine Road due to the low profile.

Policy N-7: All development in the foothill portion of the Planning Area should be consistent with the City of Palo Alto Open Space development Criteria. Conformance with the Open Space Development Criteria is discussed below.

The project proposal meets the following Open Space Development Criteria and the intent of the Comprehensive Plan regarding development in designated open space areas.

1. The development should not be visually intrusive from public roadways and public parklands. As much as possible, development should be sited so it is hidden from view. The proposed construction would not be visible from Los Trancos or Alpine Roads and surrounding properties. The low roof profiles and a site plan that follows existing natural topography minimizes the impact of the development from off-site views. Natural vegetation and existing mature trees will be maintained, which will allow the new development to blend in with the immediate environment. The use of earth tone colors and natural building materials would also minimize the visual impact of the development.
2. Development should be located away from hilltops and designed to not extend above the nearest ridgeline. The footprint of the proposed residence is not located near a ridgeline or hilltop.

3. Site and structure design should take into consideration impacts on privacy and views of neighboring properties. The size and topography of the site and extensive vegetation will mitigate views of the proposed structures from adjacent properties.

4. Development should be clustered, or closely grouped, in relation to the area surrounding it to make it less conspicuous, minimize access roads, and reduce fragmentation of natural habitats. The mass of the structures is set into and along the natural contours of the site. The site improvements are generally clustered together. The width and design of the driveway would minimize grading and reduce impacts on existing trees.

5. Built forms and landscape forms should mimic the natural topography. Building lines should follow the lines of the terrain, and trees and bushes should appear natural from a distance. The building footprint and terraced landscaping and patio areas, which roughly follow the existing slope, are responsive to the natural topography. The project would maintain all but four of the existing mature trees and vegetation, thereby reducing the disturbance to the site.

6. Existing trees with a circumference of 37.5 inches, measured 4.5 feet above the ground level, should be preserved and integrated into the site design. Existing vegetation should be retained as much as possible. Tree to be removed from the site have been kept at a minimum and limited to those trees in conflict with the proposed building. The Arborist Report and construction plans have been evaluated by the City’s Planning Arborist, who has agreed to the removal of four pine trees in the area. All other trees in the vicinity of construction will be protected.

7. Cut is encouraged when it is necessary for geotechnical stability and to enable the development to blend into the natural topography. Fill is generally discouraged and should never be distributed within the driplines of existing trees. Locate development to minimize the need for grading. The cuts proposed for submersion of the driveway and parking court are encouraged, because they enable development to blend into the natural topography. Fill will not be placed in the dripline of any existing tree. The amounts of cut exported off the site would be
kept to a minimum.

8. To reduce the need for cut and fill and to reduce potential runoff, large, flat expanses of impervious surfaces should be avoided. Impervious surfaces have been minimized, limited to the building footprint, retaining walls and small areas of the patio and landscaped areas. Impervious surfaces would be below the 3.5% of the site area that is the maximum allowed.

9. Buildings should use natural materials and earthtone or subdued colors. Natural building materials in earthtones are proposed. All proposed building materials are natural, in earth tone colors that will blend with the surroundings.

10. Landscaping should be native species that require little or no irrigation. Immediately adjacent to structures, fire retardant plants should be used as a fire prevention technique. The landscape plan was designed to fit seamlessly with the existing natural areas of the site. Plant materials were selected for water conservation and low-maintenance characteristics. Special consideration was placed on the preservation of the existing oak trees and the existing grassland areas that would surround the structures.

11. Exterior lighting should be low-intensity and shielded from view so it is not directly visible from off-site. The plans submitted with the application indicate these policies would be observed. The residences would create additional light and glare, but window coverings would minimize light spill from the rooms to the outside at night. The recommended conditions of approval would require any exterior lighting to be directed down to avoid any impact upon surrounding property and open space lands.

12. Access roads should be of a rural rather than urban character. (Standard curb, gutter, and concrete sidewalk are usually inconsistent with the foothills environment). The existing Los Trancos Woods Road is developed with a rural character. No changes to this road are expected as a result of this project.

13. For development in unincorporated areas, ground coverage should be in general conformance with Palo Alto's Open Space District regulations. The project is within the City limits and meets the O-S (Open Space) District zoning regulations.

SECTION 4. SITE AND DESIGN APPROVALS GRANTED. Site and Design Approval is granted by the City Council under Palo Alto
Municipal Code Section 18.82.070 for application 03-D-06, subject to the conditions of approval in Section 6 of the Record.

SECTION 5. Plan Approval.

The plans submitted for Building Permit shall be in substantial conformance with those plans prepared by Lisa Victor of BAR Architects titled “Atzmon-Shoham Residence”, dated May 21, 2004, except as modified to incorporate the conditions of approval in Section 6. A copy of the plans is on file in the Department of Planning and Community Environment. The conditions of approval in Section 6 shall be printed on the cover sheet of the plan set submitted with the Building Permit application.

SECTION 6. Conditions of Approval.

