On __________, 2008, the City Council approved Site and Design Review application for architectural and site plan revisions to a Council approved project, plus screening vegetation on Foothills Park land and the addition of a driveway, spa and landscaping on the adjoining vacant parcel now included on an overall 5.5 acre site in the OS 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. On November 20, 2007, Scott Design Associates, on behalf of Open Space LLC and Park Arastradero LLC, applied for a Site and Design Review application for minor modifications to the existing single family building, landscape changes and a new driveway ("The Project").

B. The Project would include the addition of a new third parcel to the previous two-parcel development for landscaping and a new driveway, minor changes to an existing single family building and landscaping changes to an existing development with two single family residences.

C. Following staff review, the Planning and Transportation Commission (Commission) reviewed and continued The Project on January 9, 2008. The Commission reviewed The Project and recommended approval on January 30, 2007. The Commission's recommendations are contained in the CMR and the attachments to it.

D. Following Commission review, the Architectural Review Board (ARB) reviewed The Project and recommended approval on February 7, 2008. The ARB's recommendations are contained in the CMR 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 (EIA) was prepared for the Project and it has been determined that no potentially adverse impacts would result from the development that cannot be mitigated, therefore, the Project would have a less than significant impact on the environment. The Mitigated Negative Declaration was available
for public review beginning January 11, 2008 through January 31, 2008. The Environmental Impact Assessment and Mitigated Negative Declaration are attached to CMR: ______


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, in that:

The proposed changes would provide a harmonious visual transition from the residential use to the public open space use surrounding the subject property. The existing buildings will be retained with approximately the same footprint. The Project has been designed so as not to impact the surrounding area. The Project is unique in its location in the foothills and the proposed plantings on the adjacent Foothills Park will replace landscaping lost in other areas of the public park and will create additional habitat.

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, in that:

The proposed architectural and site changes are compatible with the existing site and surrounding open space area, and the construction of the development will be governed by the Uniform Building Code and other applicable codes, to assure safety and high quality of development.

3. Sound principles of environmental design and ecological balance are observed in the Project, in that:

The proposed architectural and site changes are consistent with the Site and Design Criteria adopted by the City Council. Sustainable building features are incorporated in the design, including the use of nonreflective glass, the planting of primarily native species, the use of water conserving irrigation, and the use of permeable pavers. The Project will not have a significant environmental impact as indicated by the proposed Mitigated Negative Declaration for this Project.

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

Policy L-1 of the 1998-2010 Palo Alto Comprehensive Plan encourages the City to retain undeveloped land west of the Foothill Freeway 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 west of the Foothill Freeway and is located within the City's Urban Service Area (map L-2 of the Comprehensive Plan). The Palo
Alto Comprehensive Plan land use designation for the project site is Single Family Residential and one residence is permitted on each of the parcels of the project site. The proposed development's impervious coverage is less than the maximum impervious area allowed on the property. The applicant is not proposing to place a house on the third parcel. The Project is consistent with this policy.

The proposed architectural and site changes comply with the Site and Design development regulations and conform to the intent of the Open Space zone district. The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan in that the design promotes the following policies for development in the Open Space, including: Policy N-6: Through implementation of the Site and Design process and the Open Space zone district regulations, minimize impacts of any new development on views of the hillside, on the open space character, and the natural ecology of the hillside.

Policy N-7: the Project is consistent with the thirteen City of Palo Alto Open Space Development Criteria as follows:

- **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 will be visible from Vista Point in Foothill Park. The Project continues to be sited toward Alexis Drive to minimize the visual intrusion upon Foothill Park. Although there is a small addition, the footprint of the building will remain primarily the same. Significant screening vegetation is proposed along the perimeter of the site to partially screen the structures and access driveways from Vista Point in Foothill Park. The proposed trees, when mature, will provide a softening of the development, as shown on the visual study submitted with the application. Changes to exterior materials, including roof and colors, are proposed. The visual impact of the changes to the homes will be minimized by the use of natural building materials, nonreflective glass, and earth tone colors.

- **Development should be located away from hilltops and designed to not extend above the nearest ridge line.** The footprint of the home is not located on top of the knoll nor on top of the ridge. No major changes are proposed to the footprint of the building. The simple roof form continues to follow the slope of the adjacent sloping grade. The structure and landscaped outdoor areas may be seen above the ridge line from the vantage point of lower elevations. The Project also proposes significant grading to accommodate terraces, a new entry, patios, and pool area. The terracing is proposed to roughly follow the existing contours of the
site. The terracing and screening vegetation will minimize the visibility above the ridgeline.

- **Site and structure design should take into consideration impacts on privacy and views of neighboring properties.** No additional structures, other than a spa and portions of the driveway, are proposed on the newly acquired lot 9. The Project includes new landscaping on all the lots and new trees on the adjacent portion of Foothill Park to increase screening and privacy. The terraces, garden areas and swimming pool may be visible off-site. The proposed terracing and additional trees will provide screening for the revised Project from neighboring properties.

- **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 existing larger home is set into and along the natural contours of the site. The buildings are clustered together in the direction of Alexis Drive, which allows the retention of undeveloped area on the westernmost half of lot 8 and the majority of lot 9, and allows a reduction in the total driveway area. An access easement proposed across 3230 and 3208 Alexis Drive would allow a reduction in the extent of driveway paving, and the proposed driveway would be of permeable earth tone materials. The majority of the site will be landscaping.

- **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 landscape plan includes tree plantings to provide screening. The extensive plantings shall consist of native species. The revised Project proposes extensive grading to provide terraces that will roughly follow the contours of the site. The proposal also includes the installation of an iron fence, which will meet the requirements of the Municipal Code. No significant changes are proposed to the building. The use of split floor levels and below grade floor levels for the building which roughly follow the slope of the knoll and saddle ridge is responsive to the natural topography. The existing grading on the site rearranges the slopes of these natural topographic features to provide additional screening. The simple roof forms follow the natural topography, and the house steps back in the direction of the slope. The proposed plantings on Foothills Park land are designed to screen the project’s perimeter fence, while providing an appropriate natural transition between the residential property and park land.
• **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.** No healthy trees of the previously approved landscape and screening plan are to be removed from the site. Trees may be relocated on site under the supervision of the project arborist. The applicant will be required to work with City staff, including the City Arborist, to ensure that existing trees and landscaping are maintained and that new landscaping will be consistent with the existing.

• **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 do not appear to be made for geotechnical stability, but to provide for vehicle access and level outdoor recreation areas. Some grading is proposed to direct water flow away from the main structure, for a new perimeter pathway, and to provide terraces adjacent to the guest house and for a new swimming pool. The terraces have been designed to follow the existing contours. The majority of the grading occurs on the southern portion of the site. The applicant will work closely with the project arborist and City Arborist to ensure that the grading will not impact any existing trees on and off the site.

• **To reduce the need for cut and fill and to reduce potential runoff, large, flat expanses of impervious surfaces should be avoided. Impervious surfaces should be used only for retaining walls, utility enclosure areas, pool coping, and concrete steps. Semi-pervious surfaces are proposed for the terraces, driveway and poolside area. The Project utilizes gravel and porous materials for paths and other surfaces. The Project also incorporates a water collection cistern system to limit runoff from the property.**

• **Buildings should use natural materials and earth tone or subdued colors.** Natural building materials in earth tones are proposed. All proposed building materials are natural, in earth tone colors that will blend with the surroundings. The Project also includes nonreflective glass and bronze skylights.
• 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. An extensive native planting plan and high efficiency irrigation plan are proposed. The conditions of future approval will ensure the use of fire retardant plants in the final landscape design.

• Exterior lighting should be low-intensity and shielded from view so it is not directly visible from off-site. Changes to the facades will not increase light impacts. The loggias are designed to be more enclosed so that existing lighting will be buffered by the additional walls and columns. The Project will be conditioned such that landscape lights will be low intensity and directed downward to avoid any impact upon surrounding property and open space lands.

• 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 access roads are proposed to be permeable paving in an earth tone color.

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. Total proposed impervious square footage shall meet the O-S (Open Space) 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 07PLN-00362, subject to the conditions of approval in Section 5 of the Record.

SECTION 5. Conditions of Approval.

Planning Division

1. The plans submitted for Building Permit shall be in substantial conformance with plans dated December 17, 2007, except as modified to incorporate the conditions of approval from City staff and any additional conditions placed on the Project by the Planning Commission, Architectural Review Board or City Council. All 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, patios, fences, utilitarian enclosures and other landscape features.
3. Any proposed exterior lighting shall be shown on the final construction drawings and shall be subject to the review and approval of the Palo Alto Planning Division. All lighting shall be minimal and shall direct light down and shield light away from the surrounding residences and open space lands.

4. All new windows, glass doors, and skylights shall be of a non-reflective material.

5. 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.

6. All mitigation measures identified in the Mitigated Negative Declaration, including those identified by the Fire Department, shall be incorporated into project implementation. Fees associated with staff time for the review, implementation and monitoring of the mitigation monitoring program beyond the issuance of the occupancy permit shall be assessed for cost recovery for work performed by City staff.

7. No structures, impervious surfaces, outdoor activity areas or ornamental landscaped areas are allowed within the required creek setback.

8. Bordering the project, there are hillside edge trees and fence line plantings of non-native pines and Coast Redwoods along the property line fence. Of these, only trees along the fence line may be impacted. Because of this potential, a certified arborist shall assess the health, longevity and retention value of these trees for City review. There are four Pines (39-12) the arborist report identified as requiring removal due to beetle infestation. The applicant shall coordinate with the Community Services Department for the removal of these trees in conjunction with the development project.

9. The property owner shall record, in a form satisfactory to the City Attorney, a property use agreement for the third parcel requiring, prior to the sale of that parcel, removal of the spa located adjacent to the third parcel and either
reconfiguration or legal permission, such as an easement, for the portion of the driveway located on the third parcel.

10. Prior to the submittal of Building Permit application, the applicants shall submit a proposal for semi-pervious terrace areas in detailed plans showing exactly which of the semi-pervious areas will be permeable and which of the semi-pervious areas will be impervious, such that 50% of the area will be permeable. No area represented as permeable paving in project plans shall be converted to impervious paving unless an equal area of impervious paving is converted to permeable paving, subject to the approval of the Director of Planning.

11. Because of the importance of visual screening represented by the on-site and off-site trees proposed with this Project, the property owner shall ensure the survival of the tree plantings for a period of five years. The owner shall install any necessary replacement trees and monitor their survival. A certified arborist shall prepare a report at the end of five years documenting the condition of the trees and said report shall be forwarded to the Department of Planning and Community Environment. Any subsequent owner(s) shall also be obligated to replace any trees that die with trees of the same size and species stated on the approved building permit plans.

12. During construction, the site shall be kept clear of debris on a daily basis.

13. Because the applicant is proposing to relocate up to twenty-two larger specimen trees, prior to the building permit submittal, the applicant shall post a security deposit of the total value of the trees to be relocated, as referenced in the Tree Technical Manual, Section 3.26, Security Deposits.

14. Because of inherent mortality associated with the tree relocation process, a Tree Relocation and Maintenance Plan (TRMP) shall be prepared subject to City Arborist approval and a Tree Security Deposit shall be posted with the City. Prior to building permit submittal, the Tree Security Deposit for the total value of the trees to be relocated, as referenced in the Tree Technical Manual, Section 3.26, Security Deposits, shall be posted to the City Revenue Collections in a form acceptable by the City Attorney. The deposit shall be held for a period of five years following the permit for occupancy. The TRMP shall be inclusive of the following minimum information: appropriate irrigation, monitoring inspections, post relocation tree maintenance and for an annual arborist report of the condition of the
relocated trees. Condition shall report that if a tree is disfigured, leaning with supports needed, in decline with a dead top or dieback of more than 25%, the tree shall be considered a total loss and replaced in kind and size. The final annual arborist report shall serve as the basis for return of the tree security deposit.

15. Landscape and irrigation plans shall be submitted to and approved by the Planning Division. A licensed landscape architect and qualified irrigation consultant shall prepare these plans. Landscape and irrigation plans shall include:
   a. All existing trees identified to be retained.
   b. Complete plant list indicating tree and plant species, quantity, size, and locations. Drought tolerant and native plant material compatible with the open space district shall be specified. The Plant list and Procedures for Landscaping under Native Oaks, Tree Technical Manual, Appendix L, shall be consulted.
   c. Irrigation schedule and plan.
   d. Fence locations.
   e. Lighting plan with photometric data.
   f. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.
   g. Landscape plan shall include planting preparation details for trees specifying digging the soil to at least 30-inches deep, backfilled with a quality topsoil and dressing with 2-inches of wood or bark mulch on top of the root ball keeping clear of the trunk by 1-inch.
   h. Automatic irrigation shall be provided to all new trees. The tree irrigation system shall be connected to a separate valve from other shrubbery and ground cover, pursuant to the City's Landscape Water Efficiency Standards. Irrigation in the right-of-way requires a street work permit per CPA Public Works standards of a building permit.

16. The perimeter fence shall be screened from view within two years of the issuance of the Building Permit. Following the successful completion of the five (5) year planting establishment period, the temporary gate installed to provide access for the installation and maintenance of the off-site planting shall be replaced with a permanent fence designed to match the approved perimeter fence. Successful establishment will be determined by the Planning Arborist and the Community Services Director.

17. For activity related to initial work or associated maintenance regarding off-site planting on Foothills Park land adjacent to the project site, a Special Use Permit shall be applied for and obtained from the Community Services Department, pursuant to PAMC Chapter 22.04.040 prior to the issuance of an Occupancy Permit. A Special
Use Permit for the initial planting and an annual Special Use Permit for maintenance shall be applied for during the five (5) year planting establishment period and as needed thereafter, as determined necessary by the Director of the Community Services Department.

18. A Grassland & Oak Woodland Maintenance Plan shall be implemented and perpetually maintained as follows:

a. Hydroseed grasses. Re-vegetate all soil areas that are disturbed and not a part of the formal landscape areas near the buildings with a Hydroseed Mix for the Los Trancos Watershed Area approved by the City before November 30 of the year after grading occurs. A soil building forbs shall be planted to build thin soils, where appropriate. The landscape plan shall reflect the respective areas of the hydroseed grass planting.

b. The applicant shall prepare and implement a Broom and Thistle Eradication Program annually (or more frequently if determined necessary) to control invasive weeds (for assistance, contact www.acterra.com).

c. Sudden Oak Death Best Management Practices (SOD-BMP’s) shall be implemented during construction and perpetually thereafter. The SOD-BMP’s shall be provided to current and future landscape or property maintenance contractors working on the property.

19. Existing erosion on Foothills Park caused by previous activity on the subject property shall be corrected to the satisfaction of the City through methods including, but not limited, to installation of adequate drainage on the project site and erosion remediation measures. The applicant shall work with City staff to correct the erosion prior to the issuance of a grading permit. Future erosion shall be avoided through the proper installation of adequate drainage on the site.

20. In areas with slopes in excess of ten percent, the driveway surface shall be engineered to provide adequate wet traction to emergency vehicles. Prior to building permit, an engineering study of the adequacy of the material chosen shall be reviewed and approved by the Fire Department. Total impervious areas on the three-parcel site shall be limited not to exceed 3.5% of 30 acres.

21. Construction activities shall comply with Chapter 9.10 (Noise) of the PAMC (limiting construction between the hours of eight a.m. and six p.m. Monday - Friday, nine a.m. and six p.m. on Saturday, and construction activities prohibited on Sunday and Holidays) to reduce construction-related noise impacts to less than significant levels.
22. Prior to the issuance of a demolition permit to remove the existing structures on site, the applicant shall submit to Planning Staff for review and approval, a detailed deconstruction program for removal of the existing structure(s). Applicant shall consider, as part of the program, to allow the salvage company two weeks to deconstruct the buildings.

23. Landscaping material shall be maintained in a healthy, disease-free, growing condition at all times. All required planting areas shall be maintained free of weeds, debris and litter. Landscaping material shall be replaced as needed in a timely manner.

24. Vines shall be planted in irrigated planters placed adjacent to the south elevation building walls on the garden roofs (above guestrooms 1-3, bath/vanity 2 and laundry/project room). The vines shall be planted so that they grow along the second floor to provide additional screening.

25. All references to "ivy" shall be replaced with "vines" on project plans and documents.

26. 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 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.

27. All conditions of the Planning Department and of the Planning Arborist shall be addressed in the Building Permit submittal and during construction.

**Building**

28. All new construction will be required to comply with the provisions of the most current approved State of California Building Code, portions of which are directed at minimizing seismic risk and preventing loss of life and property in the event of an earthquake.

29. A lighted address sign is required and must be visible from the street.
Public Works Department

Public Works Engineering

30. If 100 cubic yards of dirt will be moved, then the Building Department will require a grading permit to be issued. Include cut and fill quantities on your grading and drainage plan.

31. The approved grading and drainage plan from the previous building permit should be updated to show the new grading and drainage.

32. 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.

Public Works Department - Water Quality Control Plant
Environmental Compliance Division

33. PAMC 16.09.115(a) Pools, Spas or Fountains: It shall be unlawful to discharge water from cooling systems, pools, spas or fountains to the storm drain system.

34. PAMC 16.09.032(15): Swimming pool discharge drains shall not be connected directly to the storm drain system or to the sewer system. When draining is necessary, a hose or other temporary system shall be directed into a sewer (not storm drain system) clean out. A sewer clean out shall be installed in a readily accessible area.

Utilities Engineering - Water, Gas & Wastewater

35. The applicant shall submit a completed water-gas-wastewater service connection application - load sheet 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.).

36. The applicant shall submit improvement plans for any new utility construction.

37. Sewer drainage piping serving fixtures located below the next upstream sewer main manhole cover shall be protected by an approved backwater valve per California Plumbing Code 710.0. The upstream sewer main manhole rim elevation shall be shown on the plans.
38. Sewage ejector pumps shall meet the following conditions:
   - The pump(s) be limited to a total 100 GPM capacity or less.
   - The sewage line changes to a 4" gravity flow line at least 20' upstream of the City clean out.
   - The tank and float is set up such that the pump run time not exceed 20 seconds each cycle.

39. The applicant shall pay the capacity fees and connection fees associated with the installation of any new utility service/s to be installed by the City of Palo Alto Utilities. The approved relocation of services, meters, hydrants, or other facilities will be performed at the cost of the person/entity requesting the relocation.

40. The applicant shall maintain the public utilities easement for facilities installed in private property.

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

42. An approved double detector check valve is required for the existing or new water connections for the fire system to comply with requirements of California administrative code, title 17, sections 7583 through 7605 inclusive. Double check detector check valves shall be installed on the owner's property adjacent to the property line. **Show the location of the double detector check assembly on the plans.** Inspection by the utilities cross connection inspector is required for the supply pipe between the City connection and the assembly.

**Fire Department**

43. The plans meet the requirement for a fire access road 20 feet in width with 13'6" vertical clearance, weight access (60,000 lbs.) and turning radius (36 ft. inside) requirements of fire truck, all-weather, reaching to within 150 feet of any point on the first floor exterior. Field verification shall be required at plan check and during grading.

44. The entry gate shall be widened to accommodate a fire truck and keyed for Fire Department access or a Key Box shall be provided. Contact Fire Prevention Bureau at (650)329-2184 for details.

45. Eaves shall meet Fire Department requirements.
SECTION 6. 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 Deputy City Attorney

PLANS AND DRAWINGS REFERENCED:

Figure 2 - Area Map
3208, 3220, 3230 Alexis Drive
with
2006 Aerial Photos
ATTACHMENT C
Background
3208, 3220 and 3230 Alexis Drive

Land Use and Subdivision
A 1978 Settlement Agreement resolved a claim of inverse condemnation, based upon the 1972 Open Space (O-S) zoning designation. The agreement involved 91 acres, a combination of 50 privately owned acres and 41 acres owned by the City of Palo Alto but not yet dedicated as parkland. The City ended up with 66 acres and the applicant ended up with 25 acres through land transfers (45 acres from the plaintiffs to the City, and 20 acres from the City to the plaintiffs.) The 25 acres were allowed clustered development (nine residential units, each entitled to the maximum impervious coverage (3.5%) allowable on a ten-acre parcel).

In 1979, the City Council approved a ten-lot subdivision (Tract 6723) comprised of nine developable lots on 25 acres and including a remainder ten-acre parcel deeded to the City. This tenth parcel, located west of lot eight, is to remain undeveloped as part of the property exchange agreed upon by the City and landowners in the agreement. There are no easements to preclude development on these lots. Development on these lots is subject to the Open Space zoning regulations and discretionary review via the City’s Site and Design review process. The lots are designated on the Comprehensive Plan land use map for Single Family Residential land use.

Site Description
The project site is a 5.5-acre site comprised of three adjacent parcels, located at the terminus of Alexis Drive in the Palo Alto foothills. Two of the three parcels are currently developed with two residences. The larger single family residence is located on a 1.57-acre parcel and is approximately 13,400 sq. ft. The guest house is located on the 1.91-acre parcel and is approximately 3,359 sq. ft. in size. The third 1.57-acre parcel was added to the development as part of this proposal to accommodate additional landscaping, a trail along the perimeter of the property, a new circular driveway and a spa. Two parcels have direct access on to Alexis Drive. One of the parcels is a flag lot with limited street frontage.

The project site is located adjacent to Foothills Park and the Arastradero Preserve. The southeast portion of the main house parcel is located within the 100-ft riparian corridor setback from Arastradero Creek. Although the shell of the main house is completed, the interior of the house was not finished. The construction of the guest house was completed. The approved landscaping plan was also only partially implemented. With no further approvals, the applicant would be allowed to complete the interiors of the main residence and install all approved landscaping on the two original lots of the project.

Project Description
The applicant is requesting approval for proposed exterior changes to the larger vacant single-family house, which includes color and material modifications and significant landscape changes. The modifications include a minor 36-sq. ft. addition to the entryway. No changes are proposed to the
guesthouse. The project includes substantial landscaping changes that will involve grading approximately 1,645 cubic yards of soil. The project will incorporate two new spas and a new larger infinity style swimming pool near the guest house. The applicant is also proposing to plant trees offsite on the adjacent southeast property that is part of Foothills Park to provide additional screening.

**Landscape Changes**
New 30-inch tall stone retaining walls are proposed to help form a new four-foot wide gravel path encircling a lawn, leading to a redesigned front yard and entry. An 18-inch stone seat wall is provided for viewing the valley below. The berm located to the northeast of the main residence is being flattened to maximize views of the valley. A new enclosed patio is proposed just off the master bedroom along the east elevation. The patio will provide additional outdoor space, including a spa, while giving the bedroom more security with ten-foot tall walls. The project includes the addition of terraces to the slope between the two buildings and grading to provide a more useable area around the new larger swimming pool and a new driveway. A series of four terraces and stone stairs lead from the main house to the guest house. The terraces will be landscaped with twenty 36-inch box specimen fruitless olive trees. The south elevation features another new planted terrace at the center of the building's south elevation. The new terrace will be elevated nine feet above the surrounding area with five-foot tall retaining walls. New redwood trees are being proposed to be planted in an existing grove and along the south and west perimeters to increase screening. The proposal includes the installation of landscape lighting including bollard lights, path lights, and pool/spa lights. No lights are proposed along the perimeter trail.

**Building Changes**
The project includes minor changes to the existing, main house; changes to materials, reduction in the amount of glazing, minor addition of 36-sq. ft., and the conversion of the lanais to more enclosed loggias. Changes to the windows include the addition of divided lights, arch shapes and exterior shutters. The loggias feature stone columns, walls and arches, creating more private outdoor areas. The original building materials include natural stone walls with slate roofs in earth-tone colors, natural wood doors, windows, columns and trellises and bronze anodized skylights. New materials will consist of imported earth-toned antique clay roof tiles, wood trellises, natural wood doors and windows with non-reflective glass, and natural stone materials (for columns and base). The loggias will incorporate the greater use of stone to frame the outdoor areas. The eave overhangs throughout the building would be reduced by 15-inches and entirely removed from the gabled features.

**Sustainability**
The Commission and ARB reviewed the Single Family GreenPoint Checklist (Build It Green) submitted by the applicants for the subject project. The project would achieve 173 points on this checklist. A home can attain GreenPoint Certification if it can meet the following requirements: 1) earn a minimum of 50 points and 2) meet the minimum points per category for Energy (30), Indoor Air Quality/Health (5), Resources (6), and Water (9).
1998-2010 Comprehensive Plan

The draft Record of Land Use Action sets forth the project's compliance with the Open Space Criteria and Comprehensive Plan Policies. Comprehensive Plan Open Space Policies N-1, N-3, N-4, and N-7 are applicable to this project. Policy L-1 of the 1998-2010 Palo Alto Comprehensive Plan encourages the City to retain undeveloped land west of the Foothill Freeway 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 west of the Foothill Freeway and is located within the City's Urban Service Area (map L-2 of the Comprehensive Plan). The Palo Alto Comprehensive Plan land use designation for the project site is Single Family Residential and one residence is permitted on each of the parcels of the project site. The proposed development's impervious coverage is less than the maximum impervious area allowed on the property. The applicant is not proposing to place a house on the third parcel. The project is consistent with this policy.

The Comprehensive Plan indicates that the project site is located within an Archaeological Resource Area of "moderate sensitivity." Palo Alto is known to contain widely dispersed prehistoric sites with shell-ridden components, including human burials and a variety of artifacts. The mitigation measure addressing this issue, identified in the Mitigated Negative Declaration, has been incorporated into the project. This measure requires cessation of grading and construction if any archeological or human remains are encountered, 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 descendant, appointed by the Native American Heritage Commission of the State of California and implementation of additional mitigation measures.
<table>
<thead>
<tr>
<th>Standard</th>
<th>Zoning Code total site</th>
<th>3220 and 3230 Alexis</th>
<th>3208 Alexis</th>
<th>Conformance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious area &amp; building coverage maximum: 45,738 square feet allowed for entire site*</td>
<td>3.50% of 10 acres, each site allowed 15,246*</td>
<td>21,185 sq.ft.</td>
<td>592 sq.ft.</td>
<td>total of 21,777 sq.ft. conforms</td>
</tr>
<tr>
<td>Size of site**</td>
<td>10 acres*</td>
<td>3.48 acres</td>
<td>1.57 acres.</td>
<td>total site 5.05 acres.</td>
</tr>
<tr>
<td>Maximum height***</td>
<td>25 feet</td>
<td>21'8&quot;</td>
<td>21' 4&quot;</td>
<td>conforms</td>
</tr>
<tr>
<td>Standard setbacks****</td>
<td>front - 30 feet side - 30 feet rear - 30 feet</td>
<td>more than 30' 30 feet more than 30' 30 feet more than 30'</td>
<td>more than 30' 30 feet more than 30'</td>
<td>conforms</td>
</tr>
<tr>
<td>Minimum parking</td>
<td>4 spaces (1 covered, 3 uncovered)</td>
<td>7 covered, 8 uncovered</td>
<td></td>
<td>Exceeds minimum</td>
</tr>
</tbody>
</table>

*Total impervious acreage based upon 10 acres. Ten acres x 43,560 sq.ft./acre x 3.5% = 15,246.

**Although the O-S District requires a minimum of 10 acres for development of a residential unit, the project site is exempt from the requirement as a result of the 1978 Settlement Agreement allowing for Tract 6723 to have nine lots on 25 acres subject to the dedication of an undeveloped ten-acre parcel to the City of Palo Alto.

***The definition of height is the vertical distance above grade (elevation of finished or existing grade, whichever is lower) to the average height of the highest gable of a pitched or hip roof.

****Through use of a tying agreement, the shared property line between the two parcels can be and has been determined to be a side property line for both parcels (as opposed to a rear property line for Lot 7 and front property line for Lot 8, the flaglot). The front property line of Lot 8 (flag lot) is contiguous with the rear property line of 3210 Alexis Drive, and the rear property line of Lot 7 is the longest line contiguous with the flag pole of Lot 8.
PLANNING & TRANSPORTATION DIVISION

STAFF REPORT

TO:     PLANNING & TRANSPORTATION COMMISSION
         ARCHITECTURAL REVIEW BOARD

FROM:   Elena Lee, Senior Planner
         DEPARTMENT: Planning and Community Environment

AGENDA DATE: January 30, 2008 (Planning and Transportation Commission)
                February 7, 2008 (Architectural Review Board)

SUBJECT: 3220, 3230, 3208 Alexis Drive [07PLN-00362]: Request for Site and Design approval of architectural and site plan revisions to a Council-approved project, including screening vegetation on Foothills Park land and the addition of a driveway, spa and screening landscaping on the adjoining vacant parcel. Environmental Assessment: An Initial Study has been completed and a Draft Mitigated Negative Declaration has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA). Zone District: Open Space (OS).

RECOMMENDATION:
Staff recommends that the Planning and Transportation Commission (PTC) recommend that the City Council adopt a Mitigated Negative Declaration and approve the application for a Site and Design Review, based on the findings in the Record of Land Use Action and draft conditions of approval.

SUMMARY OF LAND USE ACTION:
Per the City of Palo Alto Municipal Code (PAMC) Chapter 18.28.070(b), all sites in the Open Space district are subject to the Site Design and Review Combining District (PAMC Chapter 18.30). A new Site and Design Review is required because the proposal includes the addition of a vacant third parcel to the approved two parcel development and significant grading is proposed. The PTC is to recommend approval, changes or denial based on whether findings can be made, consistent with the requirements of the Site and Design Review process and the Open Space Zoning District. The Record of Land Use Action includes the findings required to be made for the Site and Design
Review, the Comprehensive Plan (Open Space Criteria) and Architectural Review.

Following this PTC hearing and the recommendation by the Commission, the project is scheduled for a hearing by the Architectural Review Board (ARB) on February 7, 2008. Staff requests that a PTC member attend the ARB hearing to summarize the PTC’s discussion. The project, along with the PTC’s and ARB’s recommendations, will then be forwarded to the City Council, along with the prepared Record of Land Use Action.

BACKGROUND:
This project was initially reviewed by the PTC on January 9, 2008. Background documents are available on the City’s website. The PTC continued the item to January 30, 2008 to allow the Mitigated Negative Declaration circulation period to begin before providing any formal recommendation, to allow public input on the environmental clearance documents, and to allow the applicant to address a few issues. In response to the PTC’s request, staff has also provided as Attachment E to this staff report, a list of standard conditions of approval available for imposition, as may be applicable, upon residential projects in the OS District.

Site Description
The project site is a 5.5-acre site comprised of three adjacent parcels, located at the terminus of Alexis Drive in the Palo Alto foothills. The applicant is requesting approval for proposed exterior changes to the larger vacant single-family house, which includes color and material modifications. The modifications include a minor 36-sq. ft. addition to the entryway. No changes are proposed to the guesthouse. The project includes substantial landscaping changes that will involve grading approximately 1,645 cubic yards of dirt. The project will incorporate two new spas and a new larger infinity style swimming pool. The applicant is also proposing to plant trees offsite on the adjacent southeast property that is part of Foothills Park to provide additional screening.

Foothills Park Access
The proposed project will have no impact on public access to Foothills Park. Access to Foothills Park is provided at three points: (1) the main gate, at 3300 Page Mill Road, and pedestrian only entry points at the shared boundary points between the park, and (2) Pearson-Arastradero Preserve and (3) Los Trancos Open Space. Please refer to the January 9, 2008 staff report for a detailed description of the site and of the proposal.

PTC Comments
The PTC was generally supportive of the project and found that the proposal was an improvement to the existing condition. The following items summarize the comments and concerns requiring follow up:

- Provide an update on applicant’s and staff’s modification of the plant list,
- Provide an update on the planting of trees in Foothills Park as coordinated with Community Services staff,
- Provide a copy of the original Tying Agreement,
- Submit additional material samples for PTC review,
• Use a darker base color for building, additional garden roof and roof overhang(s),
• Provide additional information on the Fire Department’s condition of approval regarding the protection of eaves,
• Provide information on where removed fill will be placed, and
• Propose modifications to the perimeter fence to allow animal migration.

DISCUSSION:

Plant Materials
City staff met with the applicant and landscape consultant on January 17, 2008 to discuss the modification of the plant list to incorporate more varied tree species in a greater variety of sizes to avoid an unhealthy and water intensive monoculture of trees. The goal is to achieve a more natural mixed canopy and provide a more natural transition between the development and the foothills. The applicant has agreed to replace some redwoods with oaks, which will not require as much water, and to incorporate a mixed canopy of various sizes. The Planning Arborist has reviewed the applicant’s Tree Survey and found it acceptable. The applicant will provide to staff an expanded site plan and aerial photograph showing the transition between the property and the adjoining portion of Foothills Park. These additional submittals will help the staff and applicant develop a landscape plan that will create a natural transition between the planting areas and the open space. Staff will continue to work with the applicant on finalizing a plant list that will achieve both the landscaping goals of the City and the applicant.

Foothills Park Trees
Planning staff met with Community Services staff on January 14, 2008. Based on the current plans and a previous discussion with the applicant at a meeting in early 2007, Community Services staff is supportive of the proposed planting because additional trees will create more habitat and screening for the fence, provided that the planting is done correctly and will supplement trees that have recently died. The applicant will be required to work closely with the Planning Arborist to develop a planting plan that includes a variety of species and sizes of trees that will have a greater chance to thrive and create a natural transition from the property to the park. The applicant will be required to provide all access to the planting area on park land from a temporary gate at the perimeter of the private property, to minimize potential disturbance to park land and habitat resulting from the planting. The applicant has already agreed to the Planning Arborist’s request to vary the sizes of the trees to create a more natural canopy. The applicant will be required to obtain a Special Use Permit, pursuant to PAMC Chapter 22.04, from the Community Services Department for the proposed off-site planting plan in Foothills Park.

Applicant’s Response to PTC Comments
The applicant has also provided a response to the Commission’s comments at the January 9th hearing. A copy of the response has been provided in Attachment F and summarized below:
Material Samples, Fire Department Condition of Approval for the Protection of Eaves and Tying Agreement
The applicant has agreed to provide more material samples, information on the Fire Department’s condition of approval for the protection of eaves, and the tying agreement for the original two properties at the January 30th public hearing.

Facade Changes (color, green roofs, and roof overhangs)
The applicant believes that the removal of the building overhangs, the current materials, the two existing green roofs and building color serve to break up the mass of building, reduce the reflectiveness of the existing house and successfully blend in more with the surroundings. No further changes are proposed.

Removed fill
The applicant has clarified that the fill removed from parts of the site will be placed in landscaped mounds between Alexis Drive and the house, in the new terraces and to level off a patio.

Perimeter Fence
The applicant has stated that existing animal migration does not extend onto the subject site and the proposed fence therefore will not obstruct migration. In addition, the applicant feels that the fence is important to provide safety for the homeowners and their pets. The applicant intends to paint the fence in earth tones so that it would blend in with the background. Because the fence is proposed to be placed at the perimeter of the site, the applicant is proposing to plant oak trees and other shrubs on the adjacent park property to screen the fence. Staff believes that the fence will be consistent with the OS regulations and policies because of the screening.

POLICY IMPLICATIONS:
The project would to comply with the Comprehensive Plan and applicable Zoning Ordinance regulations. Compliance with the Comprehensive Plan and the Open Space Criteria was determined by the Council for the 2000 approval of the two homes. The findings for approval of the three-parcel Site and Design application and compliance with the Open Space Criteria can be made.

ENVIRONMENTAL REVIEW:
A Draft Initial Study which reviewed the environmental issues as required by the California Environmental Quality Act (CEQA) and Intent to Adopt a Mitigated Negative Declaration was posted and circulated for public review. The 20-day public review period circulation period began January 11 and will end January 31, 2008. A copy of the environmental document is provided as Attachment D. The public review period will end at 5:00 P.M. on January 31, 2008. No public comments have been received as of the printing of this staff report. The Draft Initial Study and Mitigated Negative Declaration must be adopted prior to the Council decision on this project application.

SUMMARY:
Staff believes that the revised plans address the concerns raised by the Commission’s comments from the previous hearing. If the Commission finds these changes acceptable, staff recommends that the Planning and Transportation Commission recommend that City Council approve the
proposed Site and Design Review proposal.

**TIMELINE:**

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Received:</td>
<td>November 20, 2007</td>
</tr>
<tr>
<td>Application Deemed Complete:</td>
<td>January 4, 2008</td>
</tr>
<tr>
<td>P&amp;T Review:</td>
<td>January 9, 2008 and January 30, 2008</td>
</tr>
<tr>
<td>Scheduled ARB Review:</td>
<td>February 7, 2008</td>
</tr>
<tr>
<td>Required Action by Council:</td>
<td>Approval of Site and Design</td>
</tr>
</tbody>
</table>

**ATTACHMENTS:**

A. Draft Record of Land Use Action
B. Location Map
C. January 9, 2008 PTC staff report without attachments (The attachments are available on the City’s website, www.cityofpaloalto.org/knowzone/agendas/planning.asp.)
D. Draft Initial Study and Mitigated Negative Declaration
E. Standard Open Space District Conditions of Approval
F. Applicant’s Submittal
G. Original Tying Agreement (at places)

**COURTESY COPIES:**

Owners: Open Space LLC/Park Arasteradero LLC, c/o MyCFO, Attn: Harvey Armstrong,
Manager, P.O. Box 10195, Palo Alto, CA 94303.
Lester Hodges, Foothills Park/Community Services Department
Committee for Green Foothills, Attn: Brian Schmit

Prepared by: Elena Lee, Senior Planner

Reviewed by: Amy French, Planning Manager

Department/Division Head Approval: [Signature]

Curtis Williams, Assistant Director
Notice of Intent to Adopt a Mitigated Negative Declaration

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.) that the following project will not have a significant effect on the environment.