Department of Planning and Community Environment

Planning Division

1. The plans submitted for a Building Permit shall be in substantial conformance with plans dated on May 21, 2004, except as modified to incorporate the following conditions of approval and any additional conditions placed on the project by the Planning Commission 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. The approved building materials and color scheme shall be shown on the building permit drawings for all buildings, structures, and other features.

3. Driveway Retaining Wall- Fill shall only be used to the minimum amount necessary to meet code requirements. The approximate amount of fill shall be printed on the building permit plan sets. The concrete wall shall incorporate an earthtone color (integral color or paint) to blend in with the natural environment.

4. A landscaping plan for the vineyard shall be included with the plans submitted for the building permit. The plan shall include species type, size and quantities to be planted. The irrigation plan shall be included showing any mechanical irrigation system that would be extended to this area.

5. All new windows and glass doors shall be of a glass type that minimizes reflectivity from off site views.

6. If during grading and construction activities, any archeological or human remains are encountered, construction shall
cease and a qualified archaeologist shall visit the site to address the find. The Santa Clara County Medical Examiner's office shall be notified to provide proper direction on how to proceed. If any Native American resources are encountered during construction, construction shall cease immediately until a Native American descendent, appointed by the Native American Heritage Commission of the State of California, is able to evaluate the site and make further recommendations and be involved in mitigation planning.

7. Impact Fees. Prior to issuance of a building permit, a payment of Development Impact Fees shall be made.

8. The primary exterior building color shall be revised to incorporate a darker shade of brown that would allow the buildings to better blend into the natural environment.

Building Division

9. Separate building permits shall be required for the construction of each individual building and structure.

10. A grading permit shall be required for the earthwork and site development.

11. The plans submitted with each building permit application shall be complete and shall include all necessary electrical, plumbing and mechanical drawings related to that building.

12. The official site address is 820 Los Trancos Woods Road.

13. All site utilities are to be shown on the site plans associated with the building permit applications.

Public Works

14. PWE normally does not allow grading and excavation in the hillsides during the wet season (October 1 through April 15) to prevent storm water pollution and erosion.

15. Excavation, grading, drainage, perimeter and retaining wall subdrains, etc. shall be designed per recommendations in the Geotechnical Investigation submitted with the plans.

16. Permittee must obtain a Grading & Excavation Permit from the Building Inspection Division if excavating more than 100 cubic yards or disturbing more than 10,000 square feet.
17. All truck routes shall conform with the City of Palo Alto’s Trucks and Truck Route Ordinance, Chapter 10.48, and the route map which outlines truck routes available throughout the City of Palo Alto. A handout describing these and other requirements for a construction logistics plan is available from Public Works Engineering.

18. A completed Impervious Area Calculation Worksheet must be submitted prior to issuance of a building permit for determining the property’s storm drainage fee. Sheet G.01 indicates a total site impervious area of 15,835 square feet.

19. SWPPP: This proposed development will disturb more than one acre of land. Accordingly, the applicant must apply for coverage under the State Water Resources Control Board’s (SWRCB) National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharge associated with construction activity. A Notice of Intent (NOI) must be filed for this project with the SWRCB in order to obtain coverage under the permit. The General Permit requires the applicant to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The applicant is required to submit two copies of the NOI and the draft SWPPP to the Public Works Department for review and approval prior to issuance of the building permit. The SWPPP should include both permanent, post-development project design features and temporary measures employed during construction to control storm water pollution. The permanent measures are meant to protect storm water quality and to minimize both run-off and discharges to the City storm drain system by maximizing infiltration.

20. The applicant is required to meet with Public Works Engineering (PWE) prior to final submittal to verify the basic design parameters affecting grading, drainage and surface water infiltration.

21. Master Work Schedule: Prior to issuance of a grading permit, the applicant shall submit a Master Work Schedule to PWE. The schedule must show the proposed grading schedule, and the proposed condition of the site on each July 15, August 15, September 15, October 1, and October 15 during which the permit is in effect. The Master Work Schedule shall also show the schedule for installation of all interim and permanent erosion and sediment control measures, and other project improvements. After permit issuance, updated schedules shall be provided to PWE each month that the permit is active. Sec. 16.28.160.

22. Winterization Plan: All work areas that have not been stabilized prior to onset of the Wet Season shall be graded to
drain toward settlement basins at the interior of the site. Storm runoff water from un-stabilized areas shall be directed into settlement basins and through BioWattles or other filtration devices prior to release from the site.

23. BMP’s: Within the plan set, include the City standard Best Management Practices (BMP) sheet titled “Pollution Prevention - It’s Part of The Plan” available at the City’s Development Center.

24. SWPPP/BMP Measures: The location and extent of applicable SWPPP and BMP measures should be indicated on the Grading & Drainage Plan (Sheet C-2) and/or the Erosion Control Plan (Sheet ER-1). Some of these measures are already shown on these sheets, but others need to be added, including:
   - Straw wattles (fiber rolls)
   - Geotextile mats
   - Concrete waste management
   - Preservation of existing vegetation
   - Hazardous materials storage

25. Vegetation Area: Identify the Limits of Work (LOW) on the plan. Provide a note on the plans advising that vegetated areas outside the LOW must not be disturbed. Establish clearing limits around these areas to prevent disturbance during the construction activities. Call out the BMP regarding Preservation of Existing Vegetation at these areas.