<table>
<thead>
<tr>
<th>File Number</th>
<th>TAZ</th>
<th>APN(s)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>07PLN-00362</td>
<td></td>
<td>184-054-016</td>
<td>1-10-08</td>
</tr>
</tbody>
</table>

Project Name
Open Space, LLC

Project Type
Site and Design Review

Owner
Open Space LLC

Applicant
Scott Design Associates

Project Location
3208, 3220, and 3230 Alexis Dr. Palo Alto, CA

Project Description
The proposal is for the Site and Design approval of architectural and site plan revisions to Council-approved a two single-family residences project in the Palo Alto foothills, including the addition of a third adjacent parcel to accommodate the addition of a driveway, spa and landscaping.

Purpose of Notice
Notice is hereby given that a Draft Mitigated Negative Declaration has been prepared by the Palo Alto Department of Planning and Community Environment for the project listed above. In accordance with A.B. 866, this document will be available for review and comment during a minimum 20-day inspection period.


Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before the hearing date. Such comments should be based on specific environmental concerns. Written comments should be addressed to the City of Palo Alto. Oral comments may be made at the hearing. A file containing additional information on this project may be reviewed at the Planning Office under the file number appearing at the top of this form. For additional information regarding this project and the Mitigated Negative Declaration, please contact Elena Lee at (650) 617-3196

The Mitigated Negative Declaration and Initial Study may be viewed at the following locations:
(1) Palo Alto Planning Department at 250 Hamilton Avenue, Palo Alto, CA 94301
(2) Palo Alto Development Center at 285 Hamilton Avenue, Palo Alto, CA 94301

Responsible Agencies sent a copy of this document
N/A
City of Palo Alto
Department of Planning and Community Environment California
Environmental Quality Act
MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT

Date: January 09, 2008

Application Nos.: 07PLN-00362

Address of Project: 3208, 3220, 3230 Alexis Dr.

Assessor’s Parcel Number: 184-054-016

Applicant: Ken Alsman
Scott Design Associates
1319 Howard Ave.
Burlingame, CA 94010

Owner: Open Space LLC/Park Arasteradero LLC
 c/o MyCFO, Attn: Harvey Armstrong, Manager
 P.O. Box 10195
 Palo Alto, CA 94303

Project Description and Location:

The proposal is for the Site and Design approval of architectural and site plan revisions to a Council-approved project, including the addition of a third adjacent parcel to accommodate the addition of a driveway, spa and landscaping. The property is located at the terminus of Alexis Drive in the Palo Alto foothills (3208, 3220, 3230 Alexis Drive). The applicant is requesting approval for proposed exterior changes to the larger vacant single-family house, which includes color and material modifications. The modifications include a minor 36-sq. ft. addition to the entryway. No changes are proposed to the guesthouse. The project includes substantial landscaping changes that will involve grading approximately 1,645 cubic yards of dirt. The project will incorporate two new spas and a new larger infinity style swimming pool. The applicant is also currently working with the City of Palo Alto Community Services staff to plant trees offsite on the adjacent southeast property that is part of Foothills Park to provide additional screening.

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 3208, 3220, 3230 Alexis Dr. 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.

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 for traffic impacts have been added to the project and, therefore, a MITIGATED NEGATIVE DECLARATION is hereby adopted.

The attached initial study 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.

In addition, the following mitigation measures have been incorporated into the project:

**Mitigation Measure A-1:** The project will be reviewed by the Architectural Review Board, Planning Commission and City Council to ensure that the potential aesthetic impacts will be mitigated by the project’s screening features, which include tree plantings.

**Mitigation Measure D-1:** Activity within the dripline of ordinance-regulated oak trees requires mitigation to be consistent with Policy N-7 of the Palo Alto Comprehensive Plan. An updated tree survey and separate tree preservation report (TPR) prepared by a certified arborist shall be submitted for review and acceptance by the City Arborist. For reference clarity, the tree survey shall include (list and field tag) all existing trees within the formal project area, and all trees within fifty feet of the proposed pathway encircling the site’s perimeter, including the large oaks on the knoll, oak groupings to the north and trees along the shared Foothills Park property line. The approved TPR shall be implemented in full, including mandatory inspections and monthly reporting to City Arborist. The TPR shall be based on latest plans and amended as needed to address activity or utility (lighting, irrigation, etc.) within the dripline area of any existing tree to be preserved, including up-slope grading that may affect the drainage near a preserved tree. The project shall be modified to reduce any impact to existing ordinance-regulated oaks to a less than significant level. The TPR shall be consistent with the criteria set forth in the tree preservation ordinance, PAMC 8.10.030 and the City Tree Technical Manual, Section 3.00, 4.00 and 6.30 (http://www.city.palo-alto.ca.us/trees/technical-manual.html). To avoid improvements that may be detrimental to the health of regulated trees, the TPR shall review the applicant’s landscape plan to ensure the new landscape is consistent with Tree Technical Manual, Section 5.45 and Appendix L, Landscaping under Native Oaks.

**Mitigation Measure D-2:** Nearly two dozen established specimen trees are proposed to be relocated to new areas of the site. Because of inherent mortality associated with this process, a Tree Relocation and Maintenance Plan (TRMP) shall be prepared subject to City Arborist approval and a Tree Security Deposit shall be posted with the City. Prior to building permit submittal, the Tree Security Deposit for the total value of the relocated trees, as referenced in the Tree Technical Manual, Section 3.26, Security Deposits, shall be posted to the City Revenue
Collections in a form acceptable by the City Attorney. The deposit shall be held for a period of two years following the permit for occupancy. The TRMP shall be inclusive of the following minimum information: appropriate irrigation, monitoring inspections, post relocation tree maintenance and for an annual arborist report of the condition of the relocated trees. If a tree is disfigured, leaning with supports needed, in decline with a dead top or dieback of more than 25%, the tree shall be considered a total loss and replaced in kind and size. The final annual arborist report shall serve as the basis for return of the tree security deposit.

Mitigation Measure E-1: If during grading and construction activities, any archaeological 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 descendant, 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.

Mitigation Measure G-1: All measures identified by the Fire Department to address fire hazards on this site must be incorporated into the design.
ENVIROMENTAL CHECKLIST FORM
City of Palo Alto
Department of Planning and Community Environment

PROJECT DESCRIPTION: Request for Site and Design approval of architectural and site plan revisions to a Council-approved project, including screening vegetation on Foothills Park land and the addition of a driveway, spa and screening landscaping on the adjoining vacant parcel., located at 3220, 3230, 3208 Alexis Drive. Zone District: OS

1. PROJECT TITLE

Open Space, LLC
3230 Alexis Dr.
Palo Alto, California

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

Elena Lee, Senior Planner
City of Palo Alto
650-617-3196

4. PROJECT SPONSOR’S NAME AND ADDRESS

Ken Alsman
Scott Design Associates
1319 Howard Ave.
Burlingame, CA, 94010

5. APPLICATION NUMBER

07-PLN-00362

6. PROJECT LOCATION

3208, 3220 and 3230 Alexis Dr.
Palo Alto, CA
Parcel Numbers: 182-54-016
The project site is located in the southwest section of the City of Palo Alto, in the northern part of Santa Clara County, west of U.S. Highway 101 and of State Route 82 (El Camino Real), as shown on Figure 1, Regional Map. The project site is located at the terminus of Alexis Drive in the Palo Alto Foothills. The project site, consisting of three parcels, is adjacent to Foothills Park and near Arastradero Creek. The adjoining properties to the north, south, east and west are open space parkland owned by the City, as shown on Figure 2, Vicinity Map.

7. GENERAL PLAN DESIGNATION:

The General Plan designation is Single Family Residential, per the Palo Alto 1998 - 2010 Comprehensive Plan. This land use designation allows one main dwelling unit on each lot, as well as conditional uses requiring permits such as churches and schools. Specific areas may be zoned to allow second units or duplexes where they would be compatible with neighborhood character and not create traffic and parking problems.

8. ZONING

The subject site is zoned OS (Open Space) [regulated by the Palo Alto Municipal Code (PAMC) Chapters 18.28]. The specific regulations of this chapter and the additional regulations and procedures established by other relevant chapters of the Zoning Code shall apply to the OS Open Space. The project is a permitted use in this zone district.

9. PROJECT DESCRIPTION

The proposal is for the Site and Design approval of architectural and site plan revisions to a Council-approved project, including the addition of a third adjacent parcel to accommodate the addition of a driveway, spa and landscaping. The applicant is requesting approval for proposed exterior changes to the larger vacant single-family house, which includes color and material modifications. The modifications include a minor 36-sq. ft. addition to the entryway. No changes are proposed to the guesthouse. The project includes substantial landscaping changes that will involve grading approximately 1,645 cubic yards of dirt. The project will incorporate two new spas and a new larger infinity style swimming pool. The applicant is also proposing to plant trees offsite on the adjacent southeast property that is part of Foothills Park to provide additional screening.

SURROUNDING LAND USES AND SETTING

The project site is bounded by Alexis Drive to the east and surrounded by City owned Foothills Park to the north, south and east. The closest single-family residences are located to the north along Alexis Drive.

11. OTHER PUBLIC AGENCIES

- County of Santa Clara, 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

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>1, 2, 3, 5, 8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on a public view or view corridor?</td>
<td>1, 2, 3, 5, 8</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>1, 2, 3, 5, 8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>d) Violate existing Comprehensive Plan policies regarding visual resources?</td>
<td>1, 2, 6, 12</td>
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<td></td>
<td></td>
<td>X</td>
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<tr>
<td>e) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>1, 2, 3, 5, 8</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>1, 2, 3, 5, 8</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

DISCUSSION:

The proposed project is subject to the Site and Design Review Process to ensure compliance with the City of Palo Alto Municipal Code and Comprehensive Plan policies and to allow public review. The project consists of landscaping, driveway and architectural changes, to a previously developed property. The majority of the site is already graded and developed with two single family residences and no
additional buildings are proposed. The project includes the addition of a third parcel to accommodate a portion of the new driveway, landscaping and a new spa. The third parcel is currently zoned to allow single family uses. However, the applicant is proposing to utilize the third site for a driveway and landscaping only and no other structures are proposed. The regrading of two parcels and grading of the newly acquired parcel have been designed to generally follow the natural contours of the site, avoiding unnatural flat surfaces. The existing development is visible from Vista Point in Foothills Park. The applicant is proposing to utilize primarily native species, including approximately 359 24- to 36-inch box trees, to provide substantial screening along the perimeter of the property. The proposed trail along the perimeter of the site will consist of golden colored crushed granite and stone stairs. The project includes a minor addition of approximately 36 sq. ft. and façade changes to the larger residence. The new building materials will include natural stone columns and walls, natural wood doors, wood trellises, and earth toned roof tiles. The redesigned building will reduce the amount of glazing, utilize nonreflective glass, bronze skylights and low intensity lighting to minimize light and glare impacts. With the City’s standard condition of approval, the light and glare impacts of the project will not be significant. A detailed lighting/photometric plan will be required to demonstrate that the lights will not extend beyond the site, will be directional and that the source of light will not be directly visible. The project is not located in or near any scenic highways.

Mitigation Measures:

**Mitigation Measure A-1:** The project will be reviewed by the Architectural Review Board, Planning Commission and City Council to ensure that the potential aesthetic impacts will be mitigated by the project’s screening features, which include tree plantings.

<table>
<thead>
<tr>
<th>B. AGRICULTURAL RESOURCES</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issues and Supporting Information Resources</td>
<td>Would the project:</td>
<td>1, 2, 5</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>1, 2, 5</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>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?</td>
<td>1, 2, 5</td>
<td></td>
<td></td>
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<td>X</td>
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</tbody>
</table>

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.

**Mitigation Measures:**

None

### C. AIR QUALITY

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>Would the project:</td>
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<tr>
<td>a) Conflict with or obstruct with implementation of the applicable air quality plan (1982 Bay Area Air Quality Plan &amp; 2000 Clean Air Plan)?</td>
<td>1, 2, 5</td>
<td></td>
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<td>X</td>
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<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation indicated by the following:</td>
<td>1, 2, 5</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>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$_{10}$),</td>
<td>1, 2, 5</td>
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<td>X</td>
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<tr>
<td>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)?</td>
<td>1, 2, 5</td>
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<td>X</td>
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<tr>
<td>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)?</td>
<td>1, 2, 5</td>
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<td>X</td>
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<tr>
<td>d) Expose sensitive receptors to substantial levels of toxic air contaminants?</td>
<td>1, 2, 5</td>
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<td>X</td>
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<tr>
<td>i. Probability of contracting cancer for the</td>
<td>1, 2, 5</td>
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<tr>
<td>Issues and Supporting Information Resources</td>
<td>Sources</td>
<td>Potentially Significant Issues</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
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<td>Would the project:</td>
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<td>Maximally Exposed Individual (MEI)</td>
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<td>exceeds 10 in one million</td>
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<td>ii. Ground-level concentrations of non-</td>
<td>1, 2, 5</td>
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<td>carcinogenic TACs would result in a</td>
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<td>hazard index greater than one (1) for the</td>
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<tr>
<td>MEI</td>
<td></td>
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<tr>
<td>e) Create objectionable odors affecting a</td>
<td>1, 2, 5</td>
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<td>X</td>
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<td>substantial number of people?</td>
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<td>g) Not implement all applicable construction</td>
<td>1, 2, 5</td>
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<td>X</td>
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<tr>
<td>emission control measures recommended in the</td>
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<tr>
<td>Bay Area Air Quality Management District’s</td>
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<tr>
<td>CEQA Guidelines?</td>
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</table>

**DISCUSSION:**

The subject project will not generate more vehicle trips because no additional buildings nor any substantial additions are proposed. The project site is not located in an area that contains uses or activities that are major pollutant emitters. 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:

**Construction Impacts:** The project would involve demolition, excavating, grading, and paving activities which could cause localized dust related impacts resulting in increases in particulate matter ($\text{PM}_{10}$). Dust related impacts are considered potentially significant but may be mitigated with the application of standard dust control measures. Construction equipment would also emit NO$_x$ and ROC. However, in order for emissions from construction equipment to be considered significant, the project must involve the extensive use of construction equipment over a long period of time. Based on the size of the proposed project, emissions of NO$_x$ and ROC are anticipated to be 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:

None

<table>
<thead>
<tr>
<th>D. BIOLOGICAL RESOURCES</th>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td></td>
<td>1, 2-MapN1, 5,</td>
<td></td>
<td></td>
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<td>X</td>
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<tr>
<td>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?</td>
<td></td>
<td>1,2-MapN1, 5,</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td>1, 2-MapN1, 5,</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>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)?</td>
<td></td>
<td>1, 2, 3, 5, 7, 8, 9</td>
<td></td>
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<td>X</td>
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<tr>
<td>e) Conflict with any applicable Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td></td>
<td>1,2,5, 7, 8, 9</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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DISCUSSION:

An arborist report reviewing existing trees on or adjacent to the site was submitted on January 8, 2008 for planning review. The applicant is proposing to plant approximately 363 new large specimen trees, from 24-inch and 36-inch box containers. The applicant is proposing to remove up to fourteen smaller ornamental, non-native trees. The project also includes a proposal to relocate up to twenty-two other trees, including Coast Live and Valley Oaks. The applicant is proposing to plant a variety of native shrubs and ground cover as well. Staff is continuing to work with the applicant to revise the plant materials to maximize the use and preservation of native, drought resistant species.
and to ensure the viability of existing plantings. The incorporation of the following mitigation measures will mitigate any potential impacts.

**Mitigation Measure D-1:** Activity within the dripline of ordinance-regulated oak trees requires mitigation to be consistent with Policy N-7 of the Palo Alto Comprehensive Plan. An updated tree survey and separate tree preservation report (TPR) prepared by a certified arborist shall be submitted for review and acceptance by the City Arborist. For reference clarity, the tree survey shall include (list and field tag) all existing trees within the formal project area, and all trees within fifty feet of the proposed pathway encircling the site’s perimeter, including the large oaks on the knoll, oak groupings to the north and trees along the shared Foothills Park property line. The approved TPR shall be implemented in full, including mandatory inspections and monthly reporting to City Arborist. The TPR shall be based on latest plans and amended as needed to address activity or utility (lighting, irrigation, etc.) within the dripline area of any existing tree to be preserved, including up-slope grading that may affect the drainage near a preserved tree. The project shall be modified to reduce any impact to existing ordinance-regulated oaks to a less than significant level. The TPR shall be consistent with the criteria set forth in the tree preservation ordinance, PAMC 8.10.030 and the City Tree Technical Manual, Section 3.00, 4.00 and 6.30 (http://www.city.palo-alto.ca.us/trees/technical-manual.html). To avoid improvements that may be detrimental to the health of regulated trees, the TPR shall review the applicant’s landscape plan to ensure the new landscape is consistent with Tree Technical Manual, Section 5.45 and Appendix L, Landscaping under Native Oaks.

**Mitigation Measure D-2:** Nearly two dozen established specimen trees are proposed to be relocated to new areas of the site. Because of inherent mortality associated with this process, a Tree Relocation and Maintenance Plan (TRMP) shall be prepared subject to City Arborist approval and a Tree Security Deposit shall be posted with the City. Prior to building permit submittal, the Tree Security Deposit for the total value of the relocated trees, as referenced in the Tree Technical Manual, Section 3.26, Security Deposits, shall be posted to the City Revenue Collections in a form acceptable by the City Attorney. The deposit shall be held for a period of two years following the permit for occupancy. The TRMP shall be inclusive of the following minimum information: appropriate irrigation, monitoring inspections, post relocation tree maintenance and for an annual arborist report of the condition of the relocated trees. If a tree is disfigured, leaning with supports needed, in decline with a dead top or dieback of more than 25%, the tree shall be considered a total loss and replaced in kind and size. The final annual arborist report shall serve as the basis for return of the tree security deposit.
### E. CULTURAL RESOURCES

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
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<tr>
<td>a) Directly or indirectly destroy a local cultural resource that is recognized by City Council resolution?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?</td>
<td>1, 2-MapL8</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>1, 2-MapL8</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>1, 2-MapL8</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>1, 2-MapL7</td>
<td></td>
<td></td>
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<td>X</td>
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<tr>
<td>f) Eliminate important examples of major periods of California history or prehistory?</td>
<td>1, 2</td>
<td></td>
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</table>

**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. The proposed mitigation measure will reduce this impact to a level of insignificance.

**Mitigation Measure E-1:** If during grading and construction activities, any archaeological 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 descendant, 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.

### F. GEOLOGY, SOILS AND SEISMICITY

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
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<tr>
<td>Would the project:</td>
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<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td>See below</td>
<td></td>
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</tbody>
</table>
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.

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<tbody>
<tr>
<td></td>
<td>2-MapN-5, 5</td>
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</table>

ii) Strong seismic ground shaking?

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<td></td>
<td>2-MapN-10, 5</td>
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iii) Seismic-related ground failure, including liquefaction?

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<td>2-MapN5, 5</td>
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iv) Landslides?

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<td>2-MapN5, 5</td>
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b) Result in substantial soil erosion or the loss of topsoil?

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<td>1, 2, 5</td>
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c) Result in substantial siltation?

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<td></td>
<td>1, 2, 5</td>
<td></td>
<td>X</td>
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</table>

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?

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<tr>
<td></td>
<td>2-MapN5, 5</td>
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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?

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<tr>
<td></td>
<td>2-MapN5, 5</td>
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<td>X</td>
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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?

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<tr>
<td></td>
<td>1, 5</td>
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<td>X</td>
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g) Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques?

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<td></td>
<td>1, 4, 5</td>
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<td>X</td>
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</table>

**DISCUSSION:**

The entire state of California is in a seismically active area. According to the 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.

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. The potential onsite exposure to geological hazards will therefore be less than significant. No mitigation is required.

No new structures are proposed. However, grading is proposed that will alter the topography of the site. The proposed grading will generally follow the existing contours of the site. The Department of Public Works has reviewed the previously submitted soils report submitted in January 1998 and determined that a new soils report would not be required. 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.

The project will not involve the use of septic tanks or alternative wastewater disposal systems.

**Mitigation Measures:**

None

### G. HAZARDS AND HAZARDOUS MATERIALS

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
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<tbody>
<tr>
<td>Would the project:</td>
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<tr>
<td>a) Create a significant hazard to the public or the environment through the routing transport, use, or disposal of hazardous materials?</td>
<td>1, 5</td>
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<td>X</td>
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<tr>
<td>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?</td>
<td>1, 5</td>
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<td>X</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>1, 5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Construct a school on a property that is subject to hazards from hazardous materials contamination, emissions or accidental release?</td>
<td></td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>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?</td>
<td>1, 2-MapN9, 5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>1,2-MapN7</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>urbanized areas or where residences are intermixed with wildlands?</td>
<td>2-MapN7</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>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?</td>
<td>1, 6</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION:**

The proposed project will not involve the handling, transportation, use, disposal, or emission of hazardous materials. The project site is not identified by either the California Environmental Protection Agency or the California State Water Resources Control Board as a hazardous materials site. The project is not expected to pose airport-related safety hazards. The proposed project will not interfere with either emergency response or evacuation. The project site is located in a designated fire hazard area and the proposal has been reviewed by the Fire Department. The previous project was designed to incorporate all feasible fire prevention design features for the two existing buildings.

**Mitigation Measure G-1: All measures identified by the Fire Department to address fire hazards on this site must be incorporated into the design.**

## H. HYDROLOGY AND WATER QUALITY

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources Would the project:</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>1, 2, 5</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>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)?</td>
<td>2-MapN2</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>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?</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td>1, 2, 5</td>
<td></td>
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<td>X</td>
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<tr>
<td>e) Create or contribute runoff water which would</td>
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<tr>
<td>(f) Otherwise substantially degrade water quality?</td>
<td>1,2</td>
<td>X</td>
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<tr>
<td>(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?</td>
<td>1, 2, 5</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>2-MapN6</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(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?</td>
<td>2-MapN6, N8</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(j) Inundation by seiche, tsunami, or mudflow?</td>
<td>2-MapN6, N8</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(k) Result in stream bank instability?</td>
<td>2-MapN6, N8</td>
<td>X</td>
<td></td>
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</tr>
</tbody>
</table>

**DISCUSSION:**

The project site is not located in an area of groundwater recharge, and will not deplete groundwater supplies. The project site is not located in a 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. The majority of the site will remain permeable. The project will create a de minimum contribution because the site is already developed with two buildings and the project. The new third parcel will only be minimally changed with the addition of a new driveway with permeable pavers, perimeter trail and spa. The environmental conditions will essentially be the same whether or not the project is implemented.

The standard conditions of the project approval require that a grading and drainage plan be submitted which includes drainage patterns on the site and from adjacent properties, and an erosion control plan. The contractor will be required to incorporate best management practices (BMPs) for storm water pollution prevention in all construction operations, in conformance with the Santa Clara Valley Nonpoint Source Pollution Control Program.

**Mitigation Measures:**

None

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**1. LAND USE AND PLANNING**

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
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<tr>
<td>a) Physically divide an established community?</td>
<td>1,2</td>
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<td>X</td>
</tr>
</tbody>
</table>

135 Hamilton Avenue 07PLN-00120 Page 14 Mitigated Negative Declaration
<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
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<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>1,2,3,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Substantially adversely change the type or intensity of existing or planned land use in the area?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Be incompatible with adjacent land uses or with the general character of the surrounding area, including density and building height?</td>
<td>1,2,3,5</td>
<td></td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Conflict with established residential, recreational, educational, religious, or scientific uses of an area?</td>
<td>1,2,5</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>g) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland) to non-agricultural use?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
DISCUSSION:

The proposed project is for site and architecture modification to an allowed single-family residential use, as regulated by the City of Palo Alto Municipal Code (PAMC) and Comprehensive Plan land use designations. Policy L-1 of the 1998-2010 Palo Alto Comprehensive Plan encourages the City to retain undeveloped land west of the Foothill Freeway 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 west of the Foothill Freeway and is located within the City’s Urban Service Area (map L-2 of the Comprehensive Plan). The Palo Alto Comprehensive Plan land use designation for the project site is Single Family Residential and one residence is permitted on each of the parcels of the project site. The proposed development’s impervious coverage is less than the maximum impervious area allowed on the property. The applicant is not proposing to place a house on the third parcel. The project is consistent with this policy.

The proposed architectural and site changes comply with the Site and Design development regulations and conform to the intent of the Open Space zone district. The design is consistent and compatible with applicable elements of the Palo Alto Comprehensive Plan in that the design promotes the following policies for development in the Open Space, including: Policy N-6: Through implementation of the Site and Design process and the Open Space zone district regulations (PAMC 18.28), minimize impacts of any new development on views of the hillsides, on the open space character, and the natural ecology of the hillsides.

The Comprehensive Plan Open Space Development Criteria, Policy N-7, will be used by the Planning and Transportation Commission, Architecture Review Board and City Council to evaluate the proposed project. The project is consistent with the thirteen City of Palo Alto Open Space Development Criteria as follows:

- **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 will be visible from Vista Point in Foothill Park. The project continues to be sited toward Alexis Drive to minimize the visual intrusion upon Foothill Park. Although there is a small addition, the footprint of the building will remain primarily the same. Significant screening vegetation is proposed along the perimeter of the site to partially screen the structures and access driveways from Vista Point in Foothill Park. The proposed trees, when mature, will provide a softening of the development, as shown on the visual study submitted with the application. Changes to exterior materials, including roof and colors, are proposed. The visual impact of the changes to the homes will be minimized by the use of natural building materials, nonreflective glass, and earth tone colors.

- **Development should be located away from hilltops and designed to not extend above the nearest ridge line.** The footprint of the home is not located on top of the knoll nor on top of the ridge. No major changes are proposed to the footprint of the building. The simple roof form continues to follow the slope of the adjacent sloping grade. The structure and landscaped outdoor areas may be seen above the ridge line from the vantage point of lower elevations. The project also proposes significant grading to accommodate terraces, a new entry, patios, and pool area. The
terracing is proposed to roughly follow the existing contours of the site. The terracing and screening vegetation will minimize the visibility above the ridgeline.

- **Site and structure design should take into consideration impacts on privacy and views of neighboring properties.** No additional structures, other than a spa and portions of the driveway, are proposed on the newly acquired lot 9. The project includes new landscaping on all the lots and new trees on the adjacent portion of Foothill Park to increase screening and privacy. The terraces, garden areas and swimming pool may be visible off site. The proposed terracing and additional trees will provide screening for the revised project from neighboring properties.

- **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 existing larger home is set into and along the natural contours of the site. The buildings are clustered together in the direction of Alexis Drive, which allows the retention of undeveloped area on the westernmost half of lot 8 and the majority of lot 9, and allows a reduction in the total driveway area. An access easement proposed across 3230 and 3208 Alexis Drive would allow a reduction in the extent of driveway paving, and the proposed driveway would be of permeable earth tone materials. The majority of the site will be landscaping.

- **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 landscape plan includes tree plantings to provide screening. The extensive plantings shall consist of native species. The revised project proposes extensive grading to provide terraces that will roughly follow the contours of the site. The proposal also includes the installation of an iron fence, which will meet the requirements of the Municipal Code. No significant changes are proposed to the building. The use of split floor levels and below grade floor levels for the building which roughly follow the slope of the knoll and saddle ridge is responsive to the natural topography. The existing grading on the site rearranges the slopes of these natural topographic features to provide additional screening. The simple roof forms follow the natural topography, and the house steps back in the direction of the slope.

- **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.** No healthy trees of the previously approved landscape and screening plan are to be removed from the site. Trees may be relocated on site under the supervision of the project arborist. The applicant will be required to work with City staff, including the City Arborist, to ensure that existing trees and landscaping are maintained and that new landscaping will be consistent with the existing.

- **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 do not appear to be made for geotechnical stability, but to provide for vehicle access and level outdoor recreation areas. Some grading is proposed to direct water flow away from the main structure and to provide terraces adjacent to the guest house and for a new swimming pool. The terraces have been designed to follow the existing contours. The majority
of the grading occurs on the southern portion of the site. The applicant will work closely with the project arborist and City Arborist to ensure that the grading will not impact any existing trees on and off the site.

- **To reduce the need for cut and fill and to reduce potential runoff, large, flat expanses of impervious surfaces should be avoided.** Impervious surfaces should be used only for retaining walls, utility enclosure areas, pool coping, and concrete steps. Semi-pervious surfaces are proposed for the terraces, driveway and poolside area. The project utilizes gravel and porous materials for paths and other surfaces. The project also incorporates a water collection cistern system to limit runoff from the property.

- **Buildings should use natural materials and earth tone or subdued colors.** Natural building materials in earth tones are proposed. All proposed building materials are natural, in earth tone colors that will blend with the surroundings. The project also includes nonreflective glass and bronze skylights.

- **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.** An extensive native planting plan and high efficiency irrigation plan are proposed. The conditions of future approval will ensure the use of fire retardant plants in the final landscape design.

- **Exterior lighting should be low-intensity and shielded from view so it is not directly visible from off-site.** Changes to the facades will not increase light impacts. The loggias are designed to be more enclosed so that existing lighting will be buffered by the additional walls and columns. The project will be conditioned such that landscape lights will be low intensity and directed downward to avoid any impact upon surrounding property and open space lands.

- **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 access roads are proposed to be permeable paving in an earth tone color.

- **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. Total proposed impervious square footage and development shall meet the O-S (Open Space) zoning regulations.

The project will comply with all plans for conservation of biological resources as mitigated, and would not impact farmland.

**Mitigation Measures:**

None.
J. MINERAL RESOURCES

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
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</thead>
<tbody>
<tr>
<td>Would the project:</td>
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<tr>
<td>a) Result in the loss of availability of a</td>
<td>1,2</td>
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<tr>
<td>known mineral resource that would be of</td>
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<td>value to the region and the residents of</td>
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<td>the state?</td>
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<td>b) Result in the loss of availability of a</td>
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<td>locally-important mineral resource recovery</td>
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<td>site delineated on a local general plan,</td>
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<td>specific plan or other land use plan?</td>
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</table>

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

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
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<tbody>
<tr>
<td>Would the project:</td>
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<tr>
<td>a) Exposure of persons to or generation of</td>
<td>1,2,5</td>
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<td>X</td>
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<tr>
<td>noise levels in excess of standards</td>
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<td>established in the local general plan or</td>
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<td>noise ordinance, or applicable standards of</td>
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<td>other agencies?</td>
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<tr>
<td>b) Exposure of persons to or generation of</td>
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<td>excessive ground borne vibrations or ground</td>
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<td>borne noise levels?</td>
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<tr>
<td>c) A substantial permanent increase in</td>
<td>1,2,5</td>
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<td>X</td>
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<tr>
<td>ambient noise levels in the project vicinity</td>
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<td>above levels existing without the project?</td>
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<tr>
<td>d) A substantial temporary or periodic</td>
<td>1,2,5</td>
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<tr>
<td>increase in ambient noise levels in the</td>
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<tr>
<td>project vicinity above levels existing</td>
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<tr>
<td>without the project?</td>
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<tr>
<td>e) For a project located within an airport</td>
<td>1,2</td>
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<td>X</td>
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<tr>
<td>land use plan or, where such a plan has not</td>
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<tr>
<td>been adopted, would the project expose</td>
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<tr>
<td>people residing or working in the project</td>
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<td>area to excessive noise levels?</td>
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</tr>
<tr>
<td>Issues and Supporting Information Resources Would the project:</td>
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<tr>
<td>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?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td>1,2,5</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>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?</td>
<td>1,2,5</td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>i) Cause an increase of 3.0 dB or more in an existing residential area where the Ldn currently exceeds 60 dB?</td>
<td>1,2,5</td>
<td></td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>j) Result in indoor noise levels for residential development to exceed an Ldn of 45 dB?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td>1,2,5</td>
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<td></td>
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<td>X</td>
</tr>
<tr>
<td>l) Generate construction noise exceeding the daytime background Leq at sensitive receptors by 10 dBA or more?</td>
<td>1,2,5</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
</tbody>
</table>

**DISCUSSION:**

Grading and new construction may result in temporary increases in local ambient noise levels. Typical noise sources would include mechanical equipment associated with demolition, excavation, grading and noise of construction in the building. Such noise will be short term in duration and would be mitigated by standard City conditions of approval, which limits the hours of construction and requires that the applicant comply with the requirements of the Palo Alto Noise Ordinance, Chapter 9.10 PAMC. Once completed, long-term noise associated with the revised project would not change since the use remains the same and would be within acceptable noise limits typically associated with residential uses. Therefore, no noise impacts are anticipated. The project site is not located within an airport land use plan or within the vicinity of a private airstrip. With the City’s standard conditions of approval and implementation of the Palo Alto Noise Ordinance, the project’s noise impacts will not be significant.

**Mitigation Measures:**

None
L. POPULATION AND HOUSING

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>Would the project:</td>
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<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td>1, 2, 5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>1, 5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>1, 5</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Create a substantial imbalance between employed residents and jobs?</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e) Cumulatively exceed regional or local population projections?</td>
<td>1, 2</td>
<td></td>
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<td>X</td>
</tr>
</tbody>
</table>

DISCUSSION:

The project is for architectural and site modifications to an existing two single-family residential development. No additional population or housing impacts are anticipated because no additional buildings are proposed.

Mitigation Measures:

None.

M. PUBLIC SERVICES

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
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<tr>
<td>Would the project:</td>
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<tr>
<td>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 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?</td>
<td>1, 2</td>
<td></td>
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<td></td>
<td>X</td>
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<td></td>
<td>1, 2</td>
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<td>X</td>
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<tr>
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<td>Would the project:</td>
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<td>X</td>
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<tr>
<td>Police protection?</td>
<td>1, 2</td>
<td></td>
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<td>X</td>
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<tr>
<td>Schools?</td>
<td>1, 2</td>
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<td>X</td>
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<tr>
<td>Parks?</td>
<td>1, 2</td>
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<td>X</td>
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<tr>
<td>Other public facilities?</td>
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</table>

**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**
No direct demand for school services would result from the project, as the proposal does not generate an increase in population and residents to Palo Alto.

**Parks**
No direct demand for additional parks would result from the project, as the proposal does not generate an increase in population and residents to Palo Alto.

**Other Public Facilities**
The project will not result in impacts to other governmental agencies because the project is small in size.

**Mitigation Measures:**

None

---

**N. RECREATION**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Would the project:</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the</td>
<td>1, 5</td>
<td></td>
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</tbody>
</table>
**DISCUSSION:**

The proposed project is for site and architectural modifications to a development with two existing residences. Therefore, it would not have any significant impact on existing parks, nor include or require construction of recreational facilities.

**Mitigation Measures:**

No mitigation is required.

---

**TRANSPORTATION AND TRAFFIC**

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<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
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<tbody>
<tr>
<td><strong>Would the project:</strong></td>
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<tr>
<td>a) Cause an increase in traffic which is</td>
<td>1, 5</td>
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<td>X</td>
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<tr>
<td>substantial in relation to the existing</td>
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<td>traffic load and capacity of the street</td>
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<td>system (i.e., result in a substantial</td>
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<td>increase in either the number of vehicle</td>
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<td>trips, the volume to capacity ratio on</td>
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<td>roads, or congestion at intersections)?</td>
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<tr>
<td>b) Exceed, either individually or</td>
<td>1, 5</td>
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<td>X</td>
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<tr>
<td>cumulatively, a level of service standard</td>
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<td>established by the county congestion</td>
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<td>management agency for designated roads or</td>
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<td>highways?</td>
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<tr>
<td>c) Result in change in air traffic</td>
<td>1, 5</td>
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<tr>
<td>patterns, including either an increase in</td>
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<td>traffic levels or a change in location that</td>
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<td>results in substantial safety risks?</td>
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<tr>
<td>d) Substantially increase hazards due to a</td>
<td>1, 5</td>
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<td>X</td>
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<tr>
<td>design feature (e.g., sharp curves or</td>
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<tr>
<td>dangerous intersections) or incompatible</td>
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<td>uses (e.g., farm equipment)?</td>
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<tr>
<td>e) Result in inadequate emergency access?</td>
<td>1, 2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>1, 2, 5</td>
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<td></td>
<td>X</td>
</tr>
<tr>
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</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian, transit &amp; bicycle facilities)?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>i) Cause a local intersection already operating at LOS E or F to deteriorate in the average stopped delay for the critical movements by four seconds or more?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>l) Cause any change in traffic that would increase the Traffic Infusion on Residential Environment (TIRE) index by 0.1 or more?</td>
<td>1,2,5</td>
<td></td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>n) Impede the development or function of planned pedestrian or bicycle facilities?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>o) Impede the operation of a transit system as a result of congestion?</td>
<td>1,2,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>p) Create an operational safety hazard?</td>
<td>1,5</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**DISCUSSION:**

The project is proposing only a minor 36-sq. ft. addition to a site with two single-family residences, along with landscaping and grading changes. No traffic impacts will result in the project.
Mitigation Measures: No mitigation is required.