26. Erosion Control General Notes on Sheet ER-1 shall be revised as follows:
   - Second note: Erosion control materials need to be in place as of October 1.
   - Third note: Rainy season is October 1 thru April 15.
   - Seventh note: Cover bare slopes by October 1. Erosion control planting is to be completed sufficiently in advance to assure plants establishment by Oct. 1. If the planting is not established by October 1, then other SWPPP measures must be implemented to stabilize the site. No grading or utility trenching shall occur between October 1 and April 15 unless authorized by the City engineer.
   - Last note: "Projects shall avoid . . . ".

27. Indicate on Sheet ER-1 the areas that will be hydroseeded.

28. A note on Sheet ER-1 says, “Provide sedimentation
basin at each drain inlet.” It appears that these are not sedimentation basins, but simply drain inlet filters. Please describe and/or provide a detail for the “sedimentation basins”. Consider a true sedimentation and/or retention basin(s) for the site to clean and retain storm water.

29. Sheet ER-1 says to provide silt fences around exposed areas and site. Consider using wattles (fiber rolls) in lieu of or in addition to the silt fences. We believe wattles are more effective than silt fences as silt fences tend to fall over when silt builds up behind them.

30. Dewatering Plan: Building permit applicants are required to prepare and submit a basement excavation dewatering plan whenever the project soils report indicates that groundwater will be encountered during excavation. The plan should be reviewed and approved by Public Works engineering prior to the issuance of the building permit. Building permits that include a basement where groundwater is not expected to be encountered will be subject to a condition that a dewatering plan shall be submitted to Public Works Engineering for review and approval if groundwater is encountered during excavation.

Fire Department

31. A fire sprinkler system shall be provided which meets the requirements of NFPA Standard No.13 - 1996 Edition for the main house and Sports Building. The cottage may be sprinklered in accordance with NFPA Standard No.13D - 1996 Edition. Fire Sprinkler system installations require separate submittal to the Fire Prevention Bureau. (PAMC15.04.083) NOTE: Building plans will not be approved unless complete sprinkler coverage is indicated.

32. An approved underground fire supply shall be provided for the sprinkler system, and shall meet the requirements of NFPA Standard No. 24 - 1996 Edition. Fire supply system installations require separate submittal to the Fire Prevention Bureau. (PAMC15.04.083) NOTE: Fire Department approval will be withheld until Utilities Department and Public Works Department requirements have been met.

33. Additional hydrants shall be provided to make a minimum of 1 hydrant available within 500 feet of the point on the access road closest to the structure. Fire supply shall be designed to provide a combined flow from the hydrants of not less than 1,500 gallons per minute at a minimum residual pressure of 20 psig, for a period of not less than 2 hours . (98CFC903.4.2) NOTE: Delivery of building materials to the site will be prohibited until the hydrant
and an adequate water supply have been provided.

34. Tree Limbs and other vegetation shall be kept clear of the structure in accordance with Appendix II-A of the 1998 California Fire Code. **NOTE:** No tree should be planted closer than 10 feet to any point on the exterior of the building.

35. Entry Gate (if provided) shall be equipped with an Opticom receiver for Fire Department access or a Key Box shall be provided (if gate is not electrically driven). Contact the Fire Prevention Bureau at 329-2184 for details.

Utilities Department- Water, Gas & Wastewater

36. Neither wastewater nor gas services from the City of Palo Alto are available to this property. The applicant shall submit a completed water-gas-wastewater service connection application load sheet with the water load for City of Palo Alto Utilities. The applicant must provide all the information requested for utility service demands (water in g.p.m.)

37. Due to water flow and pressure limitations in this area, the maximum size water service available to this property is a 2” water service.

38. The applicant shall submit improvements 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.

39. The applicant shall show on the site plan the existence of any water well or auxiliary water supply.

40. An approved reduced pressure principle assembly (RPPA backflow preventer device) shall be installed for all existing and new water connections from Palo Alto Utilities to comply with the requirements for 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. Show the location of the RPPA on the plans. Inspection by the Utilities cross Connection Inspector is required for the supply pipe between the meter and the assembly.

Utilities Marketing

40. Prior to issuance of either a building permit or
grading permit, all common area landscaping shall be approved by the Utilities Marketing Services Division of the Utilities Department. The landscape shall conform to the Landscape Water Efficiency Standards of the City of Palo Alto. For projects with more than 1500 square feet of landscaped area, a water budget shall be assigned to the project and a dedicated irrigation water meter shall be required. Call the Landscape Plan review Specialist at (650) 329-2549 for additional information.

SECTION 7. 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 18.82.080.

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST: APPROVED:

_________________________  ____________________________
City Clerk     Director of Planning and Community Environment

APPROVED AS TO FORM:

__________________________
Senior Asst. City Attorney