### P. UTILITIES AND SERVICE SYSTEMS

<table>
<thead>
<tr>
<th>Issues and Supporting Information Resources</th>
<th>Sources</th>
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</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
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</tr>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>1,2</td>
<td></td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td>1,2</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>1,2</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td>1</td>
<td></td>
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<td>X</td>
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<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>1</td>
<td></td>
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<td>X</td>
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<tr>
<td>h) Result in a substantial physical deterioration of a public facility due to increased use as a result of the project?</td>
<td>1</td>
<td></td>
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<td>X</td>
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</table>

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.

Mitigation Measures:

None
Q. MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
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<tr>
<td>Would the project:</td>
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<tr>
<td>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?</td>
<td>1,2-Map L4,5</td>
<td></td>
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<td>X</td>
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<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” 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)?</td>
<td>1,2,5</td>
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<td>X</td>
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<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>1,5,</td>
<td></td>
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<td>X</td>
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</table>

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.

SOURCE REFERENCES

1. Project Planner’s knowledge of the site and the proposed project
2. Palo Alto Comprehensive Plan, 1998-2010
3. Palo Alto Municipal Code, Title 18 – Zoning Ordinance
4. Required compliance with the Uniform Building Code (UBC) Standards for Seismic Safety and Windload
6. Alquist-Priolo Earthquake Fault Zoning Map
8. Evaluation of Trees at 3230 Alexis Drive, Palo Alto, Barrie Coate & Associates, received January 8, 2008
Planning and Transportation Commission
Verbatim Minutes
January 30, 2008

EXCERPT

3220, 3230, 3208 Alexis Drive [07PLN-00362]*: Request for Site and Design approval of architectural and site plan revisions to a Council-approved project, including screening vegetation on Foothills Park land and the addition of a driveway, a larger swimming pool, spa and screening landscaping on the adjoining vacant parcel. Environmental Assessment: An Initial Study has been completed and a Draft Mitigated Negative Declaration has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA). Zone District: Open Space (OS).

Ms. Elena Lee, Senior Planner: Thank you Chair Holman and Commissioners. The project before you is a Site and Design Review application for a project on three Open Space parcels involving a change to two City Council approved single family residential parcels plus the addition of a third parcel.

Since the last public hearing on January 9 Staff has provided additional information to be considered for this project in the Staff Report. The information includes additional information on the proposed planting on the adjacent Foothills Park to provide screening landscaping, and modifications to the landscaping plan for the project as a whole, as well as the applicant’s response to Commission’s inquiries. Lester Hodges of the Community Service Department and Dave Dockter, the Planning Arborist, are both available tonight to answer questions.

The Draft Initial Study and Mitigated Negative Declaration were prepared and circulated for public review on January 11 for a 20-day circulation period ending January 31, which is tomorrow. As of this oral Staff Report Staff has not received any written comments on the Mitigated Negative Declaration or the project. This item is scheduled for ARB review on February 7 and is tentatively scheduled for a March 24 City Council hearing date.

Staff would like to bring to the Commission’s attention two sets of documents that have been distributed to you and made available to the public tonight. The first set consists of two maps that the applicant has provided to the Staff. The first shows the landscape context between the property and Foothills Park to show the landscape context for the larger area and also showing the potential transition between the subject site and Foothills Park.

Chair Holman: Could you identify where that is? It was left at our places but it is not readily apparent to me.

Ms. Lee: It would be entitled Site and Design Application Additional Aerial Maps from the Applicant.

Chair Holman: Okay.
Ms. Lee: And the second is a map provided by the applicant to show animal migration. These maps will be part of the applicant's presentation tonight. The applicant had also provided yesterday a copy of the original tying agreement that was recorded for the original two parcels. That has been made available tonight.

Staff would also like to propose one change to condition 14. Staff proposes to change the duration that the tree relocation security deposit be held by the City from two to five years. This will bring it into consistency with condition 16 requiring a five-year landscape maturity period. The applicant is supportive of this change.

Staff is also proposing an alternative to the requirement for a tying agreement, which was developed in consultation with applicant. The City Attorney can provide specific details on that agreement.

If the Commission finds the project and the Mitigated Negative Declaration acceptable Staff recommends that you recommend that Council adopt the Mitigated Negative Declaration and approve the project. Thank you.

Chair Holman: I might clarify for Commissioners that condition 14 is on page 8 of Attachment A I believe it is, about midway down. Commissioners, any clarifying questions for Staff before we go to the applicant? Commissioner Garber.

Vice-Chair Garber: I'm sorry. Just on item 14 where is the text that actually changed in that paragraph? Okay, thanks.

Chair Holman: Could you repeat that for everyone?

Ms. Lee: Sure. On condition 14 Staff is proposing to change the duration that the deposit be held from two to five years so it is consistent with condition number 16.

Chair Holman: Commissioner Keller.

Commissioner Keller: Condition 9 is applicant shall record a tying agreement about the three parcels together. When are we going to be told exactly the nature of that and how that works, and what the alternative is to a tying agreement?

Ms. Melissa Tronquet, Deputy City Attorney: I can explain that. My office had the opportunity to analyze it over the last couple of days. We determined that a full tying agreement like the one you received which tied the original two parcels together is not necessary for the third parcel. A tying agreement was necessary in the case of the first two parcels because we had a situation where there was a structure that crossed the property line. I think there was also an issue of another structure that encroached into the side setback of one of the properties. So it was necessary in that case because the structure crossed the property line to actually link the two parcels together and make sure that in the event of a sale those two parcels sold together because of that structure.
In this case, the case of the third parcel, we don’t have a situation like that. There is no structure crossing. So what we have proposed to the applicant is there is one proposed structure on the new third property, which is a Jacuzzi. It doesn’t cross the line. It is not in the setback. So what we have proposed to the applicant is just to do sort of a use agreement, which in the event of the sale of the third parcel would require the applicant to simply remove the Jacuzzi since that is really the only thing that connects the third parcel to the other two parcels.

Commissioner Keller: In terms of impervious cover is any of the lot square footage of the third parcel with the Jacuzzi on it, is any of that square footage used in order to get you enough in terms of the percentage of pervious cover? Do you understand what I am getting at? So the issue is do the first two lots themselves have enough square footage to allow the requisite amount of pervious cover or do you need the third lot’s square footage to enable that amount of pervious cover?

Ms. Lee: There is sufficient pervious and impervious coverage on the two lots for the two lots individually. So they don’t need a third lot to provide an adequate amount?

Commissioner Keller: Thank you.

Chair Holman: Any other clarifying questions? Seeing none we will go to the applicant. You will have 15 minutes. I have two cards, Ken Alsman to be followed by Dustin Moore. Welcome.

Mr. Ken Alsman, Scott Design Associates, Applicant: Thank you. I am here on behalf of the applicant. I would just like to quickly go to some of the questions that were raised if that is okay and try to talk through those. If there are particular questions as we go through I would appreciate your asking.

We have provided additional information on the color board, which is over against the wall. Basically what we are providing there is everything is sort of an earth tone and the intent is that this is as natural and as rustic as we can make it so that is compatible with the environment and it is also compatible with what exists out there today.

There was a question about additional roof garden area. That is something that we really don’t think is a feasible alternative for this building. I think some of the concerns that a roof garden would address with respect to the view from Vista Point, etc. We tried to address in a variety of other ways that include the texture of the roof. Instead of being a flat roof it is now going to be a much more textured roof. The vegetation that is going to take place around the building is also going to be another way to help obscure. We are reducing the amount of glazing on the rear of the building so that will become less reflective as well.

There was also a question about changing the color of the building. As you are aware it is a natural stone building. We have no intent of changing or re-facing that building and it certainly isn’t something that you can colorize in any particular way. However, again because of the landscaping, both the major landscaping which consists of redwoods and oak trees as well as the landscaping that will take place at the base of the building, I think very importantly the intent is
to use ivy across portions of the back of the building which will not immediately but will
eventually obscure a lot of that color. It is sort of a whitish stone at the moment but we are very
confident that the ivy and the plants in and around and on the building will do a good job of
address what I think was the concern that was raised at that point.

Dustin will talk to you if you have further questions about the fill and where it goes and how the
earth is being moved around there. Basically, the fill is being moved to an area basically
adjacent to the loop drive so that we can create a more secure feeling, obstruct the view from
Alexis Drive, and to create sort of a sense of entry as you come off of that loop drive into the
front yard area and into the main portion of the building. There are two other areas where fill
will be used as we move the dirt around. One of those, the principle one, is the sloped area.
Those of you who were able to take a look at the site there was a very steep set of stairs there
currently. Those are being replaced with a set of tiers or terraces if you will and that is going to
require some fill in there as well. Then the final area is a small area at the back of the building
sort of facing to the south which is going to create a little bit of a patio back there. So that is the
third primary area of the fill.

So this is the area in the back where there is a little patio being created and that would require a
bit of fill. This is the area where the steps will be transitioning from this upper level down to the
lower level. Then the other area for the fill is right in here. This will be mounded and will
further obscure the view from Alexis Drive into the property.

One of the things we spend a lot of time looking at was this idea of the migration and the idea of
the fence around the property. How do you handle this and how do you deal with it? What we
found in our response to it is there are already established, pretty easily identifiable trails for
wildlife. This is a creek that runs along here. If you go out there you can see how this is sort of
an established trail and you can follow the prints of the animals all the way around and they go
into this oak grove in here. This is the principle area of movement in that direction and then also
around in this way as well. As we talked about at the last meeting depending on how you define
its relationship to Alexis Drive this is sort of a peninsula and this area is public open space, as is
this area. So it is surrounded on three sides by public open space and then again over here across
Alexis is also public open space. So the migration is pretty naturally in this vicinity and in this
lower area. It is really unlikely that you would find animals migrating up the hill rather than into
these more secluded areas.

There was a question about the fence as well. This is what we are proposing. This is the
boundary of the property here. We are talking about installing an iron fence, which would be
painted in a sort of an earth tone. We have color samples here of the kinds of things we are
looking at. This would be set 16 feet back at this point, which is the requirement under the City
code and then at property line around the rest of the property.

Finally, I think the City Attorney has already briefly touched on the idea of the tying agreement.
We are very anxious to establish something that is not a tying agreement because the conditions
that were necessary that were precursors to the need for a tying agreement before having to do
with the structures and this common area and relationships and yard areas in here do not exist.
We have a lot of frontage along Alexis and what we are installing in this area is relatively minor
and can be handled through an easement for landscaping and access. I will be glad to answer any questions you might have. I recommend though that Dustin go over some of things that he has worked on over the last several weeks dealing with the landscaping and the questions related to that.

Chair Holman: Thank you. Dustin.

Mr. Dustin Moore, Landscape Architect, Applicant: I have a few items to expand upon. First of all we did some studies with the fences and worked with different materials and whether to break it up with stone and iron or working with different materials like Mr. Lippert had asked us to do. In all cases it always seemed to be a lot more massive and it seemed to be too much weight. So what we are proposing to do is do something in kind of an earth tone to match especially where the grasses are in gold, to match that tone and then to have small jogs and then just plant it very heavily. So if we can get a lot shrubs in front of it we hope that will break up the straight line effect that we are trying to avoid. We already spoke about how wildlife can get around the property so we would like to avoid any openings to let wildlife in.

The other major item I wanted to go over is I met with the City Arborist and we came up with several zones for new plantings in Foothills Park. One would be oaks, which is this yellow layer, which in our previous concept we had gone a little bit further down the hill toward the existing tree line. They advised us to keep it up a little further towards the property and make sure it is irregular to mimic one of the fingers like you see of oaks in adjacent areas. It also uses a chaparral zone which would be large shrubs basically just to mimic what you see in nature and to give it a little bit of a different scale and also make it look as little man-made as possible. This is all in coordination with the Parks Department and Dave Dockter, the City Arborist.

I would also like to go back to the fill. Ken talked about we are going to have large berms on both sides of the pathway that we are going to increase to take up some that earth. We are going to have berm on this side of the drive and possibly work into this area. We are trying not to touch too far out of our bounds as far as the limits of earthwork. These terraces and the pool terrace are going to take a lot of the soil and we are talking about possibly expanding this if we need to but we haven't got our earthwork calculations back at this time.

We also prepared a slide showing the ivy but ivy doesn't show up very well. This is our hope with the walls at the back of house. To plant them with a couple different types of parthenocissus, Boston ivy is a similar type of vine. The idea is it makes a thin layer of green and it covers very fast. For example, this wall could be covered up in about three years. It grows very rapidly. The idea is to make the back of the house as green in color as possible to take up the scale and make it a little bit less reflective.

Shall we go over the rest of the project or is everyone covered?

Chair Holman: If you have any other specific points you want to make I would suggest that you do that otherwise we will take questions from Commissioners. Okay. Commissioner Lippert, I believe you had a question.
Commissioner Lippert: I had a couple of questions actually. The first question is with regard to the fence that you have proposed. Did you look at all at having any sort of perimeter marking fence or ranch style fence to denote the boundary and then bringing the iron fence inside say at least to the setback lines?

Mr. Alsman: Yes, we looked at that. That was one of the suggestions from the last meeting. Along Alexis Drive, which I assume is where you are primarily talking about putting some sort of a marking fence. We really want to depend upon the landscaping in there. Dustin, do you have a slide to show us that? The idea is to make that as natural along the edge there as possible. Basically in this area that is all going to be landscaped in there and then fence actually sets back 16 feet and will be buried within the landscaping. So rather than marking the edge of the property with any kind of a low fence that is what we are really looking at. I think it would be possible right at the property line to put say a three-foot fence or a four-foot fence and I think that is allowed under your fence code. Again, we are stressing the idea of landscaping rather than a physical fence.

Commissioner Lippert: Actually it was more along the perimeter not the Alexis Drive side but the side that faces Arastradero Preserve and Foothills Park where I was suggesting a ranch style fence and then having the seven foot high iron fence out of the setback.

Mr. Moore: In our mind we were trying to avoid any visible fence. We want to have the fence setback like you are talking about and then just fill with planting so planting breaks up that scale. I think what you are trying to get at is you want to avoid the look of a very large barrier. Is that correct?

Commissioner Lippert: Correct.

Mr. Moore: If we use the ranch style we will probably have that as our main fence and it is not secure enough to keep out predators and other wildlife. So am I correct in saying that you are asking if the fence is running parallel?

Commissioner Lippert: Basically yes, they don’t have to run parallel but the idea is that you would have some sort of marker that would denote that it is private property, which would be a ranch style fence so people aren’t trespassing. It is sort of your first visual warning. Then the second one would be a defensible barrier which would be your security fence and that might be 30 feet back out of the setback.

Mr. Moore: I think that if they are on that side of the property it is kind of visible that it is private property. That is why we didn’t use another fence as a marker. I think that the whole purpose of the fence is the defense and if we can break that down with planting I think it will be a lot more effective than adding another element, if that makes sense.

Commissioner Lippert: Okay. Then the flip side of that would be without the ranch style fence would you be okay with bringing the seven-foot high fence outside the setback? In other words, it would be 30 feet back from the property line.
Mr. Moore: No. We physically can’t put it back 30 feet because there are a lot of constraints on the site especially where the existing driveway is in the back. We can’t go that far back otherwise it would be right on top of the driveway.

Commissioner Lippert: At least out on the Arastradero and the Foothills sides.

Mr. Moore: So you are talking about on this side and this side?

Commissioner Lippert: Three sides, yes, the three sides that are not Alexis Drive.

Mr. Moore: Okay. On this side the problem is we are already pretty close with where there is the existing retaining wall and driveway. So we do need to keep it close to the property line. The other issue is we want to have this running path that is within that setback. On all sides except for the Alexis side it is completely within code to have seven feet at the fence that is why we are adding plants on this side and we will probably set this back at least four to five feet so we can get planting on the outside of the fence. That is the idea.

Commissioner Lippert: I have additional questions but I will cede to another Commissioner.

Mr. Alsmann: Let me just add to that I fully understand what your objectives are it is just that we don’t agree. We think that it is reasonable and that the fence should be at the property line. That is pretty common throughout most of the area that is out there and all the rest of the areas and it meets the code. So that is what we would like to do.

Chair Holman: Do other Commissioners have questions for the applicant? Seeing none, it is back to you Lee.

Commissioner Lippert: Have you given any thought to since this is in the open space and as you know we had the wildfires in San Diego and the Witch fire in particular took out a whole swath of houses. Have you given any thought to fire protection for this house in terms of if the Foothills Park or the Arastradero Preserve? There was a wildfire there and it did sweep through that area. How would the fire department defend the house? Generally with a chain link fence they would come with wire-cutters snip through the fence and come in. With an iron fence it would take several hours to cut an opening.

Mr. Moore: The fire truck would come to the gate and then we will have a fire hydrant here. There is a fire hydrant either there or there. So that is where we fight if there is a fire nearby. We also have a system with the irrigation that is a separate section that is bunch of rotors that are at the perimeter of the house. Once there is a fire within range the homeowner flips the switch, these go on soak the area all outside of the house, and on top of that most of the trees that we are using are fire resistant, mostly oaks, olives, even redwoods to a certain degree are fire resistant at their base. We will be using plants that are low load fire fuel. So plants that don’t have a lot of burnable plant mass. As far as fighting a fire we do have hydrants that are readily available.

Commissioner Lippert: Okay, so the fire fighters are in Foothills Park or they are in Arastradero Preserve and you have a continuous fence around the property.
Mr. Alsman: There are gates within the fence with locks but there are also under fire code as I recall it is required that the fire department has access through the front gates as well. As Dustin mentioned there are couple of fire hydrants on the property. The fire department also has code requirements for the types of landscaping within 30 feet and within 100 feet of the buildings up in that area. So we would also be adhering to those requirements.

Chair Holman: Vice-Chair Garber.

Vice-Chair Garber: I was just going to ask if Staff could confirm this. Typically in open space properties that are up in the hills like this there is a requirement that the fire department has to have a fire box with a key at the gate as part of the building requirement. Is that correct?

Mr. Williams: They do for getting onto the property. I am not sure if the question goes to something along the other fence lines of the property. I don’t know if it would be necessary to have access at those points as well. I am not sure how fire equipment could get to those points other than through the front gate.

Vice-Chair Garber: To the point though that if the fire department required any they could request it and that could be made a part of the approval process.

Mr. Williams: Yes, absolutely, and they do have as I know and Commissioner Lippert knows as well this requirement that was just mentioned in terms of the landscaping. They would have to provide a management plan for the landscape to provide protection particularly within 30 feet but then have other fire resistant type of vegetation at least up to 100 feet or more.

Chair Holman: I have one question and I think Commissioner Lippert has another. We have one member of the public who would like to speak and I think we will hear from Herb Borock and then we can come back to questions. You will have five minutes, Mr. Borock.

Mr. Herb Borock, Palo Alto: Good evening Chair Holman and Commissioners. The California Environmental Quality Act requires you to review the whole of an action rather than split it into pieces and it requires a recommendation by a decision-making body such as the Planning Commission and the Council to consider the environmental document and the project at the same time. The City Council is the decision-maker for both of those on this project. According to the Record of Land Use Action before you it says there is a Design Enhancement Exception as part of this project. I have seen nothing about that in any of the documents. However, if that is a typographical error because someone just copied some previous approval document that just demonstrates the haste in which this is being brought before you. But if there is a DEE then you need all of that before you before you make any recommendations to the Council.

The Record of Land Use Action also refers to the existing 22 large specimen trees that may be relocated and I don’t see evidence of those or where they will go. Those large specimen trees were required as part of the previous approval to provide immediate screening of the existing house from Vista Point. Relocating any of them creates a potentially significant affect that must be mitigated and the failure to show that mitigation here is a violation of the California
Environmental Quality Act. That deficiency and others that I will be mentioning are all prejudicial abuses of process and violations of the California Environmental Quality Act.

There are a number of new conditions in the current Staff Report that were not in the previous Staff Report from three weeks ago. For example, condition 23 at the bottom of page 10 and top of page 11 would require the applicant to reimburse the City for attorney’s fees and other costs incurred in any lawsuit filed to attack, set aside, or void the project approval. This condition 23 I guess demonstrates consciousness of guilt, I can’t think of any other term, on the part of the City Staff who have never before included such a condition in any project approval. Including those Staff who in my opinion are in Planning and the City Attorney’s Office both must have known violated the law. Apparently the successful lawsuit against 195 Page Mill Road has suggested to City Staff that sometimes someone may be willing to invest the time, energy, and money to challenge and obviously erroneous decision. If the City Staff was confident of its recommendations and that they were lawful condition 23 has no place in the approvals.

Standard form for a Mitigated Negative Declaration has a place for the applicant to sign the applicant’s acceptance of those conditions. There can be no start of a public review for Mitigated Negative Declaration absent the applicant’s acceptance. The page and the place on the forms of that acceptance aren’t even shown to you and there is no evidence that such acceptance has occurred other than the word of a Staff member. You actually have to see the acceptance.

There are new tree plantings shown. These plantings are not compatible with the hillside, which is south facing, sparsely treed oak woodland. It is typical of oak woodlands in those kinds of locations. It is mainly a grassy area with a few trees. The trees shown require an immense amount of water and would not screen from Vista Hill. Vista Hill on the official City map in the lobby is 950 feet elevation and the house’s finished floor is less than 800 feet and these tree plantings are as much as 30 feet below the finished floor of the house. So these will not screen anything.

I can see that I am starting to run out of time. I will say the history for the tying agreement is not accurate in my recollection. I participated in this process before the Commission and the Council in 2000 so I am familiar with it. The standard conditions in the past for the fence that Commissioner Lippert referred to are four foot tall, double-rail, or split-rail fence. Any changes or mitigations such as a new tying agreement or other agreement has to be tied to an environmental effect that must be mitigated which is not mentioned here, and therefore would require a revised and re-noticed Mitigated Negative Declaration. Thank you.

Chair Holman: Thank you. Any questions for the speaker? Would Staff care to respond to any comments made by the previous speaker?

Mr. Williams: A few of them. First of all the DEE is a typo and we will correct that in the Record of Land Use Action. The tree relocation issues are something that Dave Dockter is very aware of and there are conditions of approval and mitigation measures related to providing more details about those and all tree planting and relocation and maintenance plans. So we do think that is clear but if you need more information I am sure Dave could provide that.
This issue comes up over and over about having a written document saying that the applicant agrees to the condition. I am sure we can get the applicant to state for the record that they do if you feel you need that. Our position is that we have presented the mitigation measures to the applicant and they have agreed, told us they are in agreement with them, there is not a requirement in CEQA for them to provide a written document that says that. The City has on occasion in the past done that. I was just talking to Melissa and we are going to talk about whether it is productive to do that or not but it is not a requirement of CEQA that we do that. I might have missed one or two. Is there something else?

Chair Holman: Condition of approval number 23?

Mr. Williams: Yes.

Ms. Tronquet: That is permissible.

Mr. Williams: Indemnification clause? Yes. We have started putting that on as a standard. Many cities do that as a standard procedure to protect themselves. There are a lot of reasons some of them very spurious why someone may sue and this protects the City in the event that there is some liability there.

Chair Holman: Commissioners, any questions of Staff as follow up to these responses? Commissioner Lippert.

Commissioner Lippert: Actually, I would like to ask the Planning Arborist to talk a little bit about the plantings and the tree location if at all possible.

Chair Holman: You are referring to the 22 specimen trees that Mr. Borock referred to that are being relocated?

Commissioner Lippert: Not just that but also his review of the landscaping screening proposal.

Mr. Dave Dockter, Planning Arborist: Would you like to launch a specific question for me?

Commissioner Lippert: Well, I am concerned with regard to the sufficiency of the screening and the visibility of the house and the site from the Arastradero Preserve and Foothills Park.

Mr. Dockter: I would separate the screening elements into two areas. One would be to screen the fence and to mitigate or diminish the appearance of the fence line and the geometry of that. I think the proposed plantings will do a fine job at softening up and obscuring the fence. There are several low-lying multi-stemmed oak trees that should look pretty natural the way the landscape architect has designed it and customized it from the previous submittal.

The step-down of the chaparral area is intended to blend into the grassland area so there would be more of a natural appearing balance there. There is already a preexisting, from the other side, oak canopy cover that dies down into a chaparral area then it transitions into grassland. So that
is a good blend I believe for the fence-line screening. It will appear as a finger going down slope that eventually connects to the canopy cover down below.

The screening for the structure I continue to believe it will not be completely obscured or screened. I don’t know if that is even achievable or should be expected to interrupt the direct view from Vista Point. I think the main goal would be to separate it up and breakup the roofline and the structure. Some of the swapping around of the redwood trees has been clustered into more like a grove type of design with oak trees that would be deciduous and different color separating the redwoods. So it would not appear as a massive wall or curtain of redwoods. I think that now is successfully being broken up.

So looking at it from a distance, from Vista Point for instance, it wouldn’t be so apparent that there would be a big block of one kind of tree there. In one sense there is more of a variety, it will look a little bit more natural, if that is the word for redwoods here. I think the structure will still be visible from several vantage points and won’t be completely obscured. I think with the slope and the elevations of the existing house and the road to the guest house, the limited areas there that they have to work with, I think they are putting in about as much as you can put in for the purposes of screening or interrupting the direct view and mass of the house. So I don’t think one could actually get much more planting or screening in there to obscure or do more screening of the structure than is already in place in the landscape plan. That is my opinion.

Chair Holman: Commissioner Lippert.

Commissioner Lippert: If I might follow up on that. The height of the canopy for the new trees, approximately how tall will the oaks and the redwoods grow?

Mr. Dockter: The oaks at maturity I think in this area may be around 30 or 40 feet for a long duration of time. The redwoods will poke up higher than that of course they will go to 60 feet with plentiful water. We might defer to the landscape architect to throw in his opinion of the heights expected after five years and 15 years.

Chair Holman: Okay. There is some debate with regard to planting oaks from seed or from the acorn versus planting a boxed tree there in terms of longevity of the tree. I know over in Half Moon Bay for instance they require that you start them from seed. Do you have any opinion on that?

Mr. Dockter: Certainly that is the best to stay genetically pure to the area. The availability of that is a whole other world. It is great in print as far as a goal but to have something available that is grown locally of any size at all beyond a one gallon or five gallon, and to mitigate things like the fencing or structure that is a whole other discussion that needs to be had over needing to stick with the genetic purity of we are talking really small plant stock that would take 20 years to get up to any decent size where they are starting to fill out and become an acceptable mitigating mass.

The local plant stock for 24-inch box and larger trees I think we have local stock that would fit that bill from Bothing Nursery and this area. A 24-inch box size tree again the stem is only an
inch in diameter, as big as your thumb, so that size tree is just going to be the start for mitigating
something like the fence line. The structure I think discussion of sizes that would need to be
entertained. I think at that size tree you are not going to get any local genetically pure stock to
this area at all, it would have to come from specialty oaks or Gilroy or the Napa area where they
grow larger specimen trees. There are already really large oaks on the property that they are
proposing to transplant, which have a good start and have adapted. We have done our best at
requiring a mitigation plan to ensure the survivability of the oaks and their replacement in the
event that they do die. So Staff feels comfortable that we have the mitigating measures there.

Commissioner Lippert: One other follow up.

Chair Holman: Okay, Commissioner Lippert.

Commissioner Lippert: Then with regard to the management of the trees, those trees that are on
the property not in the park or in the preserve, those would not be permitted to be trimmed or
cut? Basically, how would we deal with those in terms of if the property owner wanted to trim
them for views?

Mr. Dockter: Well, in essence because this is a discretionary approval and it has a formal
landscape plan all of the trees planted as part of the landscape plan would become a part of the
approval. They are the subject matter of the approval so I would say that they would be called
designated trees to remain and be maintained on the property in perpetuity. The Commission
could require they be maintained appropriately through either a separate document like a
maintenance plan or just simply conditioned to be maintained as any protected tree by the Tree
Technical Manual standards even though they are on private property. They would be smaller
than the ordinance sized trees but they are part of the discretionary approval so I would think that
those trees would be required to remain and not removed or topped.

Chair Holman: I believe Vice-Chair Garber has a question for you as well.

Vice-Chair Garber: Regarding Commissioner Lippert’s earlier question, are you satisfied with
the conversation that you have had with the applicant in the obscuring of the fence that is to the
left in this drawing here along its entire way? There was some discussion about moving that
back to be able to put plant material in front of it to obscure its view or between, I should say,
vantage point and the fence in its various locations. Are you satisfied with that or are there other
things that can or should be done? For instance, putting more trees, more plants, more growth on
the outside, the public grounds that might improve that in some way.

Mr. Dockter: I feel comfortable with the screening of the fence with planting on both sides of
the fence wherever that occurs. If it is on public property or all on private property I think
wherever the fence is the mix of plant material, multi-stemmed, low profile oaks are going to do
a fine job at that. I feel comfortable. We also have the ability to literally do placement in the
field to properly space them. So the landscape architect has done a good job at fine-tuning that.

Vice-Chair Garber: Okay, thanks.
Chair Holman: I have two really. One is about screening the fence. I understand that you are
comfortable with that. I had one question though about at the top if you will, the plantings along
the fence line have the appearance of creating a chain of landscape. That seems a little unnatural
to me so I am just wondering if some kind of blending in of additional plantings might help
soften that as opposed to having this kind of visible chain since it will be so visible from
Foothills Park. What are your thoughts on that?

Mr. Dockter: Some edge plants or shrubs could be added to soften that chain. It is what it is. It
will be bridging and connecting one oak canopy that is naturally separated by the meadow
grassland area. Then the other oak canopy down the hole if you will, down slope, starts up
again. So it is definitely connecting those two. I think there is an effort kind of a wide area neck
down and become thinner, it appears like a finger.

Chair Holman: It might be more apparent, what we have here in front of us is a little cutoff so
there might be more of that that exists than what we are seeing here.

The other question is one that I had asked last time, which is about the plantings on this side
down toward the swale. Is that really going to provide much screening because the land does go
down in that swale so if you plant trees down in that gully, if you will, how much screening is
that really going to provide given the height differential?

Mr. Dockter: I think the overhead canopy will screen the fence as seen from above.

Chair Holman: Excuse me, I didn’t mean just the fence I meant of the home too because I
thought we were trying to mitigate both.

Mr. Dockter: Again, I don’t there can be any expectation that it would be obscured, interrupted
by treetops I think would be the only achievable goal.

Chair Holman: Okay, thank you. I see no other questions for you, so thank you Mr. Dockter.
Commissioner Keller, you had a question.

Commissioner Keller: I notice we have a gentleman here from the Parks Department is that
right? Open Space thank you. If you could come up to the mike.

Chair Holman: If you could introduce yourself too, please.

Mr. Lester Hodges, Open Space Supervisor: Good evening Commissioners.

Commissioner Keller: Since you are here I might as well take advantage of your presence. I am
wondering what your perspective is from the points of view of open space and Foothills Park and
Arasradero Preserve in terms of the planting of trees and chaparral and whatever on the public
side of the fence and how that fits in with the maintenance of that and the appearance from your
perspective, and also the maintainability of that material.
Mr. Hodges: Yes, I have worked with Dave Dockter and the applicant has modified the plans as Dave has said from the original drawing making that transition and mixing up the stem size of the trees gives it a much more natural appearance, natural transition to the chaparral and into the oak canopy. Open Space Staff does support this planting plan in that it will screen the fence line. The present view from Vista Hill is very angular and very distinct. So we do approve the planting plan as has been rewritten.

I might point out that in that plan there are discussions about views from the property line itself. It is important to note that the land surrounding the property that is open space on the north, the west, and the south side is an addition to Foothills Park. There are no public trails on that ridgeline so it is not open to the public. We have an ordinance that prohibits off-trail use in open space so the public can't walk out there and they can't see it from any point other than Vista Hill or a few spots on the panorama trail.

One other thought on a question that Commissioner Lippert asked about fire access is it is important to note that the existing hilltop, that Mullen Ridge surrounding the property, is not accessible by a fire vehicle either a Type 3, or a Wild Land Engine, or patrol trucks. If there were a fire out in the adjacent open space land most likely it would be attacked through a progressive hose lay or aircraft from California Division of Forestry.

Commissioner Keller: In the event that there was a problem with the trees subsequent to the five-year deposit period, let's say sudden oak death happened, whose responsibility would it be to deal with that canopy subsequent to the five-year period?

Mr. Hodges: After five years it would become the responsibility of Open Space.

Commissioner Keller: And, is that appropriate from your perspective or would you want the property owner to be maintaining that even in the absence of a deposit?

Mr. Hodges: I don't know the answer to that to be honest with you. I think five years is a good time period to get the trees established. Pretty much within open space itself we let Mother Nature run its course. We don't know the impacts of sudden oak death. We view the planting as being something very beneficial because just this year alone we have lost about 20 coast live oaks within Foothills Park that have been infected by S.O.Ds or beetles in previous years and have turned, and have died this summer and fall. So the addition of these trees helps offset, helps mitigate that. As far as the long-term approach or long-term maintenance of that it is not a significant number of trees and I don't really have a answer whether it would be beneficial to maintain that longer to keep water those trees or keep replacing those trees beyond the five-year period.

Commissioner Keller: Is there something known about the kinds of oak trees that might be less susceptible to diseases and such? Are there considerations of the choice of species in that or is that not a concern?
Mr. Hodges: I have to defer to Dave Dockter. I am not aware. They are still doing so much research on sudden oak death but I am not aware of any native species of oaks in this area that have a less resistant.

Commissioner Keller: Okay. My final question is you talked about fire access and you mentioned that if there were a fire it would basically be firefighters on the ground with hoses and such.

Mr. Hodges: Yes, vehicles are not able to access the surrounding property. There is no drivable route into that property from either the Pierce and Arastradero or Foothills Park because of the drainage and the existing tree canopy.

Commissioner Keller: So if there were firefighters in the field would there be any concern about the presence of the perimeter fence preventing one of the means of escape for firefighters in the event that the fire direction turned and they would be limited in their ability to escape from a fire in that particular direction?

Mr. Hodges: No, no that fence would not be. I don’t want to speak on behalf of the structural protection because that is not my expertise. I am only trained in wild and firefighting. If they were to run a progressive hose lay from Alexis Drive that would be the exit route out. It is unlikely that they would be going into the property line or they would be in the property line fighting the fire and keeping the fire from burning into the property line. So believe me, if you had to escape and run from a fire hoping a seven-foot fence would not be an obstacle.

Commissioner Keller: Okay, I just wanted to make sure that if emergency escape routes are needed that the appropriate conditions of approval are provided to allow that.

Mr. Hodges: Yes. All of the adjacent properties have fence lines and the hill down on Laurel Glen also has fence lines. So it would be the same situation going any direction outside of going into open space.

Commissioner Keller: Okay, thank you.

Chair Holman: Thank you very much. I have one, maybe two questions for the applicant. Are there other questions for the applicant? You had indicated there were more materials brought this evening.

Mr. Alsman: Just a few.

Chair Holman: If it is possible please bring those up so we can all view them. Also, if you could put something up to show where the materials are going to be located because we have in the packet that we received last time the elevations of the home but it is hard to know what is going where.

Mr. Alsman: I don’t have anything in particular that designates those. The bulk of the building is of course the existing stone.
Chair Holman: Then also if you could bring the materials board over that would be helpful.

Mr. Alsman: The other dominant material obviously is for the roof tiles themselves. We are very cautious and want to be very clear that we are not talking about a red tile roof. We are talking about a tile similar to what you see here. These are textured and that is the sort of thing we are talking about for the roof.

The other materials that will dominate the site are going to be paving, gravel, a few areas of grass. There is a color chip there that would be used in small areas such as a couple of the areas where there are shutters. That would in a sense be the only accent color if you will. It again is a very subtle and natural color. Then of course there is all of the vegetation, which includes the green on the building, the ivy, and the surrounding vegetation. So everything is going to have that kind of a hue.

The stone that you see there is the kind of stone that would be used in the dry stack walls and is going to be used for the terrace going down. I don’t know how else to go beyond that point.

Chair Holman: Okay. Just quickly, I don’t want to beat the horse here. I am presuming that the lightest color here is the color of the stucco that has a fairly large predominance on the elevation that we are looking at. Is there a way to put the elevation up here so you can indicate where that is going? Then there were two other samples that were brought tonight. Are those proposed for the fence colors?

Mr. Alsman: That is correct.

Chair Holman: So the ones that Mr. Moore is holding right now are proposed fence colors?

Mr. Alsman: That is correct.

Chair Holman: Okay.

Mr. Alsman: Again, we have not finalized every piece of this at this point. Are you talking about the rear elevation here?

Chair Holman: Either elevation. The rear elevation I understand you are planning on planting ivy on it.

Mr. Alsman: On much of it, yes.

Chair Holman: Okay, and the other elevations?

Mr. Alsman: Nancy, if you would show where the stucco is, where the stone is, and so on.

Chair Holman: You need to be on the microphone and introduce yourself, please.
Ms. Nancy Scheinholtz, Project Architect: I am the project architect. This is stone here, here, here, and this is stucco here, up here.

Chair Holman: So that stucco is being proposed to be this color?

Ms. Scheinholtz: It exists as that color now. It is already built like that.

Chair Holman: Okay. So what you are showing on the materials board is existing not proposed.

Ms. Scheinholtz: Well, it is the same. It is already built and it is not changing.

Chair Holman: Okay.

Vice-Chair Garber: That is not quite true though, aren't there some new materials on the board that are not on the house, like the roof tile?

Ms. Scheinholtz: Except for the roof, yes.

Vice-Chair Garber: Thank you.

Chair Holman: That is helpful to know. I appreciate that. Mr. Moore.

Mr. Moore: I want to address the new materials. The stone that is on the table is the paving stone it is not a wall rock. I brought a sample of the gold-colored gravel that we will be using for the pathways, and these are the fences.

Chair Holman: Thank you very much. Any other questions? Arthur.

Commissioner Keller: Just for clarification. You mentioned two sets of notations, front and back or rear if you will, and directions. I am assuming that when you mean rear you mean the south elevation that is on here?

Mr. Alsman: The elevation when we refer to the rear is the area facing toward Vista Point, which would be the south elevation. The north elevation is the front door.

Commissioner Keller: The front door meaning the north elevation that we are not seeing from here.

Mr. Alsman: That is correct, yes.

Commissioner Keller: How far up would you expect this ivy-like thing would go?

Mr. Moore: The ivy would be put in pockets at the base on the first two floors and we expect that basically to cover almost the entirety of the stone. So basically up to this level. There is no way of planting above that level so that is the limit of our ivy.
Chair Holman: One question about that. There is a roof garden I think to the right of that garage door that is being shown on the, if you will, second level. Could there not be ivy planted from that roof garden?

Mr. Moore: We are planting ivy on that level. There is a terrace here and then you are talking about there are two planted roofs here?

Chair Holman: I am, yes.

Mr. Moore: This would be a problem for getting any root depth. The reason it is lawn and we are going to propose it as perennials is because there is only about 12 inches of soil mass and it is not enough to get any kind of vine established that could take up a wall like that. Basically it would get to about six feet and then it would die.

Chair Holman: Okay, thank you very much.

Mr. Alsmans: is it appropriate to make one more comment sort of summarizing some of the questions that have been raised?

Chair Holman: Sure.

Mr. Alsmans: I know that it is really important for the Commission to ask and be sort of suspicious of lots of things but I just want on behalf of the client to say that the goals of the client from the beginning have been to meet and exceed and address many of the same concerns that we heard about the first day we walked in. We are dealing with an existing structure, a fairly large existing structure. The alternative is to go with what we have or how can we make it as much better as possible? As David said I don’t think we will ever totally obscure the view from Vista Point but we are going to do one heck of a job of minimizing that view. Again, the interests of the client are the same. If you are worried for instance about maintaining the vegetation, etc. I would be glad to take to their existing house and you will find that that is one of their most important characteristics of where they live, the vegetation and the trees, etc. They will be phenomenal caretakers of this property.

Chair Holman: Thank you. With that I am going to close the public hearing and if I might on behalf of the Commission, I don’t it is matters of suspicion. I think that from my perspective, I will just speak for myself, you are dealing with an existing structure that there has been a lot of public comment about. It is obvious that there are great efforts being taken to mitigate the impact of what is there and those efforts are much appreciated. I think the basis of our questions is we have reviewed a number of projects in the Open Space District and it seems like we usually are able to come up with some things or some issues that maybe haven’t been addressed before, sometimes not, to make it a better project. It isn’t a matter of what this owner is going to do but the conditions of approval live with the property. So this owner, well intentioned and as well maintained as everything is, should they sell the property the conditions of approval live on with the next owner. So I think it is important to get the conditions of approval right so that they live on for the life of the project. I hope that satisfies some of the concerns and clarifies the intentions of the Commission.
Commissioners, do we have any additional questions for Staff? Commissioner Keller.

Commissioner Keller: I had asked a question of the person from Open Space and he referred it to the Planning Arborist with respect to the nature of oak trees. So perhaps it would be worthwhile asking the Planning Arborist the question if I may.

Do you need me to repeat the question about the nature of whether there are particular species of oak trees that are less susceptible to diseases like sudden oak death, or whether something is known about that, and the extent to which that is being taken into account for the planting process?

Mr. Dockter: Resistant species have not been developed or tested adequately or propagated to any size at all. There aren’t in our region any species that are resistant to sudden oak death. It is a pretty variable disease.

Commissioner Keller: Thank you.

Chair Holman: Commissioners, other questions? Commissioner Lippert.

Commissioner Lippert: I have another question for the Lead Supervisor for the Open Space District. When you say there are no trails to Arastradero Preserve, that it is not accessible by the public, what about the property owners that are adjacent to it? What is their relationship to the property there?

Mr. Hodges: If an adjacent property owner to either Foothills Park or the Arastradero Preserve were to hop over their fence into the preserve they would be off-trail, which is a citable offense.

Commissioner Lippert: Foothills Park however they could do?

Mr. Hodges: No. Off-trail use is prohibited.

Commissioner Lippert: Okay, thank you very much.

Chair Holman: Okay, Commissioners, any other questions for Staff? Commissioner Keller.

Commissioner Keller: The Open Space Supervisor mentioned fire department perimeter access but I am wondering if that is something we should ask the fire department about as well or is that unnecessary?

Mr. Williams: The fire department will be reviewing all of the plans for this as it comes in for building permit to be sure it is complying with all their needs. I am sure that they will ask for perimeter access if they felt it was necessary but on the other hand I don’t see any problem either if you would like to add a condition that essentially says that the fire department shall review the plans and determine if there is a need for additional fire department emergency access at any point along the perimeter of the site.
Commissioner Keller: Conditions 40, 41, and 42 are specific requirements. Perhaps if the fire department had any other conditions...I don't whether it is worthwhile being specific to the perimeter or whether it is whatever the appropriate fire department review of conditions.

Mr. Williams: These are the ones that they gave us at this point because they know that the standard practice is they will be looking at the plans in more detail at the building permit stage and have the authority to do that. So we can either try to add something like that or if you are comfortable with it just indicate to us that as this move through ARB and back to Council that we go back to the fire department and see if there are any additional conditions that they want to specify explicitly. One of the things we ask them about is if they want to add something about perimeter access.

Commissioner Keller: Okay.

Chair Holman: I have just a couple of quick questions for Staff. The last time that this was in front of us we had a separate sheet that was provided to us that were numbered conditions of approval. Numbers 13 and 14 are now indicated as being 15 and 16. I am interested in number 16 that has to do with fencing. The location and design of all fencing shall be rural in character, no cyclone type or barbwire, earth tones, and design discontinuous or to permit wildlife movement through the site and adjacent area. Then our template of conditions of approval number 11 on page 2 of Attachment E is, "Perimeter fencing shall be designed not to restrict wildlife movement through the project site." So we have kind of an unusual situation here on two matters. I just want to make sure we are not setting precedent. The unusual situation having to do with the location of the fence is that there is a construction fence that has been there for quite a long time. So the animals have carved out a new migratory path because they couldn't get through the construction fence. So we have sort of an artificial barrier that has been there for some period of time. So while the new fence at that boundary or at that perimeter isn't going to impede migration of wildlife. It has already been impeded artificially by a construction fence for some period of time. Do you follow what I am getting at? So I am concerned if we are creating a precedent or if there is something longer-term that we need to do in terms of how long construction fences can go up or the location of construction fences. That is one.

The other is precedent setting for while I am not opposed to necessarily mitigating an impact of the project on public parklands I am also a little concerned about how we might word some of the conditions of approval such that we are not again creating a precedent so that we are using public parkland to mitigate a private project. There could be of course some argument for public benefit because the public parkland is getting plantings but there might be other situations that come up where we don't really want any more plantings on the parkland but we have set a precedent so someone could do it. So those are my two precedent setting questions.

Mr. Williams: I will address it all at once. If the construction fencing things is a different situation then I will address that separately. I think that first of all I would recommend that if you want to say something about the specifics of why this kind of fencing is being allowed here I would suggest that that be in the findings not in the conditions of approval. A condition of approval saying it is precedent setting doesn’t really mean anything. It is a condition of approval...
that the applicant has to comply with. The findings indicate why you impose that condition. So if you wanted to add to one of the findings something about the circumstances here that would be appropriate.

The basis I think for providing for, and I know some past permits have been issued based on having open fencing but not all of them, I think the basis for that is sort of a case-by-case situation. In this particular case regardless of whether the construction fencing was there or not yes, animals could have come further into the property than they can with the construction fence there but they still could not go really through the property. When we think of migration it is sort of thinking about the animals being able to move from one area to another to access food or for other reasons. In this case, they have routes around this property to get to particularly the creek areas, which are fundamentally the basic ecological source for most wildlife. So if on another project there were a creek running across the property and somebody were going to fence across that then I think there would be a lot more reason in terms of the CEQA document and in terms of the open space policies to specify that yes we do want some open fencing that would allow for the migratory movement down along through that corridor. So to us that is really the particular situation that applies here that dictates that not the construction fencing or the fact that the animals could come 30 feet more into the property than they otherwise would be able to. I think if you want to add the construction fencing or anything else that you feel is unique here to the findings, I think that is fine too. Whatever you are comfortable with as far as supporting why it would not be required in this instance.

Let me also add that the list of the conditions at the end is sort of a laundry list of conditions not intended to be applied to every project but just sort of something that we need to look at each time and determine which ones we think do apply.

Chair Holman: That is why I actually referenced the handout from last time from Staff, which was condition number 16 which said that the fence should be rural in character and allow the movement of wildlife through the project. So that was just last meeting.

Mr. Williams: I think we have reevaluated that and based on the diagrams and looking at the ownership around there we don’t feel that that is critical. I think that was sort of based on some recent practice to require the open fencing on another recent project.

Chair Holman: Then lastly the planting of trees on public land.

Mr. Williams: Again, I think in this case it might be if we are allowing that to happen here it would probably be good to say something in the findings that we are allowing that because in this instance there are extensive plantings on public property and that the City Open Space Division has supported that and that there are precautions in here as far as requiring some maintenance and protection for those trees. So I think it would be good to say that. The alternative is to move it back enough to provide planting on the private property between the property line and the fencing I think you have heard that it is the intent to screen it either way. So if it is not generally going to be seen I don’t know if that is an issue or not but that is your decision. If you felt particularly uncomfortable about the screening being on the City’s property you could move it back ten feet or something.
Chair Holman: Thank you. Commissioner Sandas. I think we are ready for comments.

Commissioner Sandas: Actually it is a comment about the fencing and the change of direction that Staff is going in terms of making the fence impervious to wildlife migration. I just want to comment that I think that is a good direction because feral and domestic animals don’t really mix well. It sounds like the applicant has dogs that will run around on all that open space but I think it is for protection of the wildlife as well as the domesticated animals that the fence should be impervious and I am glad you went in that direction.

Chair Holman: Commissioner Lippert. I think we are probably ready for a motion if you would then you can make comments after.

Commissioner Lippert: Actually I would like to make a couple of comments up front if I may.

Chair Holman: Okay.

Commissioner Lippert: To begin with I would like to say that I am very supportive of what you are trying to achieve here. I am not at all suspicious about the motivations here, as Ken Alzman has indicated. There is a saying, “Good fences make good neighbors.” Looking at this project my biggest concern has always been the perimeter fence around the property. The level or degree at which I am scrutinizing this project is that the neighbor in this case is the Arastradero Preserve and Foothills Park, which is a wonderful asset and attribute to Palo Alto. With this piece of property protruding into both these areas I would want this project to be an asset or an attribute to the open space. I wouldn’t want it to be a blight. So the sensitivity of the fence I think is particularly important because this is the interface of the preserve or the wildlife to the manmade environment.

In some ways this fence can be characterized or you could look at it as being a cage, which is enclosing the manmade environment within the wildlife. There are a number of things that have to go on with regard to the cohabitation of the two areas. One of them is ongoing maintenance and screening from the preserve. So with this property being located in the preserve I wouldn’t want the property to impose itself on the open space. Yet the reason why the owners are living there is to enjoy the open space. So my questions or my comments with regard to bringing the iron fence back is one of well, how does that screen work with nature? In some ways the straight, rigid iron fence is imposing itself on the landscape. It is obscured by trees but it is imposing itself. Over the years there will need to be maintenance done on the fence. Well, if it is tight up against the property line it is accessible from the properties but it is not accessible from the open space side if it needs to be repaired or serviced or any maintenance. Even though trespassing on the open space is prohibited by the City of Palo Alto property owners there is going to be temptation to open up the gates and go onto the open space. So what I am looking for is a way that both can work together. I think simply by bringing the iron fence into the setback lines, it doesn’t have to be prefect. I am not saying bring it in all the way. It allows for a certain amount of maintenance, a certain amount of care of the property, the fencing, and a way for vehicles, a way for workmen to be able to get around and access that area easily. Yet you have the security that you need.
The second thought that I have here with regard to this iron fencing is that we have requested that it be screened and be planted. In some ways this fencing is going to be almost asking that it be a wall and almost be opaque. How is the owner going to partake or enjoy the views through this fencing except at the higher elevations? So I think one way of being able to do that is being able to penetrate or go beyond that fence and still be on the property owner’s property. So the direction I guess that I am going in is that I would want this fence to work with the landscape not the property line, the contours there. I would want the fence to be able to contain a certain amount of vegetative screening or cover on the property before you hit the fence rather than it being forced or tight up against the fence. I would want to be able to get a certain amount of vehicular access around the perimeter. It would be ideal to be able to turn a vehicle around at some point but it doesn’t have to be wide enough that you have to turn a vehicle around in every single location. So I would want to keep it back.

Chair Holman: Commissioner Lippert, do you have a motion? You have described what you are looking for do you have a motion?

MOTION

Commissioner Lippert: Yes. I would approve the project subject to the conditions of the findings and do we do the Mitigated Negative Declaration separately?

Chair Holman: Together is fine.

Commissioner Lippert: Along with the Mitigated Negative Declaration and what I would want is to see the perimeter fence brought in an average of about 30 feet, which would be the normal setback. When I say an average it can be deeper in some places and shallower in other places but basically I would want it to respect and preserve and follow the contours of the site.

Chair Holman: Is there a second? I see no second. Commissioner Keller.

Commissioner Keller: First I would like to follow up on something that Commissioner Sandas said with respect to the imperviousness of the fence. It seems to me that for me the justification is that this is an island in some sense and that you can go all around in other directions. I am not sure the extent to which animals like to migrate over a hill as opposed to migrating around it and since this is somewhat of a hill I think that’s why there aren’t that many migration paths through it. Also, there is no riparian corridor on here and that would attract animals so I think that is also an interesting thing.

MOTION

So if I may make a motion, I move that we accept the Staff recommendation and recommend to the City Council adoption of Mitigated Negative Declaration and approve the applicant for Sight and Design Review with the following changes. First, remove the reference to the Design Enhancement Exception application on page 1 of Attachment A. Number two, modify the reference to the tying agreement to indicate the changes that were recommended by the City
Attorney. Number three, with respect to condition 14 change that from two to five years and in
addition require perpetual maintenance or replacement of the trees and whatever is required for
planting within the property lines. So no removal, no topping within the property line so
whatever is inside the property line is part of this is going to be required for maintenance in
perpetuity but not have a deposit more than five years. Number four is to include as part of the
conditions of approval any condition required by the fire department which may include
perimeter access if that is required by the fire department. Finally, the findings would include
the follow also. First is that one of the findings specifically for the impervious fence is that
animals have migration routes completely around the property at 360 degrees and that there is no
riparian corridor. The second finding is that the applicant provide the plantings on public land in
order to provide appropriate screening is part of the justification for the nature of the fencing.
That is the end of my motion.

I would encourage the applicant to consider moving the fence in several feet. I don’t think 20
feet or 30 feet is necessary but several feet may be considered in order to allow maintenance of
that and watering.

Chair Holman: Commissioner Keller, if you would like to make that part of your motion.

Commissioner Keller: No, I am not making it part of the motion.

Chair Holman: Okay, then stop. Do we have a second? Commissioner Sandas.

SECOND

Commissioner Sandas: I would like to second the motion after I add one small amendment. The
planting and maintenance of the ivy on the south elevation as indicated by the applicant to begin
with.

Chair Holman: That would be an additional condition of approval?

Commissioner Sandas: An additional condition, yes.

Chair Holman: Does the maker accept that?

Commissioner Keller: Yes I do accept that. In fact, that is what I was intending in terms of the
maintenance of all of the plantings they are talking about, but yes.

Commissioner Sandas: Okay, so that just clarifies that so I do second the motion.

Commissioner Keller: Thank you.

Chair Holman: Other comments from Commissioners? Commissioner Garber.

Vice-Chair Garber: I am wondering if the maker would reconsider the requirement to maintain
the landscape in perpetuity. I don’t know how that would be enforced necessarily and may
easily become a burden to the City. I think five years is essentially five times what is normally warranted and is a significantly large horizon line to establish the landscape that is there.

Chair Holman: I think City Attorney has a comment to make.

Ms. Tronquet: The planting and location of trees is part of the conditions of approval. So if it were ever reported that trees that were approved were either removed or something like that it would essentially become a Code Enforcement case anyway. So it wouldn’t really matter and it kind of makes a condition to preserve them in perpetuity redundant because you have an approved plan with those trees already.

Vice-Chair Garber: Therefore, then if I am understanding correctly if the maker is willing we would simply remove that word.

Commissioner Keller: I think that if there is a better word than ‘in perpetuity’ for example ‘for the life of the project’ but I don’t see a reason to remove that. I also notice that the Planning Arborist is shaking his head that he prefers it maintained in perpetuity.

Chair Holman: Other comments?

Commissioner Sandas: Can I speak to my second? Thanks. Unlike my fellow colleagues I am suspicious as I mentioned last time. I am always suspicious and like I said I am looking for what somebody is trying to pull over. I have been supportive of this project since we last met and for the reasons that I stated and they are in the minutes. I further appreciate in the last three weeks since our last meeting how you have gone and worked with the City Staff in bringing this up to its present situation.

Once again, I think you are taking a project that is already there that is not quite palatable and you are improving it to the best possible state. I am appreciative of that.

Chair Holman: Vice-Chair Garber.

Vice-Chair Garber: Just some comments. First to address the fence. I am very appreciative of Commissioner Lippert’s concern about the impact the fence will have on the visual landscape as it is seem potentially from above, the side, etc. Although I think where it actually exists on the landscape is within bounds relative academic in that the same issues will occur if the fence is on the boundary or if it is 30 feet in versus three feet in. The issues are of mitigating its visual appearance. The landscape goes a long way regardless of where it is actually located. So therefore I think there is no compelling reason that would cause me to support moving it beyond what the code would normally allow anyway.

Something that has not been said and I will simply mention I think the applicant should be commended for the work that has been done on the house itself to create a higher sensitivity than the previous design exhibited bringing it to land and creating a much more pleasing expression of that built object on that property. I will just note one observation that reinforces that and that
is the amount of glass has been reduced from the earlier to the later and reduces the impact that
the house will have at night.

Finally, I support the City’s interpretation of the tying agreement and I think that the wildlife as
Commissioner Keller has described will not be impacted by the island nature, and that the
setback that the applicant proposes from Alexis does allow for that route to occur or further
supports that so if wildlife does go around that edge can be off the street. Thank you.

Chair Holman: Commissioner Keller and then I think we can wrap up.

Commissioner Keller: Yes, I never actually got a chance to speak to my motion. First I think
that on the whole this is an improvement from the project, which it supplants. Secondly, I
appreciate the interest of the applicant and the owner in making this project as good as it can be
under the constraints of the need for the applicant to obviously enjoy the property.

While I think it is unnecessary to have a right-of-way around the property for vehicles because I
think that is much too wide and would have its own problems that would need to be mitigated. I
think that there is some sense of moving the fence line in slightly so that you could maintain it
and not be on City lands since the Open Space supervisor indicated that you are actually not
allowed to go on City lands. I assume you would be allowed to go on it as far as maintaining the
plantings that are done on City trees to the extent that is necessary. Beyond five years the City is
going to be maintaining those so it won’t actually be necessary to do that but it would be
necessary to do that to maintain the plantings that are growing on the fence line and such.
Therefore, some small amount of recess to allow that does make sense with respect to this.

So I think that this is an improvement from what we have and I look forward to the project being
completed. One final comment is that the City should consider as conditions of approval and a
general generic thing in the future about having, particularly in the open space area, where some
sense that projects have to be completed within a certain period of time. When you have
something that isn’t completed and construction fencing around it lasts for years and years I
think that is a problem. I would encourage the City to consider how to deal with that so that this
does not occur in the future. On the other hand, we do have the opportunity because this did
occur to have a better project before us today and I appreciate that. Thank you.

Chair Holman: Commissioner Lippert.

Commissioner Lippert: I just want to state that I will not be supporting the motion but it is not
because I am against what you are trying to accomplish here. I honestly believe that keeping the
fence on the property line and not following the natural surroundings is really inappropriate here.
I can already see that there will be violations of penetrating the fence area. So I really can’t
support it without that setback. I was not intending that it be 30 feet all the way around. I was
intending that it be manageable and be able to be accessed for maintenance more than anything.

Chair Holman: Thank you. I had one clarifying question about the motion. The findings that
had to do with plantings on public lands, could Staff repeat what they captured for that?
Mr. Williams: What I had noted, and maybe Elena has something additional, is that one of the findings, and I am thinking that we would probably add it in either the findings related to screening or there is also something that talks about reducing fragmentation of natural habitats and that kind of thing. We note that the applicant is providing planting on public lands to provide screening adequate to mitigate the visual impact of the fence and home.

Chair Holman: That is all I heard and I want to include some language that indicated that this would not be precedent setting, that we had a unique situation here and I don’t know what the proper verbiage is there. Perhaps if Staff could propose some that the maker and seconder might accept.

Mr. Williams: We could just add to that and in fact with the other one too regarding fencing and migration routes that this creates a unique situation to this property that does not necessarily apply to future projects or something like that.

Chair Holman: Would the maker and seconder accept that?

Commissioner Keller: I certainly accept the sense of that subject to Staff coming up with the appropriate language.

Chair Holman: Seconder?

Commissioner Sandas: Yes.

Chair Holman: Vice-Chair Garber, you had comment? Thank you Staff.

Vice-Chair Garber: On the same topic, the same portion of the motion, would it also be important to note the benefit to the City by having these trees, etc. placed into the public property, that this is recognized as a benefit as the Supervisor of Open Space had noted?

Mr. Williams: Yes, I think so and in fact there is some language that Elena had that has put down here about the proposed planning on the adjacent Foothills Park replacing landscaping that has been lost in other areas of the park and will create additional habitat, and we can add ‘will provide public benefit.’

Chair Holman: Again, will the maker and seconder accept that language?

Commissioner Keller: Yes, I accept the sense of that language as appropriately worded by Staff.

Chair Holman: Seconder?

Commissioner Sandas: Yes.

MOTION PASSED (4-1-1-0, Commissioner Lippert voted no with Commissioner Tuma absent)
Chair Holman: Okay. So a final comment I believe is much appreciative of this applicant and what they are accomplishing here. Appreciate your indulgence also as we try to do due diligence. So you will go away thinking that we are not suspicious except for one of us. Thank you again and good luck with a successful project. I will look forward to a new vista Foothills Park.

So all those in favor of the motion say aye. (ayes) All those opposed? (nay) That motion passes on a four to one vote with Commissioner Lippert voting nay and Commissioner Tuma absent.
# Development Data Sheet

## Coverage Calculations

**Architectural Review Board – Minor Project Review**

<table>
<thead>
<tr>
<th>Address</th>
<th>3208 Alexis Drive</th>
<th>3220 Alexis Drive</th>
<th>3230 Alexis Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Use</td>
<td>Landscape</td>
<td>Guest Residence</td>
<td>Main Residence</td>
</tr>
<tr>
<td>APN</td>
<td>182-54-008</td>
<td>182-54-015</td>
<td>182-54-016</td>
</tr>
<tr>
<td>Parcel Size</td>
<td>1.57 Acres</td>
<td>1.91 Acres</td>
<td>1.57 Acres</td>
</tr>
<tr>
<td>Existing Residence</td>
<td>N/A</td>
<td>2,462 sq. ft.</td>
<td>10,722 sq. ft.</td>
</tr>
<tr>
<td>Proposed Residence</td>
<td>N/A</td>
<td>2,462 sq. ft.</td>
<td>10,108 sq. ft.</td>
</tr>
</tbody>
</table>

## Total Proposed Pavements

<table>
<thead>
<tr>
<th>Proposed Impermeable Surface</th>
<th>3208 Alexis Drive</th>
<th>3220 Alexis Drive</th>
<th>3230 Alexis Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence</td>
<td>N/A</td>
<td>2,310 sq. ft.</td>
<td>10,108 sq. ft.</td>
</tr>
<tr>
<td>Pool / Spa</td>
<td>35 sq. ft.</td>
<td>1,356 sq. ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Stairs</td>
<td>317 sq. ft.</td>
<td>386 sq. ft.</td>
<td>482 sq. ft.</td>
</tr>
<tr>
<td>Walls</td>
<td>240 ft.</td>
<td>784 ft.</td>
<td>690 ft.</td>
</tr>
<tr>
<td>Stone Paving</td>
<td>N/A</td>
<td>3,837 sq. ft.</td>
<td>18 sq. ft.</td>
</tr>
<tr>
<td>Stone Curb</td>
<td>75 ft.</td>
<td>152 ft.</td>
<td>1,062 ft.</td>
</tr>
<tr>
<td><strong>Total Impermeable Surface</strong></td>
<td><strong>592 sq. ft.</strong></td>
<td><strong>8,825 sq. ft.</strong></td>
<td><strong>12,360 sq. ft.</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Permeable Surface</th>
<th>3208 Alexis Drive</th>
<th>3220 Alexis Drive</th>
<th>3230 Alexis Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driveway</td>
<td>539 sq. ft.</td>
<td>1,277 sq. ft.</td>
<td>9,427 sq. ft.</td>
</tr>
<tr>
<td>DG Paths</td>
<td>3,420 sq. ft.</td>
<td>3,735 sq. ft.</td>
<td>4,151 sq. ft.</td>
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<tr>
<td><strong>Total Proposed Permeable Surface</strong></td>
<td><strong>3,959 sq. ft.</strong></td>
<td><strong>5,012 sq. ft.</strong></td>
<td><strong>13,578 sq. ft.</strong></td>
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</tbody>
</table>

## Total Existing Pavements

<table>
<thead>
<tr>
<th>Existing (Previously Approved) Impermeable Surface</th>
<th>3208 Alexis Drive</th>
<th>3220 Alexis Drive</th>
<th>3230 Alexis Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>6,684 sq. ft.</td>
<td>14,700 sq. ft.</td>
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</table>

<table>
<thead>
<tr>
<th>Existing Pool</th>
<th>3208 Alexis Drive</th>
<th>3220 Alexis Drive</th>
<th>3230 Alexis Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>660 sq. ft.</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Existing Impermeable Surface</th>
<th>3208 Alexis Drive</th>
<th>3220 Alexis Drive</th>
<th>3230 Alexis Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>7,344 sq. ft.</td>
<td>14,700 sq. ft.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Existing (Previously Approved) Permeable Surface</th>
<th>3208 Alexis Drive</th>
<th>3220 Alexis Drive</th>
<th>3230 Alexis Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>1,287 sq. ft.</td>
<td>9,542 sq. ft.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Allowed Impermeable Surface</th>
<th>3208 Alexis Drive</th>
<th>3220 Alexis Drive</th>
<th>3230 Alexis Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>15,246 sq.ft.</td>
<td>15,246 sq.ft.</td>
<td>15,246 sq.ft.</td>
<td></td>
</tr>
</tbody>
</table>
Notes:

1. There is a net reduction in coverage at the main residence due to the removal of stone pavement. All pedestrian paving at the main residence is to be crushed stone and is considered permeable by code.

2. In the previous project, the pool was not considered an impervious surface by code and was not calculated against the coverage calculation. Our coverage calculation includes both existing and proposed for purposes of comparison.

3. The rear driveway is to be completed as previously approved. The only revisions to vehicular paving are at the new loop drive. The pavement is to be permeable.
November 9, 2007

ARB

c/o Mr. Steve Emsley
Planning Director
250 Hamilton Ave.
5th Floor
Palo Alto, CA 94301

Dear Mr Emsley,

I have personally met with John and Elaine Chambers and their team that are going to complete, and make some changes to, the new house at 3230 Alexis Drive.

They are going to plant a virtual forest around the house with redwood and oak trees to block it from being seen from anywhere in Foothills Park. In addition, they are going to reduce the roof area of the house, which will also help in concealing the house from the Vista Point in Foothills Park.

They are planning to move the pool and extend the driveway into a circle with trees around that will help block the view of cars on the driveway.

They are also making more changes to the look of the house to make it look less like a commercial building.

I have lived on Alexis Drive for over 30 years and believe the Chambers are taking the correct approach to finishing the house and property in a responsible manner that is in keeping with the spirit of the residents of Alexis Drive.

We are looking forward to welcoming the Chambers into the neighborhood and hope you will be able to approve the changes in a timely manner as it is time to finish the house that has been vacant for 4 years.

Sincerely,

Chuck Colby

2991 Alexis Drive
Palo Alto, California
Petition to the Planning Commission

Karen Holman
Daniel Garber
Art Keller
Lee Lippert
Paul Sandas
Samir Tuma

Commission Hearing
January 9th, 2007

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

From
Palo Alto Hills Neighborhood Association
c/o 925 Laurel Glen Drive
Palo Alto, CA 94304

Submitted by:

[Signature]

925 Laurel Glen Dr.
Palo Alto 94304
A petition to the City of Palo Alto Council to approve the application for remodel of 3200 Alexis Drive, the new home for John and Elaine Chambers.

WE want the house to be finished and a family living there for our neighborhood’s safety and aesthetics. Unfinished, uninhabited structures create potential problems and this one has been unfinished for four years.

WE have had an opportunity to review the plans and find them tasteful, appropriate and desirable for a home in this neighborhood.

WE believe the colors of the roof, the realignment of the driveway and new house details are an improvement to the previously approved development.

WE are impressed and supportive of the Chambers’ commitment to reforest the land diminishing the transitions to wild lands and rehabilitating the meadows.

THE City had previously zoned these three parcels for houses. We are thankful that the Chambers have purchased all three parcels and are not going to be adding more buildings; thereby sustaining the open feeling and natural surroundings of the hillside.

WE feel that the Chambers have a house that exceeds any normal expected sustainability issues and provides an exemplary “Build it Green” score. These include:

Superior insulation with solid concrete and insulated double thickness walls
Highly sophisticated lighting and equipment system to conserve energy
Water conservation in all landscaping, including an on-side 30,000 gallon cistern capturing on-site run-off and rainwater, and an on-site low capacity well
Beyond the fire sprinkler protection, two on-site fire hydrants
Geothermal heating/cooling system, the most energy-efficient, environmentally clean and cost-effective space conditioning system available
The commitment to recycle the removed slate roofing, the windows and other structures required in the remodel; along with the use of recycled roofing tiles in the remodel

WE urge you to unanimously approve this remodel so that work can begin to improve this property.

Submitted by: Jane Terry, President, Palo Alto Hills Neighborhood Association
December 6, 2007
Petition to the City of Palo Alto Planning Commission to approve the application for remodel of 3200 Alexis Drive, Palo Alto

Jan and Bill Jerry
925 Laurel Glen Drive

Mark & Sandra Nadim
2927 Alexis Dr.

Barry & Nancy
3630 Country Club Ct.

Mary & Margaret Jorgensen
3010 Country Club Ct.

Wizie Beltran
2930 Alexis Dr.

Susan Singleton
2930 Alexis Dr.

Glen & Joyce Wasser
3122 Bandera Dr.

Phyllis &kephos
3110 Bandera Dr.

Ken Kroufi
3050 Country Club Ct.

Carol Meiklejohn
3250 Country Club Ct.

Renee
3139 Bandera Dr.

Karen & Clint Anderson
955 Laurel Glen

Helen Wolker
945

John & Linda Darland
2945 Alexis Dr.

Jr. Hopman
954 Laurel Glen Dr.

David Hopman
920 Laurel Glen Dr.

Nancy & Gary
3136 Alexis Dr.

Randy Faulk
937 Laurel Glen Drive

Paul & Linda
2987 Alexis Drive

J.W. & Ma"e Dunlap
2925 Alexis Drive

2935 Alexis Drive

Mary & Vernor Altman
928 Laurel Glen Drive

Harry & Carolene Love
3139 Alexis Drive

Mark & June Ohler
3115 Bandera Dr.

Jean & Howard Ruge
3145 Bandera Dr.

Joelle Osias & Marlo Zarand
946 Laurel Glen Dr.
Herb Borock
P. O. Box 632
Palo Alto, CA 94302

January 9, 2008

Planning and Transportation Commission
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

JANUARY 9, 2008, PLANNING & TRANSPORTATION COMMISSION MEETING
3220, 3230, AND 3208 ALEXIS DRIVE
(07PLN-00362, 07PLN -00367, AND 07PLN-0247)

Dear Planning and Transportation Commission:

Please remove this item from your agenda, because the availability
of the Mitigated Negative Declaration or other environmental
assessment has not been publicly noticed in a newspaper of general
circulation, which by habit and custom is the Palo Alto Weekly, as
required by the California Environmental Quality Act (CEQA) prior
to your meeting.

It is a prejudicial abuse of process and a violation of CEQA to
fail to follow each of the procedures described below that were not
followed for this agenda item.

The City of Palo Alto is required to complete an Initial Study
before deciding whether to prepare a Mitigated Negative
Declaration.

The public hearing notice for this meeting said that a Mitigated
Negative Declaration was being prepared before the Initial Study
was completed on January 4, 2008. (CEQA Regulation 15063)

The Planning and Transportation Commission is required to consider
the Mitigated Negative Declaration, including the Initial Study and
any public comments before making its recommendation. (CEQA
Regulation 15074)

The public has not been notified of the availability of a
completed Mitigated Negative Declaration accepted in writing by the
applicant that is required to be available to enable the public to
become informed about the environmental effects of the project and
to comment on the project and the environmental assessment.

Therefore, this agenda item should be removed from your agenda and
re-noticed for a public hearing after there has been public notice of the availability of the Mitigated Negative Declaration.

The Architectural Review Board meeting tentatively scheduled for this subject matter must be delayed so that it occurs after the Commission has acted on its recommendation.

Sincerely,

Herb Borock
March 4, 20008

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

Re: 3208, 3220, and 3230 Alexis Drive
March 10, 2008 City Council Public Hearing

Dear Council Members:

If I asked you whether I could plant trees on city park property to mitigate the undesirable visual effect of a structure I had built on the lot line of my own property, I suspect the answer would be no. You would tell me to do the required screening on my own property. Use of city park property to meet one household’s need is wrong.

When you consider the Alexis Drive proposals on March 10, you will be asked to make a decision that would be precedent setting even though you declare that is not your intent. If the request is granted, other people will feel they have special needs and are therefore entitled to special treatment also. But open-space areas need protection too.

In this case the applicant wishes to build a 7-foot-high wrought-iron fence on the 5.5 acre lot line instead of setting the fence back from the lot line where needed so that the screening planting can be done on the owners property rather than on city property.

It is possible that the present grassland area where the trees are to be planted will not support trees after irrigation is stopped. If approved, require irrigation and other care to be continued as long as the fence is standing.

Also, a 7-foot wrought-iron fence is not going to meet Open Space Policy N–1 that says private open space areas should be developed in a way that protects habitat. This area has been a construction site for the last 8 years, but post construction some of the area would be used by wildlife if the fencing did not preclude that. (A security fence could be built around the houses rather than the whole 5.5 acres if the applicant wishes that protection.)

So I am asking two questions which I hope you will answer NO.

1. Is use of city parkland to mitigate a private person’s screening obligation allowable? If it is, what legal requirements have to be met?

2. Is 7-foot-high wrought-iron lot-line perimeter fencing that limits the use of habitat allowable in an open space area?

Jean Olmsted
650-493-3468
Jwo@svpal.org

cc Elena Lee, Senior Planner